

1 A bill to be entitled
2 An act implementing the 2001-2002 supplemental
3 appropriations act; providing legislative
4 intent; amending s. 216.023, F.S.; providing
5 directives for executive agencies and the
6 judicial branch in adjusting performance
7 measures and standards to respond to budgetary
8 modifications; reenacting s. 215.32(2)(b),
9 F.S., to implement the transfer of moneys to
10 the Working Capital Fund from certain trust
11 funds; amending s. 561.121, F.S.; providing
12 that moneys in the Children and Adolescents
13 Substance Abuse Trust Fund shall be used as
14 provided in chapter 2001-253, Laws of Florida,
15 and Senate Bill 2-C; rescinding authority
16 provided to the Correctional Privatization
17 Commission relating to a treatment facility;
18 requiring the Department of Children and Family
19 Services to award a new contract for operating
20 the Sexually Violent Predator Program; amending
21 s. 401.113, F.S.; providing that moneys in the
22 Emergency Medical Services Trust Fund may also
23 be used for the purpose of funding the rural
24 hospital capital improvement grant program;
25 providing a directive to the Department of
26 Juvenile Justice; amending s. 16.555, F.S.;
27 providing for the use of the Crime Stoppers
28 Trust Fund; amending s. 860.158, F.S.;
29 providing directives for the use of moneys in
30 the Florida Motor Vehicle Theft Prevention
31 Trust Fund; amending s. 339.135, F.S.;

1 requiring adjustment of the adopted work
2 program of the Department of Transportation to
3 include certain economic stimulus projects;
4 amending s. 581.1845, F.S.; prescribing amount
5 of compensation for trees taken in canker
6 eradication programs; amending s. 44.108, F.S.;
7 providing for use of moneys in the state
8 mediation and arbitration trust fund; amending
9 s. 216.262, F.S.; authorizing the Legislative
10 Budget Commission to approve additional
11 authorized positions in the Department of
12 Corrections under certain circumstances;
13 directing state agencies to renegotiate
14 contracts; limiting the use of funds for
15 state-employee travel; requiring the Governor
16 to furnish a copy of his recommended balanced
17 budget to members of the Legislature; providing
18 effect of veto of specific appropriation or
19 proviso to which implementing language refers;
20 providing severability; providing an effective
21 date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. It is the intent of the Legislature that
26 the implementing and administering provisions of this act
27 apply to the act making appropriations and reductions in
28 appropriations for the 2001-2002 state fiscal year.

29 Section 2. In order to implement reductions and other
30 changes in appropriations for the 2001-2002 fiscal year made
31

1 by Senate Bill 2-C, subsection (14) is added to section
2 216.023, Florida Statutes, to read:

3 216.023 Legislative budget requests to be furnished to
4 Legislature by agencies.--

5 (14) For the 2001-2002 fiscal year only:

6 (a) By January 15, 2002, executive agencies shall
7 submit to the Executive Office of the Governor adjustments to
8 their performance measures and standards necessitated by
9 reductions and other changes by the Legislature to 2001-2002
10 appropriations. Review, revision, and approval of such
11 adjustments shall be conducted pursuant to the requirements of
12 subsection (7).

13 (b) By January 15, 2002, the judicial branch shall
14 make adjustments to any performance measures and standards
15 necessitated by reductions and other changes by the
16 Legislature to 2001-2002 appropriations. Review, revision, and
17 approval of such adjustments shall be conducted pursuant to
18 the requirements of subsection (9).

19
20 This subsection expires July 1, 2002.

21 Section 3. In order to implement the transfer of
22 moneys to the Working Capital Fund from trust funds, paragraph
23 (b) of subsection (2) of section 215.32, Florida Statutes, is
24 reenacted to read:

25 215.32 State funds; segregation.--

26 (2) The source and use of each of these funds shall be
27 as follows:

28 (b)1. The trust funds shall consist of moneys received
29 by the state which under law or under trust agreement are
30 segregated for a purpose authorized by law. The state agency
31 or branch of state government receiving or collecting such

1 moneys shall be responsible for their proper expenditure as
2 provided by law. Upon the request of the state agency or
3 branch of state government responsible for the administration
4 of the trust fund, the Comptroller may establish accounts
5 within the trust fund at a level considered necessary for
6 proper accountability. Once an account is established within a
7 trust fund, the Comptroller may authorize payment from that
8 account only upon determining that there is sufficient cash
9 and releases at the level of the account.

10 2. In order to maintain a minimum number of trust
11 funds in the State Treasury, each state agency or the judicial
12 branch may consolidate, if permitted under the terms and
13 conditions of their receipt, the trust funds administered by
14 it; provided, however, the agency or judicial branch employs
15 effectively a uniform system of accounts sufficient to
16 preserve the integrity of such trust funds; and provided,
17 further, that consolidation of trust funds is approved by the
18 Governor or the Chief Justice.

19 3. All such moneys are hereby appropriated to be
20 expended in accordance with the law or trust agreement under
21 which they were received, subject always to the provisions of
22 chapter 216 relating to the appropriation of funds and to the
23 applicable laws relating to the deposit or expenditure of
24 moneys in the State Treasury.

25 4.a. Notwithstanding any provision of law restricting
26 the use of trust funds to specific purposes, unappropriated
27 cash balances from selected trust funds may be authorized by
28 the Legislature for transfer to the Budget Stabilization Fund
29 and Working Capital Fund in the General Appropriations Act.

30 b. This subparagraph does not apply to trust funds
31 required by federal programs or mandates; trust funds

1 established for bond covenants, indentures, or resolutions
2 whose revenues are legally pledged by the state or public body
3 to meet debt service or other financial requirements of any
4 debt obligations of the state or any public body; the State
5 Transportation Trust Fund; the trust fund containing the net
6 annual proceeds from the Florida Education Lotteries; the
7 Florida Retirement System Trust Fund; trust funds under the
8 management of the Board of Regents, where such trust funds are
9 for auxiliary enterprises, self-insurance, and contracts,
10 grants, and donations, as those terms are defined by general
11 law; trust funds that serve as clearing funds or accounts for
12 the Comptroller or state agencies; trust funds that account
13 for assets held by the state in a trustee capacity as an agent
14 or fiduciary for individuals, private organizations, or other
15 governmental units; and other trust funds authorized by the
16 State Constitution.

17 Section 4. In order to implement section 18 of Senate
18 Bill 2-C, paragraph (c) is added to subsection (4) of section
19 561.121, Florida Statutes, to read:

20 561.121 Deposit of revenue.--

21 (4) State funds collected pursuant to s. 561.501 shall
22 be paid into the State Treasury and credited to the following
23 accounts:

24 (c) Notwithstanding paragraph (a), the Legislature may
25 authorize the Department of Children and Family Services to
26 transfer moneys in the Children and Adolescents Substance
27 Abuse Trust Fund to the Administrative Trust Fund, as provided
28 in Senate Bill 2-C. This paragraph expires July 1, 2002.

29 Section 5. In order to implement Specific
30 Appropriation 189B of Senate Bill 2-C, the authority granted
31 by section 28 of chapter 2000-171, Laws of Florida, to the

1 Correctional Privatization Commission and to the Department of
2 Children and Family Services relative to the construction and
3 operation of a 600-bed treatment facility for the Sexually
4 Violent Predator Program is rescinded. The Department of
5 Children and Family Services shall develop a request for
6 proposal and award a new contract for the operations of the
7 current program no later than June 30, 2002. The Department of
8 Corrections is directed to develop a plan to construct a new
9 major institution on property adjacent to the DeSoto
10 Correctional Institution. The plan shall be provided to the
11 President of the Senate, the Speaker of the House of
12 Representatives, and the Executive Office of the Governor by
13 February 1, 2002.

14 Section 6. In order to implement Specific
15 Appropriation 219 of Senate Bill 2-C, subsection (4) is added
16 to section 401.113, Florida Statutes, to read:

17 401.113 Department; powers and duties.--

18 (4) For the 2001-2002 state fiscal year only, and
19 notwithstanding the provisions of subsections (1) and (2),
20 moneys in the Emergency Medical Services Trust Fund may also
21 be used for the purpose of funding the rural hospital capital
22 improvement grant program in accordance with the provisions of
23 s. 395.6061. This subsection expires July 1, 2002.

24 Section 7. In order to implement Specific
25 Appropriation 345 of Senate Bill 2-C and notwithstanding any
26 proviso contained in Specific Appropriation 1235 of chapter
27 2001-253, Laws of Florida, if Federal Title IV-E earnings do
28 not materialize, the Department of Juvenile Justice is no
29 longer required to transfer general revenue funds from
30 Specific Appropriation 1200 to Specific Appropriation 1235.

31

1 Section 8. In order to implement Specific
2 Appropriation 358 of Senate Bill 2-C, subsection (3) of
3 section 16.555, Florida Statutes, is amended to read:

4 16.555 Crime Stoppers Trust Fund; rulemaking.--

5 (3)(a) The department shall establish a trust fund for
6 the purpose of grant administration to fund Crime Stoppers and
7 their crime fighting programs within the units of a local
8 government of the state.

9 **(b) For the 2001-2002 state fiscal year only, and**
10 **notwithstanding any provision of this section to the contrary,**
11 **moneys in the trust fund may also be used to pay for salaries**
12 **and benefits and other expenses of the department. This**
13 **paragraph expires July 1, 2002.**

14 Section 9. In order to implement Specific
15 Appropriations 358 and 361 of Senate Bill 2-C, subsection (2)
16 of section 860.158, Florida Statutes, is amended to read:

17 860.158 Florida Motor Vehicle Theft Prevention Trust
18 Fund.--

19 (2)(a) Money in the trust fund shall be expended as
20 follows:

21 ~~1.(a)~~ To pay the authority's cost to administer the
22 board and the trust fund.

23 ~~2.(b)~~ To achieve the purposes and objectives of this
24 act, which may include, but not be limited to, the following:

25 ~~a.1.~~ To provide financial support to law enforcement
26 and correctional agencies, prosecutors, and the judiciary for
27 programs designed to reduce motor vehicle theft and to improve
28 the administration of motor vehicle theft laws.

29 ~~b.2.~~ To provide financial support for federal and
30 state agencies, units of local government, corporations, and
31 neighborhood, community, or business organizations for

1 programs designed to reduce motor vehicle theft and to improve
2 the administration of motor vehicle theft laws.

3 ~~c.3.~~ To provide financial support to conduct programs
4 designed to inform owners of motor vehicles about the
5 financial and social cost of motor vehicle theft and to
6 suggest to those owners methods for preventing motor vehicle
7 theft.

8 ~~d.4.~~ To provide financial support for plans, programs,
9 and projects consistent with the purposes of this act.

10 (b) For the 2001-2002 fiscal year only, and
11 notwithstanding s. 320.08046, the use of funds allocated to
12 the Florida Motor Vehicle Theft Prevention Trust Fund may also
13 be as provided in Senate Bill 2-C. This paragraph expires July
14 1, 2002.

15 Section 10. In order to implement Specific
16 Appropriations 441-446 of Senate Bill 2-C, paragraph (g) is
17 added to subsection (7) of section 339.135, Florida Statutes,
18 to read:

19 339.135 Work program; legislative budget request;
20 definitions; preparation, adoption, execution, and
21 amendment.--

22 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

23 (g) For the 2001-2002 state fiscal year only, and
24 notwithstanding the provisions of paragraphs (b)-(f), the
25 adopted work program shall be adjusted to include projects
26 approved as economic stimulus projects resulting from
27 additional appropriations made by Senate Bill 2-C. This
28 paragraph expires July 1, 2002.

29 Section 11. In order to implement Specific
30 Appropriation 380A of Senate Bill 2-C, subsection (6) is added
31 to section 581.1845, Florida Statutes, to read:

1 581.1845 Citrus canker eradication; compensation to
2 homeowners whose trees have been removed.--

3 (6) For the 2001-2002 fiscal year only and
4 notwithstanding the \$100-compensation amount specified in
5 subsection (3); in subsection (3) of section 45 of chapter
6 2001-254, Laws of Florida; and in proviso following Specific
7 Appropriation 1488A of chapter 2001-253, Laws of Florida, the
8 amount of compensation for each tree removed from residential
9 property by the citrus canker eradication program shall be
10 \$55. This subsection expires July 1, 2002.

11 Section 12. In order to implement Specific
12 Appropriation 633 of Senate Bill 2-C, subsection (5) is added
13 to section 44.108, Florida Statutes, to read:

14 44.108 Funding of mediation and
15 arbitration.--Mediation should be accessible to all parties
16 regardless of financial status. Each board of county
17 commissioners may support mediation and arbitration services
18 by appropriating moneys from county revenues and by:

19 (5) For the 2001-2002 fiscal year only, the use of the
20 funds allocated to the state mediation and arbitration trust
21 fund may also be as provided in Senate Bill 2-C. This
22 subsection expires July 1, 2002.

23 Section 13. In order to implement proviso following
24 Specific Appropriation 570 of Senate Bill 2-C, paragraph (d)
25 is added to subsection (4) of section 216.262, Florida
26 Statutes, to read:

27 216.262 Authorized positions.--

28 (4) Notwithstanding the provisions of this chapter on
29 increasing the number of authorized positions, and for the
30 2001-2002 fiscal year only:

31

1 (d) In order to implement proviso following Specific
2 Appropriation 570 of Senate Bill 2-C, the Legislative Budget
3 Commission may approve positions for the Department of
4 Corrections in excess of the number authorized in the event
5 that the Department of Corrections will assume operational
6 responsibility of any correctional facility previously under
7 contract with the Correctional Privatization Commission. This
8 paragraph expires July 1, 2002.

9
10 Such requests are subject to the budget amendment and
11 consultation provisions of this chapter. This subsection
12 expires July 1, 2002.

13 Section 14. In order to implement Senate Bill 2-C, and
14 notwithstanding any provision of law to the contrary, each
15 state agency shall review existing and proposed contracts with
16 private providers and public/private providers in an effort to
17 reduce contract payments. It is the statewide goal to achieve
18 substantial savings; however, it is the intent of the
19 Legislature that the level and quality of services not be
20 affected. Each agency is authorized to renegotiate contracts
21 consistently with this section. The Legislature intends that
22 its substantive and fiscal committees will review the results
23 of this effort and the effectiveness of each agency in meeting
24 the goal. The Legislature further intends that savings
25 realized will be redirected through future appropriations or
26 budget amendments to offset reductions in education, health
27 care, and public safety. This section expires July 1, 2002.

28 Section 15. It is the policy of the state that funds
29 appropriated to state agencies which may be used for
30 state-employee travel be limited, until July 1, 2002, to
31 travel for activities that are critical to the state agency's

1 mission. Funds may not be used to pay for travel by state
2 employees to foreign countries, other states, conferences,
3 staff-training activities, or other administrative functions
4 unless the respective agency head has determined that such
5 activities are critical to the agency mission. Travel for law
6 enforcement, military purposes, emergency management, and
7 public health activities is not covered by this section. The
8 agency head, or his or her designee, must consider
9 teleconferencing and other forms of electronic communication
10 to meet the needs of the proposed activity before approving
11 mission-critical travel.

12 Section 16. For the Governor's recommended budget for
13 the fiscal year 2002-2003 only, the Governor shall furnish to
14 each member of the Senate and the House of Representatives a
15 copy of his recommended balanced budget for the state, based
16 on his own conclusions and judgment, by January 15, 2002.

17 Section 17. A section of this act that implements a
18 specific appropriation or specifically identified proviso
19 language in the act making appropriations and reductions in
20 appropriations for the 2001-2002 state fiscal year is void if
21 the specific appropriation or specifically identified proviso
22 language is vetoed. A section of this act that implements
23 more than one specific appropriation or more than one portion
24 of specifically identified proviso language in the act making
25 appropriations and reductions in appropriations for the
26 2001-2002 state fiscal year is void if all the specific
27 appropriations or portions of specifically identified proviso
28 language are vetoed.

29 Section 18. If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 invalidity shall not affect other provisions or applications

1 of the act which can be given effect without the invalid
2 provision or application, and to this end the provisions of
3 this act are declared severable.

4 Section 19. This act shall take effect upon becoming a
5 law.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31