

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: H0023A Implementing the General Appropriations Act for Fiscal Year 2003-2004
SPONSOR(S): Kyle
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Appropriations</u>	_____	<u>Kearney</u>	<u>Hansen</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill implements the General Appropriations Act for the 2003-2004 fiscal year. It includes legislative adoption, by reference to a document filed with the Clerk of the House of Representatives, of performance measures and standards for specific programs of the agencies in the budget. The bill's provisions expire July 1, 2004.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0023A.ap.doc
DATE: May 12, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This legislation provides the necessary statutory authority to implement and execute the General Appropriations Act.

Section 1. Provides legislative intent.

Section 2. Allows state universities that have not yet converted to their own accounting systems to use the state accounting system without payment to the Department of Financial Services for that service. All funds appropriated to state universities for the 2003-2004 fiscal year are required to be distributed according to an operating budget approved by the university board of trustees. Each university board of trustees is required to include certain trust fund revenues within its operating budget, including funds supported by student and other fees and funds within the Contracts, Grants, and Donations, Auxiliary Enterprises, and Sponsored Research budget entities. Each university board of trustees is given control of its operating budget. Implements Specific Appropriations 7 through 11, 123 through 128, and 130 of the 2003-2004 General Appropriations Act.

Sections 3-4. Amends s. 430.204 and s. 430.205, F.S., to require the Department of Elderly Affairs to fund more than one community care service system in all counties meeting the definition of "county" in s. 125.011(1), F.S. Implements Specific Appropriation 426 through 441 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 5. Amends s. 216.292, F.S., to allow the Department of Children and Families to transfer funds within the family safety program between specified appropriations without limitation. Transfers must be consistent with legislative intent and must not increase recurring costs of the Department. (Implements Specific Appropriation 274, 275 and 276 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 6. Amends s. 561.121, F.S., to allow funds in the Children and Adolescent Substance Abuse Trust Fund to be used for adult substance abuse services. Implements Specific Appropriation 357 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 7-8: Amends s. 409.1671 to require the Department of Children and Families to adopt rules relating to funding and the allocation of funding among counties, districts, and providers with respect to the privatization of foster care services. The bill also establishes that allocations will remain in the current proportion until the rule is finalized.

Sections 9-10. Amends s. 409.1671, F.S., to allow lump sum funding related to the shared earning program in the Department of Children and Family Services instead of through Administered Funds to

provide for continuity of foster care under certain circumstances. Implements Specific Appropriation 269A of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 11. Amends s. 394.908, F.S., to provide that all new funds for substance abuse and mental health services in excess of prior year recurring appropriations must be allocated pursuant to the General Appropriations Act, but no district may receive less than its current budget. Implements Specific Appropriations 324 through 357A of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 12. Authorizes the Department of Children and Families to privatize the operation of the Northeast Florida State Hospital. The transaction is exempt from the state procurement laws, but any contract must be with a vendor with experience in operating a mental health treatment facility in Florida.

Section 13. Amends s. 381.0066, F.S., to extend for one year the \$5 surcharge on new system construction permits that support onsite sewage treatment and disposal system research, demonstration, and training projects. Implements Specific Appropriation 519 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 14. Amends s. 385.207, F.S., to limit the use of funds in the Epilepsy Services Trust Fund only for epilepsy case management services. Implements Specific Appropriation 477 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 15. Consistent with s. 216.163, F.S., allows the Department of Law Enforcement to transfer up to .5% of certain appropriations to provide meritorious performance bonuses for employees, subject to review by the chairs of the legislative appropriations committees. Implements Specific Appropriation 1118, 1139, 1148, 1156, 1168, 1170, 1175, 1181, 1190 and 1195 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 16. Amends s. 216.181, F.S., to allow the Department of Law Enforcement to transfer up to 20 FTE and associated budget and 10% of the initial approved salary rate between budget entities provided the same funding source is used throughout each transfer. Implements Specific Appropriation 1118 through 1201 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 17. Authorizes the Correctional Privatization Commission to make expenditures to defray costs incurred by a municipality or county for privatized facilities not to exceed one percent of construction costs, under the authority of the Correctional Privatization Commission or the Department of Juvenile Justice. Implements proviso language following Specific Appropriation 642 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 18. Amends s. 16.555(3), F.S., to allow moneys in the Crime Stoppers Trust Fund to be used to pay salaries and other expenses of the Department of Legal Affairs during the 2003-2004 fiscal year. Implements Specific Appropriations 1202 through 1256 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 19. Amends s. 932.7055, F.S., to allow municipalities to reimburse their general funds for loans made to their special law enforcement trust funds. Implements Specific Appropriation 1164 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 20. Amends s. 581.184, F.S., to require notice to property owners of the removal of infected citrus trees or those exposed to infection. Implements Specific Appropriation 1394A of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 21. Amends s. 581.1845, F.S., to provide \$55, rather than \$100, compensation for certain trees removed from residential property by the citrus canker eradication program. Also requires that for trees removed on or after July 1, 2001, compensation will be paid to the homeowner of record on the date of

removal. (Implements Section 23 of the 2003-2004 General Appropriations Act). This change expires July 1, 2004.

Section 22-23. Amends s. 61.1826, F.S., to establish a modified procedure for resolving disputes between the Department of Revenue and the Florida Association of Court Clerks with respect to the terms of their contract for State Disbursement Unit services for child support payments. Instead of the Attorney General of his designee serving as special master, the chief financial officer, with the approval of the governor and cabinet would appoint a special master. Implements Specific Appropriations 2804 and 2819 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 24. Amends s. 287.161, F.S., to allow the Department of Management Services to set the executive aircraft user fee at an amount that exceed the vehicle mileage allowance. This will authorize DMS to implement a full-cost recovery fee for the executive aircraft pool during the 2003-2004 fiscal year and to deposit such funds into the Bureau of Aircraft Trust Fund to cover the normal operation of the executive aircraft pool. Implements Specific Appropriations 2592 through 2598A of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 25. Amends s. 110.12315, F.S., to extend the scheduled expiration of the prescription drug co-payment schedule to June 30, 2004. Implements Specific Appropriation 1949B of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 26. Amends s. 110.1239, F.S., to extend to June 30, 2004, the scheduled expiration of the Department of Management Services' duty to determine premium levels necessary to fund the state employees' health insurance program. Implements Specific Appropriation 1949B of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 27. Amends s. 112.061, F.S., to remove the Class C travel reimbursement for state travelers during the 2003-2004 fiscal year. Class C travel is defined in s. 112.061, F.S., as "travel for short or day trips where the traveler is not away from his or her official headquarters overnight." Implements sections 2 through 7 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 28. Amends s. 252.373, F.S., to provide that the use of the Emergency Management, Preparedness, and Assistance Trust Fund shall be as provided in the General Appropriations Act. Also allows certain unspent or unencumbered funds to be transferred to the Grants and Donations Trust Fund to be used for the state portion of the match requirements for current federally approved disaster projects. Implements Specific Appropriation 1417 through 1419, 1421 through 1424, 1426, 1427, 1430, 1432, 1434, 1436 through 1438, 1439, 1439K through 1443, and 1446 through 1450. This change expires July 1, 2004.

Section 29. Amends s. 215.559, F.S. to provide that the use of the Florida Hurricane Catastrophe Fund shall be as provided in the General Appropriations Act. Implements Specific Appropriation 1432A, 1438A through 1438I, 1438K, 1438L, 1438N, and 1439E through 1439J of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 30. Amends s. 253.025, F.S., to provide that funds allocated to the Relocation and Construction Trust Fund shall be as provided in the General Appropriations Act. Implements Specific Appropriation 1303A of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Sections 31-32. Amends s. 290.044(4), F.S., to eliminate the required establishing of distribution percentages for program categories from the Florida Small Cities Community Development Block Grant Program Fund and authorizes the set-aside of a portion of such funds for emergency-related activities. Implements Specific Appropriation 1452 through 1459A of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 33. Amends s. 402.3017, F.S., to allow the Agency for Workforce Innovation to administer and implement the Teacher Education and Compensation Helps (TEACH) scholarship program. The program

provides educational scholarships to caregivers and administrators of early childhood programs and family day care homes. Implements Specific Appropriation 2014 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 34. Amends s. 411.01, F.S., by providing priority for the placement of children in the school readiness program, from TANF families. Implements Specific Appropriation 2014 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 35. Amends s. 1013.62, F.S., to provide that funds for charter school capital outlay shall be distributed by the Department of Education as provided in the General Appropriations Act. Implements Specific Appropriation 12C of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Sections 36-37. Amends s. 1009.66, F.S., to remove references relating to the interest earned by the Nursing Student Loan Forgiveness Trust Fund within the Department of Health. Implements Specific Appropriations 584 through 601A of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Sections 38-39. Amends s. 385.207, F.S., to remove references relating to the interest earned by the Epilepsy Services Trust Fund within the Department of Health. Implements Specific Appropriation 477 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Sections 40-45. Amend the Consumer Services program within the Department of Agriculture and Consumer Services so that the Division no longer serves as a clearinghouse for consumer protection matters. Each state agency would be responsible for handling relevant consumer complaints.

Section 46. Amends s. 288.063, F.S., so that for the current year, unused funds from the 2002-2003 budget for transportation projects contracted by OTTED are not carried forward but instead will revert to the General Revenue Fund. Implements Section 24 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Section 47. Amends s. 339.08, F.S., to allow \$200 million to be transferred from the State Transportation Trust Fund to the General Revenue Fund. This reduces the total amount from the calculation of revenues of ss. 206.46(3) (public transportation) and 206.606(2), F.S. (public transit and rail capital projects). Implements Section 30 of the 2003-2004 General Appropriations Act. This change expires July 1, 2004.

Sections 48-49. Provides for the transfer of the Office of Program Policy Analysis and Government Accountability to the Auditor General in accordance with a general bill reorganizing the Auditor General's Office to create the Office of Government Accountability; or, if that bill does not become law, simply by a Type 2 transfer. Provides for a Type 2 transfer of the Council for Education Policy Research and Improvement to the Auditor General and suspends the Council's funding. Its functions may be implemented by the Auditor General to the extent that can be accomplished within the Auditor General's funding. Implements Specific Appropriation 2545 of the 2003-2004 General Appropriations Act. The changes expire July 1, 2004.

Section 50. Specifies that no section shall take effect if the appropriations and proviso to which it relates is vetoed.

Section 51. Provides for a permanent change made by another law to any of the same statutes amended by this bill to take precedence over the provision in this bill.

Section 52. Provides that the performance measures and standards filed with the Clerk of the House and dated March 24, 2003, are incorporated by reference and will be applied to programs for the 2003-2004 fiscal year.

Section 53. Provides a severability clause.

Section 54. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None
2. Expenditures: None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None
2. Expenditures: None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None

D. FISCAL COMMENTS:

Although the provisions of this bill allow specific budget decisions to be effective, actual funding changes are made in the General Appropriations Act.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: N/A
2. Other

B. RULE-MAKING AUTHORITY: None

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES