

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 4-A

SPONSOR: Appropriations Committee

SUBJECT: Implementing General Appropriations for FY 2003-04

DATE: May 14, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Lezcano</u>	<u>Coburn</u>	<u>AP</u>	<u>Withdrawn</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides statutory authority necessary to implement and execute the General Appropriations Act for the 2003-2004 fiscal year. Such statutory changes are temporary and either expire on July 1, 2004, or revert to the original language prior to the change. The bill also includes legislative adoption, by reference to a document filed with the Secretary of the Senate, of performance measure and standards for specific programs of the agencies in the budget.

This bill substantially amends, creates, notwithstanding, or repeals the following sections of the Florida Statutes: ss. 1011.71, 430.204, 430.205, 216.292, 561.121, 287.057, 381.0066, 385.207, 216.181, 16.555(3), 985.4075, 216.262(4), 287.161, 110.12315, 110.1239, 112.061, 468.404, 376.3071, 378.035, 215.96, 601.15, 372.561, 376.86, 253, 259, 270, 252.373, 402.3017, 411.01, 288.063, 320.08058, 339.08, 445.048, 443.036, and 413.4021, F.S. The bill re-enacts s. 215.32(2)(b), F.S.

II. Present Situation:

In the past, substantive language was included in proviso or in separate sections of the General Appropriations Act to clarify how funds contained in the act were to be expended. However, decisions such as Brown v. Firestone, 382 So. 2d 654 (Fla. 1980), and Graham v. Firestone, Circuit Court of the Second Judicial Circuit, #82-1703, Leon County Florida, 1982, have found such proviso language in the annual General Appropriations Act to be unconstitutional and void.

III. Effect of Proposed Changes:

Each change below expires July 1, 2004.

Section 1. This section provides legislative intent.

Section 2. In order to implement Specific Appropriations 7 through 11, 123 through 128, and 130, state universities are allowed to use the state accounting system without providing funds to the Department of Financial Services. All funds appropriated to each state university for the 2003-2004 fiscal year will 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. The Chief Financial Officer shall record and transfer appropriations to university accounts.

Section 3. Amends s. 1011.71, F.S., to implement Specific Appropriation 62. School districts are allowed to make payments towards the costs of school buses owned by certain private student transportation contract providers. The proposed expenditure of funds must have been included in the district school board's notice of proposed tax for school capital outlay and may not exceed 10 percent of the purchase price of the state pool bid.

Section 4. Amends s. 1011.71, F.S., to implement Specific Appropriation 59. The payment of the cost of property and casualty insurance is added as a permissible expenditure of funds generated by the optional 2 mill levy of school boards.

Section 5. Amends s. 1011.71, F.S., to implement Specific Appropriation 59. The amendment of s. 1011.71, F.S., made in the previous section, will revert to current law on July 1, 2004.

Section 6. Amends s. 430.204, F.S., to implement Specific Appropriations 426 through 441. The Department of Elderly Affairs will fund more than one community care service system through the area agency on aging in each county as defined in s. 125.011(1), F.S.; its purpose is to prevent unnecessary institutionalization of functionally impaired elderly persons.

Section 7. Amends s. 430.205, F.S., to implement Specific Appropriations 426 through 441. The Department of Elderly Affairs will fund more than one community care service system through the area agency on aging in each county as defined in s. 125.011(1). The purpose of such systems is to provide case management and in-home services thus delaying more costly institutional care for elderly persons.

Section 8. Amends s. 216.292, F.S., to implement Specific Appropriations 271, 274, 275, and 276. The Department of Children and Family Services is authorized to transfer funds within the family safety program between specified appropriation categories without limitation. Notice of proposed transfers must be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committee at least 5 working days before implementation.

Section 9. Amends s. 561.121, F.S., to implement Specific Appropriations 353 and 357. Funds in the Children and Adolescent Substance Abuse Trust Fund are authorized to be used to fund adult substance abuse services.

Section 10. Notwithstanding s. 287.057, F.S., to implement Specific Appropriations 410 through 419. The Department of Children and Family Services is authorized to issue a request for proposals for the finance, design, construction and operation of a replacement facility for the South Florida Evaluation and Treatment Center in Miami, Florida. The total cost, including debt service, may not exceed the operating budget of the existing institution for the 2002-2003 fiscal year.

Section 11. Amends s. 381.0066, F.S., to implement Specific Appropriation 519. The Department of Health will continue to assess the current \$5 fee on new construction permits for onsite sewage treatment with the proceeds going to the research, demonstration and training projects described in s. 381.0065(3)(j), F.S.

Section 12. Amends s. 385.207, F.S., to implement Specific Appropriation 477. The funds in the Epilepsy Services Trust Fund may be appropriated for epilepsy case management services.

Section 13. Amends s. 216.181, F.S., to implement Specific Appropriations 1118 through 1201. The Department of Law Enforcement is permitted to transfer up to 20 FTE and associated budget and 10 percent of the initial approved salary rate between budget entities; requires the same funding source to be used throughout transfers.

Section 14. In order to implement Specific Appropriation 1103, the Correctional Privatization Commission is authorized to make expenditures to defray costs incurred by a municipality or county for privatized facilities.

Section 15. Amends s. 16.555, F.S., to implement Specific Appropriation 1218. The Crime Stoppers Trust Fund may be used for Department of Legal Affairs salary and benefits and expenses.

Section 16. Amends s. 985.4075, F.S., to implement Specific Appropriations 1045 through 1117. Funds provided in operating appropriations categories in Department of Juvenile Justice may not be expended for fixed capital outlay.

Section 17. Amends s. 216.262, F.S., to implement Specific Appropriations 643 through 739, and 775 through 789. The Executive Office of the Governor is allowed to request additional positions for the Department of Corrections, if the Criminal Justice Estimating Conference projects a certain increase in the inmate population and the additional positions are approved by the Legislative Budget Commission.

Section 18. Amends s. 287.161, F.S., to implement Specific Appropriations 2592 through 2598. The Department of Management Services will continue to charge an executive aircraft user fee and deposit such fees in the Bureau of Aircraft Trust Fund to cover costs incurred in the operation of the aircraft management activities.

Section 19. Amends s. 110.12315, F.S., to implement Section 8 of the General Appropriations Act. The scheduled expiration of the prescription drug co-payment schedule is extended to June 30, 2004.

Section 20. Amends s. 110.1239, F.S., to implement Section 8 of the General Appropriations Act. The authority of the Department of Management Services to determine premium levels necessary to fund the state employees' health insurance program is extended to June 30, 2004.

Section 21. Amends s. 112.061, F.S., to implement Sections 2 through 7 of the General Appropriations Act. Class C state travel is exempt from reimbursement.

Section 22. Amends s. 468.404, F.S., to implement Specific Appropriations 2132 through 2155. Talent agency fees are required to equal costs of appropriated regulations.

Section 23. Amends s. 376.3071, F.S., to implement Specific Appropriation 1624. Moneys from the Inland Protection Trust Fund in excess of interest earnings may be transferred to the Water Quality Assurance Trust Fund.

Section 24. Amends s. 378.035, F.S., to implement Specific Appropriations 1617, 1618, 1619, 1622, 1630, 1635, and 1637A. The Department of Environmental Protection is allowed to expend moneys from the Nonmandatory Land Reclamation Trust Fund in excess of the statutory \$50 million cap for phosphogypsum stack cleanup.

Section 25. Amends s. 215.96, F.S., to implement Specific Appropriation 2286AU. The Enterprise Resource Planning Integration Task Force will be established by August 1, 2003, in order to achieve the integration goals among the FLAIR/CMS Replacement project, SPURS and MyFlorida Marketplace project, COPES and PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system. The specific members and goals of the task force are established, and it shall be in existence until these goals are achieved or until June 30, 2005, whichever is later.

Section 26. Amends s. 601.15, F.S., to implement Specific Appropriation 2285. The Florida Citrus Commission is allowed to reduce box tax rates with a majority vote.

Section 27. Amends s. 372.561, F.S., to implement Specific Appropriations 1782 and 1783. Each county is allowed to keep hunting and fishing fees until the Fish and Wildlife Conservation Commission has implemented an automated licensing system in that county.

Section 28. Amends s. 376.86, F.S., to implement Specific Appropriation 1637B. Allows \$5 million in the Nonmandatory Land Reclamation Trust Fund be used to guarantee brownfield loans.

Section 29. Amends s. 376.86, F.S. The amendment of s. 376.86, F.S., made in the previous section, will revert to current law on July 1, 2004.

Section 30. Notwithstands ss. 253, 259, and 270, F.S., to implement Specific Appropriation 1509. Authorizes an exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and the City of Lakeland, providing that the exchange is consummated no later than August 31, 2003, and that the portion of the property which is received as a donation is used for a public purpose.

Section 31. Amends s. 252.373, F.S., to implement Specific Appropriation 1430. The unencumbered balance of the Emergency Management, Preparedness, and Assistance Trust Fund may continue to be used to improve and increase the number of disaster shelters and improve local disaster preparedness during the 2003-2004 fiscal year. Also certain unspent funds may be transferred to the Grants and Donations Trust Fund for the state portion of the match requirements for federally approved Hazard Mitigation Grant Program projects.

Section 32. Amends s. 402.3017, F.S., to implement proviso language in Specific Appropriation 2014. The Agency for Workforce Innovation is allowed to continue to administer the Teacher Education and Compensation Helps (TEACH) Scholarship Program.

Section 33. Amends s. 411.01, F.S., to implement Specific Appropriation 2014. The priority for placement in the school readiness program will continue to be for children from families receiving temporary cash assistance and subject to federal work requirements.

Section 34. Amends s. 288.063, F.S., to implement Specific Appropriation 2315M. Funds appropriated for certain transportation projects approved by the Office of Tourism, Trade, and Economic Development are subject to the reversion requirements of s. 216.301, F.S., for the 2003-2004 fiscal year.

Section 35. Amends s. 320.08058, F.S., to implement Specific Appropriation 2315D. Proceeds from the Professional Sports Development Trust Fund may be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games.

Section 36. Amends s. 339.08, F.S., to implement Section 32 of the General Appropriations Act. \$200 million may be transferred by the 2003-2004 General Appropriations Act from the State Transportation Trust Fund to the General Revenue Fund. This reduces the total amount transferred from calculation requirements of s. 206.46(3), F.S., relating to public transportation, and s. 206.606(2), F.S., relating to public transit and rail capital projects.

Section 37. Amends s. 445.048, F.S., to implement Specific Appropriation 1979A. The Passport to Economic Progress demonstration program is expanded to include the county of Sarasota. Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation, is authorized to offer performance-based incentives in conjunction with this program, providing that the bonuses do not exceed the funds appropriated.

Section 38. Amends s. 445.048, F.S., to implement Specific Appropriation 1979A. The amendment of s. 445.08, F.S., made in the previous section, will revert to current law on July 1, 2004.

Section 39. Amends s. 443.036, F.S., to implement Specific Appropriations 1992 through 1999A. The alternative base period for unemployment compensation is defined to mean the “last four completed calendar quarters immediately preceding the first day of an individual’s benefit year.” The Agency for Workforce Innovation is authorized to use the alternative base period in determining unemployment compensation eligibility for individuals who are not monetarily eligible, using the current base period, in the benefit year commencing on or after October 1,

2003. Employers are required to respond to requests for wage information from the Agency for Workforce Innovation, should it be requested, or the employer will be subject to the penalty for delinquent reports in s. 443.141, F.S.

Section 40. In order to implement Specific Appropriation 2286AP, counties are required to provide to the Chief Financial Officer a report on costs of court-related services, for the fiscal year ending September 30, 2002. Such cost information shall be reported as set forth in the Uniform Accounting System Manual, pursuant to s. 218.33, F.S., and should reconcile with the cost information provided in the Annual Financial Report, pursuant to s. 218.32, F.S. The Chief Financial Officer will provide reimbursement of travel costs incurred as a result of gathering and analyzing such cost data and report a summary of the cost information to the Senate and House Appropriations committees no later than November 1, 2003.

Section 41. Amends s. 413.4021, F.S., to implement Specific Appropriations 835, 836, 870, 872, 880, 882, 890, 900, and 902. Fifty percent of the revenues collected from the tax collection enforcement diversion program will be deposited into the operating account of the Florida Endowment Foundation for Vocational Rehabilitation. The funds will be used to implement the personal care attendant pilot program and to contract with participating state attorneys.

Section 42. In order to implement Section 25 of the 2003-2004 General Appropriations Act, paragraph (b) of subsection (2) of section 215.32, F.S., which allows trust fund moneys to be transferred to the Budget Stabilization Fund or the Working Capital Fund, is re-enacted.

Section 43. Specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed.

Section 44. 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 45. Provides that standards and performance measures, filed with the Secretary of the Senate and dated March 21, 2003, are incorporated by reference and will be applied to programs for the 2003-2004 fiscal year.

Section 46. Provides a severability clause.

Section 47. Provides an effective date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.