

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 2502

SPONSOR: Appropriations Committee

SUBJECT: Implementing General Appropriations for 2004-2005

DATE: March 30, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Herring</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Withdrawn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 2004-2005 fiscal year. Such statutory changes are temporary and either expire on July 1, 2005, or revert to the original language at that time. 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, or repeals the following sections of the Florida Statutes: ss. 16.555, 20.19, 27.701, 27.702, 27.709, 27.711, 110.12315, 110.1239, 112.061, 215.96, 216.181, 216.262, 216.292, 287.161, 320.08058, 373.4137, 375.041, 375.045, 381.0066, 381.79, 385.207, 394.908, 445.048, 601.15, and 718.501. Sections of this bill notwithstanding conflicting provisions in ss. 11.13, 1008.51 and 403.7095 and ch. 287 and 337, Florida Statutes.

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, 2005.

Section 1. This section provides legislative intent.

Section 2. In order to implement Specific Appropriations 13 through 18, 21, 23, 27B and 156 through 165, 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 2004-2005 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. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 3. Amends s. 216.292, F.S., to implement Specific Appropriations 303, 306 and 308. 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. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 4. Amends s. 381.0066, F.S., to implement Specific Appropriation 545. 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. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 5. Amends s. 385.207, F.S., to implement Specific Appropriation 510. The funds in the Epilepsy Services Trust Fund may be appropriated for epilepsy case management services. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 6. Amends s. 394.908, F.S., to implement Specific Appropriations 356-388. All new funds for substance abuse and mental health services in excess of prior year recurring appropriations must be allocated pursuant to the GAA, but no district may receive less than its current budget. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 7. Amends s. 20.19, Florida Statutes, to implement Specific Appropriation 275. Requires that the 10 percent budget transfer authority of the Department of Children and Families must be specifically appropriated in the General Appropriations Act and is subject to the transfer provisions of s. 216.292, F.S. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 8. Amends s. 381.79, F.S., to implement Specific Appropriation 588AB. Requires the Department of Health to disburse brain and spinal cord research funds in equal amounts at the end of each quarter. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 9. Amends s. 216.181, F.S., to implement Specific Appropriations 1142 through 1208M. The Department of Law Enforcement is permitted to transfer up to 20 FTE and associated budget and 10% of the initial approved salary rate between budget entities; requires

the same funding source to be used throughout transfers. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 10. Amends s. 16.555, F.S., to implement Specific Appropriation 1232. The Crime Stoppers Trust Fund may be used for Department of Legal Affairs salary and benefits and expenses. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 11. Amends s. 216.262, F.S., to implement Specific Appropriations 655 through 751, and 781 through 794. 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. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 12. Implements Specific Appropriations 1142, 1167, 1176, 1183, 1195B, 1195D, 1196, 1202, 1208B, and 1208G. Allows Department of Law Enforcement to transfer up to 0.5% of certain appropriations to provide meritorious performance bonuses for employees. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 13. Amends s. 287.161, F.S., to implement Specific Appropriation 2068. 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. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 14. 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 July 1, 2005. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 15. Notwithstanding s. 11.13(1)(b), F.S., to implement Specific Appropriations 2573 and 2574. Salaries of members of the Legislature shall not be increased for the 2003-2004 fiscal year. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF, where the increase was limited to 2 percent.)

Section 16. Notwithstanding s. 1008.51, F.S., to implement Specific Appropriation 2589. Requires the Auditor General to administer the budget of the Council for Education Policy Research, which shall remain an independent advisory citizen board. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 17. Implements the appropriation of funds in Special Categories-Risk Management Insurance. Allows the Executive Office of the Governor to transfer funds appropriated for the payment of risk management insurance premiums between departments. The amendment to the approved operating budget is subject to the notice, review and objection procedures of s. 216.177, F.S. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 18. Implements the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Purchased Per Statewide Contract. Allows the

Executive Office of the Governor to transfer funds appropriated for the payment of the statewide human resource management services contract between departments. The amendment to the approved operating budget is subject to the notice, review and objection procedures of s. 216.177, F.S. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 19. 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 July 1, 2005. Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 20. 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. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 21. Amends s. 215.96, F.S., to implement Specific Appropriation 2321. Requires the Financial Management Information Board to provide an integration plan for the state's central administrative and financial management information systems. Continues the Enterprise Resource Planning Integration Task Force under the Board's coordinating council to monitor, review, and evaluate the progress of various replacement projects, including: the Florida Accounting Information Resource system (FLAIR), Cash Management System (CMS), and FLAIR/CMS replacement project, the payroll system in the Department of Financial Services, the Legislative Appropriations System/Planning and Budgeting Subsystem (LAS/PBS), the State Purchasing System (SPURS) and MyFlorida Marketplace project, the Cooperative Personnel Employment Subsystem (COPES) and the PeopleFirst Outsourcing project, and the State Unified Tax system (SUNTAX).

Section 22. Amends s. 601.15, F.S., to implement Specific Appropriation 2275. Allows citrus tax rates for the current or future season to be reduced by a majority vote of the Florida Citrus Commission. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 23. Notwithstanding s. 403.7095, F.S., to implement Specific Appropriation 1741. Requires the Department of Environmental Protection to award \$6.5 million in solid waste management grants in equal amounts to small counties, \$2.94 million in waste tire grants to large counties on a per capita basis, and \$1.35 million in competitive innovative grants to certain cities and counties already identified by the department to the Legislature. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF, but with higher amounts specified.)

Section 24. Notwithstanding chapters 287 and 337, F.S., to implement Specific Appropriation 1403. Enables the Department of Agriculture to enter into agreement with the Department of Transportation to expedite the construction of the Northwest Florida Interdiction Station. The construction of this project was delayed due to complexities in obtaining environmental permits. DOT has the appropriate staff and expertise to administer this project and their flexibility to contract with appropriate vendors will speed up the construction process. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 25. Amends s. 375.041, F.S., to implement Specific Appropriation 1684. Allows funds allocated to the Land Acquisition Trust Fund to be appropriated for water quality issues. (Repeated from the 2002-2003 Implementing Bill, ch. 2002-402, LOF.)

Section 26. Amends s. 375.045, F.S., to implement Specific Appropriation 1584A. Allows any unobligated moneys in the Florida Preservation 2000 Trust Fund resulting from interest earnings and from reversions of prior appropriations to be appropriated to the Florida Forever Trust Fund.

Section 27. Implements Specific Appropriations 2652 through 2654. Directs the State Technology Office by December 31, 2004, to adopt rules, as currently required in law, on best management practices for state agencies in acquiring, using, and disposing of information technology equipment and requires agencies to report the method of final disposition of electronic equipment.

Section 28. Amends s. 373.4137, F.S., to implement Specific Appropriations 1677 through 1703. Allows certain surface water improvement and management or invasive plant control improvements, originally authorized in ch. 96-424, LOF, projects to remain available for mitigation for an additional fiscal year. Effectively extends the date for DEP to repay a loan from DOT.

Section 29. Amends s. 718.501, F.S., to implement Specific Appropriations 2236, 2238, and 2239. Reduces the number of days for the Division of Florida Land Sales, Condominiums, and Mobile Homes Department of Business and Professional Regulation to acknowledge complaints from 30 days to 15 days. Reduces the number of days for the Division to investigate complaints from 90 days to 30 days.

Section 30. Amends s. 320.08058, F.S., to implement Specific Appropriation 2480L. 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. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 31. Amends s. 445.048, F.S., to implement Specific Appropriation 2100. The Passport to Economic Progress demonstration program will continue to include Sarasota County, which was added in 2003-2004. 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. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 32. Provides that the amendments in the previous section are effective for only one year and that the previous section will revert to its original text. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 33. Amends s. 27.701, F.S., to implement Specific Appropriation 831. Requires that the responsibilities of the capital collateral counsel for the northern region be met through a pilot program using registry attorneys qualified in federal court. Requires an Auditor General review. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 34. Amends s. 27.709, F.S., to implement Specific Appropriation 831. Requires the Commission on Capital Cases to review the work of the registry attorneys operating pursuant to Section 32 above. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 35. Provides that the amendments in the previous section are effective for only one year and that the previous section will revert to its original text. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 36. Amends s. 27.711, F.S., to implement Specific Appropriation 831. Limits payments to attorneys appointed to represent capital defendants for work performed before July 1, 2003, if employed by the northern regional office. Allows attorneys to represent no more than five defendants in capital postconviction cases. Requires registry attorneys operating pursuant to Section 32 above to report on their performance as a condition of payment. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 37. Provides that the amendments in the previous section are effective for only one year and that the previous section will revert to its original text. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 38. Amends s. 27.702, F.S., to implement Specific Appropriation 831. Requires registry attorneys operating pursuant to the provisions of Section 32 above to provide quarterly reports to the Legislature and the Commission on Capital Cases. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 39. Provides that the amendments in the previous section are effective for only one year and that the previous section will revert to its original text. (Repeated from the 2003-2004 Implementing Bill, ch. 2003-399, LOF.)

Section 40. Implements Specific Appropriations 812 through 1066 and 2919 through 2986. Allows county employees moving to state employment as a part of the implementation of Revision 7 to Article 5 of the Florida Constitution to participate in the State Health Insurance Program beginning July 1, 2004. The state employers of these former county employees must ensure that the employees are enrolled by June 23, 2004, and that the premiums for July 2004 coverage are paid to the Department of Management Services by July 15, 2004.

Section 41. Specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed.

Section 42. 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 43. Provides that standards and performance measures, filed with the Secretary of the Senate and dated March 22, 2003, are incorporated by reference and will be applied to programs for the 2004-2005 fiscal year.

Section 44. Provides that this act will be construed with other laws passed during the 2004 session.

Section 45. Provides a severability clause.

Section 45. Provides a contingent 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.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
