

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1887 PCB FC 05-02 Implementing Bill

**SPONSOR(S):** Fiscal Council

**TIED BILLS:** PCB FC 05-01

**IDEN./SIM. BILLS:**

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<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
Orig. Comm.: Fiscal Council	20 Y, 0 N	Overton	Kelly
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

PCB FC 05-02 provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2005-2006. The statutory changes are effective for only one year and either expire on July 1, 2006 or revert to the language as it existed before the changes made by the bill.

The bill substantially amends, creates, repeals, or renders inapplicable the following sections of the Florida Statutes: ss. 112.061, 120.551, 215.262, 253.034, 265.702, 287.057, 320.08058, 373.4137, 376.3071, 381.79, 394.908, 402.3017, 402.33, 445.048, 1004.065, and 1013.62.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

Section 19 of Article III of the Florida Constitution states that appropriations acts “shall contain provisions on no other subject” other than making appropriations. This language has been interpreted to defeat proviso to appropriations that have the effect of amending general law. See, e.g., *Brown v. Firestone*, 382 So.2d 654 (Fla. 1980); *Chiles v. Milligan*, 659 So.2d 1055 (Fla. 1995). For this reason, when general law changes are required to effectuate appropriations, those changes are placed in a general bill implementing the General Appropriations Act (GAA) instead of in the GAA.

#### C. SECTION DIRECTORY:

Section 1. This section provides legislative intent.

Section 2 and 3: Amends 1013.62, F.S., to provide that funds appropriated for charter schools in FY 2005-2006 of \$31,000,000 shall be distributed only to charter schools funded in FY 2004-2005. Implements Specific Appropriation 17 of the 2005-2006 General Appropriations Act.

Section 4: Creates s. 1004.065, F.S., to provide limitations on the financing of project funding for university and direct-support organizations. Implements section 7 of the 2005-2006 General Appropriations Act.

Section 5: 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. Funds appropriated for projects in specific locations in the General Appropriations Act shall be included in the base funding of the respective district when calculating the distribution of funds under the equity formula. Implements Specific Appropriations 325-328, 332-336, 351, and 354 of the 2005-2006 General Appropriations Act.

Section 6. Authorizes the Department of Children and Family Services to contract with a provider to finance, design, construct, and operate a treatment facility for the treatment of persons with mental illness. For this purpose, Section 6 renders the three-year maximum term on contracts for the procurement of services inapplicable and allows for a contract period up to 20 years. Implements Specific Appropriations 395-404 of the 2005-2006 General Appropriations Act.

Section 7. Amends s. 381.79, F.S., to provide that all funds from the Brain and Spinal Cord Injury Program Trust Fund for university spinal cord injury and brain injury research will be appropriated to the University of Miami rather than to the University of Florida and the University of Miami. Implements Specific Appropriation 595 of the 2005-2006 General Appropriations Act.

Section 8. Amends s. 402.33, F.S., to provide that fees for services collected in excess of fee-supported appropriations by the Department of Children and Family Services and the Department of Health must be used in accordance with the General Appropriations Act. Implements Specific Appropriations 238-404 of the 2005-2006 General Appropriations Act.

Section 9. Authorizes the Department of Corrections and the Department of Juvenile Justice to make expenditures to defray costs incurred by a municipality or county for facilities operated under the

authority of either department. The payment may not exceed one percent of construction costs, less any building impact fees paid to the local government. Implements legislative intent regarding the use of funds in Specific Appropriations 667, 688, 698, and 1136 of the 2005-2006 General Appropriations Act.

Section 10. Amends 216.262(4), F.S., to establish the date of the most recent Criminal Justice Estimating Conference against which the formula for determining whether a new conference must convene is measured. Section 10 also requires approval of the Legislative Budget Commission for convening the Conference through this method. Implements Specific Appropriations 666-761 and 797-827 of the 2005-2006 General Appropriations Act.

Section 11. Provides that in order to implement Specific Appropriation 751 of the 2005-2006 General Appropriations Act, the Department of Children and Family Services shall transfer the Trammell Building on the grounds of the Florida State Hospital to the Department of Corrections to be used for 953 additional prison beds.

Section 12. Provides that in order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2005-2006 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance.

Section 13. Provides that in order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2005-2006 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services.

Section 14. Amends s. 112.061, F.S., to remove the Class C travel reimbursement for state travelers during the 2005-2006 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 2005-2006 General Appropriations Act.

Section 15. Amends s. 376.3071, F.S., to provide that funds from the Inland Protection Trust Fund may be used to clean up petroleum contaminated sites registered in a state-funded program that have been identified as viable affordable housing sites by the Department of Community Affairs together with local governments and may be used to purchase generators for emergency fuel supply. Implements Specific Appropriation 1742 of the 2005-2006 General Appropriations Act.

Section 16. Amends s. 373.4137, F.S., to allow 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. Implements Specific Appropriation 1590 of the 2005-2006 General Appropriations Act.

Section 17. Amends s. 120.551, F.S., to allow Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund to continue to publish notices on an internet website rather than publish the notices in the Florida Administrative Weekly. Implements Specific Appropriation 1690 of the 2005-2006 General Appropriations Act.

Section 18. Creates the Florida Pork Producers Transition Grant Program within the Department of Agriculture and Consumer Services to provide assistance to any person or persons or entities that were using farming methods described in Article X, Section 21 of the Florida Constitution on November 5, 2002. The bill provides for requirements to qualify for a grant under the program and provides the department with rulemaking authority to implement the program.

Section 19. Amends s. 320.08058, F.S., to allow proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and for the financial support of the Sunshine State Games. Implements Specific Appropriation 2105 of the 2005-2006 General Appropriations Act.

Section 20 and 21. Amends s. 445.048, F.S., to permit Workforce Florida, Inc. to expand the Passport to Economic Progress demonstration program statewide. The bill authorizes Workforce Florida, Inc. to designate regional workforce boards to participate in the program. The bill permits Workforce Florida, Inc. to offer incentive bonuses, provides requirements for those bonuses and specifies that such bonuses are not entitlements. Implements Specific Appropriation 2121 of the 2005-2006 General Appropriations Act.

Section 22. Amends s. 253.034, F.S., to facilitate the change of real property between the Department of Highway Safety and Motor Vehicles and Palm Beach County. Implements section 31 of the 2005-2006 General Appropriations Act.

Section 23. 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 the proviso language in Specific Appropriation 2162G of the 2005-2006 General Appropriations Act.

Section 24. Amends s. 265.702, F.S., to allow the Department of State cultural facility grants in the amount specified in the General Appropriations Act. Implements Specific Appropriation 2982B of the 2005-2006 General Appropriations Act.

Section 25. Amends s. 287.057, F.S., to exempt the Department of State and the Supervisors of Elections or their professional associations from competitive solicitation requirements with respect to voter education activities. Implements Specific Appropriation 2930 of the 2005-2006 General Appropriations Act.

Section 26. Provides that in order to implement Specific Appropriation 2999 of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, funds in Specific Appropriation 2999 of the 2005-2006 General Appropriations Act may be transferred from the courts to the Justice Administrative Commission in order to address unanticipated shortfalls in due process services appropriations in excess of the contingency fund provided in Specific Appropriation 2999 of the 2005-2006 General Appropriations Act.

Section 27. Provides that in order to implement Specific Appropriations 836, 837, 839, 840, and 3020 of the 2005-2006 General Appropriations Act, if a deficit is projected by the Justice Administrative Commission or the state courts in any specific appropriation provided for due process services, the Governor or the Chief Justice of the Supreme Court, respectively, may submit a budget amendment for consideration by the Legislative Budget Commission.

Section 28. Provides that to implement the transfer of moneys to the Working Capital Fund from trust funds in the 2005-2006 General Appropriations Act, s. 215.32(2)(b), F.S. is reenacted. This section provides that unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and Working Capital Fund in the General Appropriations Act.

Section 29. Specifies that no section shall take effect if the appropriations and proviso to which it relates is vetoed.

Section 30. 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 31. Provides that agency performance measures and standards will be filed with the Clerk of the House of Representatives and incorporated by reference.

Section 32. Provides a severability clause.

Section 33. 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:**

### **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:**

Not applicable because this bill does not require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

Section 18 provides the Department of Agriculture and Consumer Services with rulemaking authority to administer the Florida Pork Producers Transition Grant Program.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**