

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.)

Prepared By: Ways and Means Committee

BILL: SB 2702

INTRODUCER: Ways and Means Committee

SUBJECT: Implementing Appropriations for Fiscal Year 2006-2007

DATE: March 31, 2006

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Herring	Coburn	WM	Withdrawn
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

I. Summary:

This bill provides statutory authority necessary to implement and execute the General Appropriations Act for the 2006-2007 fiscal year. Such statutory changes are temporary and either expire on July 1, 2007, or revert to the original language at that time. The bill includes legislative adoption, by reference to a document filed with the Secretary of the Senate, of performance measures and standards for specific programs of the agencies in the budget. The bill also incorporates by reference a document titled "Public School Funding The Florida Education Finance Program."

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: ss. 11.151, 112.061, 120.551, 215.18, 215.32, 216.262, 216.929, 253.034, 259.023, 287.17, 311.22, 320.08058, 320.0846, 373.59, 375.041, 402.3017, and 411.01, 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, 2006.

Section 1. This section provides legislative intent.

Education Provision

Section 2. Implements Specific Appropriations 7, 8, and 91 through 979, incorporating the document “Public School Funding The Florida Education Finance Program” by reference, indicating that the calculations shown therein are the basis for certain education appropriations pursuant to s. 1011.65, F.S. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Health and Human Services Provision

Section 3. Amends s. 215.18, F.S., to implement Specific Appropriations 1594 and 1596, authorizing the extension of the repayment periods for moneys transferred between state funds as a result of hurricanes striking the State of Florida in 2004. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Justice Provision

Section 4. Implements legislative intent regarding the use of funds in Specific Appropriations 720, 731, 741, and 1167, authorizing 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 each department. The payment may not exceed one percent of the construction costs, less any building impact fees paid to the local government. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 5. Amends s. 216.262, F.S., to implement Specific Appropriations 710 through 805, and 833 through 847A, allowing the Executive Office of the Governor to request additional positions and other resources, including fixed capital outlay, 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 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 6. Implements Specific Appropriations 875, 876, 878, 879, and 3275, authorizing the Governor or the Chief Justice of the Supreme Court to submit a budget amendment, in accordance with ss. 29.015 and 29.016, F.S., for consideration by the Legislative Budget Commission to authorize the expenditure of funds from unallocated general revenue to offset deficiencies projected by the Justice Administration Commission or the state courts in any specific appropriation provided for due process services. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 7. Authorizes the Department of Legal Affairs to spend funds from Specific Appropriations 1321 and 1325 on the same programs and in the same method as was done in the 2005-2006 fiscal year.

General Government Provisions

Section 8. Implements the appropriation of funds in Special Categories-Risk Management Insurance, allowing 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 and objection procedures of s. 216.177, F.S. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 9. 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 and objection procedures of s. 216.177, F.S. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 10. Amends s. 112.061, F.S., to implement Sections 2 through 7 of the General Appropriations Act, removing the Class C travel reimbursement. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Sections 11-12. Amend s. 287.17, F.S., to implement Specific Appropriations 2231 and 2861-2869, to authorize the use of state aircraft for commuting. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 13. Notwithstanding s. 403.7095, F.S., to implement Specific Appropriation 1847, requiring the Department of Environmental Protection to award \$6.5 million in solid waste management grants in equal amounts to small counties, and \$1.6 million in competitive innovative grants to certain cities and counties already identified by the department to the Legislature. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, LOF, but with different amounts specified.)

Section 14. Implements Specific Appropriation 1847, by directing the Department of Environmental Protection to conduct a pilot program for expedited site evaluation and cleanup of a port facility and an airport facility that each have high redevelopment potential and that serve an immediate and demonstrated public purpose. Includes specific criteria for site selection and defines the focus of the pilot program. Requires a report to the Legislature by March 1, 2007.

Section 15. Amends s. 375.041, F.S., to implement Specific Appropriations 1696A and 1702 and Section 26, to authorize the transfer of moneys from the Land Acquisition Trust Fund to the Florida Forever Trust Fund and to the Save Our Everglades Trust Fund.

Section 16. Amends s. 259.023, F.S. to implement Section 26, to allow moneys in the Conservation and Recreation Lands Trust Fund to be transferred to the Florida Forever Trust Fund.

Section 17. Amends s. 373.59, F.S. to implement Section 26, to allow moneys in the Water Management Lands Trust Fund to be transferred to the Florida Forever Trust Fund.

Section 18. Amends s. 120.551, F.S., to implement Specific Appropriation 1790, to continue Internet publication of notices, which would otherwise be required to be published in the Florida Administrative Weekly, of the Department of Environmental Protection and of the Board of Trustees of the Internal Improvement Trust Fund. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, LOF, but with different amounts specified.)

Section 19. Amends s. 11.151, F.S., to implement Specific Appropriations 2788 and 2789, to increase the contingency fund of each of the legislative presiding officers from \$10,000 to \$20,000. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, LOF, but with different amounts specified.)

Transportation and Economic Development Provisions

Section 20. Amends s. 320.08058, F.S., to implement Specific Appropriation 2688, allowing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 21. Amends s. 253.034, F.S., to implement section 31 of the 2006-2007 General Appropriations Act, authorizing the funds from the sale of property by the Department of Highway Safety and Motor Vehicles in Palm Beach County to be deposited into the Highway Safety Operating Trust Fund. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 22. Amends s. 402.3017, F.S., to implement Specific Appropriation 2304, allowing the Agency for Workforce Innovation to administer and implement the Teacher Education and Compensation Helps (TEACH) scholarship program, providing education scholarships to caregivers and administrators of early childhood programs and family day care homes. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 23. Amends s. 320.0846, F.S., to implement Specific Appropriation 2772, to provide one free motor vehicle license plate to active members of the Florida National Guard upon request and proof of eligibility. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 24. Amends s. 216.292, F.S., to implement Specific Appropriations 1594, 1596, 1598, 1600, 1608 and 1609 to authorize the Governor to recommend fixed capital outlay projects funded by grants from the Federal Emergency Management Agency, and to provide for review by the Legislative Budget Commission. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 25. Amends s. 311.22, F.S., to implement Specific Appropriation 2132, to reduce the required match for state funds for dredging projects in counties with populations below 300,000 that meet current statutory requirements from 50 percent to no less than 25 percent. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, LOF, but with different amounts specified.)

Sections 26-27. Amend s. 411.01, F.S., to implement Specific Appropriation 2304, to require the Agency for Workforce Innovation to recommend a formula to allocate school readiness funds on an equitable basis, to provide that changes in the allocation may be specified in the General Appropriations Act, and to eliminate approval of the allocation formula by the Legislative Budget Commission.

Other Provisions

Sections 28-29. Reenacts s. 215.32, F.S., to allow unappropriated trust fund balances to be transferred to the General Revenue Fund. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 30. Declares legislative determination that the authorization and issuance of debt for the 2006-2007 fiscal year is in the best interest of the state and should be implemented. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Standard Provisions

Section 31. Specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 32. Provides that a permanent change made by another law to any of the same statutes amended by this bill takes precedence over the provision in this bill. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 33. Provides that standards and performance measures, filed with the Secretary of the Senate and dated March 24, 2006, are incorporated by reference and will be applied to programs for the 2006-2007 fiscal year. (Repeated from the 2005-2006 Implementing Bill, ch. 2005-71, L.O.F.)

Section 34. Provides a severability clause.

Section 35. 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.

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.

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

VIII. Summary of Amendments:

None.

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