

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5003 PCB FC 06-02 Implementing the 2006-07 General Appropriations Act
SPONSOR(S): Fiscal Council & Negron
TIED BILLS: PCB FC 06-01 **IDEN./SIM. BILLS:** SB 2702

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

SUMMARY ANALYSIS

The bill provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2006-2007. The statutory changes are effective for only one year and either expire on July 1, 2007 or revert to the language as it existed before the changes made by the bill. The bill 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 also incorporates by reference a document titled "Public School Funding The Florida Education Finance Program."

The bill substantially amends, creates, repeals, or renders inapplicable the following sections of the Florida Statutes: ss. 11.151, 112.061, 120.551, 216.0262, 216.292, 253.034, 287.057, 320.0806, 373.1961, 402.3017, 403.1838, 403.890, 502.015, and 1004.065.

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. Implements Specific Appropriations 7, 8, and 91-97, 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.

Section 3. Amends s. 1004.065, F.S., to provide limitations on the financing of project funding for university and direct-support organizations. Implements section 11 of the 2006-2007 General Appropriations Act.

Section 4. Amends s. 287.057, F.S., to implement Specific Appropriations 375-380, to provide that the Department of Children and Family Services may enter into a contract to finance, design, and construct a secure facility for sexually violent predators. The secure facility shall have at least 600 beds and the contractor shall operate all aspects of daily operations within the secure facility. The contractor may sponsor the issuance of tax-exempt certificates of participation or other securities to finance the project, and the state may enter into a lease-purchase agreement for the secure facility.

Section 5. 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 720, 731, 741, and 1167.

Section 6. Amends s. 216.262, F.S., to implement Specific Appropriations 710-805, 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.

Section 7. Implements Specific Appropriations 880B, 3248, and 3248B, allowing funds to be transferred, pursuant to s. 216.177, F.S., from the courts to the Justice Administration Commission in order to address unanticipated shortfalls in due process services appropriations.

Section 8. Implements Specific Appropriations 880B, 3248, and 3248A, 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.

Section 9. Provides that in order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2006-2007 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, F.S., the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance.

Section 10. 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 2006-2007 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, F.S., 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" 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 11. Amends s. 112.061, F.S., to remove the Class C travel reimbursement for state travelers during the 2006-2007 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 2006-2007 General Appropriations Act.

Section 12. Notwithstands s. 403.7095, F.S., to implement Specific Appropriation 1868, requiring the Department of Environmental Protection to award \$6.5 million in solid waste management grants in equal amounts to small counties, \$1.6 million in innovative grants, \$1.5 million for the Florida Green Procurement Initiative, and \$5.0 million for the Treasure Coast Regional Biosolids Management Facility.

Section 13. Implements Specific Appropriation 1847 by directing the Department of Environmental Protection to conduct a pilot program of the efficacy of expedited site evaluation and cleanup of existing public port and airport facility sites that have high redevelopment potential and that serve an immediate and demonstrated public purpose.

Section 14. Implements Specific Appropriation 1825 by creating the Caloosahatchee-St. Lucie Rivers Corridor Advisory Council. The council shall review the operation and management of Lake Okeechobee and the associated discharges from the lake for the purpose of formulating specific recommendations. The council shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2007, a report with specific recommendations for implementation by the Legislature and the Governor that will mitigate ecological effects upon the Caloosahatchee—St. Lucie Rivers Corridor and stabilize the effect of high discharges from Lake Okeechobee upon the tourist economy of Southwest and Southeast Florida.

Section 15. Implement Specific Appropriation 1857A by creating the Fuel Distributors Emergency Power Assistance Grant Program within the Department of Community Affairs to provide assistance to fuel distributors in retrofitting their facilities to accommodate portable generators in preparation for major power outages.

Section 16. Amends s. 373.1961, F.S. to implement Specific Appropriation 1827 directing the water management districts to fund certain alternative water supply projects.

Section 17. Amends s. 373.459, F.S., to implement Specific Appropriation 1820 directing the water management districts to fund certain surface water improvement projects.

Section 18. Amends s. 403.890, F.S., to implement Specific Appropriation 1820 directing the water management districts to fund certain surface water improvement projects.

Section 19. Amends s. 403.1838, F.S., to implement Specific Appropriation 1826 directing the Department of Environmental Protection to fund certain wastewater projects.

Section 20. 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 1790.

Section 21. Amends s. 502.015, F.S., to implement Specific Appropriation 1362-1546A to allow moneys in the General Inspection Trust Fund to be appropriated for programs operated by the Department of Agriculture and Consumer Services.

Section 22. Amends s. 11.151, F.S., to implement Specific Appropriation 2788 and 2789 authorizing is an increase in the legislative contingency fund for the President of the Senate and for the Speaker of the House of Representatives. These funds may be expended at the unrestricted discretion of the President of the Senate or the Speaker of the House of Representatives in carrying out their official duties.

Section 23. 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 2688.

Section 24. Amends s. 253.034, F.S., to facilitate the exchange of real property between the Department of Highway Safety and Motor Vehicles and Palm Beach County. Implements section 32 of the 2006-2007 General Appropriations Act.

Section 25. 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 2304.

Section 26. Amends s. 216.292, F.S., to implement Specific Appropriations 1594, 1596, 1598, and 1600, to authorize the Governor to recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Emergency Management Agency for FEMA Disaster Declarations.

Section 27. Implements Specific Appropriations for salaries and benefits in the 2006-2007 General Appropriations Act by allowing agencies to use funds for cash awards to state employees who demonstrate satisfactory service in the agency or to the state, in appreciation and recognition of such service. Awards may not exceed \$100 each and will be allocated from an agency's existing budget. By March 1, 2007, agencies that elect to make cash awards will report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives the dollar value and number of such awards given. If available, any additional information concerning employee satisfaction and feedback should be provided.

Section 28. 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.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES