

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

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

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Prepared By: Fiscal Policy and Calendar Committee

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BILL: SB 2802

INTRODUCER: Fiscal Policy and Calendar Committee and Senator Carlton

SUBJECT: Implementing the 2007-2008 General Appropriations Act

DATE: April 6, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	Kelly		
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

The bill provides statutory authority necessary to implement and execute the General Appropriations Act for the 2007-2008 fiscal year. Such statutory changes are temporary and either expire on July 1, 2008, or revert to the original language at that time.

This bill substantially amends s. 216.262, s. 216.292, s. 252.37, s. 253.034, s. 255.249, s. 255.25, s. 255.503, s. 287.17, s. 311.22, s. 320.08058, s. 394.908, s. 550.135, s. 570.20, s. 581.031, and s. 932.7055, 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:**

**Section 1** provides legislative intent.

**Section 2** implements Specific Appropriations 7, 8, and 86 through 91 of the General Appropriations Act for the 2007-2008 fiscal year adopting by reference the document "Public School Funding --The Florida Education Finance Program," for the purpose of displaying the

calculations used by the Legislature consistent with the requirements of Florida Statutes in making appropriations for the Florida Education Finance Program in Fiscal Year 2007-2008.

**Section 3** amends s. 394.908, F.S., to implement Specific Appropriation 388, requiring that funds appropriated for forensic mental health treatment services be allocated to the areas of the state having the greatest demand for services and treatment capacity.

**Section 4** implements legislative intent regarding the use of funds in Specific Appropriations 311 and 321 requiring all public and private agencies and institutions participating in child welfare cases to enter certain information into the Florida Safe Families Network (FSFN) in order to maintain the accuracy and usefulness of the automated child welfare case management system; directing the Department of Children and Family Services to work with the Office of the State Courts Administrator and the Statewide Guardian Ad Litem Office to allow a judge, magistrate, or guardian ad litem to access FSFN information concerning cases to which they are assigned, by the date of the network's release during fiscal year 2007-2008; and instructing the department to submit a report on its progress on providing access to the Florida Safe Families Network by February 1, 2008.

**Section 5** implements legislative intent regarding the use of funds in Specific Appropriations 741, 755, 766, and 1232, 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 2006-2007 Implementing Bill, ch. 2006-26, L.O.F.).

**Section 6** amends s. 216.262, F.S., to implement Specific Appropriations 730 through 830, and 868 through 899, 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 2006-2007 Implementing Bill, ch. 2006-26, L.O.F.).

**Section 7** implements Specific Appropriations 908, 913, 915, and 1161C through 1161AK, authorizing the Governor to submit a budget amendment, in accordance with the provisions of s. 216.177, F.S. The budget amendment would transfer appropriations from general revenue between categories in the criminal conflict and civil regional counsel budget entity. This section authorizes the transfer of appropriations between each of the criminal conflict and civil regional counsel budget entities. Also, authorizes budget transfers between criminal conflict and civil regional counsel budget entities and child dependency and civil conflict cases within the Justice Administrative Commission.

**Section 8** authorizes the Department of Legal Affairs to spend funds from Specific Appropriations 1388 and 1389 on the same programs and in the same method as was done in the 2006-2007 fiscal year.

**Section 9** allows, for the 2007-2008 fiscal year only, a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

**Section 10** 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 2006-2007 Implementing Bill).

**Section 11** implements the appropriation of funds in Special Categories - Transfer to Department of Management Services - Human Resources Purchased Per Statewide Contract. This section 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 2006-2007 Implementing Bill).

**Section 12** implements the appropriation of funds and amends s. 287.17, F.S., to limit the use of state owned motor vehicle and aircraft to "official state business." This section requires individuals traveling on state aircraft for purposes other than state business to reimburse the state for all costs (repeated from the 2006-2007 Implementing Bill).

**Section 13** provides that the amendments to s. 287.17, F.S., shall expire July 1, 2008, and the text in that section shall revert to the existing statutory language.

**Section 14** implements the appropriation of funds and amends s. 255.249, F.S., as it relates to the Department of Management Services' responsibility pertaining to public property and publicly owned buildings. The section requires the department to annually publish a master leasing report. The section allows the department to use real estate consulting or tenant brokerage services in order to carry out its duties. It provides that fees for real estate consulting and tenant brokerage services are subject to appropriation by the Legislature.

**Section 15** provides that the amendments to s. 255.249, F.S., shall expire July 1, 2008, and the text in that section shall revert to the existing statutory language.

**Section 16** implements the appropriation of funds and amends s. 255.25, F.S., to allow agencies to use the services of a tenant broker to assist in the competitive solicitation of leased space. The section requires that the tenant broker must be on state term contract.

**Section 17** provides that the amendments to s. 255.25, F.S., shall expire July 1, 2008, and the text in that section shall revert to the existing statutory language.

**Section 18** implements the appropriation of funds and amends s. 255.503, F.S., to require the Department of Management Services to submit an analysis of the disposition of all state owned facilities and the effect of disposal.

**Section 19** implements the appropriation of funds, notwithstanding s. 403.7095, F.S., to require the Department of Environmental Protection to award \$6.5 million in solid waste management grants in equal amounts to counties with populations of fewer than 100,000, and to award \$2.9 million for Innovative Grants. The section provides for the future expiration of said language.

**Section 20** provides that all funds from the Florida panther license plate be deposited in the Florida Panther Research and Management Trust Fund within the Fish and Wildlife Conservation Commission, to be used for programs to protect the endangered Florida panther.

**Section 21** provides that the amendments to s. 320.08058, F.S., shall expire July 1, 2008, and the text in that section shall revert to the existing statutory language.

**Section 22** amends s. 550.135, F.S., to require that revenues collected pursuant to ch. 551, F.S., be used to fund the operating costs of the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation and of the Department of Law Enforcement, with a proportionate share provided for the operation of the office of the secretary and the Division of Administration in the Department of Business and Professional Regulation, for regulation and enforcement activities related to slot machine gaming. The section specifies that, on June 30 of each year, all unappropriated funds collected in excess of \$1.5 million will revert to the General Revenue Fund.

**Section 23** provides that the amendments to s. 550.135, F.S., shall expire July 1, 2008, and the text in that section shall revert to the existing statutory language.

**Section 24** amends s. 581.031, F.S., to require the Department of Agriculture and Consumer Services to conduct research projects on citrus disease, including citrus canker and citrus greening, recommended by the Florida Citrus Production Research Advisory Council. The section provides for the future expiration of said language.

**Section 25** implements the appropriation of funds and amends s. 570.20, F.S., to authorize moneys in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services.

**Section 26** amends s. 320.08058, F.S., to implement Specific Appropriation 2761, 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 2006-2007 Implementing Bill, ch. 2007-25, L.O.F.).

**Section 27** amends s. 253.034, F.S., to implement section 33 of the 2007-2008 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 2006-2007 Implementing Bill, ch. 2006-25, L.O.F.)

**Section 28** 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 2006-2007 Implementing Bill, ch. 2006-25, L.O.F., but with different amounts specified.).

**Section 29** amends s. 252.37(5)(b), F.S., to implement Specific Appropriation 1621AD, to extend the time period for local governments to submit an application to the Executive Office of the Governor requesting a waiver of local match for public assistance projects resulting from Hurricanes Charley, Frances, Ivan, and Jeanne.

**Section 30** declares legislative determination that the authorization and issuance of debt for the 2007-2008 fiscal year is in the best interest of the state and should be implemented (repeated from the 2006-2007 Implementing Bill, ch. 2006-25, L.O.F.).

**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 2006-2007 Implementing Bill, ch. 2006-25, L.O.F.).

**Section 33** provides a severability clause.

**Section 34** provides effective dates.

#### **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:

**C. Government Sector Impact:**

Assuming that the Department of Business and Professional Regulation will receive a similar level of appropriations for slot machine gaming operation, regulation, and enforcement during the next two fiscal years, implementation of section 22 of the bill will result in an \$8 million negative impact on the General Revenue Fund in Fiscal Year 2007-2008 and in Fiscal Year 2008-2009.

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. Summary of Amendments:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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