

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the General Government Appropriations Committee

BILL: CS/SB 1844

INTRODUCER: General Government Appropriations and Senator Alexander

SUBJECT: Implementing 2008-2009 General Appropriations Act

DATE: April 2, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	DeLoach	DeLoach	GA	Fav/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2008-2009. Statutory changes are temporary and either expire on July 1, 2009, or revert to the original language at the time.

The bill substantially amends or reenacts the following sections of the Florida Statutes: 201.15, 215.32, 253.01, 255.503, 287.17, 570.20.

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, 2008.

Section 1 provides legislative intent.

Section 2 amends s. 201.15, F.S., to expand the use of documentary stamp tax revenues to include Everglades restoration and the Water Resource Action Plan.

Section 3 authorizes the transfer of Invasive Plant Control Trust Funds for transfer to the Save Our Everglades Trust Fund for Everglades restoration projects and to the Ecosystem Management and Restoration Trust fund for the Water Restoration Action Plan.

Section 4 authorizes the transfer of funds from the Public Service Commission Regulatory Trust Fund to the General Revenue Fund.

Section 5 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 2007-2008 Implementing Bill).

Section 6 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 2007-2008 Implementing Bill).

Section 7 expands the allowable uses of moneys in the Internal Improvement Trust Fund to include the drinking water facility construction state revolving loan program.

Section 8 implements the appropriation of funds and amends 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 9 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 2007-2008 Implementing Bill).

Section 10 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 11 implements the appropriation of funds, notwithstanding s. 403.7095, F.S., to require the Department of Environmental Protection to award \$9.4 million in solid waste management grants in equal amounts to counties with populations of fewer than 100,000, and to award \$4.9

million for Innovative Grants. The section provides for the future expiration of said language.

Section 12 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 (repeated from the 2007-2008 Implementing Bill).

Section 13 allows the Department of Financial Services to spend \$988,820 of prior funding for salaries, other personnel services, and related expenses for the administration of the Florida Hurricane Damage Mitigation Program.

Section 14 specifies that no section of this bill will take effect if the appropriations and proviso to which it relates are vetoed.

Section 15 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.

Section 16 provides a severability clause.

Section 17 provides an effective date of July 1, 2008.

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:

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by General Government Appropriations on April 2, 2008:

Senate Bill 1844 was originally filed as a shell bill expressing legislative intent to revise laws relating to implementing the 2008-2009 General Appropriations Act. The General Government Appropriations Committee adopted the committee substitute as described in this bill analysis.

This bill provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2008-2009. Statutory changes are temporary and either expire on July 1, 2009, or revert to the original language at the time.

B. Amendments:

None.