

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 Transportation and Economic Development Appropriations
Committee

BILL: PCS/SB 1884

INTRODUCER: Senator Fasano

SUBJECT: Implementing Appropriations for Fiscal Year 2008-2009

DATE: March 30, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weaver	Noble	TA	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Proposed Committee Substitute for Senate Bill 1884 provides statutory authority necessary to implement and execute the General Appropriations Act for the 2008-2009 fiscal year. Such statutory changes are temporary and either expire on July 1, 2009, or revert to the original language at that time.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes; s. 215.32, 253.034, 320.08058, 339.135 and 553.721 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 reenacts s. 215.32(2)(b), F.S., to implement section 10 of the Senate Bill 7090, authorizing the transfer of funds to general revenue.

Section 3 amends s. 253.034, F.S., to implement section 9 of the 2008-2009 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 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.)

Section 4 amends s. 320.08058, F.S., to implement Specific Appropriation 2638, 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 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.)

Section 5 Amends s. 339.135, F.S.; Provides that the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$40,000,000 for the purpose of funding economic development transportation projects. Provides that this transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2008, in the Department of Transportation's 5-year work program. Implements Specific Appropriation 2115 in the General Appropriations Act for Fiscal Year 2008-2009.

Section 6 Amends s. 553.721, F.S., to implement Specific Appropriations 1511, 1586, 1606A, requiring the transfer funds from Operating Trust Fund to the Grants and Donations Trust Fund in the Department of Community Affairs

Section 7 specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed. (Repeated from the 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.)

Section 8 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 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.)

Section 9 provides a severability clause.

Section 10 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:

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.