

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: CS/SB 1776

INTRODUCER: Transportation and Economic Development Appropriations Committee and Senator Fasano

SUBJECT: Implementing Bill

DATE: April 1, 2009

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|---------------|
| 1. | Noble | Noble | TA | Fav/CS |
| 2. | | | GO | |
| 3. | | | WPSC | |
| 4. | | | RC | |
| 5. | | | | |
| 6. | | | | |

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The Committee Substitute for Senate Bill 1776 provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2009-2010. Statutory changes are temporary and either expire on July 1, 2010, or revert to the original language at the time.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes; 253.034, 332.007, 339.08, and 339.135.

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 amends s. 253.034, F.S., to implement section 11 of Senate Bill 2762, 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 2008-2009 Implementing Bill, ch. 2008-152, L.O.F.)

Section 3 amends s. 339.08, F.S., to extend the expiration date of paragraph (n) which allows funds in the State Transportation Trust Fund to be used for administrative expenses of a multicounty transportation or expressway authority created under chapter 343 or chapter 348, where jurisdiction for the authority includes a portion of the State Highway System until July 1, 2010. Implements Section 10 Senate Bill 2762.

Section 4 amends s. 339.135, F.S., to provide that the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$20,000,000 for the purpose of funding economic development transportation projects. Specifies the transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2009, in the Department of Transportation's 5-year work program. Implements Specific Appropriation 2042 of the 2009-2010 General Appropriations Act.

Section 5 amends s. 332.007, F.S., to allow the Department of Transportation to fund operating and maintenance costs associated with publicly owned airport security projects. Implements Specific Appropriation 1998 of the 2009-2010 General Appropriations Act.

Section 6 provides that the amendment to s. 332.007, F.S., shall expire July 1, 2010, and the text in that section shall revert to the existing statutory language..

Section 7 specifies that no section of this bill will take effect if the appropriations and proviso to which it relates are vetoed.

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.

Section 9 provides a severability clause.

Section 10 provides an effective date of July 1, 2009.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**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.

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 Committee on Transportation and Economic Development Appropriation on April 1, 2009:

- Authorizes 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.
- Authorizes the Department of Transportation to expend funds for administrative expenses incurred by multi-county transportation/expressway authorities.

- Authorizes the Department of Transportation to transfer funds to the Office of Tourism, Trade, and Economic Development, and prohibits the reduction, deletion, or deferral of projects funded in the Department of Transportation's five year work program as of July 1, 2009, as a result of the transfer of funds to the Office of Tourism, Trade, and Economic Development.
- Allows the Department of Transportation to fund operating and maintenance costs associated with publicly owned airport security projects.

B. Amendments:

None.