

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5003 PCB CEED 09-02 Appropriations Implementing Bill
SPONSOR(S): Full Appropriations Council on Education & Economic Development; Rivera
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Full Appropriations Council on Education & Economic Development	12 Y, 8 N	Creamer	Martin
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 2009-2010. The statutory changes are effective for only one year and either expires on July 1, 2010 or revert to the language as it existed before the changes made by the bill.

This bill substantially amends sections 215.32, 215.599, 216.181, 337.025, 339.08, 339.135, 1009.534, 1009.535, and 1009.536, Florida Statutes.

Since this bill implements provisions of the General Appropriations Act for Fiscal Year 2009-2010, there are no direct fiscal impacts created by this bill.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. 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 appropriations act instead of in the GAA.

B. SECTION DIRECTORY:

Section 1. This section provides legislative intent that the implementing and administering provisions of this act applies to the General Appropriations Act for Fiscal Year 2009-2010.

Sections 2, 3, and 4. Amends ss.1009.534, 1009.535, 1009.536, F.S.; providing that Florida Academic Scholar, Florida Medallion Scholar, and Florida Gold Seal Vocational Scholar awards are eligible for an award equal to the amount specified in the General Appropriations Act;

Section 5. Amends s. 215.559, F.S.; providing for allocation of funds appropriated to the Hurricane Loss Mitigation Program for specified purposes.

Section 6. Amends s. 339.135, Florida Statutes, providing for use of transportation revenues; providing for revised funding levels for Department of Transportation projects, and requiring the Department of Transportation to reduce all reserves prior to deferring contracted transportation project commitments to implement revised funding levels.

Section 7. Amends s. 337.025, F.S.; authorizing the Department of Transportation to utilize innovative contracting methods for projects funded under the American Recovery Reinvestment Act of 2009.

Section 8. Reenacts s. 215.32(2)(b), F.S., authorizing the transfer of moneys in the General Revenue Fund from trust funds in the 2009-2010 General Appropriations Act.

Section 9. Amends s. 216.181, F.S.; authorizing the Legislative Budget Commission to approve budget amendments for Fixed Capital Outlay projects from funds provided by the American Recovery Act of 2009.

Section 10. Amends s. 339.08, F.S., authorizing the transfer of funds from the State Transportation Trust Fund to the General Revenue Fund and reducing the amount transferred from certain transportation calculation requirements.

Section 11. Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 12. Provides that a permanent change made by another law to any of the same statutes amended by this bill shall take precedence over the provisions in this bill.

Section 13. Provides a severability clause.

Section 14. 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:

None.

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 for Fiscal Year 2009-2010.

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:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES