

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5103A PCB CGHC 09A-02 Special Appropriations Implementing Bill

SPONSOR(S): Full Appropriations Council on General Government & Health Care; Llorente

TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Full Appropriations Council on General Government & Health Care	22 Y, 10 N	Leznoff	Leznoff
1)	_____	_____	_____	_____
2)	_____	_____	_____	_____
3)	_____	_____	_____	_____
4)	_____	_____	_____	_____
5)	_____	_____	_____	_____

SUMMARY ANALYSIS

The bill provides the statutory authority necessary to implement and execute the special appropriations act for Fiscal Year 2008-2009. The statutory changes are effective for only one year and either expires on July 1, 2009 or revert to the language as it existed before the changes made by the bill.

This bill substantially amends sections 215.32, and 215.5601, Florida Statutes and repeals section 47 of chapter 2008-153, Laws of Florida relating to the use of the Lawton Chiles Endowment Fund.

Since this bill implements provisions of the special appropriations act for Fiscal Year 2008-2009, 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 apply to the special appropriations act for Fiscal Year 2008-2009.

Section 2. Reenacts s. 215.32(2)(b), F.S., authorizing the transfer of moneys in the General Revenue Fund from trust funds in the 2008-2009 special appropriations act.

Section 3. Amends s. 215.5601, F.S., authorizing up to a \$400 million transfer from the Lawton Chiles Endowment Fund to the General Revenue Fund and up to a \$600 million transfer to the Budget Stabilization Fund.

Section 4. Repeals Section 47 of chapter 2008-153, Laws of Florida, which relates to the use of the Lawton Chiles Endowment Fund.

Section 5. Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 6. 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 7. Provides a severability clause.

Section 8. 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 special appropriations act for Fiscal Year 2008-2009.

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