

**STORAGE NAME:** h1809.frc.doc  
**DATE:** March 23, 2001

**HOUSE OF REPRESENTATIVES**  
**FISCAL RESPONSIBILITY COUNCIL**  
**ANALYSIS**

**BILL #:** HB 1809 (PCB FRC 01-12)  
**RELATING TO:** Implementing Appropriations  
**SPONSOR(S):** Fiscal Responsibility Council, Representative Lacasa and Others

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) FISCAL RESPONSIBILITY COUNCIL YEAS 21 NAYS 0
  - (2)
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

This bill implements the General Appropriations Act for the 2001-2002 fiscal year. It includes legislative adoption, by reference to a document filed with the Clerk of the House of Representatives, of performance based program budgeting (PB<sup>2</sup>) measures and standards for specific programs of the agencies in the budget.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. 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.

C. EFFECT OF PROPOSED CHANGES:

This legislation provides the necessary statutory authority to implement and execute the General Appropriations Act.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides legislative intent.

Section 2. Amends s. 236.081, F.S., to provide FTE funding in 2001-2002 for students enrolled in the Advanced International Certificate of Education Program at the same value as students enrolled in the International Baccalaureate Program, and to provide that the Quality Assurance Guarantee in the Florida Education Finance Program shall be calculated on unweighted FTE. (Implements specific Appropriation 118 of the 2001-2002 General Appropriations Act.)

Section 3. Provides that amendments to s. 236.081, F.S., contained in section 2 of this bill expire July 1, 2002, but that any amendments to this section enacted in other legislation are to be preserved.

Section 4. Amends s. 240.116, F.S., to delete expired provisions authorizing school districts to conduct a pilot program of the Advanced International Certificate of Education Program. (Implements Specific Appropriation 118 of the 2001-2002 General Appropriations Act.)

Section 5. Provides that amendments to s. 240.116, F.S., contained in section 4 of this bill expire July 1, 2002, but that any amendments to this section enacted in other legislation are to be preserved.

Section 6. Amends s. 240.35, F.S., to include technology fees within the calculation of the range of fees allowed to be adopted by each community college board of trustees. (Implements Specific Appropriation 178 of the 2001-2002 General Appropriations Act.)

Section 7. Provides that amendments to s. 240.35, F.S., contained in section 6 of this bill expire July 1, 2002, but that any amendments to this section enacted in other legislation are to be preserved.

Section 8. Consistent with s. 216.163, F.S., allows the Department of Law Enforcement to transfer up to 0.5% of certain appropriations to provide meritorious performance bonuses for employees, subject to approval. (Implements Specific Appropriations 1236, 1248, 1257, 1259, 1268, 1278, 1281, 1289, 1296, 1302, and 1308 of the 2001-2002 General Appropriations Act.)

Section 9. Amends s. 216.181, F.S., to allow the Department of Law Enforcement to transfer up to 20 FTE and associated budget and 10% of the initial approved salary rate between budget entities. (Implements Specific Appropriations 1236-1312 of the 2001-2002 General Appropriations Act.)

Section 10. Authorizes the Correctional Privatization Commission to make expenditures to defray costs incurred by a municipality or county for privatized facilities under the authority of the Correctional Privatization Commission or the Department of Juvenile Justice. (Implements Specific Appropriation 1225 of the 2001-2002 General Appropriations Act.)

Section 11. Authorizes the Department of Legal Affairs to transfer up to \$1,054,632 between trust funds. (Implements Specific Appropriation 1347 of the 2001-2002 General Appropriations Act.)

Section 12. Amends s. 925.037, F.S., to specify that the State Courts system is required to distribute funds provided for reimbursing counties for costs of appointed counsel. (Implements Specific Appropriation 2967 of the 2001-2002 General Appropriations Act.)

Section 13. Amends 216.262, F.S., to authorize the Governor to request the establishment of FTE in excess of the number authorized in the General Appropriations Act and funding from the Working Capital Trust Fund if the actual inmate population exceeds Criminal Justice Estimating Conference projections. (Implements Specific Appropriation 681 of the 2001-2002 General Appropriations Act.)

Section 14. Amends s. 938.01, F.S., to direct the deposit of certain court costs to the Department of Law Enforcement to implement the transfer of certain criminal justice related grant disbursement programs from the Department of Community Affairs. (Implements Specific Appropriations 1236-1258A of the 2001-2002 General Appropriations Act.)

Section 15. Provides that amendments to s. 938.01, F.S., contained in section 14 of this bill expire July 1, 2002, but that any amendments to this section enacted in other legislation are to be preserved.

Section 16. Amends s. 943.25, F.S., to allow the Department of Law Enforcement to disburse certain appropriated funds related to administering and preserving Federal funds to implement the transfer of certain criminal justice related grant disbursement programs from the Department of Community Affairs. (Implements Specific Appropriations 1236-1258A of the 2001-2002 General Appropriations Act.)

Section 17. Provides that amendments to s. 943.25, F.S., contained in section 16 of the bill expire July 1, 2002, but that any amendments to this section enacted in other legislation are to be preserved.

Section 18. Transfers the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transfers the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; and requires the Department of Law Enforcement to transfer certain Department of Children and Family Services for Domestic and Sexual Violence Program activities. (Implements Specific Appropriations 1236-1258A of the 2001-2002 General Appropriations Act.)

Section 19. Amends s. 25.402, F.S., to change the current definition of small county to include counties with population under 85,000 instead of 75,000 and to allow the use of the Article V Trust Fund to include operating expenditures of the state attorneys and public defenders. (Implements Specific Appropriations 1005-1126 and 2967-2978A of the 2001-2002 General Appropriations Act.)

Section 20. Amends s. 287.161, F.S., to require the Department of Management Services to operate the executive aircraft pool on a full cost recovery basis, less available funds. (Implements Specific Appropriations 2624-2628A of the 2001-2002 General Appropriations Act.)

Section 21. Amends s. 212.20, F.S., to transfer \$24.5 million for wastewater, surface water, and stormwater improvement and management projects from the Solid Waste Management Trust Fund. (Implements Specific Appropriation 1748 of the 2001-2002 General Appropriations Act.)

Section 22. Amends s. 373.59, F.S., to direct the Secretary of Environmental Protection, at the request of a water management district, to release moneys allocated to the districts for legislatively authorized land acquisition and water restoration initiatives. (Implements Specific Appropriation 1789 of the 2001-2002 General Appropriations Act.)

Section 23. Amends s. 259.03, F.S., to continue the provision allowing the Conservation and Recreation Lands Trust Fund to be appropriated for grants to qualified local governmental entities-the Florida Recreation Development Assistance Program (FRDAP). (Implements Specific Appropriation 1814 of the 2001-2002 General Appropriations Act.)

Section 24. Amends s. 110.12315, F.S., to extend the scheduled expiration of the prescription drug co-payment schedule to June 30, 2002. (Implements s. 8 of the 2001-2001 General Appropriations Act.)

Section 25. Amends s. 110.1239, F.S., to extend to June 30, 2002, the scheduled expiration of the Department of Management Services' duty to determine premium levels necessary to fund the state employees' health insurance program. (Implements s. 8 of the 2001-2001 General Appropriations Act.)

Section 26. Requires the DMS to contract with a private vendor to provide human resource services on behalf of all state agencies. The DMS must submit a plan to the Legislative Budget Commission for approval. As human resource services are outsourced, each agency shall place certain FTE and associated rate into unbudgeted reserve. Funding for these positions shall be transferred by budget amendment to a new human resource services category. Each agency may be assessed a special assessment by the DMS to pay for the costs of the outsourced services. (Implements s. 15 of the 2001-2001 General Appropriations Act.)

Section 27. Amends s. 287.1345, F.S., to allow the Grants and Donations Trust Fund in the Department of Management Services to be used to develop the state portal and to implement other technology initiatives. (Implements Specific Appropriations 2702 and 2732 of the 2001-2001 General Appropriations Act.)

Section 28. This section authorizes the Departments of Insurance, Education, Business and Professional Regulation, Management Services, and Labor and Employment Security; the Agency for Workforce Innovation and the Agency for Health Care Administration to transfer positions and funds between agencies as necessary relating to the dissolution of the Department of Labor and Employment Security. (Implements Specific Appropriations 2164-2167, 2285-2290A, 2537-2544C, 2746 – 2751A, 2700-2726A, 25-33A, and 291-293 of the 2001-2002 General Appropriations Act.)

Section 29. Amends s. 252.373, F.S., to direct up to \$2.2 million of the unencumbered balance of the Emergency Management, Preparedness, and Assistance Trust Fund to be used to improve and increase the number of disaster shelters within the state and improve local disaster preparedness. (Implements Specific Appropriations 1524-1591 of the 2001-2002 General Appropriations Act.)

Section 30. This section authorizes state agencies or political subdivisions of the state to contract with religious organizations under certain direct assistance programs referenced by line item and allows religious organizations to accept certificates, warrants, or other forms of disbursement under applicable programs in the same manner as any other nongovernmental provider. (Implements Specific Appropriations 337, 343, 349, 350, 431, 2122, 2127, 2128 and 2145 of the 2001-2002 General Appropriations Act.)

Section 31. Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 32. Provides for a permanent change made by another law to any of the same statutes amended by this bill to take precedence over the provision in this bill.

Section 33. Provides that the performance measures and standards, filed with the Clerk of the House on March 19, 2001, are incorporated by reference and will be applied to programs for the 2001-2002 fiscal year.

Section 34. Provides a severability clause.

Section 35. Provides an effective date.

### III. 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.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require municipalities or counties to spend money.

A. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of municipalities or counties to raise revenue.

B. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with municipalities or counties.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

This bill is a combination of FRC PCB 01-07, implementing the 2001-2002 General Appropriations Act in the area of education; FRC PCB 01-09, implementing the 2001-2002 General Appropriations Act in the area of criminal justice; FRC PCB 01-10, implementing the 2001-2002 General Appropriations Act in the area of general government; and FRC PCB 01-11, implementing the 2001-2002 General Appropriations Act in the area of transportation and economic development.

Those four PCBs, as amended, were combined into PCB FRC 01-12, implementing the 2001-2002 General Appropriations Act, by the Fiscal Responsibility Council at its March 23, 2001 meeting. The only amendment offered and adopted to any of the four PCBs at that meeting appears as sections 6-7 of this bill.

VII. SIGNATURES:

FISCAL RESPONSIBILITY COUNCIL:

Prepared by:

Staff Director:

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Richard Herring

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David K. Coburn

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