

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 4-B
SPONSOR: Committee on Appropriations and Senator Carlton
SUBJECT: Appropriations Implementing Bill
DATE: October 23, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Revell	AP	Favorable/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill would provide the necessary statutory authority to implement and execute Senate Bill 2-B, the Supplemental Appropriations Act of the 2001 Special Session B.

This bill substantially amends s. 216.023, F.S., s. 339.135, F.S., and proviso in Specific Appropriation 1235 of the Chapter 2001-253.

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.

On January 5, 1995, the Supreme Court ruled in *Moreau v. Lewis* that “Because an appropriations bill must not change or amend existing law on subjects other than appropriations, it follows that a bill designed to implement the appropriations bill also must not change existing law on subjects other than appropriations.” This bill would provide the necessary statutory authority to implement and execute the General Appropriations Act.

III. Effect of Proposed Changes:

Section 1. Amends s. 216.023, F.S. to allow agencies and the judicial branch to propose adjustments to their legislative performance measures necessary due to budget reductions. Such adjustments must be proposed by January 15, 2002 and will be considered by the Legislature

using the consultation process established in Chapter 216. This provision is temporary and expires July 1, 2002.

Section 2. In order to implement Specific Appropriation 346 of Senate Bill 2-B, proviso in Specific Appropriation 1235 of Chapter 2001-253 (the fiscal year 2000-2001 General Appropriations Act) is not withstood so that if Federal Title IV-E funding is not received, the Department of Juvenile Justice will not transfer general revenue funds from Specific Appropriation 1200 to Specific Appropriation 1235.

Section 3. In order to implement Specific Appropriation 442-447 of Senate Bill 2-B, section 339.135, F.S. is amended to require that the Department of Transportation's Work Program be adjusted to include the transportation projects approved as economic stimulus projects in Senate Bill 2-B.

Section 4. States that it is the policy of the state that, until July 1, 2002, state employees undertake travel only that is considered critical to the mission of the agency. Travel for law enforcement, military purposes, emergency management and public health activities is not covered by this section. Agencies are required to consider teleconferencing and other forms of electronic communication prior to undertaking mission-critical travel.

This act shall take effect January 1, 2002.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
