

STORAGE NAME: h1945.frc.doc
DATE: February 23, 2002

HOUSE OF REPRESENTATIVES
FISCAL RESPONSIBILITY COUNCIL
ANALYSIS

BILL #: HB 1945 (PCB FRC 02-07)

RELATING TO: Implementing the 2002-2003 General Appropriations Appropriations

SPONSOR(S): Fiscal Responsibility Council and Representative Lacasa

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 measures and standards for specific programs of the agencies in the budget. The bill contains 25 substantive provisions, each of which expires July 1, 2003. Of the 25, 19 are repeated from 2001-02 regular session and special session C implementing bills and 6 are new.

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 105 of the 2002-2003 General Appropriations Act.)

Section 3. Provides that amendments to s. 236.081, F.S., contained in section 2 of this bill expire July 1, 2003, 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 105 of the 2002-2003 General Appropriations Act.)

Section 5. Provides that amendments to s. 240.116, F.S., contained in section 4 of this bill expire July 1, 2003, but that any amendments to this section enacted in other legislation are to be preserved.

Section 6. Amends s. 229.085, F.S., to allow the Department of Education to employ personnel above the number specifically authorized by the Legislature if required by the terms of grants or

contracts for specific projects. (Implements Specific Appropriations 60-152 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 7. Allows state universities to use the state accounting system without providing funds to the Department of Banking and Finance. Requires that all funds appropriated to state universities for the 2002-2003 fiscal year be distributed according to an operating budget approved by the university board of trustees. Requires each university board of trustees to include certain trust fund revenues within its operating budget, including funds supported by student and other fees and funds within the Contracts, Grants, and Donations, Auxiliary Enterprises, and Sponsored Research budget entities. Gives each university board of trustees control of its operating budget. Provides for journal transfers of appropriations to university accounts. (Implements Specific Appropriations 7B-7F and 166B-166I and Section 9 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 8. Authorizes the Department of Children and Families and the Department of Health to advance money to contract providers. (Implements Specific Appropriations 270-451R and 491-650 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 9. Amends s. 430.204, F.S., to require the Department of Elder Affairs to fund, through the appropriate area agency on aging, more than one community care service system in all counties meeting the definition of "county" in s. 125.01(1), F.S. (Implements Specific Appropriations 458-474 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 10. Amends s. 430.205, F.S., to require the Department of Elder Affairs to fund, through the appropriate area agency on aging, more than one community care service system in all counties meeting the definition of "county" in s. 125.01(1), F.S. (Implements Specific Appropriations 458-474 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 11. Amends s. 216.292, F.S., to allow the Department of Children and Families to transfer funds within the family safety program between specified appropriations without limitation. Transfers must be consistent with legislative intent and must not increase recurring costs of the Department. (Implements Specific Appropriations 303-338 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 12. 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 review by the chairs of the legislative appropriations committees. (Implements Specific Appropriations 1195, 1216, 1225, 1237, 1240, 1245, 1252, 1260, and 1266 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 13. 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, provided the same funding source is used throughout each transfer. (Implements Specific Appropriations 1195-1272 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 14. Authorizes the Correctional Privatization Commission to make expenditures to defray costs incurred by a municipality or county for privatized facilities, not to exceed one percent of construction costs, under the authority of the Correctional Privatization Commission or the Department of Juvenile Justice. (Implements Specific Appropriation 1178 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 15. Amends s. 16.555(3), F.S., to allow moneys in the Crime Stoppers Trust Fund to be used to pay salaries and other expenses of the Department of Legal Affairs during the 2002-

2003 fiscal year. (Implements Specific Appropriation 1291 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 16. Amends s. 860.158(2), F.S., to allow moneys in the Florida Motor Vehicle Theft Prevention Trust Fund to be used to pay salaries and other expenses of the Department of Legal Affairs during the 2002-2003 fiscal year. (Implements Specific Appropriations 1291 and 1322 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 17. Amends s. 375.041, F.S., to allow the Land Acquisition Trust Fund to be used as appropriated in the 2002-2003 General Appropriations Act. (Implements Specific Appropriations 1760A and 1769 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 18. Amends s. 403.709, F.S., to allow the Solid Waste Management Trust Fund to be used as appropriated in the 2002-2003 General Appropriations Act. (Implements Specific Appropriations 1760A and 1769 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 19. 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 Appropriations 1645 and 1769 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 20. Amends s. 581.1845, F.S., to provide \$55, rather than \$100, compensation for certain trees removed from residential property by the citrus canker eradication program. (Implements Specific Appropriation 1480A of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 21. Amends s. 373.470, F.S., to remove the requirement that, for the 2002-2003 fiscal year, \$25 million of funds allocated to the South Florida Water Management District be deposited into the Save Our Everglades Trust Fund. The district would retain the funds. A separate bill replaces the funding to the Save Our Everglades Trust Fund. (Implements Specific Appropriation 1770 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 22. Amends s. 216.181, F.S., to allow transfers, pursuant to separate reorganization legislation and approval of the Legislative Budget Commission, of funds and positions among the existing Departments of Banking and Finance, Insurance, and Law Enforcement, and the new (January 7, 2003) Chief Financial Officer and Department of Insurance and Financial Services. This flexibility expires July 1, 2003.

Section 23. Amends s. 259.032, F.S., to allow Conservation and Recreation Lands Trust Fund distributions to be used for rural economic development and infrastructure in Hardee, Polk, Hillsborough, Hamilton and Manatee counties. This change expires July 1, 2003.

Section 24. Amends s. 110.12315, F.S., to extend the scheduled expiration of the prescription drug co-payment schedule to June 30, 2003. (Implements s. 8 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 25. Amends s. 110.1239, F.S., to extend to June 30, 2003, the scheduled expiration of the Department of Management Services' duty to determine premium levels necessary to fund the state employees' health insurance program. (Implements section 8 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 26. Amends s. 112.061, F.S., to remove the Class C travel reimbursement for state travelers during the 2002-2003 fiscal year. Class C travel is defined in s. 112.061, F.S., as "travel for short or day trips where the traveler is not away from his or her official headquarters overnight."

(Implements sections 2-7 the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 27. Amends s. 163.3184, F.S., to allow the Department of Community Affairs to use the Internet and cheaper newspaper advertisements to notice comprehensive plan amendments. (Implements Specific Appropriation 1498 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 28. Amends s. 252.373, F.S., to allow 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. Also allows up to \$3.4 million from the fund to be used for state match for federally approved Hazard Mitigation Grant Program projects. (Implements Specific Appropriations 1517 and 1523A of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 29. Amends s. 288.063, F.S., to specify that transportation projects funded through the Office of Tourism, Trade, and Economic Development by the Legislature are deemed necessary to facilitate economic development. (Implements Specific Appropriation 2486 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 30. Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 31. 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 32. Provides that the performance measures and standards, filed with the Clerk of the House and dated February 20, 2002, are incorporated by reference and will be applied to programs for the 2002-2003 fiscal year.

Section 33. Provides a severability clause.

Section 34. 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.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

C. 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:

On February 22, 2002, the Fiscal Responsibility Council adopted three amendments that added sections 22 and 23 to the bill and deleted a section that had amended s. 252.373, F.S., to repeal for one year the requirement to provide \$500,000 for Department of State state-owned cultural facilities.

VII. SIGNATURES:

FISCAL RESPONSIBILITY COUNCIL:

Prepared by:

Staff Director:

Richard Herring

David Coburn