

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. 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 General Appropriations Act (GAA) instead of in the GAA.

C. SECTION DIRECTORY:

Section 1. This section provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2007-2008..

Section 2. Amends s. 381.0402(5), F.S.; Provides that the Department of Health may not use any portion of the annual appropriation for administering and evaluating the area health education center network. Implements Specific Appropriation 669 of the General Appropriations Act for Fiscal Year 2007-2008.

Section 3. Amends s. 394.908(3), F.S.; Authorizes the Department of Children and Families (DCF) to allocate funds appropriated for forensic mental health treatment services to the areas of the state with the greatest service demand and capacity. Implements Specific Appropriation 388 of the General Appropriations Act for Fiscal Year 2007-2008.

Section 4. Creates subsection (5) of s. 458.319, F.S.; Provides that the Department of Health (DOH) may waive the biennial license fee for up to 10,000 allopathic and osteopathic physicians whose practice is in-state and who have a license under ch. 458 or 459, Florida Statutes, and submit an affidavit that electronic prescribing software is being used to prescribe medications. Implements Specific Appropriation 652 of the General Appropriations Act for Fiscal Year 2007-2008.

Section 5. Creates subsection (4) of s. 459.0092; Provides that the Department of Health (DOH) may waive the biennial license fee for up to 10,000 allopathic and osteopathic physicians whose practice is in-state and who have a license under ch. 458 or 459, Florida Statutes, and submit an affidavit that electronic prescribing software is being used to prescribe medications. Implements Specific Appropriation 652 of the General Appropriations Act for Fiscal Year 2007-2008.

Section 6. Creates subsection (17) of s. 253.03, F.S.; Provides that the Division of State Lands of the Department of Environmental Protection shall lease the existing South Florida Evaluation and Treatment Center (SFETC) facility in Miami-Dade County, currently under lease to the Department of Children and Family Services, to Miami-Dade County for \$1 per year for 99 years, to be used by the county for its expanded jail diversion program. The lease of the property shall take place in the 2007-2008 fiscal year, and Miami-Dade County shall sublease the facility to the existing lessee for \$1 per year until the new South Florida Evaluation and Treatment Center is completed. Implements Specific Appropriation 467 in the General Appropriations Act for Fiscal Year 2007-2008.

Section 7. Provides that the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county. Implements Specific Appropriations 741, 755, 766, and 1231A in the General Appropriations Act for Fiscal Year 2007-2008.

Section 8. Amends s. 216.262, F.S.; Allows the Executive Office of the Governor (EOG) to request additional positions during the 2007-2008 fiscal year for the Department of Corrections (DOC) if the Criminal Justice Estimating Conference projects a certain increase in the inmate population, and the additional positions must be approved by the Legislative Budget Commission. Implements Specific Appropriations 730 through 830 and 868 through 899 in the General Appropriations Act for Fiscal Year 2007-2008.

Section 9. Authorizes the Executive Office of the Governor to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2007-2008 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. Implements all "Special Categories-Risk Management Insurance" Specific Appropriations in the General Appropriations Act for Fiscal Year 2007-2008.

Section 10. Authorizes the Department of Financial Services to expend \$846,021 of the funds appropriated by section 4 of chapter 2006-12, Laws of Florida, for salaries and related expenses of the My Florida Safe Home (hurricane mitigation) program. Implements Specific Appropriations 2659, 2661, 2662, and 2665 in the General Appropriations Act for Fiscal Year 2007-2008.

Section 11. Authorizes the Executive Office of the Governor to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2007-2008 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. Implements all "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" Specific Appropriations in the General Appropriations Act for Fiscal Year 2007-2008.

Section 12. Amends s. 216.181, F.S.; Authorizes agencies to submit budget amendments to transfer per diem funds within their budget for the purpose of purchasing technology, such as teleconference or video conference equipment and service during the last quarter of the fiscal year. Implements all "Expenses" Specific Appropriations in the General Appropriations Act for Fiscal Year 2007-2008.

Section 13. Amends s. 287.17, F.S.; Provides that, as is currently authorized with motor vehicles, the use of state aircraft for commuting is permitted when authorized as a perquisite by the Department of Management Services, required by an employee after normal duty hours to perform duties of the position to which assigned, or authorized for an employee whose home is the official base of operation. Implements Specific Appropriations 2942 through 2950 in the General Appropriations Act for Fiscal Year 2007-2008.

Section 14. Provides that the amendment of s. 287.17, Florida Statutes, relating to commuting with state aircraft, as carried forward from chapter 2005-71, Laws of Florida, shall expire July 1, 2008, and the text of that section shall revert to that in existence on June 30, 2005, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this

section. Implements Specific Appropriations 2942 through 2950 in the General Appropriations Act for Fiscal Year 2007-2008.

Section 15. Amends s. 320.08058, F.S.; Allows proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games. Implements Specific Appropriation 2761 in the General Appropriations Act for Fiscal Year 2007-2008.

Section 16. Amends s. 339.08, F.S.; Authorizes the Department of Transportation to expend funds to pay for administrative expenses incurred by multi-county transportation/expressway authorities when such expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the state highway system. Implements Specific Appropriation 2266 in the General Appropriations Act for Fiscal Year 2007-2008.

Section 17. Amends s. 216.292, F.S.; Authorizes the Governor to recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Emergency Management Agency for specified FEMA Disaster Declarations. Implements Specific Appropriations 1631, 1633, 1635, and 1637 in the General Appropriations Act for Fiscal Year 2007-2008.

Section 18. Amends s. 339.135, F.S.; Provides that the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$14,500,000 for the purpose of funding economic development transportation projects. Provides that this transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2007, in the Department of Transportation's 5-year work program. Implements Specific Appropriation 2231 in the General Appropriations Act for Fiscal Year 2007-2008.

Section 19. Creates the Seaport Strategic Planning and Financing Task Force; provides for the purpose, duties, and membership of the task force; requires the Office of Program Policy Analysis and Government Accountability to staff the task force and provide funding assistance; requires the Department of Transportation to provide assistance to the task force. Implements Specific Appropriation 2188 in the General Appropriations Act for Fiscal Year 2007-2008.

Section 20. Amends s. 252.37, F.S.; Provides an extension until August 1, 2007, of the deadline for local governments to apply for a waiver of local match for disaster funds related to Hurricanes Charley, Frances, Ivan, and Jeanne. The Executive Office of the Governor may approve a waiver of all or a portion of the required local match for public assistance projects for local governments if the Executive Office of the Governor determines that such a local match requirement cannot be provided, or that doing so would impose a documented hardship on the local government, and if the local government applies for the waiver by August 1, 2007. This section shall take effect upon becoming a law. Implements Specific Appropriations 1631 and 1633 in the General Appropriations Act for Fiscal Year 2007-2008.

Section 21. Amends s. 110.1245, F.S.; Allows agencies to use funds for cash awards to state employees who demonstrate satisfactory service in the agency or to the state, in appreciation and recognition of such service. Awards may not exceed \$100 each and will be allocated from an agency's existing budget. By March 1, 2008, agencies that elect to make cash awards shall report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives the dollar value and number of such awards given. If available, any additional information concerning employee satisfaction and feedback should be provided. Implements all "Salaries and Benefits" Specific Appropriations in the General Appropriations Act for Fiscal Year 2007-2008.

Section 22. Amends s. 110.123, F.S.; Provides that for health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature, the state's monthly contribution for employees having individual coverage shall be \$41.66 and the

monthly contribution for employees having family coverage shall be \$83.33. Implements all "Salaries and Benefits" Specific Appropriations in the General Appropriations Act for Fiscal Year 2007-2008.

Section 23. Creates the Florida Local Update of Census Addresses (LUCA) Program for the purpose of improving the accuracy and completeness of Florida addresses contained in the United States Department of Commerce, Bureau of the Census, Master Address File for use in the 2010 Census. This program shall be administered by the Office of Economic and Demographic Research. Of the designated funds for the Florida LUCA Program, up to \$789,880 may be transferred to the Department of Community Affairs to be awarded as Florida LUCA Technical Assistance Grants to Florida local governments. By interagency agreement, the Office of Economic and Demographic Research may provide additional funds to the Department of Community Affairs for expenses such as travel, training, grants administration and management, and technical assistance related to the Florida LUCA program. Florida governmental agencies are required to share confidential lists of residential and institutional addresses with the Office of Economic and Demographic Research or its designated representatives solely for the purposes of this program. Otherwise, all standards of confidentiality shall be maintained. The Department of Community Affairs may use expedited rulemaking authority in order to implement the grant program. Implements Specific Appropriation 1663A, 2867, 2868, and 2869A in the General Appropriations Act for Fiscal Year 2007-2008.

Section 24. Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 25. 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 26. Provides a severability clause.

Section 27. Provides that, except as otherwise expressly provided in this act, this act shall take effect July 1, 2007; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2007.

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 2007-2008.

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:

Sections 4 and 5 provide rulemaking authority to the Department of Health. Section 23 provides that the Department of Community Affairs may use expedited rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Policy and Budget Council met on March 30, 2007 and adopted three (3) amendments to the bill.

Amendment #1 authorizes agencies to submit budget amendments to transfer per diem funds within their budget for the purpose of purchasing technology, such as teleconference or video conference equipment and service during the last quarter of the fiscal year.

Amendment #2 modified the provisions relating to the sale of South Florida Evaluation and Treatment Center so that it will be leased for \$1 per year for 99 years to Miami Dade instead of sold for \$1, to be used for the Miami-Dade County jail diversion services, and for Miami Dade to sublease it to the current lessee, instead of specifying GEO Care, Inc. as the sub-lessee, until the new South Florida Evaluation and Treatment Center is completed.

Amendment #3 authorizes the Department of Transportation to expend funds to pay for administrative expenses incurred by multi-county transportation/expressway authorities when such expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the state highway system.

The staff analysis has been updated to reflect these amendments.