

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**  
 (This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: General Government Appropriations Committee

BILL: PCS/SB 1110

INTRODUCER: General Government Appropriations Committee and Senator Alexander

SUBJECT: Implementing Appropriations for Fiscal Year 2007-2008

DATE: March 26, 2007      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	DeLoach/Toth	DeLoach	GA	<b>Pre-meeting</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2007-2008. Statutory changes are temporary and either expire on July 1, 2008, or revert to the original language at the time.

The bill substantially amends or reenacts the following sections of the Florida Statutes: 287.17, 255.249, 255.25, 255.503, 320.08058, 550.135, 581.031, and 570.20.

**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.

**III. Effect of Proposed Changes:**

Each change below expires July 1, 2008.

**Section 1** provides legislative intent.

**Section 2** implements the appropriation of funds in Special Categories-Risk Management Insurance, allowing the Executive Office of the Governor to transfer funds appropriated for the payment of risk management insurance premiums between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S. (Repeated from the 2006-2007 Implementing Bill).

**Section 3** implements the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Purchased Per Statewide Contract. Allows the Executive Office of the Governor to transfer funds appropriated for the payment of the statewide human resource management services contract between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S. (Repeated from the 2006-2007 Implementing Bill).

**Section 4** implements the appropriation of funds and amends s. 287.17, F.S., to limit the use of state owned motor vehicle and aircraft to “official state business”. Requires individuals traveling on state aircraft for purposes other than state business to reimburse the state for all costs. (Repeated from the 2006-2007 Implementing Bill).

**Section 5** provides that the amendments to s. 287.17, F.S., shall expire July 1, 2008 and the text in that section shall revert to the existing statutory language.

**Section 6** implements the appropriation of funds and amends s. 255.249, F.S., as it relates to the Department of Management Services responsibility pertaining to public property and publicly owned buildings. Requires the department to annually publish a master leasing report. Allows the department to use real estate consulting or tenant brokerage services in order to carry out its duties. Requires fees for real estate consulting and tenant brokerage services to be subject to appropriation by the Legislature.

**Section 7** provides that the amendments to s. 255.249, F.S., shall expire July 1, 2008 and the text in that section shall revert to the existing statutory language.

**Section 8** implements the appropriation of funds and amends s. 255.25, F.S., to allow agencies to use the services of a tenant broker to assist in the competitive solicitation of leased space. Requires that the tenant broker must be on state term contract.

**Section 9** provides that the amendments to s. 255.25, F.S., shall expire July 1, 2008 and the text in that section shall revert to the existing statutory language.

**Section 10** implements the appropriation of funds and amends s. 255.503, F.S. to require the Department of Management Services to submit an analysis of the disposition of all state owned facilities and the effect of disposal.

**Section 11** implements the appropriation of funds, notwithstanding s. 403.7095, F.S., to require the Department of Environmental Protection to award \$6.5 million in solid waste management grants in equal amounts to small counties with populations of fewer than 100,000, and \$2.9 million for Innovative Grants. Provides for the future expiration of said language.

**Section 12** provides that all funds from the Florida Panther License plate be deposited in the Florida Panther Research and Management Trust Fund in the Fish and Wildlife Conservation Commission to be used for programs to protect the endangered Florida panther.

**Section 13** provides that the amendments to s. 320.08058, F.S., shall expire July 1, 2008 and the text in that section shall revert to the existing statutory language.

**Section 14** amends s. 550.135, F.S., to require revenues collected pursuant to chapter 551 to be used to fund the operating costs of the division and the Department of Law Enforcement and to provide a proportionate share for the operation of the office of the Secretary and the Division of Administration of the Department of Business and Professional Regulation as it relates to carrying out regulation and enforcement activities with respect to slot machine gaming. Specifies that on June 30 of each year all unappropriated funds collected in excess of \$1.5 million will revert to the General Revenue Fund.

**Section 15** provides that the amendments to s. 550.135, F.S., shall expire July 1, 2008 and the text in that section shall revert to the existing statutory language.

**Section 16** amends s. 581.031, F.S., to require the Department of Agriculture and Consumer Services to conduct research projects on citrus canker, citrus greening, etc., recommended by the Florida Citrus Production Research Advisory Council. Provides for the future expiration of said language.

**Section 17** implements the appropriation of funds and amends s. 570.20 F.S., to authorize moneys in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services.

**Section 18** declares legislative determination that the authorization and issuance of debt for the 2007-2008 fiscal year is in the best interest of the state and should be implemented.

**Section 19** specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed.

**Section 20** provides that a permanent change made by another law to any of the same statutes amended by this bill takes precedence over the provision in this bill.

**Section 21** provides a severability clause.

**Section 22** provides an effective date of June 30, 2007.

#### **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:**

In Fiscal Year 2007-2008, implementation of the provisions in Section 14 of the bill will negatively impact the General Revenue Fund by \$8 million.

Although the provisions of this bill allow specific budget decisions to be effective, actual funding changes are made in the General Appropriations Act.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

## **VIII. Summary of Amendments:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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