

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: CS/SB 1110

INTRODUCER: General Government Appropriations Committee and Senator Alexander

SUBJECT: Implementing Appropriations for Fiscal Year 2007-2008

DATE: March 28, 2007 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	DeLoach/Toth	DeLoach	GA	Fav/CS
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. This section 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.” This section 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. The section requires the department to annually publish a master leasing report. The section allows the department to use real estate consulting or tenant brokerage services in order to carry out its duties. It provides that fees for real estate consulting and tenant brokerage services are 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. The section 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 counties with populations of fewer than 100,000, and to award \$2.9 million for Innovative Grants. The section 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 within 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 that revenues collected pursuant to ch. 551, F.S., be used to fund the operating costs of the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation and of the Department of Law Enforcement, with a proportionate share provided for the operation of the office of the secretary and the Division of Administration in the Department of Business and Professional Regulation, for regulation and enforcement activities related to slot machine gaming. The section 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 disease, including citrus canker and citrus greening, recommended by the Florida Citrus Production Research Advisory Council. The section 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 of this bill 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:

Assuming that the Department of Business and Professional Regulation will receive a similar level of appropriations for slot machine gaming operation, regulation, and enforcement during the next two fiscal years, implementation of section 14 of the bill will result in an \$8 million negative impact on the General Revenue Fund in Fiscal Year 2007-2008 and in Fiscal Year 2008-2009.

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.

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