

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

Prepared By: The Professional Staff of the General Government Appropriations Committee

**BILL:** CS/SB 1738

**INTRODUCER:** General Government Appropriations Committee

**SUBJECT:** Implementing Appropriations

**DATE:** April 1, 2009                      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	DeLoach	DeLoach	GA	<b>Fav/CS</b>
2.			GO	
3.			WPSC	
4.			RC	
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

This bill provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2009-2010. Statutory changes are temporary and either expire on July 1, 2010, or revert to the original language at the time.

The bill substantially amends or reenacts the following sections of the Florida Statutes: 218.12, 253.01(3), 255.518(1)(b), 255.503, 373.59, 376.3071(5)(c), 403.1651(1), 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, 2010.

**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 2008-2009 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 2008-2009 Implementing Bill).

**Section 4** allows fiscally constrained counties to apply to the Department of Revenue to receive the remaining portion of first year funding to offset the reductions in ad valorem tax revenue resulting from revisions of Article VII of the State Constitution.

**Section 5** clarifies the method for calculating impacts on ad valorem tax revenue for fiscally constrained counties resulting from revisions of Article VII of the State Constitution.

**Section 6** expands the allowable uses of moneys in the Internal Improvement Trust Fund to include the Drinking Water Facility Construction State Revolving Loan and the Clean Water State Revolving Loan programs.

**Section 7** removes the prohibition of funding reserve funds from bond proceeds.

**Section 8** repeals section 27 of ch. 2008-153, L.O.F., as it relates to the payment of debt service.

**Section 9** implements the appropriation of funds and amends 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 (repeated from the 2008-2009 Implementing Bill).

**Section 10** prioritizes the distribution of funds in the Water Management Lands Trust Fund within the Department of Environmental Protection for Fiscal Year 2009-2010 only.

**Section 11** provides site selection and cleanup criteria for the removal of contaminated soil as it relates to the use of the Inland Protection Trust Fund within the Department of Environmental Protection (repeated from the 2008-2009 Implementing Bill).

**Section 12** expands current funding provisions for the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection to allow for the funding of activities which preserve and repair the state's beaches.

**Section 13** provides that the amendments to s. 403.1651(1), F.S., shall expire July 1, 2010, and the text in that section shall revert to the existing statutory language.

**Section 14** 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 (repealed from the 2008-2009 Implementing Bill).

**Section 15** specifies that no section of this bill will take effect if the appropriations and proviso to which it relates are vetoed.

**Section 16** 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 17** provides a severability clause.

**Section 18** provides an effective date of July 1, 2009.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. **Government Sector Impact:**

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. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by General Government Appropriations Committee on April 1, 2009:**

This committee substitute:

- Provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2009-2010.
- Implements the appropriation of funds in Special Categories - Risk Management Insurance.
- Implements the appropriation of funds in Special Categories - Transfer to Department of Management Services - Human Resources Purchased Per Statewide Contract.
- Allows fiscally constrained counties to apply to the Department of Revenue to receive the remaining portion of first year funding.
- Clarifies the method for calculating impacts on ad valorem tax revenue for fiscally constrained counties.
- Expands the allowable uses of moneys in the Internal Improvement Trust Fund to include the Drinking Water Facility Construction State Revolving Loan and the Clean Water State Revolving Loan programs.
- Removes the prohibition of funding reserve funds from bond proceeds.
- Repeals section 27 of ch. 2008-153, L.O.F., as it relates to the payment of debt service.
- Implements the appropriation of funds and amends 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.
- Prioritizes the distribution of funds in the Water Management Lands Trust Fund within the Department of Environmental Protection for Fiscal Year 2009-2010 only.
- Provides site selection and cleanup criteria for the removal of contaminated soil as it relates to the use of the Inland Protection Trust Fund within the Department of Environmental Protection.

- Expands current funding provisions for the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection.
- Provides that the amendments to s. 403.1651(1), F.S., shall expire July 1, 2010, and the text in that section shall revert to the existing statutory language.
- 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.
- Specifies that no section of this bill will take effect if the appropriations and proviso to which it relates are vetoed.
- 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.
- Provides a severability clause.
- Provides an effective date of July 1, 2009.

B. Amendments:

None.