

**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 Policy and Steering Committee on Ways and Means

---

BILL: SB 2602

INTRODUCER: Policy and Steering Committee on Ways and Means

SUBJECT: Implementing Bill 2009-2010 GAA

DATE: April 8, 2009

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toms/McVaney	Kelly	WPSC	
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 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, 215.32, 394.908, 253.034, 339.08, 339.135, 215.32, 216.262, 932.7055, and 985.686.

**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:**

**Section 1** provides legislative intent.

**Section 2** implements legislative intent regarding the use of funds in Specific Appropriations 617, 631, and 644, authorizing the Department of Corrections to make expenditures to defray costs incurred by a municipality or county for facilities operated under the authority of each

department. The payment may not exceed one percent of the construction costs, less any building impact fees paid to the local government.

**Section 3** amends s. 216.262, F.S., to implement Specific Appropriations 607 through 707, and 738 through 773, allowing the Executive Office of the Governor to request additional positions and other resources, including fixed capital outlay, for the Department of Corrections, if the Criminal Justice Estimating Conference projects a certain increase in the inmate population and the additional positions are approved by the Legislative Budget Commission.

**Section 4** authorizes the Department of Legal Affairs to spend funds from Specific Appropriations 1266 and 1267 on the same programs and in the same method as was done in the 2008-2009 fiscal year.

**Section 5** specifies that the Department of Corrections must comply with the following compensation limitations for payment of inmate medical services to health care providers and entities which provide emergency medical transportation services:

- a) If no contract exists between the department and the private correctional facility which houses the inmate and the health care provider, or entity that provides emergency medical transportation services, payment for services shall not exceed 110% of the Medicare allowable rate.
- b) If no contract exists between the department or the private correctional facility which houses the inmate and the health care provider, and if the health care provider reported a negative operating margin for the previous year to the Agency for Health Care Administration through hospital-audited financial data, compensation may not exceed 125% of the Medicare allowable rate.

**Section 6** authorizes the Department of Legal Affairs to transfer cash remaining after required disbursements from specific cases handled by the Department of Legal Affairs to the Operating Trust Fund to pay salaries and benefits.

**Section 7** delays the expiration of provisions authorizing the Department of Health to enter into an agreement with a specified private contractor to finance, design, and construct a hospital for the treatment of patients with active tuberculosis from July 1, 2009 to July 1, 2010.

**Section 8** amends s. 394.908, F.S., to require that funds appropriated for mental health treatment services in institutions be allocated to the areas of the state having the greatest demand for services and treatment capacity and providing that funds appropriated for community based providers participating in the Medicaid Administrative Claiming Program be allocated according to the General Appropriation Act.

**Section 9** implements legislative intent regarding the use of funds in Specific Appropriation 279 requiring all public and private agencies and institutions participating in child welfare cases to enter certain information into the Florida Safe Families Network (FSFN) in order to maintain the accuracy and usefulness of the automated child welfare case management system; directs the Department of Children and Family Services to work with the Office of the State Courts

Administrator to allow a judge or magistrate to access FSFN information concerning cases to which they are assigned, by the date of the network's release during fiscal year 2009-2010; and instructs the department to submit a report on its progress on providing access to the Florida Safe Families Network by February 1, 2010.

**Section 10** 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.

**Section 11** 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.

**Section 12** 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 13** amends s. 218.12, F.S., to clarify 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 14** amends s. 253.034, F.S., to authorize the Department of Citrus to deposit funds derived from the sale of property into the Citrus Advertising Trust Fund.

**Section 15** amends s. 253.01, F.S., to expand 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 16** amends s. 255.518, F.S., to remove the prohibition of funding reserve funds from bond proceeds.

**Section 17** repeals section 27 of ch. 2008-153, L.O.F., as it relates to the payment of debt service.

**Section 18** 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.

**Section 19** amends s. 373.59, F.S., to prioritize the distribution of funds in the Water Management Lands Trust Fund within the Department of Environmental Protection for Fiscal Year 2009-2010 only.

**Section 20** amends s. 376.3071, F.S., to provide 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.

**Section 21** amends s. 403.1651, F.S., to expand 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 22** 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 23** 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 24** amends s. 253.034, F.S., to implement section 11 of the 2009-2010 General Appropriations Act, authorizing the funds from the sale of property by the Department of Highway Safety and Motor Vehicles in Palm Beach County to be deposited into the Highway Safety Operating Trust Fund.

**Section 25** amends s. 332.007(8), F.S., to allow the Department of Transportation to fund operating and maintenance costs associated with publicly owned airport security projects.

**Section 26** provides that the amendments to s. 332.007(8), F.S., shall expire July 1, 2010, and the text in that section shall revert to the existing statutory language.

**Section 27** amends s. 339.08, F.S., to extend the expiration date of paragraph (n) which allows funds in the State Transportation Trust Fund to be used for administrative expenses of a multicounty transportation or expressway authority created under chapter 343 or chapter 348, where jurisdiction for the authority includes a portion of the State Highway System until July 1, 2010.

**Section 28** amends s. 339.135, F.S., to provide that the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$20,000,000 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, 2009, in the Department of Transportation's 5-year work program.

**Section 29** creates the Florida Homebuyer Opportunity Program within the Florida Housing Finance Corporation, and specifies program operation, administration and criteria. Implements Specific Appropriation 1569 of the 2009-2010 General Appropriations Act.

**Section 30** reduces the salaries of members of the Legislature by 6 percent – adjusting the members' June 30, 2009 salaries.

**Section 31** requires each agency to review the use of cellular telephones, PDAs and other wireless devices by employees and submit a report to the President of the Senate and the Speaker of the House of Representatives by September 1, 2009.

**Section 32** reenacts s. 215.32, F.S., to authorize the Legislature to transfer in the General Appropriations Act unencumbered trust fund balances to the General Revenue Fund or the Budget Stabilization Fund.

**Section 33** reenacts s. 215.5601(4)(b), F.S., to provide that withdrawals other than specified regular cash outflows shall be considered reductions in contributed principal.

**Section 34** repeals section 49 of chapter 2008-153, L.O.F., relating to the provisions of s. 215.5601, F.S., reverting back to the language as it existed on June 30, 2008.

**Section 35** provides a legislative finding that the authorization and issuance of state debt during the 2009-2010 fiscal year is in the best interests of the state and is necessary to address a critical state emergency.

**Section 36** limits the funds appropriated to each state agency for state employee travel. Limits travel during the 2009-2010 fiscal year to activities that are critical to each state agency's mission.

**Section 37** specifies that no section of this bill will take effect if the appropriations and proviso to which it relates are vetoed.

**Section 38** 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 39** provides a severability clause.

**Section 40** 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.)

None.

**B. Amendments:**

None.