

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5003A PCB CEED 09A-02 Implementing Bill
SPONSOR(S): Full Appropriations Council on Education & Economic Development; Rivera
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Full Appropriations Council on Education & Economic Development	13 Y, 7 N	Creamer	Martin
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

The bill provides the statutory authority necessary to implement and execute the special appropriations act for Fiscal Year 2008-2009. The statutory changes are effective for only one year and either expire on July 1, 2009 or revert to the language as it existed before the changes made by the bill.

This bill substantially amends sections 215.32, 320.08, 339.08, 339.135, 420.0005, and 420.9079, Florida Statutes.

Since this bill implements provisions of the special appropriations act for Fiscal Year 2008-2009, there are no direct fiscal impacts created by this bill.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. 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 appropriations act instead of in the GAA.

B. SECTION DIRECTORY:

Section 1. This section provides legislative intent that the implementing and administering provisions of this act apply to the special appropriations act for Fiscal Year 2008-2009.

Section 2. Reenacts s. 215.32(2)(b), F.S., authorizing the transfer of moneys in the General Revenue Fund from trust funds in the 2008-2009 special appropriations act.

Section 3. Amends s. 320.08, F.S.; revising the use of certain motorcycle and moped license tax fees to authorize these fees to be used for general operations of the Department of Highway Safety and Motor Vehicles.

Section 4. Provides that the amendments to s. 320.08, Florida Statutes, made by this act shall expire July 1, 2009, and the text of that section shall revert to that in existence on June 30, 2008, 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.

Section 5. Amends s. 339.08, F.S., authorizing a \$200 million transfer from the State Transportation Trust Fund to the General Revenue Fund and reducing the amount transferred from certain transportation calculation requirements.

Section 6. Amends s. 339.135, Florida Statutes, providing for use of transportation revenues; providing for revised funding levels for Department of Transportation projects, and requiring the Department of Transportation to reduce all reserves prior to deferring contracted transportation project commitments to implement revised funding levels.

Sections 7 and 8. Amends ss. 420.0005 and 420.9079, Florida Statutes, providing for the return of certain unexpended funds held by the Florida Housing Finance Corporation to the state as directed by law.

Section 9. Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 10. Provides that a permanent change made by another law to any of the same statutes amended by this bill shall take precedence over the provisions in this bill.

Section 11. Provides a severability clause.

Section 12. Provides an effective date.

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 special appropriations act for Fiscal Year 2008-2009.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

One amendment was adopted by the Council on January 7, 2009. This amendment provides guidance to the Department of Transportation to fund currently contracted projects and ensures these projects are not impacted by the reductions in the Special Appropriations Act. The amendment also directs the Department of Transportation to reduce all reserves prior to deferring contracted commitments. Changes made by this amendment are reflected in the staff analysis.