

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: SPB 8014-A

INTRODUCER: For consideration by the Ways and Means Committee

SUBJECT: Implementing bill for the Special Appropriations Act for the 2008-2009 fiscal year

DATE: January 7, 2009

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	Kelly	WPSC	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides the statutory authority necessary to implement and execute the Special Appropriations Act for Fiscal Year 2008-2009. Statutory changes are temporary and either expire on July 1, 2009, or revert to the original language at the time.

This bill reenacts or amends the following sections of the Florida Statutes: 215.32, 215.5601, 259.105, 420.0005, and 420.9079.

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, 2009.

Section 1 provides legislative intent.

Section 2 reenacts s. 215.32, F.S., to authorize the transfer of moneys from the trust funds to the General Revenue Fund as specified in the special appropriations act for the 2008-2009 fiscal year.

Section 3 amends s. 215.5601, F.S., to authorize the transfer of funds from the Lawton Chiles Endowment Fund to the General Revenue Fund.

Section 4 provides legislative intent relating to the repayment of funds transferred from the Lawton Chiles Endowment Fund to the General Revenue Fund.

Section 5 amends s. 259.105, F.S., to provide a new distribution formula for FY 2008 – 2009. The specific changes rescind spending authority for the Division of State Lands (\$105 million), the water management districts (\$90 million), the Florida Communities Trust (\$63 million), and the rural and family lands program (\$10.5 million). Spending authority will be retained for inholdings and additions programs implemented by the Division of State Parks, Division of Forestry, and the Fish and Wildlife Conservation Commission (\$4.5 million each). Other programs unaffected would include the Florida Recreation and Development Assistance program (\$6 million), Greenways and Trails (\$4.5 million), and the Stan Mayfield Working Waterfronts program (\$7.5 million).

Section 5 also directs that all pending acquisitions be allowed to lapse and provides that, prior to expending funds on the lapsed acquisitions, each one be reassessed to determine if the proposed acquisition cost accurately reflects the current market value.

Section 6 amends s. 420.0005, F.S., to provide for the return to the state treasury of certain unexpended funds held by the Florida Housing Finance Corporation as directed by law.

Section 7 amends s. 420.9079, F.S., to provide for the return to the state treasury of certain unexpended funds held by the Florida Housing Finance Corporation as directed by law.

Section 8 specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed.

Section 9 provides a severability clause.

Section 10 provides that the act takes effect upon becoming law.

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:

The amount of bond proceeds available for land acquisition is reduced for the remainder of the fiscal year. In addition, options to purchase lands by the state will be permitted to lapse if the options will expire before July 1, 2009.

C. Government Sector Impact:

Although the provisions of this bill allow specific budget decisions to be implemented, actual funding authorizations are provided in the special appropriations act for the 2008-2009 fiscal year.

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.