

**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 Transportation and Economic Development Appropriations Committee

BILL: PCS/SB 1440

INTRODUCER: Transportation and Economic Development Appropriations Committee

SUBJECT: 2010-2011 General Appropriations Act

DATE: March 16, 2010                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Noble	Noble	TA	<b>Pre-meeting</b>
2.			WPSC	
3.			RC	
4.				
5.				
6.				

**I. Summary:**

The Proposed Committee Substitute for Senate Bill 1440 provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2010-2011. Statutory changes are temporary and either expire on July 1, 2011, or revert to the original language at the time.

This bill substantially amends sections 163.3247, 201.15, 215.559, 332.007, 339.08, 339.135, and 445.09 of the Florida Statutes.

**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** 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 \$20,300,000 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, 2010, in the Department of Transportation's 5-year work program. Implements Specific Appropriation 2125 in the General Appropriations Act for Fiscal Year 2010-11.

**Section 3** 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. Implements Section 11 of the 2010-2011 General Appropriations Act.

**Section 4** amends s. 339.08, F.S., to extend the expiration date of paragraph (p) which allows funds from the State Transportation Trust Fund to be used to pay for county and school district transportation infrastructure improvements. Implements Specific Appropriation 2112 of the 2010-2011 General Appropriations Act.

**Section 5** amends s. 445.009(11), F.S., to allow participants in an adult or youth work program sponsored by Agency for Workforce Innovation to be covered for workers' compensation through the state's risk management pool.

**Section 6** amends s. 163.3247(3)(d), F.S., to provide that members of the Century Commission shall serve without compensation due to elimination of funding.

**Section 7** to provide a reverter clause for s. 163.3247(3)(d), F.S.

**Section 8** amends s. 201.15, F. S., to provide for a redistribution of documentary stamp tax revenue to eliminate funding for the Century Commission.

**Section 9** to provide a reverter clause for s. 201.15, F. S.

**Section 10** amends s. 215.559 (8) (a), F. S., to provide for the allocation and expenditure of funds from the Florida Catastrophe Fund for the State Logistics Response Center and the Tallahassee Community College mobile home tie-down program.

**Section 11** amends s. 332.007, F.S., to allow the Department of Transportation to fund operating and maintenance costs associated with publicly owned airport security projects. Implements Specific Appropriation 2072 of the 2010-2011 General Appropriations Act.

**Section 12** to provide a reverter clause for s. 332.007(8), F.S.

**Section 13** specifies that no section of this bill will take effect if the appropriations and proviso to which it relates are vetoed.

**Section 14** 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 15** provides a severability clause.

**Section 16** provides an effective date of July 1, 2010.

**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:

None.

**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.