

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 7088

INTRODUCER: For consideration by the Policy and Steering Committee on Ways and Means

SUBJECT: Implementing Appropriations

DATE: March 22, 2010

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	Coburn		Pre-meeting
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 2010-2011. Statutory changes are temporary and either expire on July 1, 2011, or revert to the original language at the time.

This bill amends ss. 29.008, 110.123, 112.24, 163.3247, 201.15, 215.559, 216.262, 216.292, 253.034, 255.518, 339.08, 339.135, 373.59, 375.041, 394.908, 403.1651, 403.7095, 445.009, and 570.20, Florida Statutes. This bill reenacts ss. 215.32, 215.5601, and 403.1651, 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. 216.292, F.S., to grant authority to the Executive Office of the Governor to transfer funds appropriated for the American Recovery and Reinvestment Act of 2009 to specific appropriation categories established to track the expenditure of such funds.

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Section 4 amends s. 110.123, F.S., to allow differential health insurance premium contributions to be made by the employer participating in the State Group Insurance Program.

Section 5 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 6 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 7 reduces the salaries of members of the Legislature by 7 percent – adjusting the members' June 30, 2010 salaries.

Section 8 amends s. 112.24, F.S., to extend the authorization to assign an employee from one agency to another agency if recommended by the Governor and approved by the chairs of the respective legislative appropriations committees.

Section 9 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 10 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 11 provides a legislative finding that the authorization and issuance of state debt during the 2010-2011 fiscal year is in the best interests of the state and is necessary to address a critical state emergency.

Section 12 requires the Office of the State Courts Administrator to report trial court judge caseloads.

Section 13 implements legislative intent regarding the use of funds in Specific Appropriations 617, 631, and 644, authorizing the Department of Corrections and the Department of Juvenile Justice 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 14 amends s. 29.008, F.S., to suspend for one year the requirement that counties increase their expenditures to support the state court system by 1.5 percent each year.

Section 15 amends s. 216.262, F.S., to allow 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 16 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 2009-2010 fiscal year.

Section 17 amends s. 394.908, F.S., to require that funds appropriated for mental health treatment services in forensic institutions be allocated to the areas of the state having the greatest demand for services and treatment capacity.

Section 18 prohibits any state agency from implementing any rule or policy mandating or establishing new nitrogen-reduction limits that apply to existing or new onsite sewage treatment systems, have the effect of requiring the use of performance based treatment systems, or increase the cost of treatment for nitrogen reduction from onsite systems before completion of phase II of a study mandated in proviso language following Specific Appropriation 486, of the General Appropriation Act for Fiscal Year 2010-2011.

Section 19 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 20 reenacts s. 255.518, F.S., to remove the prohibition of funding reserve funds from bond proceeds.

Section 21 provides for the expiration of s. 255.518(1)(b), F.S., as it relates to the payment of debt service, on July 1, 2011.

Section 22 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 2010-2011 only.

Section 23 amends s. 375.041, F.S., to authorize funds in the Land Acquisition Trust Fund to be used for the Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, and the Total Maximum Daily Loads programs.

Section 24 reenacts s. 403.1651, F.S., to continue the 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 25 provides that the amendments to s. 403.1651(1), F.S., shall expire July 1, 2011, and the text in that section shall revert to the existing statutory language.

Section 26 amends s. 403.1651, F.S., to authorize the transfer of funds from the Ecosystem Management and Restoration Trust Fund to the General Inspection Trust Fund in the Department

of Agriculture and Consumer Services for the Farm Share, Food Banks, and Mosquito Control programs and the Technological Research and Development Authority.

Section 27 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 28 amends s. 403.7095, F.S., to permit the Department of Environmental Protection to award grants equally to certain small counties for solid waste programs.

Section 29 allows the Department of Agriculture and Consumer Services to extend, revise, or renew a contract related to promotion of agriculture.

Section 30 directs the Executive Office of the Governor to sell a plane and deposit the receipts from the sale into the Bureau of Aircraft Trust Fund for continued operation of the Executive Airpool program. Revenues are exempt from the general revenue service charge.

Section 31 directs the Department of Financial Services to procure a state term contract for office supplies with multiple vendors.

Section 32 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, space and aerospace infrastructure, and urban redevelopment infrastructure projects. This transfer may not reduce, delete, or defer any existing projects funded, as of July 1, 2010, in the Department of Transportation's 5-year work program.

Section 33 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 34 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.

Section 35 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 36 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 37 provides a reverter clause for s. 163.3247(3)(d), F.S.

Section 38 amends s. 201.15, F. S., to provide for a redistribution of documentary stamp tax revenue to eliminate funding for the Century Commission.

Section 39 provides a reverter clause for s. 201.15, F. S.

Section 40 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 41 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.

Section 42 provides a reverter clause for s. 332.007(8), F.S.

Section 43 amends s. 216.292, F.S., to provide for the transfer of funds provided for university developmental research schools from a fixed capital outlay category to another fixed capital category for public school maintenance, if not needed for university developmental research schools.

Section 44 allows the Executive Office of the Governor to transfer amounts appropriated to pay data processing services for primary data centers between state agencies in cases in which an agency's relative percent of a service's cost has increased relative to the other users of the service, requiring the categories used to pay billed costs to be adjusted for the affected agencies.

Section 45 allows agencies with budget issues relating to computing services resources required to be transferred by section 17 of chapter 2008-116, Laws of Florida, to restore by budget amendment pursuant to notice, review, and objection procedures of 216.177, F.S., any resources needed to allow for phase in of the transfer of resources to a primary data center, through December 31, 2010.

Section 46 authorizes the Executive Office of the Governor to transfer funds related to "expenses" between agencies in order to allocate a reduction relating to SUNCOM services.

Section 47 limits the amount the Department of Juvenile Justice may pay for health care services. If no contract exists between the department and the health care provider, the payment cannot exceed 110% of the allowable Medicare rate for that service. The department may continue to pay the rates established under current contracts but must adjust the compensation at the next execution, renewal or extension of a contract related to health care services.

Section 48 specifies that no section of this bill will take effect if the appropriations and proviso to which it relates are vetoed.

Section 49 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 50 provides a severability clause.

Section 51 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:

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
