

STORAGE NAME: H0033B.frc.doc
DATE: October 24, 2001

HOUSE OF REPRESENTATIVES
FISCAL RESPONSIBILITY COUNCIL
ANALYSIS

BILL #: HB 33B (PCB FRC 01-07B)
RELATING TO: Implementing Appropriations
SPONSOR(S): Fiscal Responsibility Council and Representative Lacasa

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) FISCAL RESPONSIBILITY COUNCIL YEAS 18 NAYS 8
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill implements the Special Session B bill making appropriations and reductions in appropriations for the 2001-2002 fiscal year. It includes a mechanism to adjust performance based program budgeting (PB²) measures and standards as necessitated by changes to the current year budget.

II. SUBSTANTIVE ANALYSIS

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. 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.

C. EFFECT OF PROPOSED CHANGES:

This legislation provides the necessary statutory authority to implement and execute the General Appropriations Act.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides legislative intent.

Section 2. Amends s. 16.555(3), F.S., to allow moneys in the Crime Stoppers Trust Fund to be used to pay salaries and other expenses of the Department of Legal Affairs during the 2001-2002 fiscal year. (Implements Specific Appropriation 428 of the 2001 Special Session B bill making appropriations and reductions in appropriations for the 2001-2002 fiscal year.)

Section 3. Reenacts s. 215.32(2)(b), F.S., as the Legislature's most recent enactment regarding the use of unappropriated cash balances in the state's various trust funds. Specifically, this law permits the Legislature to transfer unappropriated cash balances of trust funds to the Budget Stabilization Fund and to the Working Capital Fund if such transfers are made in the General Appropriations Act, notwithstanding any limitations otherwise placed on the trust fund moneys.

Section 4. Amends s. 216.023, F.S., to give agencies the opportunity to propose changes to performance measures and standards for the 2001-2002 fiscal year when those changes are necessitated by budget reductions or other changes to the agency budgets. Changes will be made only after notice and review by the Legislature pursuant to s. 216.177, F.S. Current law allows changes only to performance standards and only prior to June 30.

Section 5. Amends s. 257.195, F.S., to remove, for the 2001-2002 fiscal year, the requirement that budget reductions affecting library grants from state sources must have the same ratable reduction as that applied to the operating funds of the Division of Library and Information Services or must be

at the discretion of the Secretary of State. No criteria are provided in the current law to guide the Secretary's discretion. (Implements Specific Appropriations 773 and 773A of the 2001 Special Session B bill making appropriations and reductions in appropriations for the 2001-2002 fiscal year.)

Section 6. Amends s. 339.135(7), F.S., to allow the Department of Transportation more easily to adjust the adopted work program during the 2001-2002 fiscal year to include economic stimulus projects resulting from supplemental appropriations. (Implements Specific Appropriations 580 through 585 of the 2001 Special Session B bill making appropriations and reductions in appropriations for the 2001-2002 fiscal year.)

Section 7. Amends s. 401.113, F.S., to allow moneys in the Emergency Medical Services Trust Fund to be appropriated to the Department of Health to fund rural hospital capital improvement grants in accordance with the grant process provided in s. 395.6061, F.S., during the 2001-2002 fiscal year. (Implements Specific Appropriation 235 of the 2001 Special Session B bill making appropriations and reductions in appropriations for the 2001-2002 fiscal year.)

Section 8. Amends s. 561.121(4), F.S., to allow moneys in the Child and Adolescent Substance Abuse Trust Fund to be used to provide treatment services for adults during the 2001-2002 fiscal year. (Implements Specific Appropriations 195 and 195A of the 2001 Special Session B bill making appropriations and reductions in appropriations for the 2001-2002 fiscal year.)

Section 9. Amends s. 860.158(2), F.S., to allow moneys in the Florida Motor Vehicle Theft Prevention Trust Fund to be used to pay salaries and other expenses of the Department of Legal Affairs during the 2001-2002 fiscal year. (Implements Specific Appropriation 428 of the 2001 Special Session B bill making appropriations and reductions in appropriations for the 2001-2002 fiscal year.)

Section 10. Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 11. Provides for a permanent change made by another law to any of the same statutes amended by this bill to take precedence over the provision in this bill.

Section 12. Provides a severability clause.

Section 13. Provides an effective date.

III. 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 General Appropriations Act.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require municipalities or counties to spend money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of municipalities or counties to raise revenue

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with municipalities or counties.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

FISCAL RESPONSIBILITY COUNCIL:

Prepared by:

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