

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 4-C, 1st Eng.

Amendment No. Barcode 235844

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Conference Committee on CS for SB 4-C, 1st Eng.
recommended the following amendment:

Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the act making appropriations and reductions in appropriations for the 2001-2002 state fiscal year.

Section 2. In order to implement reductions and other changes in appropriations for the 2001-2002 fiscal year made by Senate Bill 2-C, subsection (14) is added to section 216.023, Florida Statutes, to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.--

(14) For the 2001-2002 fiscal year only:

(a) By January 15, 2002, executive agencies shall submit to the Executive Office of the Governor adjustments to their performance measures and standards necessitated by

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1 reductions and other changes by the Legislature to 2001-2002
2 appropriations. Review, revision, and approval of such
3 adjustments shall be conducted pursuant to the requirements of
4 subsection (7).

5 (b) By January 15, 2002, the judicial branch shall
6 make adjustments to any performance measures and standards
7 necessitated by reductions and other changes by the
8 Legislature to 2001-2002 appropriations. Review, revision, and
9 approval of such adjustments shall be conducted pursuant to
10 the requirements of subsection (9).

11
12 This subsection expires July 1, 2002.

13 Section 3. In order to implement the transfer of
14 moneys to the Working Capital Fund from trust funds, paragraph
15 (b) of subsection (2) of section 215.32, Florida Statutes, is
16 reenacted to read:

17 215.32 State funds; segregation.--

18 (2) The source and use of each of these funds shall be
19 as follows:

20 (b)1. The trust funds shall consist of moneys received
21 by the state which under law or under trust agreement are
22 segregated for a purpose authorized by law. The state agency
23 or branch of state government receiving or collecting such
24 moneys shall be responsible for their proper expenditure as
25 provided by law. Upon the request of the state agency or
26 branch of state government responsible for the administration
27 of the trust fund, the Comptroller may establish accounts
28 within the trust fund at a level considered necessary for
29 proper accountability. Once an account is established within a
30 trust fund, the Comptroller may authorize payment from that
31 account only upon determining that there is sufficient cash

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1 and releases at the level of the account.

2 2. In order to maintain a minimum number of trust
3 funds in the State Treasury, each state agency or the judicial
4 branch may consolidate, if permitted under the terms and
5 conditions of their receipt, the trust funds administered by
6 it; provided, however, the agency or judicial branch employs
7 effectively a uniform system of accounts sufficient to
8 preserve the integrity of such trust funds; and provided,
9 further, that consolidation of trust funds is approved by the
10 Governor or the Chief Justice.

11 3. All such moneys are hereby appropriated to be
12 expended in accordance with the law or trust agreement under
13 which they were received, subject always to the provisions of
14 chapter 216 relating to the appropriation of funds and to the
15 applicable laws relating to the deposit or expenditure of
16 moneys in the State Treasury.

17 4.a. Notwithstanding any provision of law restricting
18 the use of trust funds to specific purposes, unappropriated
19 cash balances from selected trust funds may be authorized by
20 the Legislature for transfer to the Budget Stabilization Fund
21 and Working Capital Fund in the General Appropriations Act.

22 b. This subparagraph does not apply to trust funds
23 required by federal programs or mandates; trust funds
24 established for bond covenants, indentures, or resolutions
25 whose revenues are legally pledged by the state or public body
26 to meet debt service or other financial requirements of any
27 debt obligations of the state or any public body; the State
28 Transportation Trust Fund; the trust fund containing the net
29 annual proceeds from the Florida Education Lotteries; the
30 Florida Retirement System Trust Fund; trust funds under the
31 management of the Board of Regents, where such trust funds are

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1 for auxiliary enterprises, self-insurance, and contracts,
2 grants, and donations, as those terms are defined by general
3 law; trust funds that serve as clearing funds or accounts for
4 the Comptroller or state agencies; trust funds that account
5 for assets held by the state in a trustee capacity as an agent
6 or fiduciary for individuals, private organizations, or other
7 governmental units; and other trust funds authorized by the
8 State Constitution.

9 Section 4. In order to implement section 18 of Senate
10 Bill 2-C, paragraph (c) is added to subsection (4) of section
11 561.121, Florida Statutes, to read:

12 561.121 Deposit of revenue.--

13 (4) State funds collected pursuant to s. 561.501 shall
14 be paid into the State Treasury and credited to the following
15 accounts:

16 (c) Notwithstanding paragraph (a), the Legislature may
17 authorize the Department of Children and Family Services to
18 transfer moneys in the Children and Adolescents Substance
19 Abuse Trust Fund to the Administrative Trust Fund, as provided
20 in Senate Bill 2-C. This paragraph expires July 1, 2002.

21 Section 5. In order to implement Specific
22 Appropriation 189B of Senate Bill 2-C, the authority granted
23 by section 28 of chapter 2000-171, Laws of Florida, to the
24 Correctional Privatization Commission and to the Department of
25 Children and Family Services relative to the construction and
26 operation of a 600-bed treatment facility for the Sexually
27 Violent Predator Program is rescinded. The Department of
28 Children and Family Services shall develop a request for
29 proposal and award a new contract for the operations of the
30 current program no later than June 30, 2002. The Department of
31 Corrections is directed to develop a plan to construct a new

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1 major institution on property adjacent to the DeSoto
2 Correctional Institution. The plan shall be provided to the
3 President of the Senate, the Speaker of the House of
4 Representatives, and the Executive Office of the Governor by
5 February 1, 2002.

6 Section 6. In order to implement Specific
7 Appropriation 219 of Senate Bill 2-C, subsection (4) is added
8 to section 401.113, Florida Statutes, to read:

9 401.113 Department; powers and duties.--

10 (4) For the 2001-2002 state fiscal year only, and
11 notwithstanding the provisions of subsections (1) and (2),
12 moneys in the Emergency Medical Services Trust Fund may also
13 be used for the purpose of funding the rural hospital capital
14 improvement grant program in accordance with the provisions of
15 s. 395.6061. This subsection expires July 1, 2002.

16 Section 7. In order to implement Specific
17 Appropriation 345 of Senate Bill 2-C and notwithstanding any
18 proviso contained in Specific Appropriation 1235 of chapter
19 2001-253, Laws of Florida, if Federal Title IV-E earnings do
20 not materialize, the Department of Juvenile Justice is no
21 longer required to transfer general revenue funds from
22 Specific Appropriation 1200 to Specific Appropriation 1235.

23 Section 8. In order to implement Specific
24 Appropriation 358 of Senate Bill 2-C, subsection (3) of
25 section 16.555, Florida Statutes, is amended to read:

26 16.555 Crime Stoppers Trust Fund; rulemaking.--

27 (3)(a) The department shall establish a trust fund for
28 the purpose of grant administration to fund Crime Stoppers and
29 their crime fighting programs within the units of a local
30 government of the state.

31 (b) For the 2001-2002 state fiscal year only, and

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1 notwithstanding any provision of this section to the contrary,
2 moneys in the trust fund may also be used to pay for salaries
3 and benefits and other expenses of the department. This
4 paragraph expires July 1, 2002.

5 Section 9. In order to implement Specific
6 Appropriations 358 and 361 of Senate Bill 2-C, subsection (2)
7 of section 860.158, Florida Statutes, is amended to read:

8 860.158 Florida Motor Vehicle Theft Prevention Trust
9 Fund.--

10 (2)(a) Money in the trust fund shall be expended as
11 follows:

12 1.(a) To pay the authority's cost to administer the
13 board and the trust fund.

14 2.(b) To achieve the purposes and objectives of this
15 act, which may include, but not be limited to, the following:

16 a.1. To provide financial support to law enforcement
17 and correctional agencies, prosecutors, and the judiciary for
18 programs designed to reduce motor vehicle theft and to improve
19 the administration of motor vehicle theft laws.

20 b.2. To provide financial support for federal and
21 state agencies, units of local government, corporations, and
22 neighborhood, community, or business organizations for
23 programs designed to reduce motor vehicle theft and to improve
24 the administration of motor vehicle theft laws.

25 c.3. To provide financial support to conduct programs
26 designed to inform owners of motor vehicles about the
27 financial and social cost of motor vehicle theft and to
28 suggest to those owners methods for preventing motor vehicle
29 theft.

30 d.4. To provide financial support for plans, programs,
31 and projects consistent with the purposes of this act.

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1 (b) For the 2001-2002 fiscal year only, and
2 notwithstanding s. 320.08046, the use of funds allocated to
3 the Florida Motor Vehicle Theft Prevention Trust Fund may also
4 be as provided in Senate Bill 2-C. This paragraph expires July
5 1, 2002.

6 Section 10. In order to implement Specific
7 Appropriations 441-446 of Senate Bill 2-C, paragraph (g) is
8 added to subsection (7) of section 339.135, Florida Statutes,
9 to read:

10 339.135 Work program; legislative budget request;
11 definitions; preparation, adoption, execution, and
12 amendment.--

13 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

14 (g) For the 2001-2002 state fiscal year only, and
15 notwithstanding the provisions of paragraphs (b)-(f), the
16 adopted work program shall be adjusted to include projects
17 approved as economic stimulus projects resulting from
18 additional appropriations made by Senate Bill 2-C. This
19 paragraph expires July 1, 2002.

20 Section 11. In order to implement Specific
21 Appropriation 380A of Senate Bill 2-C, subsection (6) is added
22 to section 581.1845, Florida Statutes, to read:

23 581.1845 Citrus canker eradication; compensation to
24 homeowners whose trees have been removed.--

25 (6) For the 2001-2002 fiscal year only and
26 notwithstanding the \$100-compensation amount specified in
27 subsection (3); in subsection (3) of section 45 of chapter
28 2001-254, Laws of Florida; and in proviso following Specific
29 Appropriation 1488A of chapter 2001-253, Laws of Florida, the
30 amount of compensation for each tree removed from residential
31 property by the citrus canker eradication program shall be

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1 \$55. This subsection expires July 1, 2002.

2 Section 12. In order to implement Specific
3 Appropriation 633 of Senate Bill 2-C, subsection (5) is added
4 to section 44.108, Florida Statutes, to read:

5 44.108 Funding of mediation and
6 arbitration.--Mediation should be accessible to all parties
7 regardless of financial status. Each board of county
8 commissioners may support mediation and arbitration services
9 by appropriating moneys from county revenues and by:

10 (5) For the 2001-2002 fiscal year only, the use of the
11 funds allocated to the state mediation and arbitration trust
12 fund may also be as provided in Senate Bill 2-C. This
13 subsection expires July 1, 2002.

14 Section 13. In order to implement proviso following
15 Specific Appropriation 570 of Senate Bill 2-C, paragraph (d)
16 is added to subsection (4) of section 216.262, Florida
17 Statutes, to read:

18 216.262 Authorized positions.--
19 (4) Notwithstanding the provisions of this chapter on
20 increasing the number of authorized positions, and for the
21 2001-2002 fiscal year only:

22 (d) In order to implement proviso following Specific
23 Appropriation 570 of Senate Bill 2-C, the Legislative Budget
24 Commission may approve positions for the Department of
25 Corrections in excess of the number authorized in the event
26 that the Department of Corrections will assume operational
27 responsibility of any correctional facility previously under
28 contract with the Correctional Privatization Commission. This
29 paragraph expires July 1, 2002.

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31 Such requests are subject to the budget amendment and

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1 consultation provisions of this chapter. This subsection
2 expires July 1, 2002.

3 Section 14. In order to implement Senate Bill 2-C, and
4 notwithstanding any provision of law to the contrary, each
5 state agency shall review existing and proposed contracts with
6 private providers and public/private providers in an effort to
7 reduce contract payments. It is the statewide goal to achieve
8 substantial savings; however, it is the intent of the
9 Legislature that the level and quality of services not be
10 affected. Each agency is authorized to renegotiate contracts
11 consistently with this section. The Legislature intends that
12 its substantive and fiscal committees will review the results
13 of this effort and the effectiveness of each agency in meeting
14 the goal. The Legislature further intends that savings
15 realized will be redirected through future appropriations or
16 budget amendments to offset reductions in education, health
17 care, and public safety. This section expires July 1, 2002.

18 Section 15. It is the policy of the state that funds
19 appropriated to state agencies which may be used for
20 state-employee travel be limited, until July 1, 2002, to
21 travel for activities that are critical to the state agency's
22 mission. Funds may not be used to pay for travel by state
23 employees to foreign countries, other states, conferences,
24 staff-training activities, or other administrative functions
25 unless the respective agency head has determined that such
26 activities are critical to the agency mission. Travel for law
27 enforcement, military purposes, emergency management, and
28 public health activities is not covered by this section. The
29 agency head, or his or her designee, must consider
30 teleconferencing and other forms of electronic communication
31 to meet the needs of the proposed activity before approving

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1 mission-critical travel.

2 Section 16. For the Governor's recommended budget for
3 the fiscal year 2002-2003 only, the Governor shall furnish to
4 each member of the Senate and the House of Representatives a
5 copy of his recommended balanced budget for the state, based
6 on his own conclusions and judgment, by January 15, 2002.

7 Section 17. A section of this act that implements a
8 specific appropriation or specifically identified proviso
9 language in the act making appropriations and reductions in
10 appropriations for the 2001-2002 state fiscal year is void if
11 the specific appropriation or specifically identified proviso
12 language is vetoed. A section of this act that implements
13 more than one specific appropriation or more than one portion
14 of specifically identified proviso language in the act making
15 appropriations and reductions in appropriations for the
16 2001-2002 state fiscal year is void if all the specific
17 appropriations or portions of specifically identified proviso
18 language are vetoed.

19 Section 18. If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 invalidity shall not affect other provisions or applications
22 of the act which can be given effect without the invalid
23 provision or application, and to this end the provisions of
24 this act are declared severable.

25 Section 19. This act shall take effect upon becoming a
26 law.

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the enacting clause

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1 and insert:

2 A bill to be entitled
3 An act implementing the 2001-2002 supplemental
4 appropriations act; providing legislative
5 intent; amending s. 216.023, F.S.; providing
6 directives for executive agencies and the
7 judicial branch in adjusting performance
8 measures and standards to respond to budgetary
9 modifications; reenacting s. 215.32(2)(b),
10 F.S., to implement the transfer of moneys to
11 the Working Capital Fund from certain trust
12 funds; amending s. 561.121, F.S.; providing
13 that moneys in the Children and Adolescents
14 Substance Abuse Trust Fund shall be used as
15 provided in chapter 2001-253, Laws of Florida,
16 and Senate Bill 2-C; rescinding authority
17 provided to the Correctional Privatization
18 Commission relating to a treatment facility;
19 requiring the Department of Children and Family
20 Services to award a new contract for operating
21 the Sexually Violent Predator Program; amending
22 s. 401.113, F.S.; providing that moneys in the
23 Emergency Medical Services Trust Fund may also
24 be used for the purpose of funding the rural
25 hospital capital improvement grant program;
26 providing a directive to the Department of
27 Juvenile Justice; amending s. 16.555, F.S.;
28 providing for the use of the Crime Stoppers
29 Trust Fund; amending s. 860.158, F.S.;
30 providing directives for the use of moneys in
31 the Florida Motor Vehicle Theft Prevention

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1 Trust Fund; amending s. 339.135, F.S.;
2 requiring adjustment of the adopted work
3 program of the Department of Transportation to
4 include certain economic stimulus projects;
5 amending s. 581.1845, F.S.; prescribing amount
6 of compensation for trees taken in canker
7 eradication programs; amending s. 44.108, F.S.;
8 providing for use of moneys in the state
9 mediation and arbitration trust fund; amending
10 s. 216.262, F.S.; authorizing the Legislative
11 Budget Commission to approve additional
12 authorized positions in the Department of
13 Corrections under certain circumstances;
14 directing state agencies to renegotiate
15 contracts; limiting the use of funds for
16 state-employee travel; requiring the Governor
17 to furnish a copy of his recommended balanced
18 budget to members of the Legislature; providing
19 effect of veto of specific appropriation or
20 proviso to which implementing language refers;
21 providing severability; providing an effective
22 date.

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