

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 4C

SPONSOR: Committee on Appropriations and Senator Carlton

SUBJECT: Appropriations Implementing Bill

DATE: November 28, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Revell	AP	Fav/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill would provide the necessary statutory authority to implement and execute Senate Bill 2-C of the 2001 Special Session C, making reductions in appropriations and making appropriations.

This bill substantially amends ss. 16.55, 44.108, 216.023, 339.135, and 860.158, F.S., and proviso in Specific Appropriation 1235 of the Chapter 2001-253. The bill also reenacts s. 215.32, F.S.

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.

On January 5, 1995, the Supreme Court ruled in *Moreau v. Lewis* that “Because an appropriations bill must not change or amend existing law on subjects other than appropriations, it follows that a bill designed to implement the appropriations bill also must not change existing law on subjects other than appropriations.” This bill would provide the necessary statutory authority to implement and execute the General Appropriations Act.

III. Effect of Proposed Changes:

Section 1. Provides legislative intent.

Section 2. Amends s. 216.023, F.S. to allow agencies and the judicial branch to propose adjustments to their legislative performance measures necessary due to budget reductions. Such adjustments must be proposed by January 15, 2002 and will be considered by the Legislature using the consultation process established in Chapter 216. This provision expires July 1, 2002.

Section 3. In order to implement sections 10-13 and 15-16 of Senate Bill 2-C, s. 215.32, F.S. is reenacted to provide authority to the Legislature to transfer unappropriated cash balances from certain trust funds to the Working Capital Fund.

Section 4. In order to implement Specific Appropriation 345 of Senate Bill 2-C, proviso in Specific Appropriation 1235 of Chapter 2001-253 (the fiscal year 2001-2002 General Appropriations Act) is not withstood so that if Federal Title IV-E funding is not received, the Department of Juvenile Justice will not transfer general revenue funds from Specific Appropriation 1200 to Specific Appropriation 1235.

Section 5. In order to implement Specific Appropriation 358 of Senate Bill 2-C, s. 16.555, F.S. is amended to authorize the use of the Crime Stoppers Trust Fund to fund the operations of the Department of Legal Affairs. This provision expires July 1, 2002.

Section 6. In order to implement Specific Appropriations 358 and 361 of Senate Bill 2-C, s. 860.158, F.S. is amended to authorize the use of the Florida Motor Vehicle Theft Prevention Trust Fund to fund the operations of the Department of Legal Affairs. This provision expires July 1, 2002.

Section 7. In order to implement Specific Appropriations 441-446 of Senate Bill 2-C, s. 339.135, F.S. is amended to require that the Department of Transportation's Work Program be adjusted to include the transportation projects approved as economic stimulus projects in Senate Bill 2-C. This provision expires July 1, 2002.

Section 8. In order to implement Specific Appropriation 633 of Senate Bill 2-C, s. 44.108, F.S. is amended to authorize the use of the Mediation and Arbitration Theft Prevention Trust Fund to fund the operations of trial courts in the State Court System. This provision expires July 1, 2002.

Section 9. This section states that it is the policy of the state that, until July 1, 2002, state employees undertake travel only that is considered critical to the mission of the agency. Travel for law enforcement, military purposes, emergency management and public health activities is not covered by this section. Agencies are required to consider teleconferencing and other forms of electronic communication prior to undertaking mission-critical travel.

Section 10. This section provides that the Governor's recommended budget for fiscal year 2002-2003 is due by January 15, 2002.

Section 11. In order to implement Section 2 of Senate Bill 2-C, this section allows school districts to expend funds allocated from the 2001-2002 General Appropriations Act during the 2001-2002 fiscal year if a district school board declares that funds are needed to maintain academic classroom instruction. The board may transfer funds from: Specific Appropriation 122 (in-service educational personnel training); Specific Appropriation 118 (safe schools activities);

Specific Appropriation 120A (school technology); Specific Appropriation 119 (teacher recruitment signing bonuses); Specific Appropriation 4A(a) (discretionary lottery allocation); and Specific Appropriation 122A (Florida Teachers Lead stipend) from Chapter 2001-253 (the fiscal year 2001-2002 General Appropriations Act).

This section allows a school board transfer certain funds budgeted for nonclassroom instruction to classroom instruction. Such actions must be reported to the Department of Education. This transfer authority expires June 30, 2002.

This section also delays from June 30, 2002, to June 30, 2003, the requirement that district school boards must include a reserve to fund an additional 5 percent supplement for school administrators and instructional personnel. This section delays from July 1, 2002, until July 1, 2003, the requirement that school districts replace relocatable classrooms that do not meet the 1998 standards. The bill delays from July 1, 2003, until July 1, 2004, the requirement that certain student stations in relocatable facilities must be removed. The bill specifies two conditions that must be met by the school district in order to take advantage of the delayed dates for relocatables.

Section 12. This section provides that a section in this bill is void if all the items in the budget to which it is tied are vetoed.

Section 13. This section provides that if any provision is held invalid, this will not affect other provisions. To this end, the provisions are declared severable.

Section 14. This section provides that this act shall take 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. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
