

STORAGE NAME: h0029E.frc.doc
DATE: April 30, 2002

**HOUSE OF REPRESENTATIVES
FISCAL RESPONSIBILITY COUNCIL
ANALYSIS**

BILL #: House Bill 29E (PCB FRC 02-07E)
RELATING TO: Implementing the 2002-2003 General 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 22 NAYS 4
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

This bill implements the General Appropriations Act for the 2002-2003 fiscal year. It includes legislative adoption, by reference to a document filed with the Clerk of the House of Representatives, of performance measures and standards for specific programs of the agencies in the budget. The bill's provisions expire July 1, 2003.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

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

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.

General Revenue Service Charge

Section 215.20, F.S., provides that a service charge be assessed against all trust fund revenues of an income nature. State accounting records indicate that the service charges collected and deposited in the General Revenue Fund during fiscal year 2000-01 totaled \$361 million. Section 215.20, F.S., provides that a 7 percent service charge be assessed against funds except those listed in s. 215.22, F.S., which exempts 14 trust funds, 11 types of receipts to any trust fund, and all trust funds in 3 entire departments. It also provides for 0.3 percent to be assessed on the income of a list, which includes 32 trust funds, parts of 2 others, and the trust funds of 2 divisions in specific agencies. Section 215.24, F.S., provides that those funds which receive federal contributions or private grants that are received as a result of a state matching effort may be exempted from the assessment of the service charge under authority provided to the Governor.

Treasurer's Duties Regarding Deposits and Investments of State Money

Section 18.10, F.S., requires the Treasurer to deposit and invest the moneys of the state as fully as possible, consistent with the cash requirements of the state. It provides that all earnings are to be credited to the General Revenue Fund, except as provided in s. 18.125(3), F.S. Section 18.125, F.S., provides additional authority to the Treasurer to invest all General Revenue funds, all trust funds, and all agency funds of each state agency. Subsection (3) provides a process for agencies to transfer trust fund moneys not needed for immediate operations to the Treasurer's Administrative and Investment Trust Fund. The interest earned is transferred to the respective trust funds, not to the General Revenue Fund.¹

¹ "The State Treasurer invests all moneys not required to meet immediate disbursement needs. The moneys invested include General Revenue Fund moneys and trust fund moneys. The trust fund moneys can be (and are) invested by the State Treasurer whether or not a notice of availability has been provided by the respective state or judicial branch agencies. If a notice to invest is provided pursuant to s. 18.125(3), F.S., the earnings are credited to the applicable trust fund. If a notice is not provided, the earnings derived from state trust fund moneys are deposited, pursuant to s. 18.10(4), F.S., in the General Revenue Fund. Consequently, it appears that the only

During the 2000-01 fiscal year, interest earned by the State Treasurer, according to records of the State Treasurer, was \$781 million. Of this amount \$294 million was credited to the General Revenue Fund and \$487 million was credited pro rata to trust funds. Administrative assessments in the amount of \$8.5 million were credited pursuant to s. 18.125(4), F.S., to the Treasurer's Administrative and Investment Trust Fund.

1992 Taxation And Budget Reform Commission

In 1992, the constitutionally required Taxation And Budget Reform Commission placed on the statewide ballot language that, among other things, attempted to limit the use of trust funds in state government. (See Section 19(f) of Article III of the State Constitution.) The Resolution of the Commission was filed with the Secretary of State and provided the Commission's findings and intent. It states, in part:

TRUST FUNDS: The Commission found that over 50% of the Approved Budget for fiscal year 1990-91 was from trust funds. Trust funds are defined for the purposes of Florida government as essentially segregated accounts earmarked for receipt of certain revenues. In the last ten years, **the percentage of trust fund appropriations has increased from 48% to 60%** of the state budget and the percentage of the General Revenue Fund appropriations has decreased from 52% to 38%. However, the Commission found that the General Revenue Fund serves as the primary reporting vehicle for government operations. Thus, the **hundreds of trust funds currently in existence serve only to make reporting the actual revenues and finances of the state virtually impossible.** . . . In order to achieve the goal of clarity in the budget process, when statutes require the adoption of an annual appropriation, **the appropriation should be made from the General Revenue Fund**, rather than from a trust fund. {Emphasis added.}

C. EFFECT OF PROPOSED CHANGES:

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

Service Charge and Interest

Some trust funds pay a General Revenue service charge (assessed only against revenues of an income nature and not against transfers from other funds). The concept for the service charge is that many of the state's functions that support trust funds (the Legislature, for example) are funded with General Revenue. Nearly half of the state's trust funds and fund accounts do not pay the General Revenue service charge. Those funds subject to the service charge may pay 3%, 7%, or 7.3% based on the requirements of ss. 215.20 and 215.22, F.S. These statutes, along with at least 25 others that provide exceptions to the General Revenue service charge, appear to address trust funds individually rather than on an overall policy basis. This bill addresses these issues by making the service charge more uniform.

Changes in the way interest is earned on trust fund moneys, not necessary for the cash needs of the state could result in an increase of tens of millions of dollars in recurring General Revenue. Few trust funds created by the Legislature (and few of the fees set for deposit in trust funds) were

ever created with the concept that their revenues would be enhanced by interest earnings. Notable exceptions would be the Florida Hurricane Catastrophe Fund and the Lawton Chiles Endowment Fund. This bill addresses these issues by requiring interest earnings to be processed more uniformly.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides legislative intent.

Education Provisions

Section 2. Amends s. 236.081, F.S., to provide FTE funding in 2001-2002 for students enrolled in the Advanced International Certificate of Education Program at the same value as students enrolled in the International Baccalaureate Program, and to provide that the Quality Assurance Guarantee in the Florida Education Finance Program shall be calculated on unweighted FTE. (Implements specific Appropriation 105 of the 2002-2003 General Appropriations Act.)

Section 3. Provides that amendments to s. 236.081, F.S., contained in section 2 of this bill expire July 1, 2003, but that any amendments to this section enacted in other legislation are to be preserved.

Section 4. Amends s. 229.085, F.S., to allow the Department of Education to employ personnel above the number specifically authorized by the Legislature if required by the terms of grants or contracts for specific projects. (Implements Specific Appropriations 71-166T of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 5. Allows state universities to use the state accounting system without providing funds to the Department of Banking and Finance. Requires that all funds appropriated to state universities for the 2002-2003 fiscal year be distributed according to an operating budget approved by the university board of trustees. Requires each university board of trustees to include certain trust fund revenues within its operating budget, including funds supported by student and other fees and funds within the Contracts, Grants, and Donations, Auxiliary Enterprises, and Sponsored Research budget entities. Gives each university board of trustees control of its operating budget. Provides for journal transfers of appropriations to university accounts. (Implements Specific Appropriations 7B-7G and 166U-181A and Section 9 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 6. Amends s. 236.081, F.S., to delay for one year an average daily attendance factor adjustment to school district's full-time equivalent membership. (Implements Specific Appropriation 105 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 7. Notwithstands ss. 236.081(3), 236.08104, 236.083, and 237.34(3)(b), F.S., to provide district school boards flexibility in the use of categorical appropriations: student transportation, teacher training, safe schools, public school technology, and supplemental academic instruction. (Implements Specific Appropriations 5, 105, 106A, 107, and 108 of the 2002-2003 General Appropriations Act.) This section is effective for the 2002-2003 fiscal year only.

Section 8. Amends s. 236.7011, F.S., to delay for one year a requirement that prohibits the Department of Education from expending funds received from federal indirect cost allowed on federal grants without a specific appropriation. (Implements Specific Appropriations 71-166T of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 9. Provides a limitation on state appropriations and a process for approving the estimated level of expenditures, salary rates, and positions for the Knott Data Center and for Projects, Contracts, and Grants Programs of the Department of Education. (Implements Specific Appropriations 71-166T of the 2002-2003 General Appropriations Act.) This section expires July 1, 2003.

Section 10. Amends s. 240.4015, F.S., to provide that initial award recipients for 2002-2003 academic year who are eligible for a Florida Academic Scholars award or a Florida Merit Scholars award and who are admitted to and enroll in a community college or state university shall, prior to registering for courses that may be earned through CLEP examination and no later than the end of the 2002-2003 academic year, complete the CLEP or other specified examinations that provide credit for such courses. (Implements Specific Appropriation 166L of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Health and Human Services Provisions

Section 11. Amends s. 216.181, F.S., to authorize the Department of Children and Families and the Department of Health to advance money to contract providers. (Implements Specific Appropriations 270-451R and 491-650 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 12. Amends s. 430.204, F.S., to require the Department of Elder Affairs to fund, through the appropriate area agency on aging, more than one community care service system in all counties meeting the definition of "county" in s. 125.01(1), F.S. (Implements Specific Appropriations 458-474 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 13. Amends s. 430.205, F.S., to require the Department of Elder Affairs to fund, through the appropriate area agency on aging, more than one community care service system in all counties meeting the definition of "county" in s. 125.01(1), F.S. (Implements Specific Appropriations 458-474 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 14. Amends s. 216.292, F.S., to allow the Department of Children and Families to transfer funds within the family safety program between specified appropriations without limitation. Transfers must be consistent with legislative intent and must not increase recurring costs of the Department. (Implements Specific Appropriations 303-338 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 15. Amends s. 401.113, F.S., to allow funds in the Emergency Medical Services Trust Fund to be used for the Rural Hospital Capital Improvement Grant Program. (Implements Specific Appropriation 644A of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 16. Amends s. 295.182, F.S., to allow public bodies as defined in s. 1.01(8), F.S., to make contributions to the Florida World War II Veterans Memorial Matching Trust Fund. (Implements Specific Appropriation 672 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 17. Amends s. 561.121, F.S., to allow funds in the Children and Adolescent Substance Abuse Trust Fund to be used for adult substance abuse services. (Implements Section 20 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 18. Amends s. 381.0066, F.S., to extend for one year the \$5 surcharge on new system construction permits that support onsite sewage treatment and disposal system research, demonstration, and training projects. (Implements Specific Appropriation 558 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Criminal Justice Provisions

Section 19. Consistent with s. 216.163, F.S., allows the Department of Law Enforcement to transfer up to 0.5% of certain appropriations to provide meritorious performance bonuses for employees,

subject to review by the chairs of the legislative appropriations committees. (Implements Specific Appropriations 1195, 1216, 1225, 1237, 1240, 1245, 1252, 1260, and 1266 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 20. Amends s. 216.181, F.S., to allow the Department of Law Enforcement to transfer up to 20 FTE and associated budget and 10% of the initial approved salary rate between budget entities, provided the same funding source is used throughout each transfer. (Implements Specific Appropriations 1195-1272 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 21. Authorizes the Correctional Privatization Commission to make expenditures to defray costs incurred by a municipality or county for privatized facilities, not to exceed one percent of construction costs, under the authority of the Correctional Privatization Commission or the Department of Juvenile Justice. (Implements Specific Appropriation 1178 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 22. 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 2002-2003 fiscal year. (Implements Specific Appropriation 1291 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 23. 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 2002-2003 fiscal year. (Implements Specific Appropriations 1291 and 1322 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 24. Amends s. 985.4075, F.S., to clarify that funds provided in operating appropriations categories in the Department of Juvenile Justice shall not be expended for fixed capital outlay purposes. (Implements Specific Appropriations 1112-1194A of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 25. Amends s. 932.7055, F.S., to allow municipalities to reimburse their general funds for loans made to their special law enforcement trust funds. (Implements Special Appropriation 1233 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

General Government Provisions

Section 26. Amends s. 375.041, F.S., to allow the Land Acquisition Trust Fund to be used as appropriated in the 2002-2003 General Appropriations Act. (Implements Specific Appropriations 1760A and 1769 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Sections 27 & 28. Depending on whether CS/HB 851 from the 2002 regular session becomes law, amends s. 403.709, F.S., to allow the Solid Waste Management Trust Fund to be used as appropriated in the 2002-2003 General Appropriations Act. (Implements Specific Appropriations 1760A and 1769 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 29. Amends s. 373.59, F.S., to direct the Secretary of Environmental Protection, at the request of a water management district, to release moneys allocated to the districts for legislatively authorized land acquisition and water restoration initiatives. (Implements Specific Appropriations 1645 and 1769 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 30. Amends s. 581.1845, F.S., to provide \$55, rather than \$100, compensation for certain trees removed from residential property by the citrus canker eradication program. Also requires that for trees removed on or after July 1, 2001, compensation will be paid to the homeowner of

record on the date of removal. (Implements Specific Appropriation 1480A of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 31. Amends s. 373.470, F.S., to remove the requirement that, for the 2002-2003 fiscal year, \$25 million of funds allocated to the South Florida Water Management District be deposited into the Save Our Everglades Trust Fund. The district would retain the funds. A separate bill replaces the funding to the Save Our Everglades Trust Fund. (Implements Specific Appropriations 1645 and 1770 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 32. Amends s. 216.181, F.S., to allow transfers, pursuant to separate reorganization legislation and approval of the Legislative Budget Commission, of funds and positions among the existing Departments of Banking and Finance, Insurance, and Law Enforcement, and the new (January 7, 2003) Chief Financial Officer and Department of Insurance and Financial Services. (Implements Specific Appropriations 2237-2314, 2594-2698, and 1195-1272 of the 2002-2003 General Appropriations Act.) This flexibility expires July 1, 2003.

Sections 33 & 34. Depending on whether CS/HB 851 from the 2002 regular session becomes law, amends s. 403.7095, F.S., to allow solid waste management and recycling grants to be provided by the Department of Environmental Protection only to counties with populations under 100,000. Also requires such grants to be at least 80 percent of their 2000-2001 level. (Implements Specific Appropriation 1819 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 35. Amends s. 215.981, F.S., to exempt from the annual independent audit the Citizen Support Organizations of the Department of Environmental Protection having annual expenditures less than \$100,000. (Implements Specific Appropriation 1852 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 36. Amends s. 287.161, F.S., to allow DMS to set the executive aircraft user fee at an amount that exceeds the vehicle mileage allowance. This will authorize DMS to implement a full-cost recovery fee for the executive aircraft pool during the 2002-03 fiscal year and to deposit such funds into the Bureau of Aircraft Trust Fund to cover the normal operation of the executive aircraft pool. (Implements Specific Appropriations 2776-2782 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 37. Amends s. 403.1835, F.S., to authorize the Department of Environmental Protection to allow a 5-year moratorium on loan reserve requirements relating to water pollution grants. (Implements Specific Appropriations 1767-1768 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 38. Notwithstands ss. 550.01215, 550.09515, and 550.5251, F.S., to prohibit fine or suspension of a thoroughbred permitholder that fails to operate all performances, to provide that a thoroughbred permitholder that fails to pay tax on handle for live performances does not abandon interest in its permit, and to provide that operating meets for the full number of days authorized in a thoroughbred permitholder's license is not a condition precedent to the validity of said license. (Implements Specific Appropriations 2359-2382 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 39. Amends s. 110.152, F.S., to allow the Department of Management Services to pay adoption subsidy benefits to state employees in a lump sum rather than on a monthly basis. (Implements Specific Appropriation 2815A of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 40. Amends s. 110.2035, F.S., to direct the Department of Management Services to implement and maintain a new job classification and broadband pay system for the Career Service, Selected Exempt Service and Senior Management Service. (Implements Specific Appropriation 2163 and Section 8 of the 2002-2003 General Appropriations Act.)

Section 41. Provides that amendments to s. 110.2035, F.S., contained in section 40 of this bill expire July 1, 2003, but that any amendments to this section enacted in other legislation are to be preserved.

Section 42. Amends s. 110.12315, F.S., to extend the scheduled expiration of the prescription drug co-payment schedule to June 30, 2003. (Implements section 8 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 43. Amends s. 110.1239, F.S., to extend to June 30, 2003, the scheduled expiration of the Department of Management Services' duty to determine premium levels necessary to fund the state employees' health insurance program. (Implements section 8 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 44. Amends s. 112.061, F.S., to remove the Class C travel reimbursement for state travelers during the 2002-2003 fiscal year. Class C travel is defined in s. 112.061, F.S., as "travel for short or day trips where the traveler is not away from his or her official headquarters overnight." (Implements sections 2-7 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Transportation and Economic Development Provisions

Section 45. Amends s. 163.3184, F.S., to allow the Department of Community Affairs to use the Internet and cheaper newspaper advertisements to notice comprehensive plan amendments. (Implements Specific Appropriation 1498 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 46. Amends s. 252.373, F.S., to allow up to \$2.2 million of the unencumbered balance of the Emergency Management, Preparedness, and Assistance Trust Fund to be appropriated to improve and increase the number of disaster shelters and improve local disaster preparedness. Also allows certain unspent or unencumbered funds to be transferred to the Grants and Donations Trust Fund to be used for the state portion of the match requirements for federally approved Hazard Mitigation Grant Program projects. (Implements Specific Appropriations 1511 and 1523A of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 47. Amends s. 288.063, F.S., to specify that transportation projects funded through the Office of Tourism, Trade, and Economic Development by the Legislature are deemed necessary to facilitate economic development. (Implements Specific Appropriation 2486 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 48. Amends s. 402.3017, F.S., to allow the Agency for Workforce Innovation to administer and implement the Teacher Education and Compensation Helps (TEACH) scholarship program. The program provides educational scholarships to caregivers and administrators of early childhood programs, and family day care homes. (Implements Specific Appropriation 2235 of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 49. Amends s. 125.35, F.S., to allow leasing of certain property to attract certain businesses related to the Empowerment Zone in Miami-Dade county. (Implements Specific Appropriation 1574B of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

Section 50. Amends s. 338.2216, F.S., to allow toll personnel being transferred to the new Florida Turnpike Enterprise Budget Entity to remain in career service. This language, combined with proviso on these line items, allows these employees to make the choice to go with the state defined benefit or defined contribution retirement program. (Implements Specific Appropriations 2161A and 2161G of the 2002-2003 General Appropriations Act.) This change expires July 1, 2003.

General Revenue Service Charge Provisions

Section 51. Amends s. 215.20, F.S., relating to the statutory appropriation of the General Revenue service charge. This section is substantially reworded. Trust funds included in the current law that are not affected other than being moved within the section are not included below. For the following 90 trust funds in the following agencies, the General Revenue service charge is increased from 7% to 7.3%.

Agency for Health Care Administration:

- Florida Organ and Tissue Donor Education and Procurement Trust Fund
- Resident Protection Trust Fund

Department of Banking and Finance:

- Administrative Trust Fund
- Anti-Fraud Trust Fund
- Mortgage Brokerage Guaranty Trust Fund
- Regulatory Trust Fund

Department of Business and Professional Regulation:

- Administrative Trust Fund
- Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund

Department of Children and Families:

- Administrative Trust Fund
- Child Welfare Training Trust Fund
- Children and Adolescents Substance Abuse Trust Fund
- Domestic Violence Trust Fund
- Grants and Donations Trust Fund
- Operations and Maintenance Trust Fund

Department of Elder Affairs:

- Administrative Trust Fund
- Federal Grants Trust Fund
- Grants and Donations Trust Fund
- Operations and Maintenance Trust Fund

Department of Environmental Protection:

- Administrative Trust Fund
- Air Pollution Control Trust Fund
- Environmental Laboratory Trust Fund
- Florida Coastal Protection Trust Fund
- Conservation & Recreation Lands Trust Fund
- Ecosystem Management & Restoration Trust Fund
- Inland Protection Trust
- Forfeited Property Trust Fund
- Grants And Donations Trust Fund
- Internal Improvement Trust
- Land Acquisition Trust Fund
- Minerals Trust Fund
- Florida Permit Fee Trust Fund
- State Park Trust Fund
- Water Quality Assurance Trust Fund

Working Capital Trust Fund

Fish and Wildlife Conservation Commission:

Land Acquisition Trust Fund
Florida Panther Research and Management
Marine Resources Conservation Trust Fund
Conservation and Recreation Lands Program Trust Fund

Department of Health:

Administrative Trust Fund
Donations Trust Fund
Florida Drug, Device, and Cosmetic Trust Fund
Emergency Medical Services Trust Fund
Epilepsy Services Trust Fund
Grants and Donations Trust Fund
Medical Quality Assurance Trust Fund
Brain and Spinal Cord Injury Program Trust Fund
Nursing Student Loan Forgiveness Trust Fund
Planning and Evaluation Trust Fund
Radiation Protection Trust Fund

Department of Highway Safety and Motor Vehicles:

DUI Programs Coordination Trust Fund

Department of Management Services:

Administrative Trust Fund
Architects Incidental Trust
Bureau Of Aircraft Trust Fund
Grants & Donations Trust Fund
Motor Vehicle Operating Trust Fund
Public Employees Relations Commission Trust Fund
State Personnel System Trust Fund
Supervision Trust Fund
Working Capital Trust Fund

Division of Administrative Hearings:

Administrative Trust Fund

Department of Revenue:

Additional Court Cost Clearing Trust Fund
Administrative Trust Fund
Apalachicola Bay Oyster Surcharge Clearing Trust Fund
Certification Program Trust Fund
Motor Vehicle Warranty Trust Fund
Motor Vehicle Rental Surcharge Clearing Trust Fund
Oil And Gas Tax Trust Fund
Secondhand Dealer and Secondary Metals Recycler Clearing Trust Fund
Severance Tax Solid Mineral Trust Fund

Department of Veterans' Affairs:

Grants and Donations Trust Fund
Operations and Maintenance Trust Fund
State Home For Veterans Trust Fund

For the following trust funds in the following agencies, the General Revenue service charge is increased from 0% to 3%.

Department of Agriculture and Consumer Services:

- Administrative Trust Fund
- Agricultural Law Enforcement Trust Fund
- Contracts And Grant Trust Fund
- Agricultural Emergency Trust Fund
- Incidental Trust Fund
- Market Trade Show Trust Fund
- Relocation And Construction Trust Fund
- Florida Saltwater Products Trust Fund
- Viticulture Trust Fund
- Florida Agricultural Promotion Campaign Trust Fund

Fish and Wildlife Conservation Commission

- The Save the Manatee Trust Fund

For the following trust funds in the following agencies, the General Revenue service charge is increased from 0% to 7.3%.

Department of Agriculture and Consumer Services:

- Conservation & Recreation Lands Program Trust Fund

Department of Community Affairs:

- Operating Trust Fund

Justice Administrative Commission:

- Indigent Criminal Defense Trust Fund

Department of Management Services:

- Florida Facilities Pool Working Capital Trust Fund

The following fund is removed from the list of funds subject to the 0.3 percent service charge:

- Speech-Language Pathology and Audiology Trust Fund²

(Implements Specific Appropriations 349, 1170, 2877, and 3119 of the 2002-2003 General Appropriations Act.)

Section 52. Provides that amendments to s. 215.20, F.S., contained in section 51 of this bill expire July 1, 2003, but that any amendments to this section enacted in other legislation are to be preserved.

Section 53. Amends s. 215.22, F.S., relating to trust funds exempt from the statutory appropriation of the General Revenue service charge. Limits the funds of the Department of Agriculture and Consumer Services that are exempt to the following funds:

- Citrus Inspection Trust Fund

² The Speech-Language Pathology and Audiology Trust Fund was last used in the 1993-94 General Appropriations Act. It is not listed as an active fund in the Comptroller's annual trust fund report. Since the adoption of the 4-year trust fund limitation in section 19(f) of Article III of the State Constitution in 1992, the Speech-Language Pathology and Audiology Trust Fund has never been re-created. Presumably, it has been terminated pursuant to the constitutional requirement.

Florida Forever Program Trust Fund
Florida Preservation 2000 Trust Fund
Market Improvements Working Capital Trust Fund
Pest Control Trust Fund
Plant Industry Trust Fund

Removes the exemption for the following fund within the Justice Administration Commission:
Indigent Criminal Defense Trust Fund

Requires the Governor to consult with the Legislative Budget Commission before granting additional exemptions.

(Implements Specific Appropriations 349, 1170, 2877, and 3119 of the 2002-2003 General Appropriations Act.)

Section 54. Provides that amendments to s. 215.22, F.S., contained in section 53 of this bill expire July 1, 2003, but that any amendments to this section enacted in other legislation are to be preserved.

Interest Provisions

Section 55. Amends s. 18.10, F.S., related to appropriations of interest earned on certain trust fund balances to the General Revenue Fund, to correct a cross reference. (Implements Specific Appropriations 349, 1170, and 3119 of the 2002-2003 General Appropriations Act.)

Section 56. Provides that amendments to s. 18.10, F.S., contained in section 55 of this bill expire July 1, 2003, but that any amendments to this section enacted in other legislation are to be preserved.

Section 57. Amends s. 18.125, F.S., to limit the trust funds that can retain interest earned rather than depositing such interest into the General Revenue Fund. For the following 78 trust funds in the following agencies, the provisions of s. 18.125, F.S., requiring the transfer of money back and forth between the trust funds and the Treasurer, and allowing the funds to retain interest earnings, do not apply:

Agency for Health Care Administration:

Health Care Trust Fund
Florida Organ and Tissue Donor Education and Procurement Trust Fund
Resident Protection Trust Fund
Public Medical Assistance Trust Fund

Department of Children and Families:

Administrative Trust Fund
Child Welfare Training Trust Fund
Children and Adolescents Substance Abuse Trust Fund
Domestic Violence Trust Fund
Federal Grants Trust Fund
Grants and Donations Trust Fund
Operations and Maintenance Trust Fund

Department of Community Affairs:

Operating Trust Fund

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Department of Corrections:

- Criminal Justice Standards and Training Trust Fund
- Correction Work Program Trust Fund
- Florida Agricultural Exposition Trust Fund
- Grants and Donations Trust Fund
- Operating Trust Fund
- Inmate Welfare Trust Fund
- Sales Of Goods And Services Trust Fund
- Privately Operated Institutions Inmate Welfare Trust Fund

Department of Elder Affairs:

- Administrative Trust Fund
- Grants and Donations Trust Fund
- Operations and Maintenance Trust Fund

Executive Office of the Governor:

- Economic Development Trust Fund
- Economic Development Transportation Trust Fund

Department of Health:

- Administrative Trust Fund
- County Health Department Trust Fund
- Donations Trust Fund
- Drug, Device, and Cosmetic Trust Fund
- Emergency Medical Services Trust Fund
- Epilepsy Services Trust Fund
- Medical Quality Assurance Trust Fund
- Brain and Spinal Cord Injury Trust Fund
- Nursing Student Loan Forgiveness Trust Fund
- Planning and Evaluation Trust Fund
- Radiation Protection Trust Fund

Department of Highway Safety and Motor Vehicles:

- DUI Programs Coordination Trust
- Security Deposits Trust Fund

Justice Administrative Commission:

- Capital Collateral Representative Trust Fund
- Child Support Trust Fund
- Civil RICO Trust Fund
- Consumer Fraud Trust Fund
- Forfeiture and Investigative Support Trust Fund
- Grants and Donations Trust Fund
- Indigent Criminal Defense Trust Fund

Department of Juvenile Justice:

- Administrative Trust Fund
- Grants and Donations Trust Fund
- Juvenile Crime Prevention And Early Intervention Trust Fund
- Juvenile Justice Training Trust Fund
- Social Services Block Grant Trust Fund

Department of Labor and Employment Security

Administrative Trust Fund

Department of Law Enforcement:

Criminal Justice Standards and Training Trust Fund
Forfeiture & Investigative Support Trust Fund
Grants and Donations Trust Fund
Operating Trust Fund
Revolving Trust Fund
Federal Law Enforcement Trust Fund

Department of Legal Affairs:

Administrative Trust Fund
Florida Motor Vehicle Theft
Consumer Fraud Trust Fund
Crimes Compensation Trust Fund
Crime Stoppers Trust Fund
Florida Crime Prevention Training Institute Revolving Trust Fund
Grants And Donations Trust Fund
Legal Services Trust Fund
Legal Affairs Revolving Trust Fund
Motor Vehicle Warranty Trust Fund
Elections Commission Trust Fund
Revolving Escrow Trust Fund

Florida Public Service Commission:

Florida Public Service Regulatory Trust Fund

Department of State:

Grants and Donations Trust Fund
Records Management Trust Fund

Department of Veterans' Affairs:

Operations and Maintenance Trust Fund
State Home For Veterans Trust Fund

State Court System:

County Article V Trust Fund
Court Education Trust Fund
Mediation And Arbitration Trust Fund
Grants and Donations Trust Fund
Family Courts Trust Fund

(Implements Specific Appropriations 349, 1170, and 3119 of the 2002-2003 General Appropriations Act.)

Section 58. Provides that amendments to s. 18.125, F.S., contained in section 57 of this bill expire July 1, 2003, but that any amendments to this section enacted in other legislation are to be preserved.

Section 59. Amends s. 14.2015, F.S., to remove references relating to the interest earned by the Economic Development Trust Fund and the Economic Development Transportation Trust Fund within the Executive Office of the Governor. (Implements Specific Appropriation 3119 of the 2002-2003 General Appropriations Act.)

Section 60. Provides that amendments to s. 14.2015, F.S., contained in section 59 of this bill expire July 1, 2003, but that any amendments to this section enacted in other legislation are to be preserved.

Section 61. Amends s. 240.4075, F.S., to remove references relating to the interest earned by the Nursing Student Loan Forgiveness Trust Fund within the Department of Health. (Implements Specific Appropriation 349 of the 2002-2003 General Appropriations Act.)

Section 62. Provides that amendments to s. 240.4075, F.S., contained in section 61 of this bill expire July 1, 2003, but that any amendments to this section enacted in other legislation are to be preserved.

Section 63. Amends s. 385.207, F.S., to remove references relating to the interest earned by the Epilepsy Services Trust Fund within the Department of Health. (Implements Specific Appropriation 349 of the 2002-2003 General Appropriations Act.)

Section 64. Provides that amendments to s. 385.207, F.S., contained in section 63 of this bill expire July 1, 2003, but that any amendments to this section enacted in other legislation are to be preserved.

Section 65. Amends s. 860.158, F.S., to remove references relating to the interest earned by the Florida Motor Vehicle Theft Prevention Trust Fund within the Department of Legal Affairs. (Implements Specific Appropriation 1170 of the 2002-2003 General Appropriations Act.)

Section 66. Provides that amendments to s. 860.158, F.S., contained in section 65 of this bill expire July 1, 2003, but that any amendments to this section enacted in other legislation are to be preserved.

Section 67. Amends s. 938.01, F.S., to remove references relating to the interest earned by the Criminal Justice Standards and Training Trust Fund and the Operating Trust Fund within the Department of Law Enforcement. (Implements Specific Appropriation 1170 of the 2002-2003 General Appropriations Act.)

Section 68. Provides that amendments to s. 938.01, F.S., contained in section 67 of this bill expire July 1, 2003, but that any amendments to this section enacted in other legislation are to be preserved.

Standard Implementing Bill Provisions

Section 69. Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 70. 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 71. Provides that the performance measures and standards, filed with the Clerk of the House and dated April 29, 2002, are incorporated by reference and will be applied to programs for the 2002-2003 fiscal year.

Section 72. Provides a severability clause.

Section 73. Provides an effective date.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

General Revenue Service Charge

The Revenue Estimating Conference has reviewed the changes to the General Revenue service charge proposed in sections 51-68 of this bill. Grouped by fiscal committee, the Conference estimates the following appropriations to General Revenue, with corresponding decreases in trust funds:

	FY 02-03 (9 months)
Health and Human Services Appropriations	\$241,534
Criminal Justice Appropriations	\$173,636
General Government Appropriations	\$1,219,899
Transportation and Economic Development	\$495,098

TOTAL	\$2,130,167

The fiscal year 2002-03 estimate is about 25 percent less than an annual figure. This is based on the Conference's estimate of a one quarter lag in implementation. (For the Department of Revenue, the Conference estimated only a one month lag.)

Trust Fund Interest Earnings

The Revenue Estimating Conference has reviewed the changes to the trust fund interest appropriations proposed in this bill. Grouped by fiscal committee, the Conference estimates the following increases in General Revenue, with corresponding decreases in trust funds:

	FY 02-03 (11 months)
Health and Human Services Appropriations	\$17,848,411
Criminal Justice Appropriations	\$5,752,662
Transportation and Economic Development	\$1,849,850

TOTAL	\$25,450,923

The fiscal year 2002-03 estimate is 1/12 less than an annual figure. This is based on the Conference's estimate of a one month lag in implementation.

2. Expenditures:

The trust fund provisions in sections 51-68 of bill are not designed or expected to change expenditure patterns. Programs that are currently funded would still receive funding, but the percentage of funding from General Revenue in the General Appropriations Act could increase. Trust fund supported programs are not expected to be reduced as a result of these changes.

The following amounts in Specific Appropriations in the General Appropriations Bill are contingent on the passage of this bill:

\$18.1 million in Specific Appropriation 349 for lump sum services to developmentally disabled persons.

\$5.9 million in salaries in Specific Appropriation 1170 for the juvenile justice facility at the former G. Pierce Wood Hospital.

\$2,344,946 in Specific Appropriation 3119 for state aide to libraries.

\$26,334,946 Total

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 counties or municipalities to spend money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue raising authority of counties or municipalities.

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

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

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B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 30, 2002, the Fiscal Responsibility Council adopted two amendments to PCB FRC 02-07E. The first removed sections 8 and 9, related to the Excellent Teaching Program. The second added section 25 of HB 29E (described in the Section-By-Section Analysis above).

VII. SIGNATURES:

FISCAL RESPONSIBILITY COUNCIL:

Prepared by:

Staff Director:

Richard Herring

David Coburn