

Committee Substitute for Senate Bill No. 4-C

An act implementing the 2001-2002 supplemental appropriations act; providing legislative intent; amending s. 216.023, F.S.; providing directives for executive agencies and the judicial branch in adjusting performance measures and standards to respond to budgetary modifications; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund shall be used as provided in chapter 2001-253, Laws of Florida, and Senate Bill 2-C; rescinding authority provided to the Correctional Privatization Commission relating to a treatment facility; requiring the Department of Children and Family Services to award a new contract for operating the Sexually Violent Predator Program; amending s. 401.113, F.S.; providing that moneys in the Emergency Medical Services Trust Fund may also be used for the purpose of funding the rural hospital capital improvement grant program; providing a directive to the Department of Juvenile Justice; amending s. 16.555, F.S.; providing for the use of the Crime Stoppers Trust Fund; amending s. 860.158, F.S.; providing directives for the use of moneys in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 339.135, F.S.; requiring adjustment of the adopted work program of the Department of Transportation to include certain economic stimulus projects; amending s. 581.1845, F.S.; prescribing amount of compensation for trees taken in canker eradication programs; amending s. 44.108, F.S.; providing for use of moneys in the state mediation and arbitration trust fund; amending s. 216.262, F.S.; authorizing the Legislative Budget Commission to approve additional authorized positions in the Department of Corrections under certain circumstances; directing state agencies to renegotiate contracts; limiting the use of funds for state-employee travel; requiring the Governor to furnish a copy of his recommended balanced budget to members of the Legislature; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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

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

This subsection expires July 1, 2002.

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

215.32 State funds; segregation.—

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

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

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

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

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget

Stabilization Fund and Working Capital Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the Board of Regents, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Comptroller or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

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

561.121 Deposit of revenue.—

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

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

Section 5. In order to implement Specific Appropriation 189B of Senate Bill 2-C, the authority granted by section 28 of chapter 2000-171, Laws of Florida, to the Correctional Privatization Commission and to the Department of Children and Family Services relative to the construction and operation of a 600-bed treatment facility for the Sexually Violent Predator Program is rescinded. The Department of Children and Family Services shall develop a request for proposal and award a new contract for the operations of the current program no later than June 30, 2002. The Department of Corrections is directed to develop a plan to construct a new major institution on property adjacent to the DeSoto Correctional Institution. The plan shall be provided to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by February 1, 2002.

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

401.113 Department; powers and duties.—

(4) For the 2001-2002 state fiscal year only, and notwithstanding the provisions of subsections (1) and (2), moneys in the Emergency Medical

Services Trust Fund may also be used for the purpose of funding the rural hospital capital improvement grant program in accordance with the provisions of s. 395.6061. This subsection expires July 1, 2002.

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

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

16.555 Crime Stoppers Trust Fund; rulemaking.—

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

(b) For the 2001-2002 state fiscal year only, and notwithstanding any provision of this section to the contrary, moneys in the trust fund may also be used to pay for salaries and benefits and other expenses of the department. This paragraph expires July 1, 2002.

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

860.158 Florida Motor Vehicle Theft Prevention Trust Fund.—

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

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

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

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

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

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

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

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

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

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

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

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

581.1845 Citrus canker eradication; compensation to homeowners whose trees have been removed.—

(6) For the 2001-2002 fiscal year only and notwithstanding the \$100-compensation amount specified in subsection (3); in subsection (3) of section 45 of chapter 2001-254, Laws of Florida; and in proviso following Specific Appropriation 1488A of chapter 2001-253, Laws of Florida, the amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be \$55. This subsection expires July 1, 2002.

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

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

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

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

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the 2001-2002 fiscal year only:

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

Such requests are subject to the budget amendment and consultation provisions of this chapter. This subsection expires July 1, 2002.

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

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

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

Section 17. A section of this act that implements a specific appropriation or specifically identified proviso language in the act making appropriations and reductions in appropriations for the 2001-2002 state fiscal year is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language

in the act making appropriations and reductions in appropriations for the 2001-2002 state fiscal year is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

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

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

Became a law without the Governor's approval December 22, 2001.

Filed in Office Secretary of State December 21, 2001.