

C O P Y

Office of The
ATTORNEY GENERAL
State of Florida
Tallahassee
August 24, 1953

Honorable C. H. Gay
State Comptroller
Tallahassee, Florida

Attention: Mr. Lewis H. Tribble

Re: Construction of Chapter 26321, Laws
of Florida, Acts of 1953

Dear Mr. Gay:

Replying to your recent request for an opinion of this office upon substantially the following questions:

1. Should a separate budget be prepared, under Chapter 26321, Laws of Florida, Acts of 1953, or may expenditures from the appropriation contained in the said enactment be included in the general budget of the Legislative Council and Reference Bureau?
2. There is on the staff of the said reference bureau an educational specialist to whom the Council desires to assign the task of coordinating the survey of educational television. May his compensation be paid from the above appropriation?
3. May the expenses of the Council's select committee be paid from the above appropriation?
4. In the preparation of the report on educational television may other expenses of preparing and publishing the report be paid from the above appropriation?

Said Chapter 26321, Laws of Florida, Acts of 1953, the Legislative Council is "required and directed to make a survey which shall reveal, in addition to a valid appraisal of television as an educational medium, the adequacy of the location and potential coverage of frequencies assigned by the Federal Communications Commission, state resources for programming, capital and current costs, amounts which can be

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financed through local contributions and any other matters of fact and their interpretation which would be of value to the legislature in predicated future legislation with respect to educational television." Under the act the Council may select an advisory committee to assist it in making the survey whose members receive no compensation other than their expenses which are to be reimbursed to them. The Legislature, in said act, appropriated \$20,000.00 to the Council from the General Revenue Fund "for the purpose of employment of such technical assistance as may be necessary in the making of such survey and for the purposes of paying the expenses of the advisory committee" which payments are limited by the statute to be made from said appropriation.

The The appropriation and purposes of the act appear to be separated by the act itself from the other many duties of the Council, and the expenses of the survey are required to be paid exclusively from the appropriation. This being true a separate accounting must be made of the funds so appropriated and the same may not be commingled with any other funds and other funds may not be commingled with them. Should the expenditures be contained in a general overall budget of the commission they must be so budgeted as to be entirely separate and apart from other appropriated funds used by the Council. If contained in an overall budget a separate accounting must be provided in the overall budget so as to keep these funds separated from all other funds at all times. If practical it is suggested that a separate budget and account be kept of these funds. These observations seem to answer the first question.

Doubtless the act contemplates that the Council will place some qualified person in direct charge of the survey, although the Council itself or through a committee will assume general supervision of the project. The fact that a suitable and qualified person is now on the staff of the Council would not prevent his being assigned to the task of supervising the survey, so long as he performs no other duties under the compensation paid him for supervising the survey. To be compensated from such funds he must limit his services for such compensation to the survey. The second question is answered in the affirmative.

The members of the Council and of its select committee are neither technical assistants nor members of the advisory committee and this being true they could not be paid their expenses, even while supervising the survey, from the said appropriation, this because of its limited use. This answers the third question.

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The purpose of the survey appears to be to secure data and information to guide and assist the Legislature in "predicating future legislation with respect to educational television," which very purpose would seem to contemplate, as incidental and a part of the survey, the reduction of the information obtained in some conveniently available form for the members of the Legislature. The only reasonable method of making the same conveniently available to the members of the Legislature for proper study and use would be in written form and the number of members in the Legislature would suggest that it be in printed or other convenient form. The statute clearly contemplates as an incident thereto that the technical assistants have such secretarial assistance as may be reasonably necessary in the preparation of the report. The fourth question is answered in the affirmative, provided the report is made no longer than necessary for the purposes intended.

Yours very truly,

Richard W. Ervin
Attorney General

Prepared by:

Fred M. Burns
Assistant Attorney General
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