

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 2502

SPONSOR: Senator Casas

SUBJECT: Implementing Bill for Fiscal Year 1999-2000

DATE: March 18, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Smith</u>	<u>Hadi</u>	<u>FP</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill would provide the necessary statutory authority to implement and execute the General Appropriations Act.

This bill amends the following sections of the Florida Statutes: 216.292, 394.908, 409.9116, 216.181, 287.064, 110.1239, 236.081, 212.20, and 403.7095.

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 legislation would provide the necessary statutory authority to implement and execute the General Appropriations Act.

III. Effect of Proposed Changes:

Section 1. Legislative intent.

Section 2. Amends s. 216.292, F.S., to allow the Department of Children and Family Services and the Agency for Health Care Administration to transfer General Revenue funds to comply with any provision of the General Appropriations Act that requires or specifically authorizes the transfer of general appropriations funds between these two agencies. (Implements Specific

Appropriations 212 through 425 of the 1999-2000 General Appropriations Act, s. 216.292(1)(b), F.S., 1998 Supplement).

Section 3. Amends s. 394.908, F.S., to administer funds to the Department of Children and Family Services, which are to be used to increase the adult mental health equity funding in districts 4, 7, and 11. (Implements Specific Appropriation 348 of the 1999-2000 General Appropriations Act).

Section 4. Amends s. 409.9115, F.S., to continue the current mental health disproportionate share formula. (Implements Specific Appropriation 268 of the 1999-2000 General Appropriations Act, s. 409.9115(3), F.S., 1998 Supplement).

Section 5. Requires the Agency for Health Care Administration to use the 1992-1993 disproportionate share formula, 1989 audited financial data, and the Medicaid per diem rate as of January 1, 1992, for those hospitals that qualify for the hospital disproportionate share program. (Implements Specific Appropriation 243 of the 1999-2000 General Appropriations Act.)

Section 6. Amends s. 409.9116, F.S., to continue the current formula for rural hospital disproportionate share payments. (Implements Specific Appropriation 236 of the 1999-2000 General Appropriations Act, s. 409.9116 (6), F.S., 1998 Supplement).

Section 7. Amends s. 216.181, F.S., to authorize the Department of Children and Family Services and the Department of Health to advance money to contract providers. (Implements Specific Appropriations 292 through 425, and 445 through 540 of the 1999-2000 General Appropriations Act, s. 216.181 (15)(c), 1998 Supplement).

Section 8. Requires the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for inpatient hospital stays. (Implements Specific Appropriation 243 of the 1999-2000 General Appropriations Act).

Section 9. Allows the Departments of Children and Family Services, Revenue, Labor and Employment Security, and Health and the Agency for Health Care Administration to transfer positions and general revenue funds as necessary to comply with any provision of the 1999-2000 General Appropriations Act or WAGES Act which requires or specifically authorizes the transfer of positions and general revenue funds between these agencies.

Section 10. Amends s. 216.181, F.S., to authorize the Department of Children and Family Services to use operating funds from developmental services institutions for fixed capital improvements necessary to bring unlicensed beds up to federal ICF/DD standards. (Implements Specific Appropriations 420 through 425 of the 1999-2000 General Appropriations Act, s.216.181(16), F.S., 1998 Supplement).

Section 11. Requires the Agency for Health Care Administration to take any necessary lawfully authorized action to ensure that total expenditures for Medicaid transportation remain within the amount budgeted in the 1999-2000 General Appropriations Act. (Implements Specific Appropriation 255 of the 1999-2000 General Appropriations Act).

Section 12. Amends s. 216.181, F.S., to allow the Florida Department of Law Enforcement to transfer up to 20 positions and up to 10 percent of the initial approved salary rate between budget entities without prior approval. The department must provide notice to the Governor and legislative fiscal committee chairs of all transfers. (Implements Specific Appropriations 973, 982, 987, and 993 of the 1999-2000 General Appropriations Act, and s. 216.181, (17), F.S., 1998 Supplement.)

Section 13. Allows the Florida Department of Law Enforcement to participate in the model career service classification and compensation system as authorized by s. 334.0445, F.S. (Implements Specific Appropriations 973, 982, 987, and 993 of the 1999-2000 General Appropriations Act.)

Section 14. Allows the Department of Law Enforcement to transfer up to 0.5% of certain appropriations to provide meritorious performance bonuses for employees, subject to approval. (Implements Specific Appropriations 973, 982, 987, and 993 of the 1999-2000 General Appropriations Act.)

Section 15. Authorizes the Correctional Privatization Commission and the Department of Juvenile Justice to use appropriated funds to defray county or municipality costs associated with opening new facilities, up to 1 percent of construction costs minus impact fees. (Implements Specific Appropriation 573 of the 1999-2000 General Appropriations Act.)

Section 16. Amends s. 287.064, F.S., to allow the Department of Law Enforcement to finance equipment and services for the Florida Crime Information Center through the Comptroller's consolidated master equipment financing program. (Implements Specific Appropriation 984A of the 1999-2000 General Appropriations Act.)

Section 17. Allows transfers from the Solid Waste Management Trust Fund of \$11.4 million for the surface water improvement and management projects and \$8 million for the aquatic weed control program. (Implements Specific Appropriations 1185 and 1189 of the 1999-2000 General Appropriations Act, and s. 212.20(7), F.S., 1998 Supplement.)

Section 18. Allows counties to use aquatic weed control funds for recycling. (Implements Specific Appropriations 1274 and 1276 of the 1999-2000 General Appropriations Act.)

Section 19. Amends s. 403.7095, F.S., to provide solid waste and recycling grants of \$50,000 and at least 80 percent of prior year funding to counties with a population of less than 100,000. Allows 10 percent of the remaining funds to be made available to all counties on a competitive basis for innovative programs that meet specified criteria. (Implements Specific Appropriations 1397 and 1399 of the 1999-2000 General Appropriations Act.)

Section 20. Amends s. 110.1239, F.S., to require the Division of State Group Insurance to determine the level of premiums necessary to fully fund the program for the FY 1999-2000, require the Governor to include such rates in his recommended budget, and specify that increased appropriations constitute state contribution, i.e., an increase in state premiums. (Implements Specific Appropriation 1535A of the 1999-2000 General Appropriations Act.)

Section 21. Amends s. 373.59(17), F.S., to allow the Department of Environmental Protection to release funds to water management districts for SWIM purposes. Limits such releases until after debt service obligations and payments in lieu of taxes are met. (Implements Specific Appropriation 1205 of the 1999-2000 General Appropriations Act.)

Section 22. Amends s. 287.161(4), F.S., to increase charges for the executive aircraft pool. Specifies the intent that the pool be operated on a full cost recovery basis, less available funds. (Implements Specific Appropriations 1928 through 1931 of the 1999-2000 General Appropriations Act.)

Section 23. Amends s. 15.09(5)(b), F.S., to authorize the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State. (Implements Specific Appropriations 2037 through 2095 of the 1999-2000 General Appropriations Act.)

Section 24. Amends s. 253.034(9), F.S., to allow property owned by the Department of Highway Safety and Motor Vehicles to be sold with proceeds to be deposited in the State Transportation Trust Fund. (Implements Specific Appropriation 1412 through 1529 of the 1999-2000 General Appropriations Act.)

Section 25. Authorizes the Department of Transportation to develop and implement the Model Career Service Classification and Compensation System, subject to certain conditions. Continues the model system authorized by s. 334.0445(1), F.S. (Implements Specific Appropriations 1412 through 1529 of the 1999-2000 General Appropriations Act.)

Section 26. Adds s. 216.181(17), F.S., to allow the Department of Transportation to transfer salary rate to the turnpike budget entity from other departmental budget entities, in order to facilitate the transfer of personnel to the new turnpike headquarters location in Orange County. (Implements Specific Appropriation 1412 through 1529 of the 1999-2000 General Appropriations Act.)

Section 27. Allows funds to be transferred as reflected in the General Appropriations Act, from the Citrus Advertising Trust Fund to the Department of Agriculture and Consumer Services for the purpose of citrus canker eradication as authorized by s. 601.02, F.S.

Section 28. Allows funds to be transferred as reflected in the General Appropriations Act, from the Citrus Advertising Trust Fund to the Department of Agriculture and Consumer Services for the purpose of citrus canker eradication as authorized by s. 601.15, F.S.

Section 29. Authorizes the Commissioner of Education to establish, abolish, or consolidate bureaus, sections, and subsections and to reallocate duties and functions within the Department of Education; subject to the provisions of s. 216.181, F.S.

Section 30. Provides for reallocation of moneys provided for workforce development in the 1999-2000 General Appropriations Act, and requires a budget amendment when a program is moved.

Section 31. Provides that a section in this bill is void if all the items in the budget to which it is tied are vetoed.

Section 32. Provides Legislative intent that if any other bill passes which contains the same language as a provision of this bill, but without the future repeal applied by this bill, the provision in the other bill should take precedence.

Section 33. Provides FY 1999-2000 performance measures and standards for Public Schools, Community Colleges, the State University System, and Workforce Development.

Section 34. Provides FY 1999-2000 performance measures and standards for Agency for Health Care Administration, Department of Children and Family Services, and Elder Affairs

Section 35. Provides FY 1999-2000 performance measures and standards for the Departments of Corrections, Juvenile Justice, Law Enforcement, and Legal Affairs.

Section 36. Provides FY 1999-2000 performance measures and standards for the Departments of Agriculture, Environmental Protection, the Fish and Wild Life Conservation Commission and the Department of Transportation.

Section 37. Provides FY 1999-2000 performance measures and standards for the Departments of Banking and Finance, Executive Office of the Governor, and Departments of Highway Safety and Motor Vehicles, Insurance, Labor and Employment Security, Management Services, Military Affairs, Revenue, and State.

Section 38. Provides for severability.

Section 39. Provides an effective date.

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.
