

BSTORAGE NAME: h2147.ga

DATE: March 24, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GENERAL APPROPRIATIONS
ANALYSIS**

BILL #: HB 2147 (PCB GA 00-12)

RELATING TO: Implementing the 2000-2001 General Appropriations Act

SPONSOR(S): Committee on General Appropriations and Representative Pruitt

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1) GENERAL APPROPRIATIONS YEAS 18 NAYS 0

(2)

(3)

(4)

(5)

I. SUMMARY:

This bill implements the General Appropriations Act for the 2000-2001 fiscal year. It includes legislative adoption of performance based program (PB²) measures and standards for specific programs in the agencies that are scheduled to be included in PB², in accordance with s. 216.0166(3), F.S.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

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

For any principle that received a "no" above, please explain:

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.

C. EFFECT OF PROPOSED CHANGES:

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

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides legislative intent.

Section 2. Provides authority for transfer of funds if workforce development programs are transferred from school districts to community colleges or vice versa during the fiscal year.

Section 3. Ratifies the past expenditures of state funds appropriated in fiscal year 1986-1987 through 1992-1993 as being consistent with legislative intent; ratifies that matching fund requirements were met by the San Carlos Institute; waives the repayment of interest funds by the San Carlos Institute; and directs all state agencies to release funds appropriated in fiscal year 1993-1994 and 1998-1999 through 2000-20001 to the San Carlos Institute.

Section 4. Implements Specific Appropriation 135 of the 2000-2001 General Appropriations Act by amending s. 240.384 (7), F.S., to require that an audit of the criminal justice training programs at St. Johns River Community College and Tallahassee Community College be conducted and that all funds identified in the audit for a specific program must be shifted to the base appropriation of the respective community college prior to the release of funds in Specific Appropriation 135.

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Section 5. Implements Specific Appropriation 167 of the 2000-2001 General Appropriations Act by amending s. 240.2605 (8) F.S., to reauthorize the Major Gifts program for 2000-2001. Requires the Board of Regents to rank donations for challenge grants, new donations, major gifts and eminent scholars, when such donations qualify for match. Limits match.

Section 6. Continue the current mental health disproportionate share formula. (Implements Specific Appropriation 246 of the 2000-2001 General Appropriations Act, and amends s. 409.9115(3), F.S.)

Section 7. Requires the Agency for Health Care Administration to use the 1992-1993 disproportionate share formula, 1994 audited financial data, and the Medicaid per diem rate as of January 1, 1999, for those hospitals that qualify for the hospital disproportionate share program. (Implements Specific Appropriation 217 of the 2000-2001 General Appropriations Act.)

Section 8. Continues the current formula for rural hospital disproportionate share payments. (Implements Specific Appropriation 212 of the 2000-2001 General Appropriations Act, s. 409.9116 (6), F.S.)

Section 9. Requires the Agency for Health Care Administration to develop and implement a system under which disproportionate share payments are made to those hospitals that are licensed by the state as a children's hospital and were licensed on January 1, 2000 as a children's hospital. (Implements Specific Appropriation 234A of the 2000-2001 General Appropriations Act, and creates s. 409.9119, F.S.)

Section 10. Authorizes the Department of Children and Family Services and the Department of Health to advance money to contract providers. (Implements Specific Appropriations 264 through 435, and 462 through 592A of the 2000-2001 General Appropriations Act, and amends s. 216.181 (15)(c), F.S.)

Section 11. Requires the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for inpatient hospital stays. (Implements Specific Appropriation 217 of the 2000-2001 General Appropriations Act.)

Section 12. Allows the Departments of Children and Family Services, Revenue, Management Services, Health and the Agency for Health Care Administration to transfer positions and general revenue funds as necessary to comply with any provision of the 2000-2001 General Appropriations Act or WAGES Act which requires or specifically authorizes the transfer of positions and general revenue funds between these agencies.

Section 13. Expands eligibility for subsidized child care to children up to 200% of poverty who are enrolled in the Child Care Executive Partnership Program. (Implements Specific Appropriation 428 of the 2000-2001 General Appropriations Act, and amends s. 402.3015(d), F.S.)

Section 14. Requires the Broward County Sherriffs to conduct the same child protective investigations according to the same standards as those in Pasco, Manatee, and Pinellas County. (Implements Specific Appropriations 312 of the 2000-2001 General Appropriations Act, and amends s. 39.3065 (4), F.S.)

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Section 15. Establishes guidelines for all contracted Healthy Family Florida service providers. (Implements Specific Appropriations 312 of the 2000-2001 General Appropriations Act.)

Section 16. Requires the Agency for Health Care Administration to develop prescription practice pattern guidelines, sanction abusers, educate patients and providers, and detect fraud. (Implements Specific Appropriations 230 of the 2000-2001 General Appropriations Act, and amends s.409.912(13), F.S.)

Section 17. Gives consideration to in-state vendors for RFP for telemedicine pilot in Glades School District. (Implements Specific Appropriation 487 of the 2000-2001 General Appropriations Act and amends s. 287.084(3), F.S.)

Section 18. Provides requirements for funding of school readiness coalitions and school readiness programs. (Implements Specific Appropriation 427 and 428 of the 2000-2001 General Appropriations Act and amends s. 411.01, F.S.)

Section 19. 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 1149C through 1109G of the 1999-2000 General Appropriations Act.)

Section 20. Authorizes the Correctional Privatization Commission to make expenditures to defray costs incurred by a municipality or county for privatized facilities under the authority of the Correctional Privatization Commission or the Department of Juvenile Justice. (Implements Specific Appropriation 636, of the 2000-2001 General Appropriations Act.)

Section 21. Authorizes the Department of Legal Affairs to transfer up to \$1,054,632 between trust funds. (Implements Specific Appropriation 1226 of the 2000-2001 General Appropriations Act.)

Section 22. Allows the public defender of any judicial circuit in the state to reimburse any employee who purchased additional retirement credit in the Florida Retirement System Elected Officers' Class for the time spent as an employee of the public defender. (Implements Specific Appropriation 925 of the 2000-2001 General Appropriations Act.)

Section 23. Directs the Department of Juvenile Justice to establish a plan to ensure that the use of funds is in accordance with lawfully established priorities and conditions before Specific Appropriation 1144A is allocated or released for use by the department. (Implements Specific Appropriation 1144A of the 2000-2001 General Appropriations Act.)

Section 24. Allows the transfer of salary rate to implement transfer of personnel to the new turnpike headquarters in Orange County; requires report to Executive Office of the Governor and Legislature. (Implements Specific Appropriation 1807-1864 of the 2000-2001 General Appropriations Act and amends s. 216.181 (18), F.S.)

Section 25. Directs up to \$4 million of the unencumbered balance of the Emergency Management, Preparedness, and Assistance Trust Fund to be used to improve, and increase the number of, disaster shelters within the state and improve local disaster preparedness. (Implements Specific Appropriations 1406Q and 1406R of the 2000-2001 General Appropriations Act and amends s. 252.373(1), F.S.)

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Section 26. Specifies that funds in Specific Appropriation 2088B are not to be released for any other purpose and may not be released until the projects meet the contracted performance requirements; all unexpended general revenue of the appropriation shall revert to the General Revenue Fund. (Implements Specific Appropriation 2088B of the 2000-2001 General Appropriations Act)

Section 27. Transfers \$13 million for surface water improvement and management projects and \$6.5 million for the aquatic weed control program from the Solid Waste Management Trust Fund. (Implements Specific Appropriations 1476, 1591F, 1591H, and 1561I of the 2000-2001 General Appropriations Act, and amends s. 212.20(7), F.S.)

Section 28. Provides for solid waste and recycling grants; directs the Department of Environmental Protection to cooperate with affected organizations to develop a process and define specific criteria for evaluating proposals and selecting projects for funding. (Implements Specific Appropriation 1609D of the 2000-2001 General Appropriations Act and amends 403.7095(8) and (9), F.S.)

Section 29. Directs 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 1490E and 1591F of the 2000-2001 General Appropriations Act and amends s. 373.59, (11) F.S.)

Section 30. Authorizes the Department of Agriculture and Consumer Services to use moneys in the General Inspection Trust Fund to defray the expenses of the department in the discharge of any and all of its administrative and regulatory powers and duties as prescribed by law. (Implements Specific Appropriation 1262C of the 2000-2001 General Appropriations Act.)

Section 31. Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 32. Provides for an act passed during the 2000 Regular Session of the Legislature containing a provision substantially the same as a provision in this act to take precedence.

Section 33. Provides Performance-Base Program Budgeting outcome and output measures and associated standards for education: (Public Schools, Community Colleges, State University System, Workforce Development, and the Department of Education.)

Section 34. Provides Performance-Base Program Budgeting outcome and output measures for programs in Health and Human Services: (Agency for Health Care Administration, Department of Children and Family Services, Department of Elderly Affairs, Department of Health, Department of Veterans' Affairs).

Section 35. Provides Performance-Base Budgeting outcome and output measures and associated standards for programs in Criminal Justice: (Department of Corrections, Department of Juvenile Justice, Florida Department of Law Enforcement, Department of Legal Affairs, Public Defenders, State Attorneys, Justice Administrative Commission, Capital Collateral Regional Counsels, and the Parole Commission.)

Section 36. Provides Performance-Base Program Budgeting measures for programs in Transportation and Economic Development. (Executive Office of the Governor, Department of Highway Safety and Motor Vehicles, Department of Labor and Employment

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Security, Department of Military Affairs, Public Service Commission, Department of State, Department of Transportation, and Department of Community Affairs.)

Section 37. Provides Performance-Base Program Budgeting measures for programs in General Government Agencies. (Department of Agriculture and Consumer Services, Department of Banking and Finance, Department of Business and Professional Regulation, Department of Environmental Protection, Fish and Wildlife Conservation Commission, Department of Insurance, Department of Lottery, Department of Management Services, and the Department of Revenue.)

Section 38. Provides Performance-Base Program Budgeting measures for agencies scheduled for 2001-2002. (Department of Citrus.)

Section 39. Provides a severability clause.

Section 40. Provides an effective date.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

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 affect provisions in funding, funding decisions are actually 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 municipalities or counties to spend money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON GENERAL APPROPRIATIONS:

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