

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.)

Date: March 16, 1998 Revised: _____

Subject: Appropriations Implementing Bill

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	Cohen	Smith	WM	Withdrawn
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This legislation 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, 409.9116, 216.181, 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.”

III. Effect of Proposed Changes:

Section 1. Legislative intent.

Section 2. Amends s. 216.292, F.S., to allow Department of Children and Family Services and the Agency for Health Care Administration to transfer General Revenue funds to comply with the requirements of proviso in the 1998-1999 General Appropriations Act.

Section 3. Requires the Agency for Health Care Administration to continue the current disproportionate share formula in fiscal year 1998-1999 for qualifying hospitals.

Section 4. Continues the current formula for rural hospital disproportionate share payments.

Section 5. 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.

Section 6. Directs the Agency for Health Care Administration to include health maintenance organization recipients in the county billing process for inpatient hospital stays.

Section 7. Allows the Department of Children and Family Services to license beds in Developmental Services institutions to draw down federal funds..

Section 8. Authorizes the Department of Law Enforcement to transfer positions and salary rate between budget entities. The department is required to notify the Executive Office of the Governor and the applicable House and Senate committees of all transfers.

Section 9. Authorizes the Department of Law Enforcement to participate in the Model Career Service Classification and Compensation System, subject to certain conditions.

Section 10. Authorizes the Department of Law Enforcement to use certain moneys to provide meritorious-performance bonuses for employees, subject to approval.

Section 11. Amends s. 236.081(4), F.S., to prevent any school district's required local effort from producing more than 90 percent of the district's FEFP.

Section 12. Provides for allocation of moneys provided for workforce development and requires a budget amendment when a program is moved.

Section 13. Amends s. 212.20, F.S., to provide for use of moneys allocated to the Solid Waste Management Trust Fund.

Section 14. Authorizes certain counties to use moneys received for aquatic weed control for recycling purposes.

Section 15. Amends s. 403.7095, F.S., to revise applicability and the expiration date of the solid waste management grant program.

Section 16. Amends s. 403.7095, F.S.; to provide direction to the Department of Environmental Protection regarding administration of solid waste management and recycling grants.

Section 17. Authorizes the Department of Transportation to sell a parcel of land in Orange County.

Section 18. Specifies that no section shall take effect if the appropriations and provisos to which it relates are vetoed.

Section 19. Provides for a related act to take precedence

Section 20. Provides a severability clause.

Section 21. 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.
