

By the Committee on Ways and Means

301-1736-98

1 A bill to be entitled
2 An act relating to implementing the fiscal year
3 1998-1999 General Appropriations Act; providing
4 legislative intent; amending s. 216.292, F.S.;
5 authorizing the Department of Children and
6 Family Services and the Agency for Health Care
7 Administration to transfer general revenue
8 funds between them; requiring the Agency for
9 Health Care Administration to use a specified
10 disproportionate share formula, specified
11 audited financial data, and a specified
12 Medicaid per diem rate in fiscal year 1998-1999
13 for qualifying hospitals; amending s. 409.9116,
14 F.S.; altering the formula for rural hospital
15 disproportionate share payments; amending s.
16 216.181, F.S.; authorizing the Department of
17 Children and Family Services and the Department
18 of Health to advance certain moneys for certain
19 contract services; directing the Agency for
20 Health Care Administration to include health
21 maintenance organization recipients in the
22 county billing for a specified purpose;
23 authorizing the Department of Children and
24 Family Services to use certain funds for fixed
25 capital outlay expenditures to meet federal
26 standards; authorizing the Department of Law
27 Enforcement to transfer positions, salary rate,
28 and budget between budget entities; requiring
29 notification of such actions; authorizing the
30 Department of Law Enforcement to participate in
31 the Model Career Service Classification and

1 Compensation System, subject to certain
2 conditions; authorizing the Department of Law
3 Enforcement to use certain moneys to provide
4 meritorious-performance bonuses for employees,
5 subject to approval; amending s. 236.081, F.S.,
6 relating to the Florida Education Finance
7 Program; authorizing funds to keep the district
8 required local effort at a specified percentage
9 of the district's total calculation; providing
10 for allocation of moneys provided for workforce
11 development; providing for budget amendment
12 when a program is moved; amending s. 212.20,
13 F.S.; providing for use of moneys allocated to
14 the Solid Waste Management Trust Fund;
15 providing for certain counties to use moneys
16 received for aquatic weed control for recycling
17 purposes; amending s. 403.7095, F.S.; revising
18 applicability and the expiration date of the
19 solid waste management grant program; requiring
20 a specified level of funding for counties
21 receiving solid waste management and recycling
22 grants; providing for allocation of funds for
23 innovative programs to address recycling
24 practices and procedures; providing for the
25 sale of certain property; providing for
26 expiration of temporary provisions; providing
27 effect of veto of specific appropriation or
28 proviso to which implementing language refers;
29 providing for construction of implementing act
30 in relation to other legislation; providing
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1 severability; providing for retroactive
2 effectiveness; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. It is the intent of the Legislature that
7 the implementing and administering provisions of this act
8 apply to the General Appropriations Act for fiscal year
9 1998-1999.

10 Section 2. In order to implement Specific
11 Appropriations 207 through 521 of the 1998-1999 General
12 Appropriations Act, subsection (1) of section 216.292, Florida
13 Statutes, is amended to read:

14 216.292 Appropriations nontransferable; exceptions.--

15 (1)(a) Funds provided in the General Appropriations
16 Act or as otherwise expressly provided by law shall be
17 expended only for the purpose for which appropriated, except
18 that if deemed necessary such moneys may be transferred as
19 provided in subsections (3) and (4) when it is determined to
20 be in the best interest of the state. Appropriations for fixed
21 capital outlay may not be expended for any other purpose, and
22 appropriations may not be transferred between state agencies,
23 or between a state agency and the judicial branch, unless
24 specifically authorized by law.

25 (b) For the 1998-1999 ~~1997-1998~~ fiscal year only, the
26 Department of Children and Family Services and the Agency for
27 Health Care Administration may transfer general revenue funds
28 as necessary to comply with any provision of the General
29 Appropriations Act that requires or specifically authorizes
30 the transfer of general revenue funds between these two

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1 agencies. This paragraph expires ~~is repealed on~~ July 1, 1999
2 ~~1998~~.

3 Section 3. During the 1998-1999 fiscal year, the
4 Agency for Health Care Administration shall use the 1992-1993
5 disproportionate share formula, the 1989 audited financial
6 data, and the Medicaid per diem rate as of January 1, 1992,
7 for those hospitals that qualify for the hospital
8 disproportionate share program funded in Specific
9 Appropriation 247 of the 1998-1999 General Appropriations Act.
10 This section expires July 1, 1999.

11 Section 4. In order to implement Specific
12 Appropriation 240 of the 1998-1999 General Appropriations Act,
13 subsection (6) of section 409.9116, Florida Statutes, is
14 amended to read:

15 409.9116 Disproportionate share/financial assistance
16 program for rural hospitals.--In addition to the payments made
17 under s. 409.911, the Agency for Health Care Administration
18 shall administer a federally matched disproportionate share
19 program and a state-funded financial assistance program for
20 statutory rural hospitals. The agency shall make
21 disproportionate share payments to statutory rural hospitals
22 that qualify for such payments and financial assistance
23 payments to statutory rural hospitals that do not qualify for
24 disproportionate share payments. The disproportionate share
25 program payments shall be limited by and conform with federal
26 requirements. In fiscal year 1993-1994, available funds shall
27 be distributed in one payment, as soon as practicable after
28 the effective date of this act. In subsequent fiscal years,
29 funds shall be distributed quarterly in each fiscal year for
30 which an appropriation is made. Notwithstanding the provisions
31 of s. 409.915, counties are exempt from contributing toward

1 the cost of this special reimbursement for hospitals serving a
2 disproportionate share of low-income patients.

3 (6) For the 1998-1999 ~~1997-1998~~ fiscal year only, the
4 Agency for Health Care Administration shall use the following
5 formula for distribution of the funds in Specific
6 Appropriation 240 ~~226~~ of the 1998-1999 ~~1997-1998~~ General
7 Appropriations Act for the disproportionate share/financial
8 assistance program for rural hospitals.

9 (a) The agency shall first determine a preliminary
10 payment amount for each rural hospital by allocating all
11 available state funds using the following formula:

12

$$13 \quad \text{PDAER} = (\text{TAERH} \times \text{TARH}) / \text{STAERH}$$

14

15 Where:

16 PDAER = preliminary distribution amount for each rural
17 hospital.

18 TAERH = total amount earned by each rural hospital.

19 TARH = total amount appropriated or distributed under
20 this section.

21 STAERH = sum of total amount earned by each rural
22 hospital.

23 (b) Federal matching funds for the disproportionate
24 share program shall then be calculated for those hospitals
25 that qualify for disproportionate share in paragraph (a).

26 (c) The state-funds-only payment amount is then
27 calculated for each hospital using the formula:

28

$$29 \quad \text{SFOER} = \text{Maximum value of (1) SFOL} - \text{PDAER or (2) 0}$$

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31 Where:

1 SFOER = state-funds-only payment amount for each rural
2 hospital.

3 SFOL = state-funds-only payment level, which is set at
4 4 percent of TARH.

5 (d) The adjusted total amount allocated to the rural
6 disproportionate share program shall then be calculated using
7 the following formula:

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9 $ATARH = (TARH - SSFOER)$

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11 Where:

12 ATARH = adjusted total amount appropriated or
13 distributed under this section.

14 SSFOER = sum of the state-funds-only payment amount
15 calculated under paragraph (c) for all rural hospitals.

16 (e) The determination of the amount of rural
17 disproportionate share hospital funds is calculated by the
18 following formula:

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20 $TDAERH = [(TAERH \times ATARH) / STAERH]$

21

22 Where:

23 TDAERH = total distribution amount for each rural
24 hospital.

25 (f) Federal matching funds for the disproportionate
26 share program shall then be calculated for those hospitals
27 that qualify for disproportionate share in paragraph (e).

28 (g) State-funds-only payment amounts calculated under
29 paragraph (c) are then added to the results of paragraph (f)
30 to determine the total distribution amount for each rural
31 hospital.

1 (h) This subsection expires ~~is repealed~~ on July 1,
2 1999 ~~1998~~.

3 Section 5. In order to implement Specific
4 Appropriations 293 through 446A and 466A through 556A of the
5 1998-1999 General Appropriations Act, paragraph (c) of
6 subsection (15) of section 216.181, Florida Statutes, is
7 amended to read:

8 216.181 Approved budgets for operations and fixed
9 capital outlay.--

10 (15)

11 (c) For the 1998-1999 ~~1997-1998~~ fiscal year only,
12 funds appropriated to the Department of Children and Family
13 Services in Specific Appropriations 293 ~~272~~ through 446A ~~403~~
14 and the Department of Health in Specific Appropriations 466A
15 ~~426~~ through 556A ~~511A~~ of the 1998-1999 ~~1997-1998~~ General
16 Appropriations Act may be advanced, unless specifically
17 prohibited in such General Appropriations Act, for those
18 contracted services that were approved for advancement by the
19 Comptroller in fiscal year 1993-1994, including those services
20 contracted on a fixed-price or unit cost basis. This
21 paragraph expires ~~is repealed~~ on July 1, 1999 ~~1998~~.

22 Section 6. For the purpose of implementing Specific
23 Appropriation 247 of the 1998-1999 General Appropriations Act,
24 and for the 1998-1999 fiscal year only, the Agency for Health
25 Care Administration shall include health maintenance
26 organization recipients in the county billing for inpatient
27 hospital stays for the purpose of shared costs with counties
28 in accordance with the Florida Statutes. This section expires
29 July 1, 1999.

30 Section 7. In order to implement Specific
31 Appropriations 440 through 445 of the 1998-1999 General

1 Appropriations Act, the Department of Children and Family
2 Services is authorized to use operating funds budgeted for
3 Developmental Services Institutions for fixed capital outlay
4 expenditures as needed to bring any currently unlicensed beds
5 up to Federal Intermediate Care Facility for the
6 Developmentally Disabled licensure standards. This section
7 expires July 1, 1999.

8 Section 8. For the purpose of implementing Specific
9 Appropriations 1033, 1042, 1046, and 1050 of the 1998-1999
10 General Appropriations Act, the Florida Department of Law
11 Enforcement may transfer up to 20 positions and associated
12 budget between budget entities and up to 10 percent of the
13 initial approved salary rate between budget entities, provided
14 the same funding source is used throughout each transfer. The
15 department may also transfer up to 10 percent of the initial
16 approved budget between budget entities, provided the same
17 funding source is used throughout each transfer. The
18 department must provide notice to the Executive Office of the
19 Governor, the Senate Ways and Means Committee, and the House
20 Committee on Criminal Justice Appropriations for all transfers
21 of salary rate or positions. This section expires July 1,
22 1999.

23 Section 9. For the purpose of implementing Specific
24 Appropriations 1033, 1042, 1046, and 1050 of the 1998-1999
25 General Appropriations Act, beginning July 1, 1998, the
26 Florida Department of Law Enforcement, with approval of the
27 Executive Office of the Governor and in consultation with the
28 Department of Management Services, legislative appropriation
29 and personnel committees, and the affected certified
30 bargaining units, is authorized to participate in the Model
31 Career Service Classification and Compensation System as

1 authorized by section 334.0445, Florida Statutes, which is
2 hereby continued through June 30, 1999, for this purpose. This
3 section expires July 1, 1999.

4 Section 10. Consistent with the provisions of section
5 216.163, Florida Statutes, and notwithstanding the provisions
6 of section 216.181, Florida Statutes, the Florida Department
7 of Law Enforcement may transfer up to one-half of 1 percent of
8 the funds in Specific Appropriations 1033, 1042, 1046, and
9 1050 of the 1998-1999 General Appropriations Act for lump-sum
10 salary bonuses for departmental employees at the discretion of
11 the Executive Director, provided that such bonuses are given
12 only to selected employees for meritorious performance,
13 instead of being given as across-the-board bonuses for all
14 employees. The department, after consultation with the
15 Executive Office of the Governor, shall provide a plan to the
16 House Fiscal Responsibility Council Chair and to the Senate
17 Ways and Means Committee Chair for approval before awarding
18 such bonuses. This section expires July 1, 1999.

19 Section 11. In order to implement Specific
20 Appropriation 117 of the 1998-1999 General Appropriations Act,
21 paragraph (a) of subsection (4) of section 236.081, Florida
22 Statutes, is amended to read:

23 236.081 Funds for operation of schools.--If the annual
24 allocation from the Florida Education Finance Program to each
25 district for operation of schools is not determined in the
26 annual appropriations act or the substantive bill implementing
27 the annual appropriations act, it shall be determined as
28 follows:

29 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL
30 EFFORT.--The Legislature shall prescribe the aggregate
31 required local effort for all school districts collectively as

1 an item in the General Appropriations Act for each fiscal
2 year. The amount that each district shall provide annually
3 toward the cost of the Florida Education Finance Program for
4 kindergarten through grade 12 programs shall be calculated as
5 follows:

6 (a) Estimated taxable value calculations.--
7 1.a. Not later than 2 working days prior to July 19,
8 the Department of Revenue shall certify to the Commissioner of
9 Education its most recent estimate of the taxable value for
10 school purposes in each school district and the total for all
11 school districts in the state for the current calendar year
12 based on the latest available data obtained from the local
13 property appraisers. Not later than July 19, the commissioner
14 shall compute a millage rate, rounded to the next highest one
15 one-thousandth of a mill, which, when applied to 95 percent of
16 the estimated state total taxable value for school purposes,
17 would generate the prescribed aggregate required local effort
18 for that year for all districts. The commissioner shall
19 certify to each district school board the millage rate,
20 computed as prescribed in this subparagraph, as the minimum
21 millage rate necessary to provide the district required local
22 effort for that year.

23 b. For the 1998-1999 ~~1997-1998~~ fiscal year only, the
24 General Appropriations Act may direct the computation of the
25 statewide adjusted aggregate amount for required local effort
26 for all school districts collectively from ad valorem taxes to
27 ensure that no school district's revenue from required local
28 effort millage will produce more than 90 percent of the
29 district's total Florida Education Finance Program
30 calculation, and the adjustment of the required local effort
31 millage rate of each district that produces more than 90

1 percent of its total Florida Education Finance Program
2 entitlement to a level that will produce only 90 percent of
3 its total Florida Education Finance Program entitlement. This
4 sub-subparagraph expires ~~is repealed on~~ July 1, 1999 ~~1998~~,
5 unless enacted in other legislation.

6 2. As revised data are received from property
7 appraisers, the Department of Revenue shall amend the
8 certification of the estimate of the taxable value for school
9 purposes. The Commissioner of Education, in administering the
10 provisions of subparagraph (10)(a)2., shall use the most
11 recent taxable value for the appropriate year.

12 Section 12. The funds provided in the 1998-1999
13 General Appropriations Act for workforce development shall be
14 initially allocated to the school district or community
15 college as designated. If, for any reason, a program in whole
16 or in part is moved from a community college to a school
17 district or moved from a school district to a community
18 college, the Commissioner of Education or the Executive
19 Director, Division of Community Colleges, shall submit a
20 budget amendment pursuant to chapter 216, Florida Statutes, to
21 transfer the appropriate amount of the 1998-1999 appropriation
22 between the affected district and community college. The
23 amount transferred shall be as near as practicable to the
24 actual amount appropriated for the FTE funded for that
25 program. This section expires July 1, 1999.

26 Section 13. In order to implement Specific
27 Appropriations 1299 and 1302 of the 1998-1999 General
28 Appropriations Act, subsection (7) of section 212.20, Florida
29 Statutes, is amended to read:

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1 212.20 Funds collected, disposition; additional powers
2 of department; operational expense; refund of taxes
3 adjudicated unconstitutionally collected.--

4 (7) For the 1998-1999 ~~1997-1998~~ fiscal year only, the
5 use of funds allocated to the Solid Waste Management Trust
6 Fund shall be as provided in the General Appropriations Act.
7 There is transferred \$6 million for the surface water
8 improvement and management program and \$6 million for the
9 aquatic weed control program from revenues provided by this
10 section. This subsection expires July 1, 1999 ~~1998~~.

11 Section 14. In order to implement Specific
12 Appropriations 1397 and 1399 of the 1998-1999 General
13 Appropriations Act, counties receiving funds for aquatic weed
14 control programs as provided by section 212.20(7), Florida
15 Statutes, may use these funds for recycling purposes. This
16 authorization expires June 30, 1999.

17 Section 15. In order to implement Specific
18 Appropriations 1397 and 1399 of the 1998-1999 General
19 Appropriations Act, paragraph (a) of subsection (7) of section
20 403.7095, Florida Statutes, is amended to read:

21 403.7095 Solid waste management grant program.--

22 (7)(a) Annual solid waste and recycling grants shall
23 be available to counties with populations of fewer than
24 100,000. The sum of \$50,000 shall be available annually to
25 each eligible county from the Solid Waste Management Trust
26 Fund through June 30, 1999 ~~1998~~. These grants shall be made
27 by October 1 of each year to any county applying to the
28 department prior to August 1 of any given year.

29 Section 16. In order to implement Specific
30 Appropriations 1397 and 1399 of the 1998-1999 General

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1 Appropriations Act, subsections (8) and (9) of section
2 403.7095, Florida Statutes, are amended to read:

3 403.7095 Solid waste management grant program.--

4 (8) For fiscal year 1998-1999 ~~1997-1998~~ the department
5 shall provide counties with populations under 100,000 with at
6 least the same level of funding they received in fiscal year
7 1997-1998 ~~1996-1997~~ for solid waste management and recycling
8 grants.

9 (9) For fiscal year 1998-1999 ~~1997-1998~~ the department
10 shall provide 10 percent of the total funds available after
11 the requirements of subsection (8) are met for recycling
12 grants available to all counties on a competitive basis for
13 innovative programs that meet one or more of the following
14 criteria:

15 (a) Demonstrate advanced technologies or processes.

16 (b) Collect and recycle nontraditional materials.

17 (c) Demonstrate substantial improvement in program
18 cost-effectiveness and efficiency as measured against
19 statewide average costs for the same or similar programs.

20 (d) Demonstrate transferability of technology and
21 processes used in program.

22 (e) Demonstrate and implement multicounty or regional
23 recycling programs.

24 Section 17. In order to implement Specific
25 Appropriation 1571M of the 1998-1999 General Appropriations
26 Act, the Department of Transportation, on behalf of the Board
27 of Trustees of the Internal Improvement Trust Fund, may sell,
28 at fair market value, the following described state real
29 property utilized by the Department of Highway Safety and
30 Motor Vehicles.

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1 From the NW corner of Section 28, Township 22
2 South, Range 30 East, run North 89 degrees, 21
3 minutes, 24 seconds East, 1900 feet; thence run
4 South 0 degrees, 38 minutes, 36 seconds East,
5 59.45 feet for a point of beginning, said point
6 being on the Southerly right of way line of
7 State Highway No. 50; thence South 0 degrees,
8 38 minutes, 36 seconds East, 525.41 feet;
9 thence North 66 degrees, 42 minutes, 09 seconds
10 East, 390 feet more or less to the water's edge
11 of Lake Barton; thence run Northerly along the
12 water's edge of Lake Barton to the North line
13 of said Section 28; thence run South 89
14 degrees, 21 minutes, 24 seconds West along the
15 North line of said Section 28, to a 4" concrete
16 monument on the Southerly right of way line of
17 State Road No. 50, being North 89 degrees, 21
18 minutes, 24 seconds East, 2315.27 feet from the
19 NW Corner of said Section 28; thence run
20 Westerly 419.59 feet along the arc of a 0
21 degree, 44 minutes, 25 seconds curve concave to
22 the Northwesterly, (having a central angle of 3
23 degrees, 6 minutes, 22 seconds, the long chord
24 bearing South 81 degrees, 08 minutes, 37
25 seconds West 419.50 feet) to the point of
26 beginning. All of the above described land
27 being in the NE 1/4 of the NW 1/4 of said
28 Section 28, Orange County, Florida.
29
30 Proceeds from the sale shall be deposited in the State
31 Transportation Trust Fund. The Board of Trustees of the

1 Internal Improvement Trust Fund shall execute and deliver a
2 deed of conveyance for the purpose of carrying into effect a
3 contract or agreement of sale.

4 Section 18. A section of this act which implements a
5 specific appropriation or specifically identified proviso
6 language in the 1998-1999 General Appropriations Act is void
7 if the specific appropriation or specifically identified
8 proviso language is vetoed. A section of this act that
9 implements more than one specific appropriation or more than
10 one portion of specifically identified proviso language in the
11 1998-1999 General Appropriations Act is void if all the
12 specific appropriations or portions of specifically identified
13 proviso language are vetoed.

14 Section 19. If any other act passed during the 1998
15 Regular Session of the Legislature or any extension thereof
16 contains a provision that is substantively the same as a
17 provision in this act, but which removes or is otherwise not
18 subject to the future repeal applied to such provision by this
19 act, the Legislature intends that the provision in the other
20 act shall take precedence and shall continue to operate,
21 notwithstanding the future repeal provided by this act.

22 Section 20. If any provision of this act or the
23 application thereof to any person or circumstance is held
24 invalid, the invalidity shall not affect other provisions or
25 applications of the act which can be given effect without the
26 invalid provision or application, and to this end the
27 provisions of this act are declared severable.

28 Section 21. This act shall take effect July 1, 1998,
29 or in the event this act fails to become a law until after
30 that date, it shall operate retroactively thereto.

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SENATE SUMMARY

Provides implementing provisions for the 1998-1999
General Appropriations Act.