

**STORAGE NAME:** h4205z.hhs  
**DATE:** August 25, 1998

**\*\*FINAL ACTION\*\***  
**\*\*SEE FINAL ACTION STATUS SECTION\*\***

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
HEALTH AND HUMAN SERVICES APPROPRIATIONS  
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 4205 (PCB HHS 98-02)

**RELATING TO:** Implementing the Health and Human Services Appropriations Act

**SPONSOR(S):** Health and Human Services Appropriations

**STATUTE(S) AFFECTED:** Ss. 61,1812, 216.292, 409.9115, 409.9116, 216.181, & 624.91, F.S.

**COMPANION BILL(S):**

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

- (1) Health and Human Services Appropriations YEAS 11 NAYS 0
- (2)
- (3)
- (4)
- (5)

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I. FINAL ACTION STATUS:

On May 28, 1998, this bill be became Law without Governor's Signature; Chapter No. 98-255.

II. SUMMARY:

This bill implements the General Appropriations Act for the 1998-99 fiscal year.

III. SUBSTANTIVE RESEARCH:

A. 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.

B. EFFECT OF PROPOSED CHANGES:

This legislation provides the necessary statutory authority to implement and execute the Appropriations Act in lieu of the apparent unconstitutional methods utilized in the past.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No

b. Does the bill require or authorize an increase in any fees?

No

c. Does the bill reduce total taxes, both rates and revenues?

No

d. Does the bill reduce total fees, both rates and revenues?

No

e. Does the bill authorize any fee or tax increase by any local government?

No

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

**D. SECTION-BY-SECTION RESEARCH:**

Section 1. Provides legislative intent.

Section 2. Amends s. 61.1812, F.S., to adjust the methodology for the distribution of the state share of Child Support Enforcement Collections. (Implements Specific Appropriations 406, 421, 2098, 2098A, and 2098B of the 1998-1999 General Appropriations Act.)

Section 3. Amends s. 216.292, F.S., to allow Department of Children and Families and the Agency for Health Care Administration to transfer General Revenue funds to comply with the requirements of proviso in the General Appropriations Bill. (Implements Specific Appropriations 212 through 446A of the 1998-1999 General Appropriations Act.)

Section 4. Amends s. 409.9115, F.S., to continue the current mental health disproportionate share formula. (Implements Specific Appropriation 271 of the 1998-1999 General Appropriations Act.)

Section 5. Requires the Agency for Health Care Administration to continue the current disproportionate share formula in fiscal year 1998-1999 for qualifying hospitals. (Implements Specific Appropriation 247 of the 1998-1999 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 240 of the 1998-1999 General Appropriations Act.)

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 293 through 446A and 466 through 555 of the 1998-1999 General Appropriations Act.)

Section 8. Directs the Agency for Health Care Administration to include health maintenance organization recipients in the county billing process for inpatient hospital stays. (Implements Specific Appropriation 247 of the 1998-1999 General Appropriations Act.)

Section 9. Authorizes the Departments of Children and Families, Revenue, Labor and Employment Security, Health, and the Agency for Health Care Administration to transfer positions and funds in order to comply with WAGES and other provisions of the General Appropriations Bill.

Section 10. Amends s. 216.181, F.S., to authorize the Department of Children and Family Services to use Developmental Services Institutions operating funds for fixed capital improvements necessary to bring unlicensed beds up to federal ICF/DD standards. (Implements Specific Appropriations 440 through 445 of the 1998-1999 General Appropriations Act.)

Section 11. Requires the Agency for Health Care Administration to take the necessary actions to ensure that expenditures for Medicaid transportation do not exceed the amount budgeted and to take certain steps if that becomes impossible. (Implements Specific Appropriation 258 of the 1998-1999 General Appropriations Act.)

Section 12. Places requirements on the reappropriation in the General Appropriations Bill of unexpended 1997-98 funds and adjusts eligibility for the Temporary Bridge Program for legal immigrants. (Implements Section 15 of the 1998-1999 General Appropriations Act.)

Section 13. Amends s. 409.908, F.S., directing the Agency for Health Care Administration to change the Medicaid reimbursement methodology to control growth of ICF/DD expenditures. Requires that certain changes be studied, allows contracting with an independent consultant. (Implements Specific Appropriation 243 of the 1998-1999 General Appropriations Act.)

Section 14. 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 1033, 1042, 1046, and 1050 of the 1998-1999 General Appropriations Act.)

Section 15. Authorizes the Department of Law Enforcement to participate in the Model Career Service Classification and Compensation System, subject to certain conditions. Continues the model system authorized by s. 334.0445, F.S. (Implements Specific Appropriations 1033, 1042, 1046, and 1050 of the 1998-1999 General Appropriations Act.)

Section 16. Authorizes 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 1033, 1042, 1046, and 1050 of the 1998-1999 General Appropriations Act.)

Section 17. 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 589 of the 1998-1999 General Appropriations Act.)

**STORAGE NAME:** h4205z.hhs

**DATE:** August 25, 1998

**PAGE 7**

Section 18. 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 1047 of the 1998-1999 General Appropriations Act.)

Section 19. Amends s. 376.11, F.S., to authorize up to \$12.5 million from the Florida Coastal Protection Trust Fund for the purpose of funding statewide beach renourishment, restoration, and inlet management plans. (Implements Specific Appropriation 1358 of the 1998-1999 General Appropriations Act.)

Section 20. Amends s. 212.20, F.S., to authorize transfers from the Solid Waste Management Trust Fund of \$11.2 million for the surface water improvement and management projects and \$8 million for the aquatic weed control program. (Implements Specific Appropriations 1299A and 1302 of the 1998-99 General Appropriations Act.)

Section 21. Allows counties to use aquatic weed control funds for recycling. (Implements Specific Appropriations 1397 and 1399 of the 1998-1999 General Appropriations Act.)

Section 22. 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 under 100,000 population. Allows 10 percent of the remaining funds to be made available to all counties on a competitive basis for innovative programs meeting specified criteria. (Implements Specific Appropriations 1397 and 1399 of the 1998-1999 General Appropriations Act.)

Section 23. Allows the Administration Commission to approve exemptions from specified personnel, payroll, and benefit rules and laws in order to implement the Florida Financial Management and Information System pilot. Requires prior review and approval. (Implements Specific Appropriation 1578 of the 1998-1999 General Appropriations Act.)

Section 24. Amends s. 110.123, F.S., to allow the Division of State Group insurance to continue to process health insurance claims for the 1996 and 1997 calendar years, subject to review and approval. (Implements Specific Appropriation 1579 of the 1998-1999 General Appropriations Act.)

Section 25. 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, requiring the Governor to include such rates in his recommended budget, and specifying that increased appropriations are state contribution, i.e., an increase in state premiums. (Implements Specific Appropriation 1579 of the 1998-1999 General Appropriations Act.)

Section 26. Amends s. 259.032, F.S., to allow the Conservation and Recreation Lands Trust Fund to be appropriated for outdoor recreation grants to local governments. (Implements Specific Appropriation 1435 of the 1998-1999 General Appropriations Act.)

Section 27. Amends s. 373.59, 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.

**STORAGE NAME:** h4205z.hhs

**DATE:** August 25, 1998

**PAGE 8**

(Implements Specific Appropriations 1318 of the 1998-1999 General Appropriations Act.)

Section 28. Amends s. 86 of Chapter 93-213, Laws of Florida, to repeal the requirement for repayment of a loan from the Pollution Recovery Trust Fund by the Department of Environmental Protection. (Implements Specific Appropriations 1323A, 1323C, 1338, and 1338B of the 1998-1999 General Appropriations Act.)

Section 29. Amends s. 287.161, 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 1397 and 1399 of the 1998-1999 General Appropriations Act.)

Section 30. Amends s. 15.09, 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 2127 through 2187 of the 1998-1999 General Appropriations Act.)

Section 31. Amends s. 338.251, F. S., to provide up to \$5.3 million in loans, contingent on a study, to the St. Lucie County Expressway Authority. (Implements Specific Appropriation 1531W of the 1998-1999 General Appropriations Act.)

Section 32. Amends s. 253.034, 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 1571L of the 1998-1999 General Appropriations Act.)

Section 33. Amends s. 14.2015, F.S., to allow the Office of Tourism, Trade, and Economic Development to make general economic development grants. Specifies criteria, requires match, requires audits, requires approval. (Implements Specific Appropriation 1738B of the 1998-1999 General Appropriations Act.)

Section 34. Limits the Department of Highway Safety and Motor Vehicles in contracting for motor vehicles emissions testing. (Implements Specific Appropriations 1767 through 1778 of the 1998-1999 General Appropriations Act.)

Section 35. Names the facility and program at the FAMU School of Business and Industry after Sybil C. Mobley. (Implements Specific Appropriation 52 of the 1998-1999 General Appropriations Act.)

Section 36. Provides for reallocation of moneys provided for workforce development in the 1998-1999 General Appropriations Act, and requires a budget amendment when a program is moved. (Implements Specific Appropriations 152B and 152C of the 1998-1999 General Appropriations Act.)

Section 37. Provides that a section in this bill is void if all the items in the budget to which it tied are vetoed.

Section 38. 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 39. Provides for severability.

Section 40. Provides an effective date.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

NONE

2. Recurring Effects:

NONE

3. Long Run Effects Other Than Normal Growth:

NONE

4. Total Revenues and Expenditures:

NONE

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

NONE

2. Recurring Effects:

NONE

3. Long Run Effects Other Than Normal Growth:

NONE

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

NONE

2. Direct Private Sector Benefits:

NONE

3. Effects on Competition, Private Enterprise and Employment Markets:

NONE

D. FISCAL COMMENTS:

Although the provisions of this bill affect provisions in funding, decisions are actually made in the General Appropriations Act.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take any actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenues in the aggregate, as such authority existed on February 1, 1989.

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

This bill does not reduce the percentage of a state tax shared with counties and municipalities as an aggregate on February 1, 1989.

VI. COMMENTS:

The Florida Supreme Court's decision in Moreau v. Lewis, No. 84,019, January 5, 1995, states that "[a]n implementing bill that charges or amends existing law on subjects other than appropriations runs afoul of article III, section 6 of the Florida Constitution." (P.6)

The court further noted that "[b]ecause 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 must also not change or amend existing law on subjects other than appropriations." (P. 7)

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

**STORAGE NAME:** h4205z.hhs

**DATE:** August 25, 1998

**PAGE 11**

VIII. SIGNATURES:

COMMITTEE ON HEALTH AND HUMAN SERVICES APPROPRIATIONS:

Prepared by:

Legislative Research Director:

Lynn Dixon

Lynn Dixon

**FINAL RESEARCH PREPARED BY COMMITTEE ON HEALTH AND HUMAN SERVICES APPROPRIATIONS:**

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