

1
2 An act relating to implementing the 1998-1999
3 General Appropriations Act; providing
4 legislative intent; amending s. 61.1812, F.S.;
5 crediting to the Child Support Incentive Trust
6 Fund certain distributions of the state share
7 of Temporary Assistance to Needy Families
8 (TANF); amending s. 216.292, F.S.; authorizing
9 the Department of Children and Family Services
10 and the Agency for Health Care Administration
11 to transfer general revenue funds between them;
12 amending s. 409.9115, F.S.; specifying how the
13 Agency for Health Care Administration shall
14 make payments for the Medicaid disproportionate
15 share program for mental health hospitals;
16 requiring the Agency for Health Care
17 Administration to use a specified
18 disproportionate share formula, specified
19 audited financial data, and a specified
20 Medicaid per diem rate in fiscal year 1998-1999
21 for qualifying hospitals; amending s. 409.9116,
22 F.S.; providing a formula for rural hospital
23 disproportionate share payments; amending s.
24 216.181, F.S.; authorizing the Department of
25 Children and Family Services and the Department
26 of Health to advance certain moneys for certain
27 contract services; directing the Agency for
28 Health Care Administration to include health
29 maintenance organization recipients in the
30 county billing for a specified purpose;
31 authorizing the Departments of Children and

1 Family Services, Revenue, Labor and Employment
2 Security, and Health and the Agency for Health
3 Care Administration to transfer positions and
4 funds to comply with the 1998-1999 General
5 Appropriations Act or the WAGES Act; amending
6 s. 216.181, F.S.; authorizing the Department of
7 Children and Family Services to use certain
8 funds for fixed capital outlay expenditures to
9 meet certain federal standards; requiring the
10 Agency for Health Care Administration to take
11 necessary actions to ensure that expenditures
12 for Medicaid transportation do not exceed the
13 amount budgeted and to take certain steps if
14 that becomes impossible; amending s. 10, ch.
15 97-259, Laws of Florida, relating to the Legal
16 Immigrant's Temporary Income Bridge Program;
17 providing that unused program funds for the
18 current fiscal year may be used for food stamps
19 for legal immigrants who are in the
20 naturalization and citizenship process or in
21 the process of seeking an exemption thereto and
22 who are children, recipients of Supplemental
23 Security Income, or persons of a specified age;
24 amending s. 409.908, F.S.; directing the Agency
25 for Health Care Administration to implement
26 changes in the Medicaid reimbursement
27 methodology for facilities formerly known as
28 ICF/DD facilities; amending s. 216.181, F.S.;
29 authorizing the Department of Law Enforcement
30 to transfer some positions and associated
31 budget and a certain percentage of salary rate

1 between budget entities and providing
2 requirements with respect thereto; authorizing
3 the Department of Law Enforcement to
4 participate in the model career service
5 classification and compensation system, subject
6 to certain conditions; authorizing the
7 Department of Law Enforcement to use certain
8 moneys to provide meritorious-performance
9 bonuses for employees, subject to approval;
10 authorizing the Correctional Privatization
11 Commission and the Department of Juvenile
12 Justice to make certain expenditures to defray
13 costs incurred by a municipality or county as a
14 result of opening and operating a facility of
15 the commission or the department; amending s.
16 287.064, F.S.; authorizing the Department of
17 Law Enforcement to finance, through the
18 Comptroller's consolidated major equipment
19 financing program, the purchase of certain
20 equipment, software, and services for the
21 Florida Crime Information Center; amending s.
22 376.11, F.S.; appropriating certain funds from
23 the Florida Coastal Protection Trust Fund for
24 the purpose of funding beach renourishment and
25 restoration and inlet management; amending s.
26 212.20, F.S.; providing for use of moneys
27 allocated to the Solid Waste Management Trust
28 Fund; providing for certain counties to use
29 moneys received for aquatic weed control for
30 recycling purposes; amending s. 403.7095, F.S.;
31 revising the expiration date of the solid waste

1 management grant program; requiring a specified
2 level of funding for counties receiving solid
3 waste management and recycling grants;
4 providing for allocation of funds for
5 innovative programs to address recycling
6 practices and procedures; authorizing the
7 Administration Commission to approve exceptions
8 to state personnel, payroll, and benefit rules,
9 policies, and practices and exemptions from
10 certain statutory provisions relating to state
11 employees for a specified pilot project;
12 amending s. 110.123, F.S.; authorizing the
13 Division of State Group Insurance to continue
14 to process certain health insurance claims;
15 creating s. 110.1239, F.S.; providing
16 requirements for the funding of the state group
17 health insurance program; amending s. 259.032,
18 F.S.; authorizing the appropriation of certain
19 funds in the Conservation and Recreation Lands
20 Trust Fund for outdoor-recreation grants;
21 amending s. 373.59, F.S.; requiring release of
22 certain moneys by the Secretary of
23 Environmental Protection to water management
24 districts, upon request; amending s. 86, ch.
25 93-213, Laws of Florida; eliminating the
26 requirement for repayment of certain funds used
27 to cover startup costs for the state NPDES
28 program; amending s. 287.161, F.S.; requiring
29 the Department of Management Services to charge
30 all persons receiving transportation from the
31 executive aircraft pool a specified rate;

1 providing for deposit and use of such fees;
2 amending s. 15.09, F.S.; authorizing the
3 appropriation of funds from the Public Access
4 Data Systems Trust Fund for the operations of
5 the Department of State; amending s. 338.251,
6 F.S.; authorizing a loan, contingent on a
7 specified study, from the Toll Facilities
8 Revolving Trust Fund to the St. Lucie County
9 Expressway Authority for purposes relating to
10 revenue-producing road projects; amending s.
11 253.034, F.S.; authorizing the Department of
12 Transportation to sell certain property
13 utilized by the Department of Highway Safety
14 and Motor Vehicles; amending s. 14.2015, F.S.;
15 establishing an economic development grant
16 program under the Office of Tourism, Trade, and
17 Economic Development; providing criteria,
18 requirements, and restrictions with respect
19 thereto; providing that the Department of
20 Highway Safety and Motor Vehicles may only
21 execute a new contract or an extension of an
22 existing contract for a motor vehicle emissions
23 testing program after a specified date; naming
24 a facility and renaming a school at the Florida
25 Agricultural and Mechanical University;
26 providing for allocation of moneys provided for
27 workforce development and providing for budget
28 amendment when a program is moved; providing
29 for future repeal of various provisions;
30 providing effect of veto of specific
31 appropriation or proviso to which implementing

1 language refers; providing applicability to
2 other legislation; providing severability;
3 providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. It is the intent of the Legislature that
8 the implementing and administering provisions of this act
9 apply to the General Appropriations Act for fiscal year
10 1998-1999.

11 Section 2. In order to implement Specific
12 Appropriations 406, 421, 2098, 2098A, and 2098B of the
13 1998-1999 General Appropriations Act, subsection (3) is added
14 to section 61.1812, Florida Statutes, to read:

15 61.1812 Child Support Incentive Trust Fund.--

16 (3) Notwithstanding any provision of subsection (1) to
17 the contrary, for the 1998-1999 fiscal year only and exclusive
18 of those revenues collected by caseload-backlog privatization
19 efforts, in addition to incentive earnings and interest
20 earnings, 29 percent of each distribution of the state share
21 of Temporary Assistance to Needy Families (TANF) collections
22 recovered in each fiscal year by the Title IV-D agency shall
23 be credited to the trust fund. Once a total of \$39.7 million
24 in the state share of Temporary Assistance to Needy Families
25 (TANF) collections has been distributed, 100 percent of any
26 additional distributions shall be credited to the trust fund.
27 This subsection is repealed on July 1, 1999.

28 Section 3. In order to implement Specific
29 Appropriations 212 through 446A of the 1998-1999 General
30 Appropriations Act, paragraph (b) of subsection (1) of section
31 216.292, Florida Statutes, is amended to read:

1 216.292 Appropriations nontransferable; exceptions.--

2 (1)

3 (b) For the 1998-1999 ~~1997-1998~~ fiscal year only, the
4 Department of Children and Family Services and the Agency for
5 Health Care Administration may transfer general revenue funds
6 as necessary to comply with any provision of the General
7 Appropriations Act that requires or specifically authorizes
8 the transfer of general revenue funds between these two
9 agencies. This paragraph is repealed on July 1, 1999 ~~1998~~.

10 Section 4. In order to implement Specific
11 Appropriation 271 of the 1998-1999 General Appropriations Act,
12 subsection (3) of section 409.9115, Florida Statutes, is
13 amended to read:

14 409.9115 Disproportionate share program for mental
15 health hospitals.--The Agency for Health Care Administration
16 shall design and implement a system of making mental health
17 disproportionate share payments to hospitals that qualify for
18 disproportionate share payments under s. 409.911. This system
19 of payments shall conform with federal requirements and shall
20 distribute funds in each fiscal year for which an
21 appropriation is made by making quarterly Medicaid payments.
22 Notwithstanding s. 409.915, counties are exempt from
23 contributing toward the cost of this special reimbursement for
24 patients.

25 (3) For the 1998-1999 ~~1997-1998~~ fiscal year only, the
26 Agency for Health Care Administration shall make payments for
27 the Medicaid disproportionate share program for mental health
28 hospitals on a monthly basis. If the amounts appropriated for
29 the Medicaid disproportionate share program for mental health
30 hospitals are increased or decreased during the fiscal year
31 pursuant to the requirements of chapter 216, the required

1 adjustment shall be prorated over the remaining payment
2 periods. This subsection is repealed on July 1, 1999 ~~1998~~.

3 Section 5. 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 is repealed on July 1, 1999.

11 Section 6. 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

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

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

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

30

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:

$$8 \qquad \qquad \qquad \text{ATARH} = (\text{TARH} - \text{SSFOER})$$

10
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:

$$19 \qquad \qquad \qquad \text{TDAERH} = [(\text{TAERH} \times \text{ATARH})/\text{STAERH}]$$

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 is repealed on July 1, 1999 ~~1998~~.

2 Section 7. In order to implement Specific
3 Appropriations 293 through 446A and 466 through 555 of the
4 1998-1999 General Appropriations Act, paragraph (c) of
5 subsection (15) of section 216.181, Florida Statutes, is
6 amended to read:

7 216.181 Approved budgets for operations and fixed
8 capital outlay.--

9 (15)

10 (c) For the 1998-1999 ~~1997-1998~~ fiscal year only,
11 funds appropriated to the Department of Children and Family
12 Services in Specific Appropriations 293 ~~272~~ through 446A ~~403~~
13 and the Department of Health in Specific Appropriations 466
14 ~~426~~ through 555 ~~511A~~ of the 1998-1999 ~~1997-1998~~ General
15 Appropriations Act may be advanced, unless specifically
16 prohibited in such General Appropriations Act, for those
17 contracted services that were approved for advancement by the
18 Comptroller in fiscal year 1993-1994, including those services
19 contracted on a fixed-price or unit cost basis. This
20 paragraph is repealed on July 1, 1999 ~~1998~~.

21 Section 8. In order to implement Specific
22 Appropriation 247 of the 1998-1999 General Appropriations Act,
23 and for the 1998-1999 fiscal year only, the Agency for Health
24 Care Administration shall include health maintenance
25 organization recipients in the county billing for inpatient
26 hospital stays for the purpose of shared costs with counties
27 in accordance with the Florida Statutes. This section is
28 repealed on July 1, 1999.

29 Section 9. For the 1998-1999 fiscal year only, the
30 Departments of Children and Family Services, Revenue, Labor
31 and Employment Security, and Health and the Agency for Health

1 Care Administration may transfer positions and general revenue
2 funds as necessary to comply with any provision of the
3 1998-1999 General Appropriations Act or WAGES Act which
4 requires or specifically authorizes the transfer of positions
5 and general revenue funds between these agencies. This section
6 is repealed on July 1, 1999.

7 Section 10. In order to implement Specific
8 Appropriations 440 through 445 of the 1998-1999 General
9 Appropriations Act, subsection (16) is added to section
10 216.181, Florida Statutes, to read:

11 216.181 Approved budgets for operations and fixed
12 capital outlay.--

13 (16) Notwithstanding any provision of this section to
14 the contrary and for the 1998-1999 fiscal year only, the
15 Department of Children and Family Services is authorized to
16 use operating funds budgeted for Developmental Services
17 Institutions for fixed capital outlay expenditures as needed
18 to bring any currently unlicensed beds up to Federal
19 Intermediate Care Facility for the Developmentally Disabled
20 licensure standards. This subsection is repealed on July 1,
21 1999.

22 Section 11. In order to implement Specific
23 Appropriation 258 of the 1998-1999 General Appropriations Act,
24 the Agency for Health Care Administration shall take any
25 necessary lawfully authorized action to ensure that total
26 expenditures for Medicaid transportation remain within the
27 amount budgeted in the 1998-1999 General Appropriations Act.
28 In the event that the agency finds that it is impossible to
29 constrain Medicaid transportation expenditures to within the
30 budgeted amount, it shall notify the Legislature of this and
31 provide suggestions for statutory revisions necessary to

1 alleviate future deficits as well as a description of all
2 action taken under its current authority. This section is
3 repealed on July 1, 1999.

4 Section 12. In order to implement section 15 of the
5 1998-1999 General Appropriations Act, section 10 of chapter
6 97-259, Laws of Florida, is amended to read:

7 Section 10. Notwithstanding the proviso language
8 following Specific Appropriation 1499A of the 1997-1998
9 General Appropriations Act, funds are provided to establish
10 and implement a Legal Immigrant's Temporary Income Bridge
11 Program. The program shall be administered by the Department
12 of Children and Family Services. The program will provide
13 temporary food stamp ~~income~~ assistance to legal immigrants who
14 have lost ~~will lose~~ their eligibility for benefits while they
15 are awaiting completion of the citizenship process~~or~~ an
16 exemption thereto. All relevant state agencies are instructed
17 to cooperate with the Department of Children and Family
18 Services to implement this program.

19 (1) The program shall be designed to provide temporary
20 ~~income~~ assistance to legal immigrants who have lost their
21 eligibility for federal benefits and meet one or more of the
22 following criteria:

23 (a) Were 65 years of age or older at the time their
24 eligibility for federal benefits ceased;

25 (b) Were in receipt of Supplemental Security Income at
26 the time their eligibility for federal benefits ceased; or

27 (c) Met and continue to meet the definition of a child
28 under federal food stamp law at the time their eligibility for
29 federal benefits ceased.

30 (2) In addition to the criteria in subsection (1),
31 eligibility for assistance requires that each individual:

1 (a) Was a resident ~~who were residents~~ of the State of
2 Florida prior to February 1, 1997; ~~who,~~

3 (b) After August 1, 1997, under the Federal Personal
4 Responsibility and Work Opportunity Reconciliation Act of
5 1996, became ~~have become~~ ineligible for ~~federal benefits,~~
6 ~~specifically Supplemental Security Income (SSI) and/or food~~
7 stamp benefits; ~~who~~

8 (c) Will be screened to verify that there exists no
9 other sustainable means of support or assistance to make up
10 for these lost benefits; and ~~who~~

11 (d) Can demonstrate that he or she is ~~they are~~ engaged
12 in the process of becoming a United States citizen ~~citizens~~ or
13 is ~~are~~ seeking an exemption thereto. The total amount of
14 temporary ~~income~~ assistance provided to an adult individual
15 shall not exceed the ~~Supplemental Security Income (SSI) and/or~~
16 food stamp ~~stamps~~ benefits for which he or she has ~~they have~~
17 become ineligible. The department shall use the maximum
18 federal food stamp benefit allowable for a family of four to
19 determine the per-person benefit amount to be used for
20 children. The department shall give priority to dually
21 ~~eligible persons, disabled persons, and persons who as a~~
22 ~~direct result of losing their federal benefits may lose their~~
23 ~~housing, including long-term-care facilities.~~

24 (2) The Department of Children and Family Services'
25 total administrative charges for this program shall not exceed
26 2 ± percent of the funds provided. Total administrative
27 charges for contracted service providers for this program
28 shall not exceed 3 percent of the funds provided in each
29 service contract.

30 (3) If the United States Congress acts to reinstate
31 benefit eligibility to those noncitizens who lost eligibility

1 under the Federal Personal Responsibility and Work Opportunity
2 Reconciliation Act of 1996, only those direct assistance and
3 administrative dollars that were spent prior to reinstatement
4 becoming effective are provided in this specific appropriation
5 ~~extend the implementation date of portions of the Federal~~
6 ~~Personal Responsibility and Work Opportunity Reconciliation~~
7 ~~Act of 1996 which apply to noncitizens in order to allow~~
8 ~~states to prepare for said Act, no funds provided in this~~
9 ~~specific appropriation will be expended.~~

10 Section 13. In order to implement Specific
11 Appropriation 243 of the 1998-1999 General Appropriations Act,
12 subsection (22) is added to section 409.908, Florida Statutes,
13 to read:

14 409.908 Reimbursement of Medicaid providers.--Subject
15 to specific appropriations, the agency shall reimburse
16 Medicaid providers, in accordance with state and federal law,
17 according to methodologies set forth in the rules of the
18 agency and in policy manuals and handbooks incorporated by
19 reference therein. These methodologies may include fee
20 schedules, reimbursement methods based on cost reporting,
21 negotiated fees, competitive bidding pursuant to s. 287.057,
22 and other mechanisms the agency considers efficient and
23 effective for purchasing services or goods on behalf of
24 recipients. Payment for Medicaid compensable services made on
25 behalf of Medicaid eligible persons is subject to the
26 availability of moneys and any limitations or directions
27 provided for in the General Appropriations Act or chapter 216.
28 Further, nothing in this section shall be construed to prevent
29 or limit the agency from adjusting fees, reimbursement rates,
30 lengths of stay, number of visits, or number of services, or
31 making any other adjustments necessary to comply with the

1 availability of moneys and any limitations or directions
2 provided for in the General Appropriations Act, provided the
3 adjustment is consistent with legislative intent.

4 (22) The agency is directed to implement changes in
5 the Medicaid reimbursement methodology, as soon as feasible,
6 to contain the growth in expenditures in facilities formerly
7 known as ICF/DD facilities. In light of the repeal of the
8 federal Boren Amendment, the agency shall consider, but is not
9 limited to, the following changes in methodology:

10 (a) Reduction in the target rate of inflation.

11 (b) Reduction in the calculation of incentive
12 payments.

13 (c) Ceiling limitations by component of reimbursement.

14 (d) Elimination of rebase provisions.

15 (e) Elimination of component interim rate provisions.

16 (f) Separate reimbursement plans for facilities that
17 are government operated versus facilities that are privately
18 owned.

19
20 The agency may contract with an independent consultant in
21 considering any changes to the reimbursement methodology for
22 these facilities. This subsection is repealed on July 1, 1999.

23 Section 14. In order to implement Specific
24 Appropriations 1033, 1042, 1046, and 1050 of the 1998-1999
25 General Appropriations Act, subsection (17) is added to
26 section 216.181, Florida Statutes, to read:

27 216.181 Approved budgets for operations and fixed
28 capital outlay.--

29 (17) Notwithstanding any other provision of this
30 section to the contrary, and for the 1998-1999 fiscal year
31 only, the Florida Department of Law Enforcement may transfer

1 up to 20 positions and associated budget between budget
2 entities, provided the same funding source is used throughout
3 each transfer. The department may also transfer up to 10
4 percent of the initial approved salary rate between budget
5 entities, provided the same funding source is used throughout
6 each transfer. The department must provide notice to the
7 Executive Office of the Governor, the chair of the Senate Ways
8 and Means Committee, and the chair of the House Committee on
9 Criminal Justice Appropriations for all transfers of positions
10 or salary rate. This subsection is repealed on July 1, 1999.

11 Section 15. For the purpose of implementing Specific
12 Appropriations 1033, 1042, 1046, and 1050 of the 1998-1999
13 General Appropriations Act, beginning July 1, 1998, the
14 Florida Department of Law Enforcement, with approval of the
15 Executive Office of the Governor and in consultation with the
16 Department of Management Services, legislative appropriation
17 and personnel committees, and the affected certified
18 bargaining units, is authorized to participate in the model
19 career service classification and compensation system as
20 authorized by s. 334.0445, Florida Statutes, which is hereby
21 continued through June 30, 1999, for this purpose. This
22 section is repealed on July 1, 1999.

23 Section 16. Consistent with the provisions of s.
24 216.163, Florida Statutes, in accordance with
25 performance-based program budgeting requirements, and
26 notwithstanding the provisions of s. 216.181, Florida
27 Statutes, the Florida Department of Law Enforcement may
28 transfer up to one-half of 1 percent of the funds in Specific
29 Appropriations 1033, 1042, 1046, and 1050 of the 1998-1999
30 General Appropriations Act for lump-sum salary bonuses for
31 departmental employees at the discretion of the executive

1 director, provided that such bonuses are given only to
2 selected employees for meritorious performance, instead of
3 being given as across-the-board bonuses for all employees. The
4 department, after consultation with the Executive Office of
5 the Governor, shall provide a plan to the chair of the House
6 Fiscal Responsibility Council and to the chair of the Senate
7 Ways and Means Committee for approval before awarding such
8 bonuses. This section is repealed on July 1, 1999.

9 Section 17. In order to implement Specific
10 Appropriation 589 of the 1998-1999 General Appropriations Act,
11 the Correctional Privatization Commission and the Department
12 of Juvenile Justice may expend appropriated funds to assist in
13 defraying the costs of impacts that are incurred by a
14 municipality or county and associated with opening and
15 operating a facility under the authority of the Correctional
16 Privatization Commission or a facility under the authority of
17 the Department of Juvenile Justice which is located within
18 that municipality or county. The amount that is to be paid
19 under this section for any facility may not exceed 1 percent
20 of the facility construction cost, less building impact fees
21 imposed by the municipality, or by the county if the facility
22 is located in the unincorporated portion of the county. This
23 section is repealed on July 1, 1999.

24 Section 18. In order to implement Specific
25 Appropriation 1047 of the 1998-1999 General Appropriations
26 Act, subsection (9) is added to section 287.064, Florida
27 Statutes, to read:

28 287.064 Consolidated financing of deferred-payment
29 purchases.--

30 (9) For the 1998-1999 fiscal year only, the Department
31 of Law Enforcement is authorized, upon approval of the

1 Comptroller, to finance through the Comptroller's consolidated
2 master equipment financing program the purchase of equipment,
3 software, application development services, support services,
4 project management services, and system integration services
5 for the Florida Crime Information Center. This subsection is
6 repealed on July 1, 1999.

7 Section 19. In order to implement Specific
8 Appropriation 1358 of the 1998-1999 General Appropriations
9 Act, subsection (7) of section 376.11, Florida Statutes, is
10 amended to read:

11 376.11 Florida Coastal Protection Trust Fund.--

12 (7) Notwithstanding subsection (4), for the 1998-1999
13 ~~1997-1998~~ fiscal year only, up to \$12.5~~\$11.5~~ million may be
14 appropriated from the fund for the purpose of funding
15 statewide beach renourishment, restoration, and inlet
16 management plans. This subsection is repealed on ~~expires~~ July
17 1, 1999 ~~1998~~.

18 Section 20. In order to implement Specific
19 Appropriations 1299A and 1302 of the 1998-1999 General
20 Appropriations Act, subsection (7) of section 212.20, Florida
21 Statutes, is amended to read:

22 212.20 Funds collected, disposition; additional powers
23 of department; operational expense; refund of taxes
24 adjudicated unconstitutionally collected.--

25 (7) For the 1998-1999 ~~1997-1998~~ fiscal year only, the
26 use of funds allocated to the Solid Waste Management Trust
27 Fund shall be as provided in the General Appropriations Act.
28 There is transferred \$11.2~~\$6~~ million for ~~the~~ surface water
29 improvement and management projects ~~program~~ and \$8~~\$6~~ million
30 for the aquatic weed control program from revenues provided by
31

1 this section. This subsection is repealed on ~~expires~~ July 1,
2 1999 ~~1998~~.

3 Section 21. In order to implement Specific
4 Appropriations 1397 and 1399 of the 1998-1999 General
5 Appropriations Act, counties receiving funds for aquatic weed
6 control as provided by s. 212.20(7), Florida Statutes, may use
7 these funds for recycling purposes. This authorization expires
8 June 30, 1999.

9 Section 22. In order to implement Specific
10 Appropriations 1397 and 1399 of the 1998-1999 General
11 Appropriations Act, paragraph (a) of subsection (7) and
12 subsections (8) and (9) of section 403.7095, Florida Statutes,
13 are amended to read:

14 403.7095 Solid waste management grant program.--

15 (7)(a) Annual solid waste and recycling grants shall
16 be available to counties with populations of fewer than
17 100,000. The sum of \$50,000 shall be available annually to
18 each eligible county from the Solid Waste Management Trust
19 Fund through June 30, 1999 ~~1998~~. These grants shall be made
20 by October 1 of each year to any county applying to the
21 department prior to August 1 of any given year.

22 (8) For fiscal year 1998-1999, ~~1997-1998~~ the
23 department shall provide counties with populations under
24 100,000 with at least 80 percent of the ~~same~~ level of funding
25 they received in fiscal year 1997-1998 ~~1996-1997~~ for solid
26 waste management and recycling grants.

27 (9) For fiscal year 1998-1999, ~~1997-1998~~ the
28 department shall provide 10 percent of the total funds
29 available after the requirements of subsection (8) are met for
30 recycling grants available to all counties on a competitive
31 basis for innovative programs. The department may consider

1 ~~that meet~~ one or more of the following criteria in determining
2 whether a grant proposal is innovative:

3 (a) Demonstrate advanced technologies or processes.

4 (b) Collect and recycle ~~nontraditional~~ materials
5 targeted by the department.

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

9 (d) Demonstrate transferability of technology and
10 processes used in program.

11 (e) Demonstrate and implement multicounty or regional
12 recycling programs.

13 Section 23. For the 1998-1999 fiscal year only, the
14 Administration Commission may approve exceptions to the
15 state's personnel, payroll, and benefit rules, policies, and
16 practices and may approve exemptions from:

17 (1) Statutory provisions relating to state employment
18 in chapter 110, Florida Statutes;

19 (2) Statutory provisions relating to state employees
20 in parts I and II of chapter 112, Florida Statutes; and

21 (3) Salary rate and position control provisions in ss.
22 216.181, 216.251, and 216.262, Florida Statutes.

23
24 Such exceptions and exemptions may only be approved in order
25 to take advantage of or to demonstrate the best practices
26 inherent in purchased commercial off-the-shelf software for
27 human resources, payroll, and benefits and shall be granted
28 only after review and approval by those agencies whose
29 statutory responsibilities or rule requirements are affected.
30 The Administration Commission shall follow the notice, review,
31 and exception procedures set forth in s. 216.177(2), Florida

1 Statutes, and public employee collective bargaining agreements
2 established pursuant to s. 447.309, Florida Statutes, prior to
3 granting an exception or exemption. Exceptions and exemptions
4 under this section are limited to only those organizations
5 selected by the Florida Financial Management Information
6 System Coordinating Council to serve as pilot sites in the
7 proof-of-concept pilot project authorized in Specific
8 Appropriation 1578 of the 1998-1999 General Appropriations
9 Act. This section is repealed on July 1, 1999.

10 Section 24. In order to implement Specific
11 Appropriation 1579 of the 1998-1999 General Appropriations
12 Act, paragraph (i) is added to subsection (5) of section
13 110.123, Florida Statutes, to read:

14 110.123 State group insurance program.--

15 (5) DIVISION OF STATE GROUP INSURANCE; POWERS AND
16 DUTIES.--The division is responsible for the administration of
17 the state group insurance program. The division shall
18 initiate and supervise the program as established by this
19 section and shall adopt such rules as are necessary to perform
20 its responsibilities. To implement this program, the division
21 shall, with prior approval by the Legislature:

22 (i) Beginning November 1, 1998, and for the 1998-1999
23 fiscal year only, continue to process health insurance claims
24 for the 1996 and 1997 calendar years, subject to the review
25 and approval process provided in s. 216.177. This paragraph is
26 repealed on July 1, 1999.

27
28 Final decisions concerning the existence of coverage or
29 benefits under the state group health insurance plan shall not
30 be delegated or deemed to have been delegated by the division.

31

1 Section 25. In order to implement Specific
2 Appropriation 1579 of the 1998-1999 General Appropriations
3 Act, section 110.1239, Florida Statutes, is created to read:
4 110.1239 State group health insurance program
5 funding.--For the 1998-1999 fiscal year only, it is the intent
6 of the Legislature that the state group health insurance
7 program be managed, administered, operated, and funded in such
8 a manner as to maximize the protection of state employee
9 health insurance benefits. Inherent in this intent is the
10 recognition that the health insurance liabilities attributable
11 to the benefits offered state employees should be fairly,
12 orderly, and equitably funded. Accordingly:

13 (1) The division shall determine the level of premiums
14 necessary to fully fund the state group health insurance
15 program for the next fiscal year. Such determination shall be
16 made after each revenue estimating conference on health
17 insurance as provided in s. 216.136(1), but not later than
18 December 1 and April 1 of each fiscal year.

19 (2) The Governor, in the Governor's recommended
20 budget, shall provide premium rates necessary for full funding
21 of the state group health insurance program and the
22 Legislature shall provide in the General Appropriations Act
23 for a premium level necessary for full funding of the state
24 group health insurance program.

25 (3) For purposes of funding, any additional
26 appropriation amounts allocated to the state group health
27 insurance program by the Legislature shall be considered as a
28 state contribution and thus an increase in the state premiums.

29 (4) This section is repealed on July 1, 1999.

30 Section 26. In order to implement Specific
31 Appropriation 1435 of the 1998-1999 General Appropriations

1 Act, subsection (15) of section 259.032, Florida Statutes, is
2 amended to read:

3 259.032 Conservation and Recreation Lands Trust Fund;
4 purpose.--

5 (15) For fiscal year 1998-1999 ~~1997-1998~~ only, moneys
6 credited to the fund may be appropriated to provide grants to
7 qualified local governmental entities pursuant to the
8 provisions of s. 375.075. This subsection is repealed on July
9 1, 1999 ~~1998~~.

10 Section 27. In order to implement Specific
11 Appropriation 1318 of the 1998-1999 General Appropriations
12 Act, subsection (17) is added to section 373.59, Florida
13 Statutes, to read:

14 373.59 Water Management Lands Trust Fund.--

15 (17) Notwithstanding any provision of this section to
16 the contrary and for the 1998-1999 fiscal year only, the
17 governing board of a water management district may request,
18 and the Secretary of Environmental Protection shall release
19 upon such request, moneys allocated to the districts pursuant
20 to subsection (8) for the purpose of carrying out the
21 provisions of ss. 373.451-373.4595. No funds may be used
22 pursuant to this subsection until necessary debt service
23 obligations and requirements for payments in lieu of taxes
24 that may be required pursuant to this section are provided
25 for. This subsection is repealed on July 1, 1999.

26 Section 28. In order to implement Specific
27 Appropriations 1323A, 1323C, 1338, and 1338B of the 1998-1999
28 General Appropriations Act, section 86 of chapter 93-213, Laws
29 of Florida, is amended to read:

30 Section 86. The Department of Environmental Regulation
31 is authorized 54 career service positions for administering

1 the state NPDES program. Twenty-five career service positions
2 are authorized for startup of the program beginning July 1,
3 1993, and the remaining 29 career service positions beginning
4 January 1, 1994. The state NPDES program staffing shall start
5 July 1, 1993, with completion targeted for 6 months following
6 United States Environmental Protection Agency authorization to
7 administer the National Pollutant Discharge Elimination System
8 program. Implementation of positions is subject to review and
9 final approval by the secretary of the Department of
10 Environmental Regulation. The sum of \$3.2 million is hereby
11 appropriated from the Pollution Recovery Trust Fund to cover
12 program startup costs. ~~Such funds are to be repaid from a~~
13 ~~fund the Legislature deems appropriate, no later than July 1,~~
14 ~~2000.~~

15 Section 29. In order to implement Specific
16 Appropriations 2005 through 2011 of the 1998-1999 General
17 Appropriations Act, subsection (4) is added to section
18 287.161, Florida Statutes, to read:

19 287.161 Executive aircraft pool; assignment of
20 aircraft; charge for transportation.--

21 (4) Notwithstanding the requirements of subsections
22 (2) and (3) and for the 1998-1999 fiscal year only, the
23 Department of Management Services shall charge all persons
24 receiving transportation from the executive aircraft pool a
25 rate not less than the mileage allowance fixed by the
26 Legislature for the use of privately owned vehicles. Fees
27 collected for persons traveling by aircraft in the executive
28 aircraft pool shall be deposited into the Bureau of Aircraft
29 Trust Fund and shall be expended for costs incurred to operate
30 the aircraft management activities of the department. It is
31 the intent of the Legislature that the executive aircraft pool

1 be operated on a full cost recovery basis, less available
2 funds. This subsection is repealed on July 1, 1999.

3 Section 30. In order to implement Specific
4 Appropriations 2127 through 2187 of the 1998-1999 General
5 Appropriations Act, paragraph (b) of subsection (5) of section
6 15.09, Florida Statutes, is amended to read:

7 15.09 Fees.--

8 (5)

9 (b) For the 1998-1999 ~~1997-1998~~ fiscal year only,
10 funds from the Public Access Data Systems Trust Fund may be
11 appropriated for the operations of the department. This
12 paragraph is repealed on July 1, 1999 ~~1998~~.

13 Section 31. In order to implement Specific
14 Appropriation 1531W of the 1998-1999 General Appropriations
15 Act, paragraph (b) of subsection (1) of section 338.251,
16 Florida Statutes, is amended to read:

17 338.251 Toll Facilities Revolving Trust Fund.--The
18 Toll Facilities Revolving Trust Fund is hereby created for the
19 purpose of encouraging the development and enhancing the
20 financial feasibility of revenue-producing road projects
21 undertaken by local governmental entities in a county or
22 combination of contiguous counties.

23 (1)

24 (b) For the 1998-1999 ~~1997-1998~~ fiscal year only, up
25 to \$5.3 million ~~\$500,000~~ may be loaned by the department to
26 the St. Lucie County Expressway Authority, contingent upon
27 approval of a traffic and revenue study, for purposes
28 described in paragraph (a). This paragraph is repealed on July
29 1, 1999 ~~1998~~.

30 Section 32. In order to implement Specific
31 Appropriation 1571L of the 1998-1999 General Appropriations

1 Act, subsection (9) is added to section 253.034, Florida
2 Statutes, to read:

3 253.034 State-owned lands; uses.--

4 (9) Notwithstanding any provision of this section or
5 s. 253.111 to the contrary, the Department of Transportation
6 may sell, at fair market value, the following described state
7 real property utilized by the Department of Highway Safety and
8 Motor Vehicles:

9
10 From the NW Corner of Section 28 Township 22
11 South, Range 30 East, run North 89 degrees 21
12 minutes 24 seconds East 1900 feet; thence run
13 South 0 degrees 38 minutes 36 seconds East
14 59.45 feet for a point of beginning, said point
15 being on the Southerly right of way line of
16 State Highway No. 50; thence South 0 degrees 38
17 minutes 36 seconds East 525.41 feet; thence
18 North 66 degrees 42 minutes 09 seconds East 390
19 feet more or less to the waters edge of Lake
20 Barton; thence run Northerly along the waters
21 edge of Lake Barton to the North line of said
22 Section 28; thence run South 89 degrees 21
23 minutes 24 seconds West along the North line of
24 said Section 28, to a 4" concrete monument on
25 the Southerly right of way line of State Road
26 No. 50, being North 89 degrees 21 minutes 24
27 seconds East 2315.27 feet from the NW Corner of
28 said Section 28; thence run Westerly 419.59
29 feet along the arc of a 0 degree 44 minutes 25
30 seconds curve concave to the Northwesterly,
31 (having a central angle of 3 degrees 6 minutes

1 22 seconds, the long chord bearing South 81
2 degrees 08 minutes 37 seconds West 419.50 feet)
3 to the point of beginning. All of the above
4 described land being in the NE 1/4 of the NW
5 1/4 of said Section 28, Orange County, Florida.

6
7 Proceeds from the sale shall be deposited in the State
8 Transportation Trust Fund. The Board of Trustees of the
9 Internal Improvement Trust Fund shall execute and deliver a
10 deed of conveyance for the purpose of carrying into effect a
11 contract or agreement of sale. This subsection is repealed on
12 July 1, 1999.

13 Section 33. In order to implement Specific
14 Appropriation 1738B of the 1998-1999 General Appropriations
15 Act, subsection (9) is added to section 14.2015, Florida
16 Statutes, to read:

17 14.2015 Office of Tourism, Trade, and Economic
18 Development; creation; powers and duties.--

19 (9)(a) Subject to the cooperative recommendations of
20 Enterprise Florida, Inc., and the Florida Commission on
21 Tourism and also to the approval of the Governor, the Office
22 of Tourism, Trade, and Economic Development is authorized to
23 expend appropriated state and federal funds for general
24 economic development grants. The office shall establish
25 criteria for the award of grants, including criteria relating
26 to highest economic return for the state as a whole, or a
27 particular region, county, city, or community, ability to
28 properly administer grant funds, and such other matters deemed
29 necessary and appropriate to further the purposes of this
30 subsection. The office shall expend all funds in accordance

31

1 with state law and shall use such appropriations to supplement
2 the financial support of:

3 1. Programs that have a substantial economic
4 significance, giving emphasis to programs that benefit the
5 state as a whole.

6 2. Programs with a high potential for match funding
7 from nonstate sources.

8 3. Economic development programs for which no other
9 state grants are available.

10 4. Rural areas and distressed urban areas.

11 (b) Grants shall be made by contract with any
12 nonprofit corporation or local or state governmental entity.
13 Of the total amount of funds available from all sources for
14 grants, 70 percent of such funds shall be awarded on a
15 50-percent matching basis. Up to 30 percent of such funds
16 available may be awarded on a nonmatching basis.

17 (c) In administering grants, contracts, and funds
18 appropriated for economic development programs, the office may
19 release moneys in advance on a quarterly basis. By the end of
20 the contract period, the grantee or contractee shall furnish
21 to the office a complete and accurate accounting of how all
22 grant funds were expended. Postaudits to be conducted by an
23 independent certified public accountant may be required in
24 accordance with criteria adopted by the office.

25 (d) The office shall not award any new grant which
26 will, in whole or in part, inure to the personal benefit of
27 any board member of Enterprise Florida, Inc., or the Florida
28 Commission on Tourism during that member's term of office, if
29 the board member participated in the vote of the board or
30 panel thereof recommending the award. However, this subsection
31

1 does not prohibit the office from awarding a grant to an
2 entity with which a board member is associated.

3 (e) This subsection is repealed on July 1, 1999.

4 Section 34. In implementing Specific Appropriations
5 1767 through 1778 of the 1998-1999 General Appropriations Act,
6 the Department of Highway Safety and Motor Vehicles may only
7 execute a new contract or an extension of an existing contract
8 for a motor vehicle emissions testing program after May 31,
9 1999. This section is repealed on July 1, 1999.

10 Section 35. In order to implement Specific
11 Appropriation 52 of the 1998-1999 General Appropriations Act,
12 the facility built to house the School of Business and
13 Industry at the Florida Agricultural and Mechanical University
14 is hereby named after Sybil C. Mobley and the School of
15 Business and Industry at the Florida Agricultural and
16 Mechanical University is hereby renamed the Sybil C. Mobley
17 School of Business and Industry. This section is repealed on
18 July 1, 1999.

19 Section 36. The funds provided in the 1998-1999
20 General Appropriations Act for workforce development shall be
21 initially allocated to the school district or community
22 college as designated. If, for any reason, a program in whole
23 or in part is moved from a community college to a school
24 district or moved from a school district to a community
25 college, the Commissioner of Education or the executive
26 director of the Division of Community Colleges shall submit a
27 budget amendment pursuant to chapter 216, Florida Statutes, to
28 transfer the appropriate amount of the 1998-1999 appropriation
29 between the affected district and community college. The
30 amount transferred shall be as near as practicable to the

31

1 actual amount appropriated for the FTE funded for that
2 program. This section is repealed on July 1, 1999.

3 Section 37. A section of this act that implements a
4 specific appropriation or specifically identified proviso
5 language in the 1998-1999 General Appropriations Act is void
6 if the specific appropriation or specifically identified
7 proviso language is vetoed. A section of this act that
8 implements more than one specific appropriation or more than
9 one portion of specifically identified proviso language in the
10 1998-1999 General Appropriations Act is void if all the
11 specific appropriations or portions of specifically identified
12 proviso language are vetoed.

13 Section 38. If any other act passed during the 1998
14 Regular Session of the Legislature or any extension thereof
15 contains a provision which is substantively the same as a
16 provision in this act, but which removes or is otherwise not
17 subject to the future repeal applied to such provision by this
18 act, the Legislature intends that the provision in the other
19 act shall take precedence and shall continue to operate,
20 notwithstanding the future repeal provided by this act.

21 Section 39. If any provision of this act or the
22 application thereof to any person or circumstance is held
23 invalid, the invalidity shall not affect other provisions or
24 applications of the act which can be given effect without the
25 invalid provision or application, and to this end the
26 provisions of this act are declared severable.

27 Section 40. This act shall take effect July 1, 1998;
28 or, in the event this act fails to become a law until after
29 that date, it shall operate retroactively thereto.

30
31