

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2202

SPONSOR: Committee on Fiscal Policy

SUBJECT: Implementing the General Appropriations Act of 2000-2001

DATE: March 23, 2000

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hendon</u>	<u>Hadi</u>	<u>FP</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill would provide the necessary statutory authority to implement and execute the General Appropriations Act.

This bill amends the following sections of the Florida Statutes: 39.3065, 110.1239, 212.20, 216.181, 240.2605, 287.161, 403.1826, 403.7095, 409.9115, and 409.9116. In addition, the bill amends s. 86 of ch. 93-213 and s. 1 of ch. 99-219, Laws of Florida.

II. Present Situation:

In the past, substantive language was included in proviso or in separate sections of the General Appropriations Act to clarify how funds contained in the act were to be expended. However, decisions such as *Brown v. Firestone*, 382 So. 2d 654 (Fla.1980), and *Graham v. Firestone*, Circuit Court of the Second Judicial Circuit, #82-1703, Leon County, Florida 1982 have found such proviso language in the annual General Appropriations Act to be unconstitutional and void.

On January 5, 1995, the Supreme Court ruled in *Moreau v. Lewis* that "Because an appropriations bill must not change or amend existing law on subjects other than appropriations, it follows that a bill designed to implement the appropriations bill also must not change existing law on subjects other than appropriations." This legislation would provide the necessary statutory authority to implement and execute the General Appropriations Act.

III. Effect of Proposed Changes:

Section 1. Provides Legislative intent.

Section 2. Amends s. 394.908, F.S., to administer funds to the Department of Children and Family Services, which are to be used to increase the adult mental health equity funding in

districts 4, 7, and 11. (Implements Specific Appropriation 367 of the 2000-2001 General Appropriations Act).

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

Section 4. Requires the Agency for Health Care Administration to use the 1992-1993 disproportionate share formula, 1994 audited financial data, and the Medicaid per diem rate as of January 1, 1999, for those hospitals that qualify for the hospital disproportionate share program. (Implements Specific Appropriation 217 of the 2000-2001 General Appropriations Act).

Section 5. Amends s. 409.9116, F.S., to continue the current formula for rural hospital disproportionate share payments. (Implements Specific Appropriation 212 of the 2000-2001 General Appropriations Act).

Section 6. 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 264 through 435 and 462 through 592C of the 2000-2001 General Appropriations Act).

Section 7. Requires the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for inpatient hospital stays. (Implements Specific Appropriation 217 of the 2000-2001 General Appropriations Act).

Section 8. Allows the Departments of Children and Family Services, Management Services, Labor and Employment Security, and Health and the Agency for Health Care Administration to transfer positions and general revenue funds as necessary to comply with any provision of the 2000-2001 General Appropriations Act or Workforce Innovation Act of 2000 which requires or specifically authorizes the transfer of positions and general revenue funds between these agencies.

Section 9. Amends s. 39.3065, F.S., to require the Broward and Seminole County Sheriffs to perform child protective investigations according to the same standards as those performed by the sheriffs of Pinellas, Manatee, and Pasco counties. (Implements Specific Appropriations 307 - 310, 310B, and 312 of the 2000-2001 General Appropriations Act).

Section 10. Amends s. 20.19, F.S., to allow the Department of Children and Families to organize programs, districts, and functions to improve services and accountability. The department must consult with the Executive Office of the Governor regarding these actions and submit a report to the Governor, President of the Senate, and Speaker of the House.

Section 11. 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 1150, 1159A, 1161, 1165, 1171, 1175, 1178, 1183, 1186, and 1190A of the 2000-2001 General Appropriations Act).

Section 12. Allows the Department of Law Enforcement to transfer up to 0.5% of certain appropriations to provide meritorious performance bonuses for employees, subject to approval. (Implements Specific Appropriations 1150, 1159A, 1161, 1165, 1171, 1175, 1178, 1183, 1186, and 1190A of the 2000-2001 General Appropriations Act.)

Section 13. Allows an appropriation of \$10.5 million from the Solid Waste Management Trust for the wastewater projects and \$10 million for the aquatic weed control program. (Implements Specific Appropriations 1591G and 1476 of the 2000-2001 General Appropriations Act).

Section 14. Amends s. 403.7095, F.S., to require the Department of Environmental Protection to provide solid waste and recycling grants to counties with a population of less than 100,000 at a level at least 80% of the level of funding provided in 1997-98. Allows 10 percent of the remaining funds to be made available to all counties on a competitive basis for innovative programs that meet specified criteria. (Implements Specific Appropriation 1633A of the 2000-2001 General Appropriations Act).

Section 15. 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 2000-2001 and to require the Governor to include such rates in his recommended budget. (Implements Specific Appropriations 2432, 2433, and 2434 of the 2000-2001 General Appropriations Act).

Section 16. Amends section 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 Appropriation 1582A of the 2000-2001 General Appropriations Act).

Section 17. Amends s. 287.161(4), F.S., to require the Department of Management Services to operate the executive aircraft pool on a full cost recovery basis, less available funds. (Implements Specific Appropriations 2408, 2409, 2410, and 2411 of the 2000-2001 General Appropriations Act).

Section 18. Amends s. 403.1826, F.S., to allow the Department of Environmental Protection to waive the requirement for local governments receiving grants for sewer projects to set aside an amount necessary to fund future capital improvements. (Implements Specific Appropriation 1596C of the 2000-2001 General Appropriations Act).

Section 19. Amends s. 216.181, F.S., to allow the Department of Transportation to transfer salary rate to the turnpike budget entity from other budget entities to facilitate the transfer of the turnpike headquarters from Tallahassee to Orange County. (Implements Specific Appropriations 1807, 1816, 1822, 1837, 1847, and 1859 of the 2000-2001 General Appropriations Act).

Section 20. Provides intent concerning funds appropriated for the San Carlos Institute. States that all funds were spent in accordance with legislative intent and all funds appropriated for the fiscal years 1999-2000 and 2000-2001 be released.

Section 21. Permits transfer of funds provided to community colleges and school districts for workforce development in the 2000-2001 General Appropriations Act, subject to the approval of a budget amendment submitted when a program is moved.

Section 22. Requires the Department of Education and the Division of Community Colleges to conduct an audit to identify all state funds related to the Law Enforcement Programs transferred to the St. Johns River Community College and the Tallahassee Community College. Provides that all funds identified in the required audit be transferred to the respective community college. (Implements Specific Appropriation 135 of the 2000-2001 General Appropriations Act).

Section 23. Amends s. 240.2605, F.S., to require the universities, then the Board of Regents, to rank donations for challenge grants, new donations, major gifts and eminent scholars that qualify for match, limits match, and requires the Board of Regents to submit a report to the Legislature and Governor. (Implements Specific Appropriation 167 of the 2000-2001 General Appropriations Act).

Section 24. Requires the universities, then the Board of Regents, to rank facility enhancement challenge grant donations that qualify for match, limiting match. (Implements Specific Appropriation 167 of the 2000-2001 General Appropriations Act).

Section 25. Provides that a section in this bill is void if all the items in the budget to which it is tied are vetoed.

Section 26. 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 27. Provides performance measures and standards as required by the Government Performance and Accountability Act of 1994 for the agencies and programs in education.

Section 28. Provides performance measures and standards as required by the Government Performance and Accountability Act of 1994 for the agencies and programs in human services.

Section 29. Provides performance measures and standards as required by the Government Performance and Accountability Act of 1994 for the agencies and programs in public safety and the judiciary.

Section 30. Provides performance measures and standards as required by the Government Performance and Accountability Act of 1994 for the agencies and programs in natural resources, environment, growth management, and transportation.

Section 31. Provides for performance measures and standards as required by the Government Performance and Accountability Act of 1994 for the agencies and programs in general government.

Section 32. Provides an effective date of July 1, 2000.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.