

CHAPTER 97-153

Senate Bill No. 2402

An act relating to implementing the fiscal year 1997-1998 General Appropriations Act; providing legislative intent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services and the Agency for Health Care Administration to transfer general revenue funds between them; providing for future repeal; eliminating a provision authorizing the Department of Children and Family Services to transfer general revenue funds to the Department of Revenue for child support enforcement; eliminating a provision authorizing the Agency for Health Care Administration to transfer general revenue funds and appropriate trust funds to the Department of Elderly Affairs for administrative support to implement the managed long-term care waiver; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; providing for future repeal; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1997-1998 for qualifying hospitals; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; prohibiting the Agency for Health Care Administration from capitating health maintenance organizations for a specified period of time; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; amending s. 624.91, F.S.; authorizing appropriation of funds to the Florida Healthy Kids Corporation to facilitate the provision of preventive health care services to children at certain sites; providing for future repeal; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; directing the Department of Children and Family Services to conduct a study of certain funds as a state match for specified funds; authorizing the Departments of Children and Family Services, Labor and Employment Security, Revenue, and Health and the Agency for Health Care Administration to transfer positions and funds to comply with the General Appropriations Act or the WAGES Act; authorizing the Department of Children and Family Services to reallocate certain funds in approved salary rate; requiring the Agency for Health Care Administration to seek federal waivers to secure federal matching funds for specified purposes; requiring the Agency for Health Care Administration to take necessary actions to ensure that expenditures for Medicaid do not exceed the amount budgeted and to take certain steps if that becomes impossible; prohibiting the use of certain funds for persons involved as counsel for plaintiffs in a specified lawsuit; authorizing the Department of Law Enforcement to transfer positions and salary rate between budget

entities; requiring notification of such actions; authorizing the Department of Law Enforcement to participate in the Model Career Service Classification and Compensation System, subject to certain conditions; authorizing the Department of Law Enforcement to use certain moneys to provide meritorious-performance bonuses for employees, subject to approval; amending s. 236.081, F.S., relating to the Florida Education Financing Program; authorizing funds to keep the district required local effort at a specified percentage of the district's total calculation; providing for allocation of moneys provided for workforce development; providing for budget amendment when a program is moved; providing for calculation of full-time equivalent student membership over the maximum prescribed by law; creating the School Infrastructure Thrift Program Act; providing legislative intent with respect to reducing school construction costs and related costs by eliminating obsolete, excessively restrictive, or unnecessary laws and rules; providing duties of school districts and of the Commissioner of Education; providing for awards from program funds; providing for reverter of funds when certain requirements are not complied with; creating s. 235.216, F.S.; providing a ceiling on per-square-foot costs for school construction; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; amending s. 338.251, F.S.; authorizing a loan to the St. Lucie County Expressway Authority; providing for future repeal; amending s. 372.672, F.S.; authorizing the appropriation of certain funds from the Florida Panther Research and Management Trust Fund to reimburse certain expenses relating to Texas cougars originally purchased as part of the Florida panther research and management program; providing for future repeal; amending s. 259.032, F.S.; authorizing the appropriation of certain funds in the Conservation and Recreation Lands Trust Fund for outdoor-recreation grants; providing for future repeal; amending s. 376.11, F.S.; authorizing the transfer of certain funds from the Florida Coastal Protection Trust Fund to the Ecosystem Management and Restoration Trust Fund to fund beach renourishment and restoration and inlet management; providing for future repeal; amending s. 259.032, F.S.; authorizing payment in lieu of taxes from the Conservation and Recreation Lands Trust Fund to counties with privately owned and operated prisons leased to the state under certain circumstances; providing for future repeal; amending s. 287.057, F.S.; authorizing the procurement of an administrator for the State Employees Health Self-Insurance Plan; amending s. 287.073, F.S.; exempting certain projects from statutory provisions relating to the procurement of information technology resources; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; providing for certain counties to use moneys received for aquatic weed control for recycling purposes; amending s. 403.7095, F.S.; revising applicability and the expiration date of the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; providing for allocation of funds for innovative

programs to address recycling practices and procedures; creating the Solid Waste Management Trust Fund Review Commission; providing duties; requiring a report; amending s. 259.101, F.S.; providing for disposition of certain funds under the Florida Preservation 2000 Act for restoration of Lake Apopka; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing severability; providing an effective date.

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

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 1997-1998.

Section 2. In order to implement Specific Appropriations 207 through 521 of the 1997-1998 General Appropriations Act, subsection (1) of section 216.292, Florida Statutes, 1996 Supplement, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

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

(b) For the ~~1997-1998~~ 1996-1997 fiscal year only, the Department of ~~Children and Family Health and Rehabilitative Services~~ and the Agency for Health Care Administration may transfer general revenue funds as necessary to comply with any provision of the General Appropriations Act that requires or specifically authorizes the transfer of general revenue funds between these two agencies. This paragraph is repealed on July 1, 1998 ~~1997~~.

~~(c) For the 1996-1997 fiscal year only, the Department of Health and Rehabilitative Services may transfer general revenue funds as necessary from Specific Appropriation 480 of the 1996-1997 General Appropriations Act to the Department of Revenue for child support enforcement. This paragraph is repealed on July 1, 1997.~~

~~(d) For the 1996-1997 fiscal year only, the Agency for Health Care Administration may transfer general revenue funds and appropriate trust funds from Specific Appropriation 250 of the 1996-1997 General Appropriations Act to the Department of Elderly Affairs for administrative support to implement the managed long-term care waiver. This paragraph is repealed on July 1, 1997.~~

Section 3. In order to implement Specific Appropriation 257 of the 1997-1998 General Appropriations Act, section 409.9115, Florida Statutes, 1996 Supplement, is amended to read:

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

(1) The following formula shall be used by the agency department to calculate the total amount earned for hospitals that participate in the mental health disproportionate share program:

$$\text{TAP} = \left(\frac{\text{DSH}}{\text{TDSH}} \right) \times \text{TA}$$

Where:

TAP = total additional payment for a mental health hospital.

DSH = total amount earned by a mental health hospital under s. 409.911.

TDSH = sum of total amount earned by each hospital that participates in the mental health hospital disproportionate share program.

TA = total appropriation for the mental health hospital disproportionate share program.

(2) In order to receive payments under this section, a hospital must participate in the Florida Title XIX program and must:

(a) Agree to serve all individuals referred by the agency department who require inpatient psychiatric services, regardless of ability to pay.

(b) Be certified or certifiable to be a provider of Title XVIII services.

(c) Receive all of its inpatient clients from admissions governed by the Baker Act as specified in chapter 394.

(3) For the ~~1997-1998~~ 1996-1997 fiscal year only, the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals on a monthly basis. If the amounts appropriated for the Medicaid disproportionate share program for mental health hospitals are increased or decreased during the fiscal year pursuant to the requirements of chapter 216, the required adjustment shall be prorated over the remaining payment periods. This subsection is repealed on July 1, ~~1998~~ 1997.

Section 4. During the 1997-1998 fiscal year, the Agency for Health Care Administration shall use the 1992-1993 disproportionate share formula, the 1989 audited financial data, and the Medicaid per diem rate as of January 1, 1992, for those hospitals that qualify for the hospital disproportionate share program funded in Specific Appropriation 233 of the 1997-1998 General Appropriations Act. This section is repealed on July 1, 1998.

Section 5. In order to implement Specific Appropriation 226 of the 1997-1998 General Appropriations Act, subsection (6) of section 409.9116, Florida Statutes, 1996 Supplement, is amended to read:

409.9116 Disproportionate share/financial assistance program for rural hospitals.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall administer a federally matched disproportionate share program and a state-funded financial assistance program for statutory rural hospitals. The agency shall make disproportionate share payments to statutory rural hospitals that qualify for such payments and financial assistance payments to statutory rural hospitals that do not qualify for disproportionate share payments. The disproportionate share program payments shall be limited by and conform with federal requirements. In fiscal year 1993-1994, available funds shall be distributed in one payment, as soon as practicable after the effective date of this act. In subsequent fiscal years, funds shall be distributed quarterly in each fiscal year for which an appropriation is made. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(6) For the ~~1997-1998~~ ~~1996-1997~~ fiscal year only, the Agency for Health Care Administration shall use the following formula for distribution of the funds in Specific Appropriation ~~226~~ 231 of the ~~1997-1998~~ ~~1996-1997~~ General Appropriations Act for the disproportionate share/financial assistance program for rural hospitals.

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

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

Where:

PDAER = preliminary distribution amount for each rural hospital.

TAERH = total amount earned by each rural hospital.

TARH = total amount appropriated or distributed under this section.

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

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

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

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

Where:

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

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

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

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

Where:

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

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

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

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

Where:

TDAERH = total distribution amount for each rural hospital.

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

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

(h) This subsection is repealed on July 1, 1998 1997.

Section 6. For the purpose of implementing Specific Appropriations 214 through 265 of the 1997-1998 General Appropriations Act, the Agency for Health Care Administration will not capitate health maintenance organizations for the behavioral health care of adults who have a serious mental illness or substance abuse diagnosis or children with a serious emotional disturbance. The Agency for Health Care Administration will complete an evaluation of the delivery of behavioral health care in the District 6 and 14 pilot program by January 31, 1998, and will as part of that evaluation determine and compare the administrative and direct service expenditures associated with the different contracting and payment methodologies used in the pilot area.

Section 7. In order to implement Specific Appropriations 272 through 403 and 426 through 511A of the 1997-1998 General Appropriations Act, paragraph (c) of subsection (14) of section 216.181, Florida Statutes, 1996 Supplement, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(14)

(c) For the 1997-1998 ~~1996-1997~~ fiscal year only, funds appropriated to the Department of Children and Family Health and Rehabilitative Services in Specific Appropriations 272 304 through 403 and the Department of

Health in Specific Appropriations 426 through 511A 519 of the 1997-1998 1996-1997 General Appropriations Act may be advanced, unless specifically prohibited in such General Appropriations Act, for those contracted services that were approved for advancement by the Comptroller in fiscal year 1993-1994, including those services contracted on a fixed-price or unit cost basis. This paragraph is repealed on July 1, 1998 1997.

Section 8. In order to implement Specific Appropriation 211 of the 1997-1998 General Appropriations Act, paragraph (b) of subsection (3) of section 624.91, Florida Statutes, 1996 Supplement, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(3) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

(b) The Florida Healthy Kids Corporation shall phase in a program to:

1. Organize school children groups to facilitate the provision of preventive health care services to children and to provide comprehensive health insurance coverage to children;

2. Arrange for the collection of any family or employer payment or premium, in an amount to be determined by the board of directors, from all participant families or employers to provide for payment for preventive health care services or premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses incurred during the period for which family or employer payments are made;

3. Establish the administrative and accounting procedures for the operation of the corporation;

4. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children;

5. Establish eligibility criteria which children must meet in order to participate in the program;

6. Establish procedures under which applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation;

7. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or insurance administrator to provide administrative services to the corporation;

8. Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage and preventive health care services to participants;

9. Develop and implement a plan to publicize the Florida Healthy Kids Corporation, the eligibility requirements of the program, and the procedures

for enrollment in the program and to maintain public awareness of the corporation and the program;

10. Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation;

11. As appropriate, enter into contracts with local school boards or other agencies to provide onsite information, enrollment, and other services necessary to the operation of the corporation; and

12. Provide a report on an annual basis to the Governor, Insurance Commissioner, Commissioner of Education, Senate President, Speaker of the House of Representatives, and Minority Leaders of the Senate and the House of Representatives.

13. For the ~~1997-1998~~ ~~1996-1997~~ fiscal year only, funds may be appropriated to the Florida Healthy Kids Corporation to organize school children groups to facilitate the provision of preventive health care services to children at sites in addition to those allowed in subparagraph 1. This subparagraph is repealed on July 1, ~~1998~~ ~~1997~~.

Section 9. For the purpose of implementing Specific Appropriation 233 of the 1997-1998 General Appropriations Act, and for the 1997-1998 fiscal year only, the Agency for Health Care Administration shall include health maintenance organization recipients in the county billing for inpatient hospital stays for the purpose of shared costs with counties in accordance with the Florida Statutes. This section is repealed on July 1, 1998.

Section 10. The Department of Children and Family Services shall undertake a study to determine the applicability of utilizing local funds as state match for eligible Title IV-E and Medicaid clients. This study shall consider the effect these local funds would have on the department's ability to expand existing programs. Program expansion information shall include projected local fund totals, their specific effect on program component funding and expanded service categories. The department, in conjunction with the Agency for Health Care Administration, shall request any waivers needed to implement these programs during fiscal year 1998-1999. A report on their efforts will be submitted by the involved agencies on their findings no later than January 1, 1998, to the Senate President, the Speaker of the House of Representatives, and the Governor.

Section 11. For the 1997-1998 fiscal year only, the Departments of Children and Family Services, Revenue, Labor and Employment Security, and Health and the Agency for Health Care Administration may transfer positions and general revenue funds as necessary to comply with any provision of the General Appropriations Act or WAGES Act which requires or specifically authorizes the transfer of positions and general revenue funds between these agencies. This section expires July 1, 1998.

Section 12. For purposes of implementing Specific Appropriations 272 through 397, the Department of Children and Family Services is authorized to reallocate up to \$791,552 in approved salary rate within the department, notwithstanding sections 216.181 and 216.351, Florida Statutes. The \$791,552 of approved salary rate shall be reallocated for the standardization of currently authorized positions assigned to perform contract functions. Currently authorized positions are defined as those positions authorized to the department as of June 30, 1997. This section is contingent upon the provisions of HB 2019 or similar legislation becoming law. This section expires July 1, 1998.

Section 13. To implement Specific Appropriations 219A and 219B, the Agency for Health Care Administration, working jointly with the Department of Health and the Florida Healthy Kids Corporation, is directed to seek federal waivers to secure Title XIX or other Federal matching funds for the Florida Healthy Kids program and the Primary Care for Children and Families Challenge Grant. The federal waiver applications shall seek Medicaid matching funds for all general revenue, family contributions, and local contributions. This section expires July 1, 1998.

Section 14. In order to implement the proviso following Specific Appropriation 244, the Agency for Health Care Administration shall take any necessary lawfully authorized action to ensure that total expenditures for Medicaid transportation remain within the amount budgeted in the General Appropriations Act. In the event that the agency finds that it is impossible to constrain Medicaid transportation expenditures to within the budgeted amount, it shall notify the Legislature of this and provide suggestions for statutory revisions necessary to alleviate future deficits as well as a description of all action taken under its current authority. This section expires July 1, 1998.

Section 15. None of the funds provided in Section 3 of the 1997-1998 General Appropriations Act or the funds appropriated for 1997-1998 to the Department of Insurance shall be used to reimburse or provide any other assistance to any person directly involved in the lawsuit styled Cramer v. Chiles as counsel to plaintiffs. This section expires July 1, 1998.

Section 16. For the purpose of implementing Specific Appropriations 937, 946, 949, and 953 of the 1997-1998 General Appropriations Act, the Florida Department of Law Enforcement may transfer up to 20 positions between budget entities and up to 10 percent of the initial approved salary rate between budget entities, provided the same funding source is used throughout each transfer. The department must provide notice to the Executive Office of the Governor, the Senate Ways and Means Committee, and the House Committee on Criminal Justice Appropriations for all transfers of salary rate or positions. This section expires July 1, 1998.

Section 17. For the purpose of implementing Specific Appropriations 937, 946, 949, and 953 of the 1997-1998 General Appropriations Act, beginning July 1, 1997, the Florida Department of Law Enforcement, with approval of the Executive Office of the Governor and in consultation with the Department of Management Services, legislative appropriation and personnel com-

mittees, and the affected certified bargaining units, is authorized to participate in the Model Career Service Classification and Compensation System as authorized by section 334.0445, Florida Statutes, which is hereby continued through June 30, 1998, for this purpose. This section expires July 1, 1998.

Section 18. Consistent with the provisions of section 216.163, Florida Statutes, and notwithstanding the provisions of section 216.181, Florida Statutes, the Florida Department of Law Enforcement may transfer up to one-half of 1 percent of the funds in Specific Appropriations 937, 946, 949, and 953 of the 1997-1998 General Appropriations Act for lump sum salary bonuses for departmental employees at the discretion of the Executive Director, provided that such bonuses are given only to selected employees for meritorious performance, instead of being given as across-the-board bonuses for all employees. The department, after consultation with the Executive Office of the Governor, shall provide a plan to the House Fiscal Responsibility Council Chair and to the Senate Ways and Means Committee Chair for approval before awarding such bonuses.

Section 19. In order to implement Specific Appropriation 105 of the 1997-1998 General Appropriations Act, paragraph (a) of subsection (4) of section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

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

(4) COMPUTATION OF DISTRICT-REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated taxable value calculations.—

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

b. For the 1997-1998 ~~1996-1997~~ fiscal year only, the General Appropriations Act may direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement. This sub-subparagraph is repealed on July 1, 1998, unless enacted in other legislation 1997.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of paragraph (13)(b), shall use the most recent taxable value for the appropriate year.

Section 20. The funds provided in the 1997-1998 General Appropriations Act for workforce development shall be initially allocated to the school district or community college as designated. If, for any reason, a program in whole or in part is moved from a community college to a school district or moved from a school district to a community college, the Commissioner of Education or the Executive Director, Division of Community Colleges shall submit a budget amendment pursuant to chapter 216, Florida Statutes, to transfer the appropriate amount of the 1997-1998 appropriation between the affected district and community college. The amount transferred shall be as near as practicable to the actual amount appropriated for the FTE funded for that program. This section expires July 1, 1998.

Section 21. In order to implement Specific Appropriation 105 of the 1997-1998 General Appropriations Act, all full-time equivalent student membership over the maximum prescribed by law shall be funded at program cost factor of 1.0; however, such funding shall not exceed twice the caps adjustment supplement as calculated pursuant to section 236.081(10), Florida Statutes. This section expires July 1, 1998.

Section 22. In order to implement Specific Appropriation 46A of the 1997-1998 General Appropriations Act, the School Infrastructure Thrift Program Act is created to read:

School Infrastructure Thrift Program Act.—

(1) This section may be cited as the "School Infrastructure Thrift Program Act of 1997."

(2) The School Infrastructure Thrift Program (SIT Program) is established within the Department of Education, and the State Board of Education may adopt rules as necessary to operate the program. To facilitate the program's purposes, the department shall aggressively seek the elimination or revision of obsolete, excessively restrictive, or unnecessary laws, rules, and regulations for the purpose of reducing construction and related costs

without sacrificing safety or quality of construction. Such efforts must include, but are not limited to, the elimination of duplicate or overlapping inspections; the relaxation of requirements relating to landscaping, operable glazing, operable windows, radon testing, fire safety, and emergency shelter construction where lawful, safe, and cost-beneficial; and other cost savings identified as lawful, safe, and cost beneficial. The program's purposes are to:

(a) Facilitate cost savings by school districts relating to facilities construction.

(b) Provide incentives for school districts to maximize dollars available for facilities construction and related costs.

(c) Provide a funding mechanism for utilization solely related to the construction of new instructional facilities.

(3) Funds shall be appropriated to the SIT Program annually as determined by the Legislature. Notwithstanding sections 216.301 and 216.351, Florida Statutes, undisbursed balances of appropriations to the SIT Program shall not revert. It is the intent of the Legislature to continue funding the SIT Program with funds available through frugal government operation and agency savings.

(4) School districts may participate in the SIT Program by local option of the school board. Participating school districts may access the funds in the program as of July 1, 1997, for projects commenced after or for projects underway at the time this act becomes a law, but must establish compliance with section 235.216, Florida Statutes, at the time of the initial report required by subsection (5).

(5)(a) Annually by December 30, beginning in 1997, each participating school district shall report to the Commissioner of Education, with supporting data, its compliance with section 235.216, Florida Statutes, together with any proposal for spending SIT Program dollars on new projects within the district commencing the following fiscal year.

(b) The commissioner shall examine the data and proposals from each school district and, by February 1, shall report the district's compliance with section 235.216, Florida Statutes, for the prior fiscal year and make recommendations, ranked in order of priority, for SIT Program awards for the following fiscal year.

(c) If a school district received SIT Program funds before December 30, 1997, and failed to comply with section 235.216, Florida Statutes, the district may not receive an award the following fiscal year and must return the dollars not spent or encumbered as required by subsection (4) with interest thereon at the legal rate.

(d) The commissioner's criteria for SIT Program evaluation and recommendation for awards must be based on the school district meeting the requirements in section 235.216, Florida Statutes, soundness of the proposal, school district need, and the balance of dollars in the SIT Program.

(6) Awards from the SIT Program shall be made by the commissioner from funds appropriated by the Legislature and may only be used for construction of a new instructional facility and related costs. SIT Program dollars that are not spent or encumbered as required by section 235.216, Florida Statutes, must be returned to the SIT Program as required by paragraph (5)(c).

(7) For each new project of a school district that meets the criteria of section 235.216, Florida Statutes, the commissioner may award up to 20 percent of the total project cost from SIT Program dollars.

(8) This section expires July 1, 1998, unless enacted in other legislation.

Section 23. In order to implement Specific Appropriation 46A of the 1997-1998 General Appropriations Act, section 235.216, Florida Statutes, is created to read:

235.216 Maximum square foot cost of educational facilities; frugal construction incentives.—

(1) It is the intent of the Legislature that district school boards that seek awards of SIT Program funds use due diligence and sound business practices in the design, construction, and use of educational facilities.

(2)(a) Beginning with the 1997-1998 fiscal year, the maximum total cost per square foot for each type of school, elementary school, middle school, and high school, in a district seeking funding assistance from the SIT Program shall not exceed the most current 5-year statewide average square foot total cost published by the Department of Education, adjusted by inflation and the most current Marshall and Swift Construction Cost Index of Florida counties. If federal funds are used, the maximum square foot total cost may be adjusted to accommodate federal requirements.

(b) Upon completion of construction, the total project cost, including change orders, must not exceed the adjusted statewide average cost per gross square foot, adjusted by the construction cost index and the 5-year statewide average inflation rate; must not exceed the minimum square footage per student specified in the State Requirements for Educational Facilities, 1997; and must not exceed the adjusted statewide average cost per student station.

(3) This section expires July 1, 1998, unless enacted in other legislation.

Section 24. In order to implement Specific Appropriations 2048 through 2134 of the 1997-1998 General Appropriations Act, paragraph (b) of subsection (5) of section 15.09, Florida Statutes, 1996 Supplement, is amended to read:

15.09 Fees.—

(5)

(b) For the ~~1997-1998~~ ~~1996-1997~~ fiscal year only, funds from the Public Access Data Systems Trust Fund may be appropriated for the operations of the department. This paragraph is repealed on July 1, ~~1998~~ 1997.

Section 25. In order to implement Specific Appropriation 1490X of the 1997-1998 General Appropriations Act, paragraph (b) of subsection (1) of section 338.251, Florida Statutes, 1996 Supplement, is amended to read:

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

(1)

(b) For the ~~1997-1998~~ ~~1996-1997~~ fiscal year only, up to \$500,000 may be ~~loaned by appropriated to the department for a loan to the St. Lucie County Expressway Authority for purposes described in paragraph (a). This paragraph is repealed on July 1, 1998~~ 1997.

Section 26. In order to implement Specific Appropriation 1388 of the 1997-1998 General Appropriations Act, subsection (4) is added to section 372.672, Florida Statutes, to read:

372.672 Florida Panther Research and Management Trust Fund.—

(4) Notwithstanding subsection (2), for the 1997-1998 fiscal year only, up to \$50,000 may be appropriated from the fund to reimburse expenses incurred in recovering, housing, and maintaining Texas cougars originally purchased as part of the Florida panther research and management program. This subsection is repealed on July 1, 1998.

Section 27. In order to implement Specific Appropriation 1332 of the 1997-1998 General Appropriations Act, subsection (15) of section 259.032, Florida Statutes, 1996 Supplement, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(15) For fiscal year ~~1997-1998~~ ~~1996-1997~~ only, moneys credited to the fund may be appropriated to provide grants to qualified local governmental entities pursuant to the provisions of s. 375.075. This subsection is repealed on July 1, 1998 ~~1997~~.

Section 28. In order to implement Specific Appropriation 1273 of the 1997-1998 General Appropriations Act, subsection (7) is added to section 376.11, Florida Statutes, 1996 Supplement, to read:

376.11 Florida Coastal Protection Trust Fund.—

(7) Notwithstanding subsection (4), for the 1997-1998 fiscal year only, up to \$11.5 million may be appropriated from the fund for the purpose of funding statewide beach renourishment, restoration, and inlet management plans. This subsection expires July 1, 1998.

Section 29. In order to implement Specific Appropriation 1213 of the 1997-1998 General Appropriations Act, subsection (12) of section 259.032, Florida Statutes, 1996 Supplement, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(12)(a) Beginning in fiscal year 1994-1995, not more than 3.75 percent of the Conservation and Recreation Lands Trust Fund shall be made available annually to the department for payment in lieu of taxes to qualifying counties, cities, and local governments as defined in paragraph (b) for actual tax losses incurred as a result of board of trustees acquisitions for state agencies under the Florida Preservation 2000 Program during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the fund to be used for land acquisition in accordance with the provisions of this section.

(b) Payment in lieu of taxes shall be available:

1. To counties which levy an ad valorem tax of at least 9 mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and have a population of 75,000 or less, and

2. To counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380 and to local governments within such counties.

3. For the 1997-1998 fiscal year only, and notwithstanding the limitations of paragraph (a), to Glades County, where a privately owned and operated prison leased to the state has been opened within the last 2 years for which no other state moneys have been allocated to the county to offset ad valorem revenues. This subparagraph expires July 1, 1998.

For the purposes of this paragraph, "local government" includes municipalities, the county school board, mosquito control districts, and any other local government entity which levies ad valorem taxes, with the exception of a water management district.

(c) Payment in lieu of taxes shall be available to any city which has a population of 10,000 or less and which levies an ad valorem tax of at least 9 mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the city exceeds 0.01 percent of the city's total taxable value.

(d) If insufficient funds are available in any year to make full payments to all qualifying counties, cities, and local governments, such counties, cities, and local governments shall receive a pro rata share of the moneys available.

(e) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. If property which was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The department

shall certify to the Department of Revenue those properties that may be eligible under this provision. Payment in lieu of taxes shall be limited to a total of 10 years of annual payments.

(f) Payment in lieu of taxes pursuant to this paragraph shall be made annually to qualifying counties, cities, and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual taxes paid on the eligible property, and after the Department of Environmental Protection has provided supporting documents to the Comptroller and has requested that payment be made in accordance with the requirements of this section.

(g) If the board of trustees conveys to a local government title to any land owned by the board, any payments in lieu of taxes on the land made to the local government shall be discontinued as of the date of the conveyance.

Section 30. In order to implement Specific Appropriation 1900 of the 1997-1998 General Appropriations Act, subsection (22) is added to section 287.057, Florida Statutes, to read:

287.057 Procurement of commodities or contractual services.—

(22) During the 1997-1998 fiscal year and notwithstanding any provisions of this chapter to the contrary, for the purpose of protecting the health of, and providing services to, state employees participating in the State Employees Health Self-Insurance Plan, the department that administers the plan may procure, and the Department of Management Services may contract to retain, the services of a professional administrator for the plan. Each department shall follow good purchasing practices of state procurement to the extent practical under the circumstances. This subsection expires July 1, 1998.

Section 31. In order to implement Specific Appropriation 1495 of the 1997-1998 General Appropriations Act, subsection (9) is added to section 287.073, Florida Statutes, to read:

287.073 Procurement of information technology resources.—

(9) During the 1997-1998 fiscal year, expenditures by any department for projects funded from funds in Specific Appropriation 1495 of the 1997-1998 General Appropriations Act shall be exempt from the provisions of this section. This subsection expires July 1, 1998.

Section 32. In order to implement Specific Appropriations 1196 and 1027A of the 1997-1998 General Appropriations Act, subsection (7) is added to section 212.20, Florida Statutes, 1996 Supplement, to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(7) For the 1997-1998 fiscal year only, the use of funds allocated to the Solid Waste Management Trust Fund shall be as provided in the General

Appropriations Act. There is transferred \$6 million for the surface water improvement and management program and \$6 million for the aquatic weed control program from revenues provided by this section. This subsection expires July 1, 1998.

Section 33. In order to implement Specific Appropriations 1307 and 1309 of the 1997-1998 General Appropriations Act, counties receiving funds for aquatic weed control programs as provided by section 212.20(7), Florida Statutes, may use these funds for recycling purposes. This authorization expires June 30, 1998.

Section 34. In order to implement Specific Appropriations 1307 and 1309 of the 1997-1998 General Appropriations Act, paragraph (a) of subsection (7) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(7)(a) Annual solid waste and recycling grants shall be available to counties with populations of fewer than 100,000 ~~50,000~~. The sum of \$50,000 shall be available annually to each eligible county from the Solid Waste Management Trust Fund through June 30, 1998 ~~1996~~. These grants shall be made by October 1 of each year to any county applying to the department prior to August 1 of any given year.

Section 35. In order to implement Specific Appropriations 1307 and 1309 of the 1997-1998 General Appropriations Act, subsections (8) and (9) are added to section 403.7095, Florida Statutes, to read:

403.7095 Solid waste management grant program.—

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

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

(a) Demonstrate advanced technologies or processes.

(b) Collect and recycle nontraditional materials.

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

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

(e) Demonstrate and implement multi-county or regional recycling programs.

Section 36. There is created the Solid Waste Management Trust Fund Review Commission consisting of 10 members.

(1) The commission shall review the following matters, including, but not limited to:

(a) The current uses of funds; the need to continue those uses; and alternative techniques for phasing out grants to local governments;

(b) Alternative techniques for restructuring grants to local governments for recycling and education purposes, including measures that make the grants more performance-based or competitive;

(c) The appropriateness of allowing local governments to use funds available to the Solid Waste Management Trust Fund for either recycling activities, surface water improvement and management program activities, or aquatic weed control activities; and

(d) Alternative funding strategies for meeting the needs of solid waste management, the surface water improvement and management program, and aquatic weed control.

(2) The Secretary of the Department of Environmental Protection shall appoint members to the review commission so that there are representatives of local governments knowledgeable about local needs for recycling, surface water improvement and management, and aquatic weed control, agency representatives for the recycling program, for the surface water improvement and management program, and for the aquatic weed control program, private industry representatives for recycling programs, for surface water improvement and management programs, and for the aquatic weed control program and other representatives the secretary determines to be appropriate on the commission.

(3) Each member may receive per diem and expenses for travel, as provided in section 112.061, Florida Statutes, while carrying out the official business of the commission. Such expenses shall be paid from the Solid Waste Management Trust Fund.

(4) Staff for the activities of the commission shall be assigned as needed by the Secretary of the Department of Environmental Protection.

(5) The commission shall issue its report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 30, 1998.

(6) This section expires July 1, 1998.

Section 37. In order to implement Specific Appropriation 1226A of the 1997-1998 General Appropriations Act, subsection (3) of section 259.101, Florida Statutes, 1996 Supplement, is amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. Ten percent of the proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the Department of Environmental Protection for the purchase by the South Florida Water Management District of lands in Dade, Broward, and Palm Beach Counties identified in s. 7, chapter 95-349, Laws of Florida. This distribution shall apply for any bond issue for the 1995-1996 fiscal year. For the 1997-1998 fiscal year only, \$20 million per year from the proceeds of any bonds deposited into the Florida Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the St. Johns Water Management District for the purchase of lands necessary to restore Lake Apopka. The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(a) Fifty percent to the Department of Environmental Protection for the purchase of public lands as described in s. 259.032. Of this 50 percent, at least one-fifth shall be used for the acquisition of coastal lands.

(b) Thirty percent to the Department of Environmental Protection for the purchase of water management lands pursuant to s. 373.59, to be distributed among the water management districts as provided in that section. Funds received by each district may also be used for acquisition of lands necessary to implement surface water improvement and management plans approved in accordance with s. 373.456 or for acquisition of lands necessary to implement the Everglades Construction Project authorized by s. 373.4592.

(c) Ten percent to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. From funds allocated to the trust, \$3 million annually shall be used by the Green Swamp Land Authority specifically for the purchase through land protection agreements, as defined in s. 380.0677(5), of lands, or severable interests or rights in lands, in the Green Swamp Area of Critical State Concern. From funds allocated to the trust, \$3 million annually shall be used by the Monroe County Comprehensive Plan Land Authority specifically for the purchase of any real property interest in either those lands subject to the Rate of Growth Ordinances adopted by local governments in Monroe County or those lands within the boundary of an approved Conservation and Recreation Lands project located within the Florida Keys or Key West Areas of Critical State Concern; however, title to lands acquired within the boundary of an approved Conservation and Recreation Lands project may, in accordance with an approved joint acquisition agreement, vest in the Board of Trustees of the Internal Improvement Trust Fund. Of the remaining funds allocated to the trust after the above transfers occur, one-half shall be matched by local governments on a dollar-for-dollar basis. To the extent allowed by federal requirements for the use of bond proceeds, the trust shall expend Preservation 2000 funds to carry out the purposes of part III of chapter 380.

(d) Two and nine-tenths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks. For the purposes of this paragraph, "state park" means all real property in the state under the jurisdiction of the Division of Recreation and Parks of the department, or which may come under its jurisdiction.

(e) Two and nine-tenths percent to the Division of Forestry of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07.

(f) Two and nine-tenths percent to the Game and Fresh Water Fish Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife.

(g) One and three-tenths percent to the Department of Environmental Protection for the Florida Greenways and Trails Program, to acquire greenways and trails or greenways and trails systems pursuant to chapter 260, including, but not limited to, abandoned railroad rights-of-way and the Florida National Scenic Trail.

Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for the purposes described in this subsection. Bond proceeds allocated pursuant to paragraph (c) may be used to purchase lands on the priority lists developed pursuant to s. 259.035. Title to lands purchased pursuant to paragraphs (a), (d), (e), (f), and (g) shall be vested in the Board of Trustees of the Internal Improvement Trust Fund, except that title to lands, or rights or interests therein, acquired by either the Southwest Florida Water Management District or the St. Johns River Water Management District in furtherance of the Green Swamp Land Authority's mission pursuant to s. 380.0677(3), shall be vested in the district where the acquisition project is located. Title to lands purchased pursuant to paragraph (c) may be vested in the Board of Trustees of the Internal Improvement Trust Fund, except that title to lands, or rights or interests therein, acquired by either the Southwest Florida Water Management District or the St. Johns River Water Management District in furtherance of the Green Swamp Land Authority's mission pursuant to s. 380.0677(3), shall be vested in the district where the acquisition project is located. This subsection is repealed effective October 1, 2000. Prior to repeal, the Legislature shall review the provisions scheduled for repeal and shall determine whether to reenact or modify the provisions or to take no action.

Section 38. A section of this act which implements a specific appropriation or specifically identified proviso language in the 1997-1998 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 1997-1998 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

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

Section 40. This act shall take effect July 1, 1997, or in the event this act fails to become a law until after that date, it shall operate retroactively thereto.

Became a law without the Governor's approval May 28, 1997.

Filed in Office Secretary of State May 28, 1997.