

CHAPTER 98-46

House Bill No. 4205

An act relating to implementing the 1998-1999 General Appropriations Act; providing legislative intent; amending s. 61.1812, F.S.; crediting to the Child Support Incentive Trust Fund certain distributions of the state share of Temporary Assistance to Needy Families (TANF); 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; 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; 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 1998-1999 for qualifying hospitals; amending s. 409.9116, F.S.; providing a formula for rural hospital disproportionate share payments; 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; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; authorizing the Departments of Children and Family Services, Revenue, Labor and Employment Security, and Health and the Agency for Health Care Administration to transfer positions and funds to comply with the 1998-1999 General Appropriations Act or the WAGES Act; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services to use certain funds for fixed capital outlay expenditures to meet certain federal standards; requiring the Agency for Health Care Administration to take necessary actions to ensure that expenditures for Medicaid transportation do not exceed the amount budgeted and to take certain steps if that becomes impossible; amending s. 10, ch. 97-259, Laws of Florida, relating to the Legal Immigrant's Temporary Income Bridge Program; providing that unused program funds for the current fiscal year may be used for food stamps for legal immigrants who are in the naturalization and citizenship process or in the process of seeking an exemption thereto and who are children, recipients of Supplemental Security Income, or persons of a specified age; amending s. 409.908, F.S.; directing the Agency for Health Care Administration to implement changes in the Medicaid reimbursement methodology for facilities formerly known as ICF/DD facilities; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer some positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; 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; authorizing the Correctional Privatization Commission and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening and operating a facility of the commission or the department; amending s. 287.064, F.S.; authorizing the Department of Law Enforcement to finance, through the Comptroller's consolidated major equipment financing program, the purchase of certain equipment, software, and services for the Florida Crime Information Center; amending s. 376.11, F.S.; appropriating certain funds from the Florida Coastal Protection Trust Fund for the purpose of funding beach renourishment and restoration and inlet management; 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 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; authorizing the Administration Commission to approve exceptions to state personnel, payroll, and benefit rules, policies, and practices and exemptions from certain statutory provisions relating to state employees for a specified pilot project; amending s. 110.123, F.S.; authorizing the Division of State Group Insurance to continue to process certain health insurance claims; creating s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 259.032, F.S.; authorizing the appropriation of certain funds in the Conservation and Recreation Lands Trust Fund for outdoor-recreation grants; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 86, ch. 93-213, Laws of Florida; eliminating the requirement for repayment of certain funds used to cover startup costs for the state NPDES program; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; 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, contingent on a specified study, from the Toll Facilities Revolving Trust Fund to the St. Lucie County Expressway Authority for purposes relating to revenue-producing road projects; amending s. 253.034, F.S.; authorizing the Department of Transportation to sell certain property utilized by the Department of Highway Safety and Motor Vehicles; amending s. 14.2015, F.S.; establishing an economic development grant program under the Office of Tourism, Trade, and Economic Development; providing criteria, requirements, and restrictions with respect thereto; providing that the Department of Highway Safety and Motor Vehicles may only execute a new contract or an extension of an existing contract for a motor vehicle

emissions testing program after a specified date; naming a facility and renaming a school at the Florida Agricultural and Mechanical University; providing for allocation of moneys provided for workforce development and providing for budget amendment when a program is moved; providing for future repeal of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; 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 1998-1999.

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

61.1812 Child Support Incentive Trust Fund.—

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

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

216.292 Appropriations nontransferable; exceptions.—

(1)

(b) For the 1998-1999 ~~1997-1998~~ fiscal year only, the Department of Children and Family 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, 1999 ~~1998~~.

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

409.9115 Disproportionate share program for mental health hospitals.— The Agency for Health Care Administration 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.

(3) For the ~~1998-1999~~ 1997-1998 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, ~~1999~~ 1998.

Section 5. During the 1998-1999 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 247 of the 1998-1999 General Appropriations Act. This section is repealed on July 1, 1999.

Section 6. In order to implement Specific Appropriation 240 of the 1998-1999 General Appropriations Act, subsection (6) of section 409.9116, Florida Statutes, 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 ~~1998-1999~~ 1997-1998 fiscal year only, the Agency for Health Care Administration shall use the following formula for distribution of the funds in Specific Appropriation ~~240~~ 226 of the ~~1998-1999~~ 1997-1998 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, 1999 ~~1998~~.

Section 7. In order to implement Specific Appropriations 293 through 446A and 466 through 555 of the 1998-1999 General Appropriations Act,

paragraph (c) of subsection (15) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(15)

(c) For the ~~1998-1999~~ 1997-1998 fiscal year only, funds appropriated to the Department of Children and Family Services in Specific Appropriations ~~293 272~~ through ~~446A~~ 403 and the Department of Health in Specific Appropriations ~~466 426~~ through ~~555~~ 511A of the ~~1998-1999~~ 1997-1998 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, ~~1999~~ 1998.

Section 8. In order to implement Specific Appropriation 247 of the 1998-1999 General Appropriations Act, and for the 1998-1999 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, 1999.

Section 9. For the 1998-1999 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 1998-1999 General Appropriations Act or WAGES Act which requires or specifically authorizes the transfer of positions and general revenue funds between these agencies. This section is repealed on July 1, 1999.

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

216.181 Approved budgets for operations and fixed capital outlay.—

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

Section 11. In order to implement Specific Appropriation 258 of the 1998-1999 General Appropriations Act, 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 1998-1999 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 is repealed on July 1, 1999.

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

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

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

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

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

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

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

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

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

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

(d) Can demonstrate that he or she is they are engaged in the process of becoming a United States citizen citizens or is are seeking an exemption thereto. The total amount of temporary income assistance provided to an adult individual shall not exceed the Supplemental Security Income (SSI) and/or food stamp stamps benefits for which he or she has they have become ineligible. The department shall use the maximum federal food stamp benefit allowable for a family of four to determine the per-person benefit amount

~~to be used for children. The department shall give priority to dually eligible persons, disabled persons, and persons who as a direct result of losing their federal benefits may lose their housing, including long-term care facilities.~~

(2) The Department of Children and Family Services' total administrative charges for this program shall not exceed ~~2~~ 4 percent of the funds provided. Total administrative charges for contracted service providers for this program shall not exceed 3 percent of the funds provided in each service contract.

~~(3) If the United States Congress acts to reinstate benefit eligibility to those noncitizens who lost eligibility under the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, only those direct assistance and administrative dollars that were spent prior to reinstatement becoming effective are provided in this specific appropriation extend the implementation date of portions of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which apply to noncitizens in order to allow states to prepare for said Act, no funds provided in this specific appropriation will be expended.~~

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

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

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

- (a) Reduction in the target rate of inflation.
- (b) Reduction in the calculation of incentive payments.

- (c) Ceiling limitations by component of reimbursement.
- (d) Elimination of rebase provisions.
- (e) Elimination of component interim rate provisions.
- (f) Separate reimbursement plans for facilities that are government operated versus facilities that are privately owned.

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

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

216.181 Approved budgets for operations and fixed capital outlay.—

(17) Notwithstanding any other provision of this section to the contrary, and for the 1998-1999 fiscal year only, the Florida Department of Law Enforcement may transfer up to 20 positions and associated budget between budget entities, provided the same funding source is used throughout each transfer. The department may also transfer 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 chair of the Senate Ways and Means Committee, and the chair of the House Committee on Criminal Justice Appropriations for all transfers of positions or salary rate. This subsection is repealed on July 1, 1999.

Section 15. For the purpose of implementing Specific Appropriations 1033, 1042, 1046, and 1050 of the 1998-1999 General Appropriations Act, beginning July 1, 1998, 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 committees, and the affected certified bargaining units, is authorized to participate in the model career service classification and compensation system as authorized by s. 334.0445, Florida Statutes, which is hereby continued through June 30, 1999, for this purpose. This section is repealed on July 1, 1999.

Section 16. Consistent with the provisions of s. 216.163, Florida Statutes, in accordance with performance-based program budgeting requirements, and notwithstanding the provisions of s. 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 1033, 1042, 1046, and 1050 of the 1998-1999 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 chair of the House Fiscal Responsibility

Council and to the chair of the Senate Ways and Means Committee for approval before awarding such bonuses. This section is repealed on July 1, 1999.

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

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

287.064 Consolidated financing of deferred-payment purchases.—

(9) For the 1998-1999 fiscal year only, the Department of Law Enforcement is authorized, upon approval of the Comptroller, to finance through the Comptroller's consolidated master equipment financing program the purchase of equipment, software, application development services, support services, project management services, and system integration services for the Florida Crime Information Center. This subsection is repealed on July 1, 1999.

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

376.11 Florida Coastal Protection Trust Fund.—

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

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

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

(7) For the 1998-1999 ~~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 \$11.2 ~~\$6~~ million for the surface water improvement and management projects program and \$8 ~~\$6~~ million for the aquatic weed control program from revenues provided by this section. This subsection is repealed on ~~expires~~ July 1, 1999 ~~1998~~.

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

Section 22. In order to implement Specific Appropriations 1397 and 1399 of the 1998-1999 General Appropriations Act, paragraph (a) of subsection (7) and subsections (8) and (9) of section 403.7095, Florida Statutes, are 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. The sum of \$50,000 shall be available annually to each eligible county from the Solid Waste Management Trust Fund through June 30, 1999 ~~1998~~. 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.

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

(9) For fiscal year 1998-1999, ~~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. The department may consider that meet one or more of the following criteria in determining whether a grant proposal is innovative:

- (a) Demonstrate advanced technologies or processes.
- (b) Collect and recycle ~~nontraditional~~ materials targeted by the department.
- (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 multicounty or regional recycling programs.

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

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

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

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

Such exceptions and exemptions may only be approved in order to take advantage of or to demonstrate the best practices inherent in purchased commercial off-the-shelf software for human resources, payroll, and benefits and shall be granted only after review and approval by those agencies whose statutory responsibilities or rule requirements are affected. The Administration Commission shall follow the notice, review, and exception procedures set forth in s. 216.177(2), Florida Statutes, and public employee collective bargaining agreements established pursuant to s. 447.309, Florida Statutes, prior to granting an exception or exemption. Exceptions and exemptions under this section are limited to only those organizations selected by the Florida Financial Management Information System Coordinating Council to serve as pilot sites in the proof-of-concept pilot project authorized in Specific Appropriation 1578 of the 1998-1999 General Appropriations Act. This section is repealed on July 1, 1999.

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

110.123 State group insurance program.—

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

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

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

Section 25. In order to implement Specific Appropriation 1579 of the 1998-1999 General Appropriations Act, section 110.1239, Florida Statutes, is created to read:

110.1239 State group health insurance program funding.—For the 1998-1999 fiscal year only, it is the intent of the Legislature that the state group

health insurance program be managed, administered, operated, and funded in such a manner as to maximize the protection of state employee health insurance benefits. Inherent in this intent is the recognition that the health insurance liabilities attributable to the benefits offered state employees should be fairly, orderly, and equitably funded. Accordingly:

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

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

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

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

Section 26. In order to implement Specific Appropriation 1435 of the 1998-1999 General Appropriations Act, subsection (15) of section 259.032, Florida Statutes, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(15) For fiscal year ~~1998-1999~~ ~~1997-1998~~ 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, ~~1999~~ ~~1998~~.

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

373.59 Water Management Lands Trust Fund.—

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

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

Section 86. The Department of Environmental Regulation is authorized 54 career service positions for administering the state NPDES program. Twenty-five career service positions are authorized for startup of the program beginning July 1, 1993, and the remaining 29 career service positions beginning January 1, 1994. The state NPDES program staffing shall start July 1, 1993, with completion targeted for 6 months following United States Environmental Protection Agency authorization to administer the National Pollutant Discharge Elimination System program. Implementation of positions is subject to review and final approval by the secretary of the Department of Environmental Regulation. The sum of \$3.2 million is hereby appropriated from the Pollution Recovery Trust Fund to cover program startup costs. ~~Such funds are to be repaid from a fund the Legislature deems appropriate, no later than July 1, 2000.~~

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

287.161 Executive aircraft pool; assignment of aircraft; charge for transportation.—

(4) Notwithstanding the requirements of subsections (2) and (3) and for the 1998-1999 fiscal year only, the Department of Management Services shall charge all persons receiving transportation from the executive aircraft pool a rate not less than the mileage allowance fixed by the Legislature for the use of privately owned vehicles. Fees collected for persons traveling by aircraft in the executive aircraft pool shall be deposited into the Bureau of Aircraft Trust Fund and shall be expended for costs incurred to operate the aircraft management activities of the department. It is the intent of the Legislature that the executive aircraft pool be operated on a full cost recovery basis, less available funds. This subsection is repealed on July 1, 1999.

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

15.09 Fees.—

(5)

(b) ~~For the 1998-1999~~ ~~1997-1998~~ 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, 1999 ~~1998~~.

Section 31. In order to implement Specific Appropriation 1531W of the 1998-1999 General Appropriations Act, paragraph (b) of subsection (1) of section 338.251, Florida Statutes, 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 ~~1998-1999~~ 1997-1998 fiscal year only, up to \$5.3 million ~~\$500,000~~ may be loaned by the department to the St. Lucie County Expressway Authority, contingent upon approval of a traffic and revenue study, for purposes described in paragraph (a). This paragraph is repealed on July 1, ~~1999~~ 1998.

Section 32. In order to implement Specific Appropriation 1571L of the 1998-1999 General Appropriations Act, subsection (9) is added to section 253.034, Florida Statutes, to read:

253.034 State-owned lands; uses.—

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

From the NW Corner of Section 28 Township 22 South, Range 30 East, run North 89 degrees 21 minutes 24 seconds East 1900 feet; thence run South 0 degrees 38 minutes 36 seconds East 59.45 feet for a point of beginning, said point being on the Southerly right of way line of State Highway No. 50; thence South 0 degrees 38 minutes 36 seconds East 525.41 feet; thence North 66 degrees 42 minutes 09 seconds East 390 feet more or less to the waters edge of Lake Barton; thence run Northerly along the waters edge of Lake Barton to the North line of said Section 28; thence run South 89 degrees 21 minutes 24 seconds West along the North line of said Section 28, to a 4' concrete monument on the Southerly right of way line of State Road No. 50, being North 89 degrees 21 minutes 24 seconds East 2315.27 feet from the NW Corner of said Section 28; thence run Westerly 419.59 feet along the arc of a 0 degree 44 minutes 25 seconds curve concave to the Northwesterly, (having a central angle of 3 degrees 6 minutes 22 seconds, the long chord bearing South 81 degrees 08 minutes 37 seconds West 419.50 feet) to the point of beginning. All of the above described land being in the NE ¼ of the NW ¼ of said Section 28, Orange County, Florida.

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

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

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(9)(a) Subject to the cooperative recommendations of Enterprise Florida, Inc., and the Florida Commission on Tourism and also to the approval of the

Governor, the Office of Tourism, Trade, and Economic Development is authorized to expend appropriated state and federal funds for general economic development grants. The office shall establish criteria for the award of grants, including criteria relating to highest economic return for the state as a whole, or a particular region, county, city, or community, ability to properly administer grant funds, and such other matters deemed necessary and appropriate to further the purposes of this subsection. The office shall expend all funds in accordance with state law and shall use such appropriations to supplement the financial support of:

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

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

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

4. Rural areas and distressed urban areas.

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

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

(d) The office shall not award any new grant which will, in whole or in part, inure to the personal benefit of any board member of Enterprise Florida, Inc., or the Florida Commission on Tourism during that member's term of office, if the board member participated in the vote of the board or panel thereof recommending the award. However, this subsection does not prohibit the office from awarding a grant to an entity with which a board member is associated.

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

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

Section 35. In order to implement Specific Appropriation 52 of the 1998-1999 General Appropriations Act, the facility built to house the School of

Business and Industry at the Florida Agricultural and Mechanical University is hereby named after Sybil C. Mobley and the School of Business and Industry at the Florida Agricultural and Mechanical University is hereby renamed the Sybil C. Mobley School of Business and Industry. This section is repealed on July 1, 1999.

Section 36. The funds provided in the 1998-1999 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 of the Division of Community Colleges shall submit a budget amendment pursuant to chapter 216, Florida Statutes, to transfer the appropriate amount of the 1998-1999 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 is repealed on July 1, 1999.

Section 37. A section of this act that implements a specific appropriation or specifically identified proviso language in the 1998-1999 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 1998-1999 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

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

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, 1998; 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 April 30, 1998.

Filed in Office Secretary of State April 29, 1998.