

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CGHC 09-02 Implementing the 2009-2010 General Appropriations Act
SPONSOR(S): Full Appropriations Council on General Government & Health Care
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Full Appropriations Council on General Government & Health Care	19 Y, 11 N	Delaney	Leznoff
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

The bill provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2009-2010. The statutory changes are effective for only one year and either expire on July 1, 2010 or revert to the language as it existed before the changes made by the bill.

This bill substantially amends sections 11.13, 110.23, 112.24, 215.32, 216.262, 255.18, 255.518, 287.057, 394.908, 400.141, 400.23, 570.20, 790.065, Florida Statutes.

Since this bill implements provisions of the General Appropriations Act for Fiscal Year 2009-2010, there are no direct fiscal impacts created by this bill.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Section 19 of Article III of the Florida Constitution states that appropriations acts "shall contain provisions on no other subject" other than making appropriations. This language has been interpreted to defeat proviso to appropriations that have the effect of amending general law. See, e.g., *Brown v. Firestone*, 382 So.2d 654 (Fla. 1980); *Chiles v. Milligan*, 659 So.2d 1055 (Fla. 1995). For this reason, when general law changes are required to effectuate appropriations, those changes are placed in a general bill implementing the appropriations act instead of in the GAA.

B. SECTION DIRECTORY:

Section 1. This section provides legislative intent that the implementing and administering provisions of this act applies to the General Appropriations Act for Fiscal Year 2009-2010.

Section 2. Amends s. 394.908, F.S.; authorizing the Department of Children and Families to allocate funds appropriated for forensic mental health treatment services to the areas of the state with the greatest service demand and capacity; also, specifying that additional funds appropriated from funds available through the Community-Based Medicaid Administrative Claiming Program shall be allocated as provided in the 2007-2008 General Appropriations Act and in proportion to contributed provider earnings.

Section 3. Requires the Department of Children and Families to ensure that all public and private entities participating in child welfare cases enter information into the Florida Safe Families Network (FSFN) system to maintain accuracy and usefulness of the system; also requires the department to coordinate with the Office of State Courts Administrator for the purpose of providing any judge or magistrate assigned to a dependency court case with access to the information in the FSFN.

Section 4. Amends s. 287.057, F.S.; Requires the Department of Health to enter an agreement with a private contractor to finance, design and construct a hospital of no more than 50 beds for the treatment of patients with active tuberculosis and to operate all aspects of daily operations within the facility.

Section 5. Adds paragraph (d) to subsection (3) of section 400.23.; Provides, that notwithstanding other provisions of the subsection, the agency may not impose sanctions against a nursing home for failure to meet certain staffing ratios as long as the nursing assistant and the licensed nurse ratios are not below 2.6 hours and 1 hour per resident per day, respectively.

Section 6. Amends s. 400.141(15)(d), F.S.; Provides, that notwithstanding other provisions of the subsection, the agency may not impose sanctions against a nursing home for failure to impose a moratorium on new admissions as long as the certified nursing assistant and the licensed nurse ratios are not below 2.6 hours and 1 hour per resident per day, respectively.

Section 7. Provides that the Department of Corrections 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 or operating a facility under the authority of the respective department which is located within that municipality or county. The amount 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. Implements Specific Appropriations 617, 631, 644, and 112 of the General Appropriations Act for Fiscal Year 2009-2010.

Section 8. Amends s. 216.262, F.S.; Allows the Executive Office of the Governor to request additional positions during the 2009-2010 fiscal year for the Department of Corrections if the Criminal Justice Estimating Conference projects an increase in the inmate population exceeding the February 16, 2009 projections by 1 percent for 2 consecutive months or 2 percent for any month. The additional positions must be approved by the LBC. Implements Specific Appropriations 607 through 706 and 738 through 773 of the General Appropriations Act for Fiscal Year 2009-2010.

Section 9. Authorizes the Department of Legal Affairs to transfer cash remaining after required disbursements from Attorney General case number 16-2008-CA-01-3142CV-C from FLAIR account 41-74-2-601001-41100100-00-181076-00 to the operating trust fund within the Department of Legal Affairs to pay salaries and benefits. Implements Specific Appropriations 1231, 1251, 1272, and 1282 of the General Appropriations Act for Fiscal Year 2009-2010.

Section 10. Amends s. 790.065(14) F.S.; Delays the automatic sunset date of the firearms purchase program one year to October 1, 2010. Implements Specific Appropriation 1205 of the General Appropriations Act for Fiscal Year 2009-2010.

Section 11. Amends s. 112.24, Florida Statutes.; Provides that the assignment of an employee of a state agency pursuant to an intergovernmental interchange of public employees can only be made without reimbursement by the receiving agency upon approval of the chairs of the Senate Policy and Steering Committee and the House Full Appropriation Council on General Government and Health Care. Implements specific appropriations for salaries and benefits in the General Appropriations Act for Fiscal Year 2009-10.

Section 12. Authorizes the Executive Office of the Governor to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2009-2010 General Appropriations Act between departments in order to align the budget authority granted with the premiums that must be paid by each department for risk management insurance.

Section 13. Authorizes the Executive Office of the Governor to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per State-wide Contract" of the 2009-2010 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services.

Section 14. Amends s. 110.123. F.S.; Provides that for health savings accounts for full-time and part-time employees in association with a health insurance plan option authorized by the Legislature, the state's monthly contribution for employees having individual coverage shall be \$41.66 and the monthly contribution for employees having family coverage shall be \$83.33. Implements Specific Appropriations for Salaries and Benefits in the General Appropriations Act for Fiscal Year 2009-2010.

Section 15. Adds paragraph (c) to subsection (1) of section 11.13, F.S.; Reduces the salaries of members of the Legislature in effect on June 30, 2009 by 5 percent.

Section 16. Amends s. 255.18(1)(b) F.S.; Provides for the removal of the prohibition that any reserves on obligations during the construction of a facility financed by such obligations shall be made from funds other than proceeds of the obligations.

Section 17. Provides that the amendment to s. 255.518(1)(b), F.S. shall expire July 1, 2010 and the text shall revert to that in existence on June 30, 2009. Provides that any amendments to such text other than by this act shall be preserved and continue to operate if not dependent upon expiring text.

Section 18. Amends s. 570.20, F.S.; Authorize moneys in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services.

Section 19. Reenacts s. 215.32(2)(b), F.S. Authorize the transfer of moneys to the General Revenue Fund from trust funds in the General Appropriations Act of 2009-2010.

Section 20. Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 21. Provides that a permanent change made by another law to any of the same statutes amended by this bill shall take precedence over the provisions in this bill.

Section 22. Provides a severability clause.

Section 23. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Although the provisions of this bill allow specific budget decisions to be effective, actual funding changes are made in the General Appropriations Act for Fiscal Year 2009-2010.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES