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1 A bill to be entitled  
2 An act implementing the 2011-2012 General  
3 Appropriations Act; providing legislative intent;  
4 incorporating by reference certain calculations of the  
5 Florida Education Finance Program for the 2011-2012  
6 fiscal year; amending s. 216.292, F.S.; authorizing  
7 the transfer of funds between appropriation categories  
8 to fund fixed capital outlay projects for public  
9 schools upon certain approval; amending s. 394.908,  
10 F.S.; providing allocation requirements for specified  
11 funds appropriated for forensic mental health  
12 services; providing requirements relating to  
13 implementing phase 3 of the Department of Health's  
14 Florida Onsite Sewage Nitrogen Reduction Strategies  
15 Study; requiring certain budget amendments  
16 recommending the release of funds to provide more  
17 notice and be subject to certain objection procedures;  
18 prohibiting an appropriation to pay for the lease of  
19 unneeded space due to reductions at the Department of  
20 Children and Family Services; authorizing the  
21 Department of Corrections and the Department of  
22 Juvenile Justice to make certain expenditures to  
23 defray costs incurred by a municipality or county as a  
24 result of opening or operating a facility under the  
25 authority of the respective entity; amending s.  
26 216.262, F.S.; providing for additional positions to  
27 operate additional prison bed capacity under certain  
28 circumstances; amending s. 945.025, F.S.; requiring  
29 the Department of Corrections to obtain certain

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30 approval before closing any correctional institution;  
31 authorizing the Department of Legal Affairs to  
32 transfer certain funds to pay salaries and benefits;  
33 authorizing the Department of Legal Affairs to spend  
34 certain appropriated funds on programs that were  
35 funded by the department from specific appropriations  
36 in general appropriations acts in previous years;  
37 amending s. 932.7055, F.S.; authorizing a municipality  
38 to expend funds from its special law enforcement trust  
39 fund to reimburse the municipality's general fund;  
40 requiring that the Department of Juvenile Justice  
41 comply with specified reimbursement limitations with  
42 respect to payments to hospitals or health care  
43 providers for health care services; authorizing  
44 certain payments pursuant to a contracted rate only  
45 until the contract expires or is renewed; defining the  
46 term "hospital" for purposes of such limitations;  
47 amending s. 44.108, F.S.; authorizing use of moneys in  
48 the Mediation and Arbitration Trust Fund as specified  
49 in the General Appropriations Act; relieving the state  
50 court system of certain loan repayment obligations;  
51 authorizing the chief justice to request a loan under  
52 certain circumstances; creating the Judicial Caseload  
53 Incentive Plan; providing the purpose, performance  
54 goals, and financial awards of the program; requiring  
55 a report to the Legislature; amending s. 282.709,  
56 F.S.; allowing funds from the State Agency Law  
57 Enforcement Radio System Trust Fund to be used for  
58 mutual aid buildout maintenance and sustainment;

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59 requiring the Department of Management Services to  
60 issue a competitive solicitation for the Statewide Law  
61 Enforcement Radio System by a certain date and award  
62 the contract by a certain date; requiring the Florida  
63 Catastrophic Storm Risk Management Center at Florida  
64 State University to conduct an analysis using certain  
65 data; amending s. 253.034, F.S.; authorizing the  
66 deposit of funds derived from the sale of property by  
67 the Department of Citrus into the Citrus Advertising  
68 Trust Fund; amending s. 373.59, F.S.; providing for  
69 the allocation of moneys from the Water Management  
70 Lands Trust Fund for certain purposes; amending s.  
71 403.7095, F.S.; requiring that the Department of  
72 Environmental Protection award a specified amount in  
73 grants to certain counties for solid waste programs;  
74 authorizing the Department of Agriculture and Consumer  
75 Services to extend, revise, and renew current  
76 contracts or agreements created or entered into for  
77 the purpose of promotion of agriculture; providing  
78 that the disposition of state-owned lands is exempt  
79 from appraisal requirements and disposition  
80 requirements under certain circumstances; requiring  
81 state agencies to provide a list of lands that are  
82 immediately available for lease or are surplus lands;  
83 requiring that the proceeds from the sale of such  
84 lands be deposited into the Florida Forever Trust  
85 Fund; authorizing the transfer of funds and positions  
86 to implement the transfer of certain agencies and  
87 offices; amending s. 339.08, F.S.; delaying the

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88 expiration of provisions relating to the use of moneys  
89 in the State Transportation Trust Fund for certain  
90 administrative expenses; authorizing funds in the  
91 State Transportation Trust Fund to be used for the  
92 County Incentive Grant Program, the Small County  
93 Outreach Program, the Transportation Regional  
94 Incentive Program, and certain transportation project  
95 contracts; providing for all vehicles within the  
96 Office of Motor Carrier Compliance to be transferred  
97 to the Department of Highway Safety and Motor Vehicles  
98 without the payment of certain fees; amending s.  
99 445.009, F.S.; providing that a participant in an  
100 adult or youth work experience activity under ch. 445,  
101 F.S., is an employee of the state for purposes of  
102 workers' compensation coverage; creating the Florida  
103 Base Realignment and Closure Task Force; specifying  
104 the mission of the task force; providing for  
105 membership; requiring a progress report and work plan;  
106 authorizing the Executive Office of the Governor to  
107 transfer funds between departments for purposes of  
108 aligning amounts paid for risk management premiums and  
109 for purposes of aligning amounts paid for human  
110 resource management services; amending s. 110.123,  
111 F.S.; providing that the state contribution toward the  
112 cost of a plan is the difference between the overall  
113 premium and the employee contribution; amending s.  
114 112.24, F.S.; providing conditions on the assignment  
115 of an employee of a state agency without reimbursement  
116 from the receiving agency; providing that the annual

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117 salary of the members of the Legislature be reduced by  
118 a specified percentage; reenacting and amending s.  
119 215.32(2)(b), F.S., relating to the source and use of  
120 certain trust funds in order to implement the transfer  
121 of moneys in the General Revenue Fund from trust funds  
122 in the 2011-2012 General Appropriations Act;  
123 reenacting and amending s. 215.5601(4)(b), F.S.,  
124 relating to the administration of the Lawton Chiles  
125 Endowment Fund; providing for the authorization and  
126 issuance of new debt; limiting the use of travel funds  
127 to activities that are critical to an agency's  
128 mission; providing exceptions; authorizing agencies  
129 scheduled for data center consolidation to accelerate  
130 such consolidation; authorizing the establishment of  
131 data center positions in exchange for agency positions  
132 placed in reserve; authoring an agency to transfer  
133 funds in order to support its e-mail system until its  
134 system is transferred to the statewide service vendor;  
135 authorizing the Executive Office of the Governor to  
136 transfer funds between agencies in order to allocate a  
137 reduction relating to SUNCOM; authorizing the  
138 Executive Office of the Governor to transfer  
139 appropriations into categories for the purpose of  
140 tracking American Recovery and Reinvestment Act funds;  
141 amending s. 216.292, F.S.; authorizing the Executive  
142 Office of the Governor to recommend the initiation of  
143 fixed capital outlay projects funded through the  
144 American Recovery and Reinvestment Act of 2009;  
145 amending s. 216.212, F.S.; requiring a state agency or

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146 the judicial branch to pursue federal funds and notify  
147 the Legislative Budget Commission of any decision  
148 regarding the receipt of such funds; providing that  
149 failure to provide such notice will result in the  
150 placement of an equal amount of the agency's or  
151 judicial branch's budget into mandatory reserve for  
152 the remainder of the fiscal year; reenacting s.  
153 110.12315(7) (a), F.S., relating to copayments for the  
154 state employees' prescription drug program; directing  
155 the Department of Management Services to use a tenant  
156 broker to renegotiate all leases involving multiple  
157 state agency tenants; requiring a report to the  
158 Legislative Budget Commission; requiring the  
159 department to renegotiate certain leases in order to  
160 achieve a reduction in cost and provide a report to  
161 the Governor and Legislature on such activities by a  
162 certain date; requiring the department to issue a  
163 solicitation for the Minnesota Multistate Contracting  
164 Alliance for Pharmacy agreement as a state term  
165 contract; requiring the department to use generic  
166 drugs were feasible in developing its preferred drug  
167 list; requiring the Agency for Health Care  
168 Administration to reprocur the Florida Discount Drug  
169 Card Program; providing requirements for the program;  
170 providing that revenues derived from the contract be  
171 deposited into the agency's Grants and Donations Trust  
172 Fund; providing that a child who is eligible for  
173 coverage under a state health benefit plan on the  
174 basis of a family member's employment with a public

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175 agency in the state is eligible to participate in and  
176 receive Title XXI-funded coverage from the Florida  
177 Kidcare program if the child is otherwise eligible;  
178 amending s. 409.814, F.S.; deleting a provision that  
179 prohibits a child who is eligible for coverage under a  
180 state health benefit plan on the basis of a family  
181 member's employment with a public agency in the state  
182 from receiving Title XXI-funded premium assistance for  
183 health benefits coverage under the Florida Kidcare  
184 program; providing for the effect of a veto of one or  
185 more specific appropriations or proviso to which  
186 implementing language refers; providing for reversion  
187 of statutory text of certain provisions; providing for  
188 the continued operation of certain provisions  
189 notwithstanding a future repeal or expiration provided  
190 by the act; providing for severability; providing  
191 effective dates.

192  
193 Be It Enacted by the Legislature of the State of Florida:

194  
195 Section 1. It is the intent of the Legislature that the  
196 implementing and administering provisions of this act apply to  
197 the General Appropriations Act for the 2011-2012 fiscal year.

198 Section 2. In order to implement Specific Appropriations 6,  
199 7, 8, 68, and 69 of the 2011-2012 General Appropriations Act,  
200 the calculations of the Florida Education Finance Program for  
201 the 2011-2012 fiscal year in the document entitled "Public  
202 School Funding-The Florida Education Finance Program," dated  
203 April 6, 2011, and filed with the Secretary of the Senate, are

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204 incorporated by reference for the purpose of displaying the  
205 calculations used by the Legislature, consistent with the  
206 requirements of the Florida Statutes, in making appropriations  
207 for the Florida Education Finance Program.

208 Section 3. In order to implement Specific Appropriations  
209 15A and 15B of the 2011-2012 General Appropriations Act,  
210 paragraph (c) of subsection (3) of section 216.292, Florida  
211 Statutes, is amended to read:

212 216.292 Appropriations nontransferable; exceptions.—

213 (3) The following transfers are authorized with the  
214 approval of the Executive Office of the Governor for the  
215 executive branch or the Chief Justice for the judicial branch,  
216 subject to the notice and objection provisions of s. 216.177:

217 (c) The transfer of appropriations for fixed capital outlay  
218 from the Survey Recommended Needs-Public Schools appropriation  
219 category to the Maintenance, Repair, Renovation and Remodeling  
220 appropriation category. The allocation of transferred funds must  
221 ~~shall~~ be in accordance with s. 1013.62 ~~1013.64(1)~~. This  
222 paragraph expires July 1, 2012 ~~2011~~.

223 Section 4. In order to implement Specific Appropriations  
224 310 through 339 of the 2011-2012 General Appropriations Act,  
225 paragraphs (b) and (c) of subsection (3) of section 394.908,  
226 Florida Statutes, are amended to read:

227 394.908 Substance abuse and mental health funding equity;  
228 distribution of appropriations.—In recognition of the historical  
229 inequity in the funding of substance abuse and mental health  
230 services for the department's districts and regions and to  
231 rectify this inequity and provide for equitable funding in the  
232 future throughout the state, the following funding process shall



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233 be used:

234 (3)

235 (b) Notwithstanding paragraph (a) and for the 2011-2012  
236 ~~2010-2011~~ fiscal year only, funds appropriated for forensic  
237 mental health treatment services shall be allocated to the areas  
238 of the state having the greatest demand for services and  
239 treatment capacity. This paragraph expires July 1, 2012 ~~2011~~.

240 (c) Notwithstanding paragraph (a) and for the 2011-2012  
241 ~~2010-2011~~ fiscal year only, additional funds appropriated for  
242 substance abuse and mental health services from funds available  
243 through the Community-Based Medicaid Administrative Claiming  
244 Program shall be allocated as provided in the 2010-2011 General  
245 Appropriations Act and in proportion to contributed provider  
246 earnings. This paragraph expires July 1, 2012 ~~2011~~.

247 Section 5. In order to implement Specific Appropriation 465  
248 of the 2011-2012 General Appropriations Act, and for the 2011-  
249 2012 fiscal year only, the following requirements govern Phase 3  
250 of the Department of Health's Florida Onsite Sewage Nitrogen  
251 Reduction Strategies Study:

252 (1) The Department of Health's underlying contract for the  
253 study remains in full force and effect and funding for Phase 3  
254 is through the Department of Health.

255 (2) The Department of Health, the Department of Health's  
256 Research Review and Advisory Committee, and the Department of  
257 Environmental Protection shall work together to provide the  
258 necessary technical oversight of Phase 3.

259 (3) Management and oversight of Phase 3 must be consistent  
260 with the terms of the existing contract. However, the main focus  
261 and priority to be completed during Phase 3 shall be developing,

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262 testing, and recommending cost-effective passive technology  
263 design criteria for nitrogen reduction.

264 (4) The systems installed at homesites are experimental in  
265 nature and shall be installed with significant field testing and  
266 monitoring. The Department of Health is specifically authorized  
267 to allow installation of these experimental systems.  
268 Notwithstanding any other law, before Phase 3 of the study is  
269 completed, a state agency may not adopt or implement a rule or  
270 policy that:

271 (a) Mandates, establishes, or implements more restrictive  
272 nitrogen-reduction standards to existing or new onsite sewage  
273 treatment systems or modification of such systems; or

274 (b) Directly or indirectly requires the use of performance-  
275 based treatment systems or similar technology if the Department  
276 of Environmental Protection's administrative orders recognizing  
277 onsite system modifications, developed through a basin  
278 management action plan adopted pursuant to s. 403.067, Florida  
279 Statutes, are not subject to the restrictions if the  
280 implementation of onsite system modifications is to be phased in  
281 after completion of Phase 3.

282 Section 6. In order to implement Specific Appropriation 536  
283 of the 2011-2012 General Appropriations Act, notwithstanding s.  
284 216.177, Florida Statutes, requiring only 3 days' notice to the  
285 Legislature for the release of funds, budget amendments  
286 recommending the release of funds shall be provided at least 14  
287 days before the effective date of the action and are subject to  
288 the objection procedures in s. 216.177(2)(b), Florida Statutes.

289 Section 7. Funds in Specific Appropriations 259 through  
290 357, may not be used to pay for any leased space identified in

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291 writing by the Secretary of Children and Family Services as no  
292 longer needed due to reductions in authorized department  
293 functions and positions. The department shall provide affected  
294 landlords at least 6 months' notification of lease termination.  
295 In the event of termination, the department may negotiate a  
296 lease for less space at the same location.

297 Section 8. In order to fulfill legislative intent regarding  
298 the use of funds contained in Specific Appropriations 605, 616,  
299 628 and 1135 of the 2011-2012 General Appropriations Act, the  
300 Department of Corrections and the Department of Juvenile Justice  
301 may expend appropriated funds to assist in defraying costs that  
302 are incurred by a municipality or county and are associated with  
303 opening or operating a facility under the authority of the  
304 respective department. The amount paid for any facility may not  
305 exceed 1 percent of the cost to construct the facility, less  
306 building impact fees imposed by the municipality or county. This  
307 section expires July 1, 2012.

308 Section 9. In order to implement Specific Appropriations  
309 570 through 688A and 726 through 759 of the 2011-2012 General  
310 Appropriations Act, subsection (4) of section 216.262, Florida  
311 Statutes, is amended to read:

312 216.262 Authorized positions.—

313 (4) Notwithstanding the provisions of this chapter relating  
314 to ~~en~~ increasing the number of authorized positions, and for the  
315 2011-2012 ~~2010-2011~~ fiscal year only, if the actual inmate  
316 population of the Department of Corrections exceeds the inmate  
317 population projections of the February 21, 2011 ~~19, 2010~~,  
318 Criminal Justice Estimating Conference by 1 percent for 2  
319 consecutive months or 2 percent for any month, the Executive

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320 Office of the Governor, with the approval of the Legislative  
321 Budget Commission, shall immediately notify the Criminal Justice  
322 Estimating Conference, which shall convene as soon as possible  
323 to revise the estimates. The Department of Corrections may then  
324 submit a budget amendment requesting the establishment of  
325 positions in excess of the number authorized by the Legislature  
326 and additional appropriations from unallocated general revenue  
327 sufficient to provide for essential staff, fixed capital  
328 improvements, and other resources to provide classification,  
329 security, food services, health services, and other variable  
330 expenses within the institutions to accommodate the estimated  
331 increase in the inmate population. All actions taken pursuant to  
332 ~~the authority granted in this subsection~~ are ~~shall be~~ subject to  
333 review and approval by the Legislative Budget Commission. This  
334 subsection expires July 1, 2012 ~~2011~~.

335 Section 10. In order to implement Specific Appropriations  
336 570 through 759, subsection (5) is added to section 945.025,  
337 Florida Statutes, to read:

338 945.025 Jurisdiction of department.—

339 (5) The department must receive prior approval from the  
340 Governor's Office of Policy and Budget and the Legislative  
341 Budget Commission before closing, substantially reducing the use  
342 of, or changing the purpose of any state correctional  
343 institution as defined in s. 944.02. This subsection expires  
344 July 1, 2012.

345 Section 11. In order to implement Specific Appropriations  
346 1253, 1267, 1274, 1295, and 1305 of the 2011-2012 General  
347 Appropriations Act, the Department of Legal Affairs may transfer  
348 cash remaining after required disbursements for Attorney General

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349 case numbers 09-CV-51614, 16-2008-CA-01-3142CV-C, and  
350 CACE08022328 from FLAIR account 41-74-2-601001-41100100-00-  
351 181076-00 to the Operating Trust Fund to pay salaries and  
352 benefits. This section expires July 1, 2012.

353 Section 12. In order to implement Specific Appropriation  
354 1290 of the 2011-2012 General Appropriations Act, the Department  
355 of Legal Affairs may expend appropriated funds in those specific  
356 appropriations on the same programs that were funded by the  
357 department pursuant to specific appropriations made in general  
358 appropriations acts in prior years. This section expires July 1,  
359 2012.

360 Section 13. In order to implement Specific Appropriations  
361 1192 and 1198 of the 2011-2012 General Appropriations Act,  
362 paragraph (d) of subsection (4) of section 932.7055, Florida  
363 Statutes, is amended to read:

364 932.7055 Disposition of liens and forfeited property.—

365 (4) The proceeds from the sale of forfeited property shall  
366 be disbursed in the following priority:

367 (d) Notwithstanding any other provision of this subsection,  
368 and for the 2011-2012 ~~2010-2011~~ fiscal year only, the funds in a  
369 special law enforcement trust fund established by the governing  
370 body of a municipality may be expended to reimburse the general  
371 fund of the municipality for moneys advanced from the general  
372 fund to the special law enforcement trust fund before ~~prior to~~  
373 October 1, 2001. This paragraph expires July 1, 2012 ~~2011~~.

374 Section 14. (1) In order to implement Specific  
375 Appropriations 1069, 1070, 1074, 1075, 1115, 1116, 1120, 1121,  
376 1126, 1127, 1130, 1131, 1132, 1141, and 1146 of the 2011-2012  
377 General Appropriations Act, the Department of Juvenile Justice

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378 must comply with the following reimbursement limitations:

379 (a) Payments to a hospital or a health care provider may  
380 not exceed 110 percent of the Medicare allowable rate for any  
381 health care services provided if no contract exists between the  
382 department and the hospital or the health care provider  
383 providing services at a hospital;

384 (b) The department may continue to make payments for health  
385 care services at the currently contracted rates through the  
386 current term of the contract if a contract has been executed  
387 between the department and a hospital or a health care provider  
388 providing services to a hospital; however, payments may not  
389 exceed 110 percent of the Medicare allowable rate after the  
390 current term of the contract expires or after the contract is  
391 renewed during the 2011-2012 fiscal year;

392 (c) Payments may not exceed 110 percent of the Medicare  
393 allowable rate under a contract executed on or after July 1,  
394 2011, between the department and a hospital or health care  
395 provider providing services at a hospital;

396 (d) Notwithstanding paragraphs (a), (b), and (c), the  
397 department may pay up to 125 percent of the Medicare allowable  
398 rate for health care services at a hospital that reports or has  
399 reported a negative operating margin for the previous fiscal  
400 year to the Agency for Health Care Administration through  
401 hospital-audited financial data; and

402 (e) The department may not execute a contract for health  
403 care services at a hospital for rates other than rates based on  
404 a percentage of the Medicare allowable rate.

405 (2) For purposes of this section, the term "hospital" means  
406 a hospital licensed under chapter 395, Florida Statutes.

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407 (3) This section expires July 1, 2012.

408 Section 15. In order to implement section 7 of the 2011-  
409 2012 General Appropriations Act, subsection (3) of section  
410 44.108, Florida Statutes, is amended to read:

411 44.108 Funding of mediation and arbitration.—

412 (3) For the 2011-2012 ~~2010-2011~~ fiscal year only and  
413 notwithstanding any other provision of law to the contrary,  
414 moneys in the Mediation and Arbitration Trust Fund may be used  
415 as specified in the General Appropriations Act. This subsection  
416 expires July 1, 2012 ~~2011~~.

417 Section 16. In order to implement section 7 of the 2011-  
418 2012 General Appropriations Act, and notwithstanding s. 215.18,  
419 Florida Statutes, the state court system is relieved of loan  
420 repayment obligations for loans made from the Mediation and  
421 Arbitration Trust Fund and the Court Education Trust Fund to the  
422 state court system during the 2010-2011 fiscal year. This  
423 section is effective upon this act becoming a law.

424 Section 17. In order to implement section 7 of the 2011-  
425 2012 General Appropriations Act, the Chief Justice of the  
426 Supreme Court may request a loan of funds pursuant to s. 215.18,  
427 Florida Statutes, notwithstanding the trust fund's ability to  
428 repay the loan by the end of the fiscal year, if, at any time  
429 during the 2011-2012 fiscal year, the Revenue Estimating  
430 Conference projects that revenue deposited into the State Courts  
431 Revenue Trust Fund, less payment of the general revenue service  
432 charge, will be less than 98 percent of the amount appropriated  
433 from the trust fund in the General Appropriations Act for the  
434 2011-2012 fiscal year.

435 Section 18. In order to implement Specific Appropriation

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436 2989A of the 2011-2012 General Appropriations Act, the Judicial  
437 Caseload Incentive Plan is established.-

438 (1) PURPOSE.-There is created the Judicial Caseload  
439 Incentive Plan, the purpose of which is to resolve civil  
440 disputes in a timely manner and to reduce legal costs in the  
441 state courts system by allowing judges within each judicial  
442 circuit who meet the established performance goals to earn a  
443 nonrecurring award.

444 (2) PERFORMANCE GOALS.-The Legislature shall prescribe  
445 annual performance goals in the General Appropriations Act for  
446 specified case types in each judicial circuit. The Office of the  
447 State Courts Administrator shall calculate the performance of a  
448 circuit toward meeting its performance goal using data collected  
449 from the clerks of court. The office shall divide the annual  
450 performance goals into equal quarterly goals.

451 (3) AWARDS.-

452 (a) Based on data collected from the clerks of court, the  
453 Office of the State Courts Administrator shall collect data to  
454 determine if a circuit meets the performance goals for a  
455 quarter. The office shall evaluate performance relating to each  
456 goal separately, but may not consider performance data from  
457 prior quarters.

458 (b) If the office determines that a circuit meets all of  
459 the performance goals for a quarter, each judge assigned the  
460 types of cases specified in the General Appropriations Act as  
461 part of the Judicial Caseload Incentive Plan shall receive an  
462 award for that quarter equal to \$3,000.

463 1. The office shall prorate the award of a judge who takes  
464 office during the quarter that the circuit meets its quarterly



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465 goals or who transfers into or out of the relevant divisions  
466 handling the types of cases specified in the Judicial Caseload  
467 Incentive Plan.

468 2. A judge may not receive more than one full award per  
469 quarter.

470 3. An award under this section is contingent upon the  
471 appropriation of, and shall be paid from, funds in the General  
472 Appropriations Act.

473 (4) REPORTS.—Within 30 days after the end of each quarter,  
474 the Office of the State Courts Administrator shall report  
475 electronically to the chairs of the appropriations committees of  
476 the Senate and the House of Representatives the progress of each  
477 circuit in meeting performance goals for the quarter and the  
478 number and amount of awards provided.

479 (5) EXPIRATION.—This section expires July 1, 2012.

480 Section 19. In order to implement Specific Appropriation  
481 2701A of the 2011-2012 General Appropriation Act, subsection (3)  
482 of section 282.709, Florida Statutes, is amended to read:

483 282.709 State agency law enforcement radio system and  
484 interoperability network.—

485 (3) (a) The State Agency Law Enforcement Radio System Trust  
486 Fund is established in the department and funded from surcharges  
487 collected under ss. 318.18, 320.0802, and 328.72. Upon  
488 appropriation, moneys in the trust fund may be used by the  
489 department to acquire by competitive procurement the equipment,  
490 software, and engineering, administrative, and maintenance  
491 services it needs to construct, operate, and maintain the  
492 statewide radio system. Moneys in the trust fund from ~~collected~~  
493 ~~as a result of the surcharges set forth in ss. 318.18, 320.0802,~~

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494 ~~and 328.72~~ shall be used to help fund the costs of the system.  
495 Upon completion of the system, moneys in the trust fund may also  
496 be used by the department for payment of the recurring  
497 maintenance costs of the system.

498 (b) Funds from the State Agency Law Enforcement Radio  
499 System Trust Fund may be used by the department to fund mutual  
500 aid buildout maintenance and sustainment as appropriated by law.  
501 This paragraph expires July 1, 2012.

502 Section 20. In order to implement Specific Appropriation  
503 2704 of the 2011-2012 General Appropriations Act, and  
504 notwithstanding chapter 287, Florida Statutes, the Department of  
505 Management Services shall issue a competitive solicitation for  
506 the operation of the Statewide Law Enforcement Radio System by  
507 September 1, 2011, to be awarded by December 31, 2011. The  
508 current contract for the system shall become null and void no  
509 later than June 30, 2012. This section expires July 1, 2012.

510 Section 21. In order to implement specific appropriation  
511 2341A of the 2011-2012 General Appropriations Act, the Florida  
512 Catastrophic Storm Risk Management Center at Florida State  
513 University shall conduct the analysis as originally required in  
514 s. 164 of chapter 2004-390, Laws of Florida. Notwithstanding  
515 that section, the center shall use the most recent and available  
516 premium data for personal lines property and casualty insurance  
517 in completing the analysis.

518 Section 22. In order to implement Specific Appropriations  
519 2173 through 2195 of the 2011-2012 General Appropriations Act,  
520 subsection (13) of section 253.034, Florida Statutes, as amended  
521 by chapter 2010-280, Laws of Florida, is amended to read:

522 253.034 State-owned lands; uses.-

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523 (13) Notwithstanding the provisions of this section, funds  
524 derived from the sale of the Department of Citrus' property  
525 located in Lakeland, Florida, shall ~~are authorized to be~~  
526 deposited into the Citrus Advertising Trust Fund. This  
527 subsection expires July 1, 2012 ~~2011~~.

528 Section 23. In order to implement Specific Appropriation  
529 1580A of the 2011-2012 General Appropriations Act, subsection  
530 (12) of section 373.59, Florida Statutes, is amended to read:

531 373.59 Water Management Lands Trust Fund.—

532 (12) Notwithstanding subsection (8), and for the 2011-2012  
533 ~~2010-2011~~ fiscal year only, the moneys from the Water Management  
534 Lands Trust Fund are ~~shall be~~ allocated as follows:

535 (a) An amount necessary to pay debt service on bonds issued  
536 before February 1, 2009, by the South Florida Water Management  
537 District and the St. Johns River Water Management District,  
538 which are secured by revenues provided pursuant to this section,  
539 or to fund debt service reserve funds, rebate obligations, or  
540 other amounts payable with respect to such bonds;

541 (b) Eight million dollars to be transferred to the General  
542 Revenue Fund; and

543 (c) The remaining funds to be distributed to ~~equally~~  
544 ~~between~~ the Suwannee River Water Management District, and ~~the~~  
545 ~~Northwest Florida Water Management District; and~~

546 ~~(d) For the 2010-2011 fiscal year only, the sum of \$50,000~~  
547 ~~from the Water Management Lands Trust Fund shall be transferred~~  
548 ~~to the General Inspection Trust Fund in the Department of~~  
549 ~~Agriculture and Consumer Services for the soil and water~~  
550 ~~conservation districts for support services.~~

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552 This subsection expires July 1, 2012 ~~2011~~.

553 Section 24. In order to implement Specific Appropriation  
554 1703A of the 2011-2012 General Appropriations Act, subsection  
555 (5) of section 403.7095, Florida Statutes, is amended to read:  
556 403.7095 Solid waste management grant program.—

557 (5) Notwithstanding any other provision of this section ~~to~~  
558 ~~the contrary~~, and for the 2011-2012 ~~2010-2011~~ fiscal year only,  
559 the Department of Environmental Protection shall award the sum  
560 of \$2,400,000 in grants equally to counties having populations  
561 of fewer than 100,000 for waste tire and litter prevention,  
562 recycling education, and general solid waste programs. This  
563 subsection expires July 1, 2012 ~~2011~~.

564 Section 25. In order to implement Specific Appropriation  
565 1430 of the 2011-2012 General Appropriations Act and to provide  
566 consistency and continuity in the promotion of agriculture  
567 throughout the state, notwithstanding s. 287.057, Florida  
568 Statutes, the Department of Agriculture and Consumer Services  
569 may extend, revise, and renew current contracts or agreements  
570 created or entered into pursuant to chapter 2006-25, Laws of  
571 Florida. This section expires July 1, 2012.

572 Section 26. In order to implement Specific Appropriation  
573 1578A of the 2011-2012 General Appropriations Act, and  
574 notwithstanding ss. 253.034, 253.0341, and 259.041, Florida  
575 Statutes, the disposition of state-owned lands is exempt from  
576 appraisal requirements under s. 253.034(6)(g)1., Florida  
577 Statutes, and disposition requirements under s. 253.034(15),  
578 Florida Statutes, if the proceeds of such conveyance will be  
579 used to purchase state-owned lands for preservation,  
580 conservation, or recreation purposes. On or before October 1,

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581 2011, all agencies shall submit a list of state-owned lands to  
582 the Board of Trustees of the Internal Improvement Trust Fund, to  
583 which the lands are titled, which are immediately available for  
584 lease or are surplus lands. Proceeds from the sale of such lands  
585 shall be deposited into the Florida Forever Trust Fund created  
586 by s. 259.1051, Florida Statutes, and used to acquire lands for  
587 preservation, conservation, or recreation purposes pursuant to  
588 the requirements of s. 259.105, Florida Statutes. The board of  
589 trustees shall ensure that, where appropriate, surplus or leased  
590 conservation lands are subject to perpetual conservation  
591 easements or other such restrictive covenants that run with the  
592 land and are duly recorded in the same manner as any other  
593 instrument affecting title to real property. This section  
594 expires July 1, 2012.

595 Section 27. Notwithstanding ss. 216.292 and 216.351,  
596 Florida Statutes, upon approval by the Legislative Budget  
597 Commission, the Executive Office of the Governor may, if  
598 necessary, transfer funds and positions among agencies to  
599 implement the transfer of all or portions of the Department of  
600 Community Affairs, the Agency for Workforce Innovation, the  
601 Department of Education, and the Office of Tourism, Trade, and  
602 Economic Development to the Department of Jobs Florida; the  
603 Department of Community Affairs to the Department of  
604 Environmental Protection or the Department of Business and  
605 Professional Regulation; the Agency for Workforce Innovation to  
606 the Department of Education; and the Office of Motor Carrier  
607 Compliance within the Department of Transportation to the  
608 Department of Highway Safety and Motor Vehicles.

609 Section 28. In order to implement section 99 of the 2011-

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610 2012 General Appropriations Act, paragraph (n) of subsection (1)  
611 of section 339.08, Florida Statutes, is amended to read:

612 339.08 Use of moneys in State Transportation Trust Fund.—

613 (1) The department shall expend moneys in the State  
614 Transportation Trust Fund accruing to the department, in  
615 accordance with its annual budget. The use of such moneys shall  
616 be restricted to the following purposes:

617 (n) To pay administrative expenses incurred in accordance  
618 with applicable laws for a multicounty transportation or  
619 expressway authority created under chapter 343 or chapter 348  
620 ~~if, where~~ jurisdiction for the authority includes a portion of  
621 the State Highway System and the administrative expenses are in  
622 furtherance of the duties and responsibilities of the authority  
623 in the development of improvements to the State Highway System.  
624 This paragraph expires July 1, 2012 ~~2011~~.

625 Section 29. In order to implement Specific Appropriation  
626 1938E of the 2011-2012 General Appropriations Act, and  
627 notwithstanding any other law, for the 2011-2012 fiscal year,  
628 \$80,007,529 from the State Transportation Trust Fund shall be  
629 used for the County Incentive Grant Program created under s.  
630 339.2817, Florida Statutes. This section expires July 1, 2012.

631 Section 30. In order to implement Specific Appropriation  
632 1938C of the 2011-2012 General Appropriations Act, and  
633 notwithstanding any other law, for the 2011-2012 fiscal year,  
634 \$42,410,085 from the State Transportation Trust Fund shall be  
635 used for the Small County Outreach Program created under s.  
636 339.2818, Florida Statutes. This section expires July 1, 2012.

637 Section 31. In order to implement Specific Appropriation  
638 1938I of the 2011-2012 General Appropriations Act, and

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639 notwithstanding any other law, for the 2011-2012 fiscal year,  
640 \$72,242,353 from the State Transportation Trust Fund shall be  
641 used for the Transportation Regional Incentive Program created  
642 under s. 339.2819, Florida Statutes. This section expires July  
643 1, 2012.

644 Section 32. In order to implement Specific Appropriation  
645 1938S of the 2011-2012 General Appropriations Act, and  
646 notwithstanding any other law, for the 2011-2012 fiscal year,  
647 \$19,000,000 from the State Transportation Trust Fund shall be  
648 used for contracts for transportation projects under s.  
649 339.2821, Florida Statutes, as created by SB 7198. This section  
650 expires July 1, 2012.

651 Section 33. Notwithstanding chapters 319 and 320, Florida  
652 Statutes, the ownership of all vehicles currently used by the  
653 Office of Motor Carrier Compliance within the Department of  
654 Transportation shall be transferred to the Department of Highway  
655 Safety and Motor Vehicles effective July 1, 2011, without  
656 payment of any titling or registration fees.

657 Section 34. In order to implement Specific Appropriation  
658 2535BW of the 2011-2012 General Appropriations Act, subsection  
659 (11) of section 445.009, Florida Statutes, is amended to read:  
660 445.009 One-stop delivery system.—

661 (11) ~~(a)~~ A participant in an adult or youth work experience  
662 activity administered under this chapter ~~is shall be deemed~~ an  
663 employee of the state for purposes of workers' compensation  
664 coverage. In determining the average weekly wage, all  
665 remuneration received from the employer ~~is shall be~~ considered a  
666 gratuity, and the participant ~~is shall not be~~ entitled to any  
667 benefits otherwise payable under s. 440.15, regardless of

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668 whether the participant may be receiving wages and remuneration  
669 from other employment with another employer and regardless of  
670 his or her future wage-earning capacity.

671 ~~(b)~~ This subsection expires July 1, 2012 2011.

672 Section 35. In order to implement Specific Appropriation  
673 2535AH, the Florida Base Realignment and Closure Task Force is  
674 created. The mission of the task force is to make  
675 recommendations to prepare the state to effectively compete in  
676 any federal base realignment and closure action, to support the  
677 state's position in research and development related to or  
678 arising out of military missions and contracting, and to improve  
679 the state's military-friendly environment for serving members,  
680 military dependents, and military retirees and for businesses  
681 that bring military and base-related jobs to the state. The task  
682 force shall be comprised of the Governor or a designee, who  
683 shall be chair of the commission, the President of the Senate  
684 and Speaker of the House of Representatives, or their designees,  
685 who shall be vice chairs, and 10 members appointed as follows:  
686 four members appointed by the Governor, three members appointed  
687 by the President of the Senate, and three members appointed by  
688 the Speaker of the House of Representatives. The Commissioner of  
689 Jobs Florida or a designee shall be the ex officio, nonvoting  
690 executive director of the task force. Appointed members must  
691 represent defense-related industries and communities that host  
692 military bases and installations. All appointments must be made  
693 by August 15, 2011, and the Governor or a designee shall  
694 schedule and conduct the first meeting of the task force by  
695 October 1, 2011. The task force shall submit a progress report  
696 and work plan for the remainder of the 2011-2012 fiscal year to



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697 the Governor, the President of the Senate, and the Speaker of  
698 the House of Representatives by February 1, 2012. Funding for  
699 the task force shall be as provided in the General  
700 Appropriations Act. This section expires July 1, 2012.

701 Section 36. In order to implement the appropriation of  
702 funds in appropriation category "Special Categories-Risk  
703 Management Insurance" in the 2011-2012 General Appropriations  
704 Act, and pursuant to the notice, review, and objection  
705 procedures of s. 216.177, Florida Statutes, the Executive Office  
706 of the Governor may transfer funds appropriated in that category  
707 between departments in order to align the budget authority  
708 granted with the premiums paid by each department for risk  
709 management insurance. This section expires July 1, 2012.

710 Section 37. In order to implement the appropriation of  
711 funds in the appropriation category "Special Categories-Transfer  
712 to Department of Management Services-Human Resources Services  
713 Purchased Per Statewide Contract" in the 2011-2012 General  
714 Appropriations Act," and pursuant to the notice, review, and  
715 objection procedures of s. 216.177, Florida Statutes, the  
716 Executive Office of the Governor may transfer funds appropriated  
717 in that category between departments in order to align the  
718 budget authority granted with the assessments that must be paid  
719 by each agency to the Department of Management Services for  
720 human resource management services. This section expires July 1,  
721 2012.

722 Section 38. In order to implement section 8 of the 2011-  
723 2012 General Appropriations Act, paragraph (j) of subsection (3)  
724 of section 110.123, Florida Statutes, is amended to read:

725 110.123 State group insurance program.-

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726 (3) STATE GROUP INSURANCE PROGRAM.—

727 (j) Notwithstanding ~~the provisions of~~ paragraph (f)  
728 requiring uniform contributions, and for the 2011-2012 ~~2010-2011~~  
729 fiscal year only, the state contribution toward the cost of any  
730 plan in the state group insurance plan is ~~shall be~~ the  
731 difference between the overall premium and the employee  
732 contribution. This subsection expires June 30, 2012 ~~2011~~.

733 Section 39. In order to implement specific appropriations  
734 for salaries and benefits in the 2011-2012 General  
735 Appropriations Act, paragraph (b) of subsection (3) of section  
736 112.24, Florida Statutes, is amended to read:

737 112.24 Intergovernmental interchange of public employees.—  
738 To encourage economical and effective utilization of public  
739 employees in this state, the temporary assignment of employees  
740 among agencies of government, both state and local, and  
741 including school districts and public institutions of higher  
742 education is authorized under terms and conditions set forth in  
743 this section. State agencies, municipalities, and political  
744 subdivisions are authorized to enter into employee interchange  
745 agreements with other state agencies, the Federal Government,  
746 another state, a municipality, or a political subdivision  
747 including a school district, or with a public institution of  
748 higher education. State agencies are also authorized to enter  
749 into employee interchange agreements with private institutions  
750 of higher education and other nonprofit organizations under the  
751 terms and conditions provided in this section. In addition, the  
752 Governor or the Governor and Cabinet may enter into employee  
753 interchange agreements with a state agency, the Federal  
754 Government, another state, a municipality, or a political

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755 subdivision including a school district, or with a public  
756 institution of higher learning to fill, subject to the  
757 requirements of chapter 20, appointive offices which are within  
758 the executive branch of government and which are filled by  
759 appointment by the Governor or the Governor and Cabinet. Under  
760 no circumstances shall employee interchange agreements be  
761 utilized for the purpose of assigning individuals to participate  
762 in political campaigns. Duties and responsibilities of  
763 interchange employees shall be limited to the mission and goals  
764 of the agencies of government.

765 (3) Salary, leave, travel and transportation, and  
766 reimbursements for an employee of a sending party that is  
767 participating in an interchange program shall be handled as  
768 follows:

769 (b)1. The assignment of an employee of a state agency  
770 ~~either~~ on detail or on leave of absence may be made without  
771 reimbursement by the receiving party for the travel and  
772 transportation expenses to or from the place of the assignment  
773 or for the pay and benefits, or a part thereof, of the employee  
774 during the assignment.

775 2. For the 2011-2012 ~~2010-2011~~ fiscal year only, the  
776 assignment of an employee of a state agency as provided in  
777 subparagraph 1. may be made if recommended by the Governor or  
778 Chief Justice, as appropriate, and approved by the chairs of the  
779 legislative appropriations committees ~~Senate Policy and Steering~~  
780 ~~Committee on Ways and Means and the House Full appropriations~~  
781 ~~Council on Education and Economic Development~~. Such actions  
782 shall be deemed approved if neither chair provides written  
783 notice of objection within 14 days after the chair's receiving

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784 notice of the action pursuant to s. 216.177. This subparagraph  
785 expires July 1, 2012 ~~2011~~.

786 Section 40. In order to implement Specific Appropriations  
787 2536 and 2537 of the 2011-2012 General Appropriations Act:

788 (1) Notwithstanding s. 11.13(1), Florida Statutes, relating  
789 to the annual adjustment of salaries for members of the  
790 Legislature, for the 2011-2012 fiscal year only, the authorized  
791 salaries of members of the Legislature in effect on June 30,  
792 2010, are reduced by 7 percent.

793 (2) Effective June 30, 2012, the annual salaries of members  
794 of the Legislature shall be set at the amounts authorized and in  
795 effect on June 30, 2010, pursuant to subsection (2) of section  
796 48 of chapter 2009-82, Laws of Florida.

797 (3) This section expires July 1, 2012.

798 Section 41. In order to implement the transfer of moneys to  
799 the General Revenue Fund from trust funds in the 2011-2012  
800 General Appropriations Act, paragraph (b) of subsection (2) of  
801 section 215.32, Florida Statutes, is reenacted and amended to  
802 read:

803 215.32 State funds; segregation.—

804 (2) The source and use of each of these funds shall be as  
805 follows:

806 (b)~~1~~. The trust funds shall consist of moneys received by  
807 the state, which under law or under trust agreement are  
808 segregated for a purpose authorized by law. The state agency or  
809 branch of state government receiving or collecting such moneys  
810 is shall be responsible for their proper expenditure as provided  
811 by law.

812 1. Upon the request of the state agency or branch of state

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813 government responsible for the administration of the trust fund,  
814 the Chief Financial Officer may establish accounts within the  
815 trust fund at a level considered necessary for proper  
816 accountability. Once an account is established within a trust  
817 fund, the Chief Financial Officer may authorize payment from  
818 that account only upon determining that there is sufficient cash  
819 and releases at the level of the account.

820 2. In addition to other trust funds created by law, to the  
821 extent possible, each agency shall use the following trust funds  
822 as described in this subparagraph for day-to-day operations:

823 a. Operations or operating trust fund, for use as a  
824 depository for funds to be used for program operations funded by  
825 program revenues, with the exception of administrative  
826 activities if ~~when~~ the operations or operating trust fund is a  
827 proprietary fund.

828 b. Operations and maintenance trust fund, for use as a  
829 depository for client services funded by third-party payors.

830 c. Administrative trust fund, for use as a depository for  
831 funds to be used for management activities that are departmental  
832 in nature and funded by indirect cost earnings and assessments  
833 against trust funds. Proprietary funds are excluded from the  
834 requirement of using an administrative trust fund.

835 d. Grants and donations trust fund, for use as a depository  
836 for funds to be used for allowable grant or donor agreement  
837 activities funded by restricted contractual revenue from private  
838 and public nonfederal sources.

839 e. Agency working capital trust fund, for use as a  
840 depository for funds to be used pursuant to s. 216.272.

841 f. Clearing funds trust fund, for use as a depository for

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842 funds to account for collections pending distribution to lawful  
843 recipients.

844 g. Federal grant trust fund, for use as a depository for  
845 funds to be used for allowable grant activities funded by  
846 restricted program revenues from federal sources.

847  
848 To the extent possible, each agency must adjust its internal  
849 accounting to use existing trust funds in accordance ~~consistent~~  
850 with the requirements of this subparagraph. If an agency does  
851 not have trust funds listed in this subparagraph and cannot make  
852 such adjustment, the agency must recommend the creation of the  
853 necessary trust funds to the Legislature by the time of ~~no later~~  
854 ~~than~~ the next scheduled review of the agency's trust funds  
855 pursuant to s. 215.3206.

856 3. All such moneys are hereby appropriated to be expended  
857 in accordance with the law or trust agreement under which they  
858 were received, subject ~~always to the provisions of~~ chapter 216  
859 relating to the appropriation of funds and to the applicable  
860 laws relating to the deposit or expenditure of moneys in the  
861 State Treasury.

862 4.a. Notwithstanding any provision of law restricting the  
863 use of trust funds to specific purposes, unappropriated cash  
864 balances from selected trust funds may be authorized by the  
865 Legislature for transfer to the Budget Stabilization Fund and  
866 General Revenue Fund in the General Appropriations Act.

867 b. This subparagraph does not apply to trust funds required  
868 by federal programs or mandates; trust funds established for  
869 bond covenants, indentures, or resolutions whose revenues are  
870 legally pledged by the state or public body to meet debt service

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871 or other financial requirements of any debt obligations of the  
872 state or any public body; the Division of Licensing Trust Fund  
873 in the Department of Agriculture and Consumer Services; the  
874 State Transportation Trust Fund; the trust fund containing the  
875 net annual proceeds from the Florida Education Lotteries; the  
876 Florida Retirement System Trust Fund; trust funds under the  
877 management of the State Board of Education or the Board of  
878 Governors of the State University System, if ~~where~~ such trust  
879 funds are for auxiliary enterprises, self-insurance, and  
880 contracts, grants, and donations, as those terms are defined by  
881 general law; trust funds that serve as clearing funds or  
882 accounts for the Chief Financial Officer or state agencies;  
883 trust funds that account for assets held by the state in a  
884 trustee capacity as an agent or fiduciary for individuals,  
885 private organizations, or other governmental units; and other  
886 trust funds authorized by the State Constitution.

887 Section 42. In order to implement the transfer of moneys to  
888 the General Revenue Fund from trust funds in the 2011-2012  
889 General Appropriations Act, paragraph (b) of subsection (4) of  
890 section 215.5601, Florida Statutes, is reenacted and amended to  
891 read:

892 215.5601 Lawton Chiles Endowment Fund.—

893 (4) ADMINISTRATION.—

894 (b) The endowment shall be managed as an annuity. The  
895 investment objective is the ~~shall be~~ long-term preservation of  
896 the real value of the net contributed principal and a specified  
897 regular annual cash outflow for appropriation, as nonrecurring  
898 revenue. From the annual cash outflow, a pro rata share shall be  
899 used solely for biomedical research activities as provided in

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900 paragraph (3)(d), until such time as cures are found for  
901 tobacco-related cancer and heart and lung disease. Five percent  
902 of the annual cash outflow dedicated to the biomedical research  
903 portion of the endowment shall be reinvested and applied to that  
904 portion of the endowment's principal, with the remainder to be  
905 spent on biomedical research activities consistent with this  
906 section. The schedule of annual cash outflow must ~~shall~~ be  
907 included within the investment plan adopted under paragraph (a).  
908 Withdrawals other than specified regular cash outflow are ~~shall~~  
909 ~~be~~ considered reductions in contributed principal for the  
910 purposes of this subsection.

911 Section 43. In order to implement the issuance of new debt  
912 authorized in the 2011-2012 General Appropriations Act, and  
913 pursuant to s. 215.98, Florida Statutes, the Legislature  
914 determines that the authorization and issuance of debt for the  
915 2011-2012 fiscal year should be implemented, is in the best  
916 interest of the state, and necessary to address a critical state  
917 emergency. This section expires July 1, 2012.

918 Section 44. In order to implement the funds appropriated in  
919 the 2011-2012 General Appropriations Act for state employee  
920 travel, the funds appropriated to each state agency, which may  
921 be used for travel by state employees, are limited during the  
922 2011-2012 fiscal year to travel for activities that are critical  
923 to each state agency's mission. Funds may not be used to pay for  
924 travel by state employees to foreign countries, other states,  
925 conferences, staff-training activities, or other administrative  
926 functions unless the agency head has approved in writing that  
927 such activities are critical to the agency's mission. The agency  
928 head must consider the use of teleconferencing and other forms



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929 of electronic communication to meet the needs of the proposed  
930 activity before approving mission-critical travel. This section  
931 does not apply to travel for law enforcement purposes, military  
932 purposes, emergency management activities, or public health  
933 activities. This section expires July 1, 2012.

934 Section 45. In order to implement the appropriations  
935 authorized in the 2011-2012 General Appropriations Act for each  
936 of the state's designated primary data centers, which are funded  
937 from the data processing appropriation category and other  
938 categories used to pay for computing services of user agencies,  
939 and pursuant to the notice, review, and objection procedures of  
940 s. 216.177, Florida Statutes, the Executive Office of the  
941 Governor may transfer funds appropriated in any appropriation  
942 category used to pay for data processing in the 2011-2012  
943 General Appropriations Act between agencies in order to align  
944 the budget authority granted with the utilization rate of each  
945 department. This section expires July 1, 2012.

946 Section 46. State agencies that are required to begin  
947 planning for a data center consolidation scheduled for a  
948 subsequent fiscal year may accelerate the consolidation into the  
949 2011-2012 fiscal year, contingent upon approval by the  
950 Legislative Budget Commission of budget adjustments necessary to  
951 accomplish the consolidation. The primary data center may  
952 establish positions contingent on an equal or greater number of  
953 positions being placed in reserve from the agency data centers  
954 being consolidated. This section expires July 1, 2012.

955 Section 47. In order to implement the appropriations in the  
956 2011-2012 General Appropriations Act for the statewide e-mail  
957 system established pursuant to s. 282.34, Florida Statutes, and

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958 notwithstanding s. 216.181(2)(c), Florida Statutes, an agency  
959 may transfer funds from the data processing appropriation  
960 categories established for the statewide e-mail system to  
961 another appropriation category for the purpose of supporting and  
962 managing its current e-mail system, subject to the limitations  
963 in s. 282.34(6), Florida Statutes, until the agency's e-mail  
964 function is transferred to the statewide e-mail service vendor  
965 under contract with the Southwood Shared Resource Center. This  
966 section expires July 1, 2012.

967 Section 48. In order to implement Specific Appropriation  
968 2187 of the 2011-2012 General Appropriations Act, the Executive  
969 Office of the Governor may transfer funds appropriated in the  
970 appropriation category "Expenses" of the 2011-2012 General  
971 Appropriations Act between agencies in order to allocate a  
972 reduction relating to SUNCOM Services. This section expires July  
973 1, 2012.

974 Section 49. In order to implement Sections 2 through 7 of  
975 the 2011-2012 General Appropriations Act, the Executive Office  
976 of the Governor may transfer funds appropriated for the American  
977 Recovery and Reinvestment Act of 2009 (ARRA) in traditional  
978 appropriation categories in the 2011-2012 General Appropriations  
979 Act to appropriation categories established for the specific  
980 purpose of tracking funds appropriated for the ARRA. This  
981 section expires July 1, 2012.

982 Section 50. In order to implement Sections 2 through 7 of  
983 the 2011-2012 General Appropriations Act, subsection (5) of  
984 section 216.292, Florida Statutes, is amended to read:

985 216.292 Appropriations nontransferable; exceptions.—

986 (5) (a) A transfer of funds may not result in the initiation

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987 of a fixed capital outlay project that has not received a  
988 specific legislative appropriation.

989 (b) Notwithstanding paragraph (a), and for the 2011-2012  
990 ~~2010-2011~~ fiscal year only, the Governor may recommend the  
991 initiation of fixed capital outlay projects funded by grants  
992 awarded by the Federal Government through the American Recovery  
993 and Reinvestment Act of 2009 or by any other federal economic  
994 stimulus grant funding received. All actions taken pursuant to  
995 the authority granted in the paragraph are subject to review and  
996 approval by the Legislative Budget Commission. This paragraph  
997 expires July 1, 2012 ~~2011~~.

998 Section 51. Subsection (4) is added to section 216.212,  
999 Florida Statutes, to read:

1000 216.212 Budgets for federal funds; restrictions on  
1001 expenditure of federal funds.—

1002 (4) (a) If a state agency or the judicial branch has  
1003 qualified or can qualify to receive federal funds in excess of  
1004 \$1 million without committing the state to make expenditures or  
1005 implement policies that are inconsistent with state law, the  
1006 agency or branch shall pursue receipt of such funds until the  
1007 agency or branch:

1008 1. Provides notice, subject to the notice and review  
1009 requirements in s. 216.177, that it intends to take an action or  
1010 refrain from taking an action that will result in such funds not  
1011 being received by the state; and

1012 2. Presents its decision and the rationale for such  
1013 decision to the Legislative Budget Commission in accordance with  
1014 s. 216.065.

1015 (b) Notwithstanding s. 216.195, if an agency or branch

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1016 fails to provide notice and present its decision to the  
 1017 commission pursuant to paragraph (a), the Executive Office of  
 1018 the Governor or the Chief Justice of the Supreme Court, subject  
 1019 to the notice and review requirements in s. 216.177, shall place  
 1020 an amount of approved budget equal to the amount of federal  
 1021 funds involved into mandatory reserve for the remainder of the  
 1022 fiscal year.

1023 Section 52. In order to implement Section 8 of the General  
 1024 Appropriations Act for the 2011-2012 fiscal year, effective  
 1025 January 1, 2011, paragraph (a) of subsection (7) of section  
 1026 110.12315, Florida Statutes, is reenacted to read:

1027 110.12315 Prescription drug program.—The state employees'  
 1028 prescription drug program is established. This program shall be  
 1029 administered by the Department of Management Services, according  
 1030 to the terms and conditions of the plan as established by the  
 1031 relevant provisions of the annual General Appropriations Act and  
 1032 implementing legislation, subject to the following conditions:

1033 (7) Under the state employees' prescription drug program  
 1034 copayments must be made as follows:

1035 (a) Effective January 1, 2011, for the State Group Health  
 1036 Insurance Standard Plan:

- 1037 1. For generic drug with card.....\$7.
- 1038 2. For preferred brand name drug with card.....\$30.
- 1039 3. For nonpreferred brand name drug with card.....\$50.
- 1040 4. For generic mail order drug.....\$14.
- 1041 5. For preferred brand name mail order drug.....\$60.
- 1042 6. For nonpreferred brand name mail order drug.....\$100.

1043  
 1044 Section 53. In order to implement Specific Appropriations

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1045 2587 through 2600 of the 2011-2012 General Appropriations Act,  
1046 and notwithstanding chapter 255, Florida Statutes, the  
1047 Department of Management Services shall use the services of a  
1048 tenant broker to renegotiate all leases involving multiple state  
1049 agency tenants. Based on the renegotiations, and no later than  
1050 September 30, 2011, the department shall report to the  
1051 Legislative Budget Commission the projected savings and  
1052 implementation costs from the renegotiations and any of the  
1053 multiple state agency leases that should be terminated pursuant  
1054 to any section of the lease agreements. The department may  
1055 propose one or more budget amendments pursuant to chapter 216,  
1056 Florida Statutes, to place any budget authority based on the  
1057 anticipated savings in reserve or transfer budget authority to a  
1058 different category. All leases as of September 30, 2011, which  
1059 do not comply with state law or the Florida Constitution,  
1060 including a nonappropriation clause, are null and void. This  
1061 section expires July 1, 2012.

1062       Section 54. In order to implement appropriations used for  
1063 the payments of existing lease contracts for private office or  
1064 storage space, the Department of Management Services, with the  
1065 cooperation of the agencies having the existing lease contracts,  
1066 shall seek to renegotiate or reprocur all private lease  
1067 agreements expiring before June 30, 2013, to achieve a reduction  
1068 in costs in future years. The department shall use the  
1069 department's 2010 Master Leasing Report and may use tenant  
1070 broker services to explore the possibilities of collocation,  
1071 review the space needs of each agency, and to review the length  
1072 and terms of potential renewals or renegotiations. The  
1073 department shall provide a report by March 1, 2012, to the

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1074 Executive Office of the Governor, the President of the Senate,  
1075 and the Speaker of the House of Representatives which lists each  
1076 lease contract for private office or storage space, the status  
1077 of renegotiations, and the savings achieved. This section  
1078 expires July 1, 2012.

1079       Section 55. Notwithstanding chapter 287, Florida Statutes,  
1080 the Department of Management Services shall issue by September  
1081 1, 2011, a solicitation for the Minnesota Multistate Contracting  
1082 Alliance for Pharmacy (MMCAP) agreement as a state term  
1083 contract. Provisions of the solicitation are subject to chapter  
1084 119, Florida Statutes, including drug cost per unit pricing.  
1085 Agencies that purchase drugs under the current MMCAP contract  
1086 shall provide subject matter expertise in the development of the  
1087 competitive procurement. The procurement shall be awarded to one  
1088 group purchasing organization or vendor. The department shall  
1089 use generic drugs where feasible in developing its preferred  
1090 drug list. This section expires July 1, 2012.

1091       Section 56. In order to implement Specific Appropriation  
1092 193 of the 2011-2012 General Appropriations Act, and  
1093 notwithstanding chapter 287, Florida Statutes, the Agency for  
1094 Health Care Administration shall competitively reprocure a  
1095 Florida Discount Drug Card Program to provide market competitive  
1096 discounts through a broad network of retail pharmacies and a  
1097 mail order pharmacy within the state and return money to the  
1098 state on a per prescription dispensed basis. Discounts shall be  
1099 available to Florida residents without income restrictions.  
1100 Residents shall be able to enroll and acquire a member  
1101 identification card from the participating pharmacies, online  
1102 and through text messaging, without a charge. Revenues derived

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1103 from this contract shall be deposited into the agency's Grants  
1104 and Donations Trust Fund to reduce the cost of Medicaid pharmacy  
1105 purchases. This section expires July 1, 2012.

1106 Section 57. Effective July 1, 2011, and notwithstanding s.  
1107 409.814(4)(a), Florida Statutes, a child who is eligible for  
1108 coverage under a state health benefit plan on the basis of a  
1109 family member's employment with a public agency in the state is  
1110 eligible to participate in and receive Title XXI-funded coverage  
1111 from the Florida Kidcare program if the child is otherwise  
1112 eligible.

1113 Section 58. Subsection (4) of section 409.814, Florida  
1114 Statutes, is amended to read:

1115 409.814 Eligibility.—A child who has not reached 19 years  
1116 of age whose family income is equal to or below 200 percent of  
1117 the federal poverty level is eligible for the Florida Kidcare  
1118 program as provided in this section. For enrollment in the  
1119 Children's Medical Services Network, a complete application  
1120 includes the medical or behavioral health screening. If,  
1121 subsequently, an individual is determined to be ineligible for  
1122 coverage, he or she must immediately be disenrolled from the  
1123 respective Florida Kidcare program component.

1124 (4) The following children are not eligible to receive  
1125 Title XXI-funded premium assistance for health benefits coverage  
1126 under the Florida Kidcare program, except under Medicaid if the  
1127 child would have been eligible for Medicaid under s. 409.903 or  
1128 s. 409.904 as of June 1, 1997:

1129 ~~(a) A child who is eligible for coverage under a state~~  
1130 ~~health benefit plan on the basis of a family member's employment~~  
1131 ~~with a public agency in the state.~~

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1132        (a)~~(b)~~ A child who is covered under a family member's group  
1133 health benefit plan or under other private or employer health  
1134 insurance coverage, if the cost of the child's participation is  
1135 not greater than 5 percent of the family's income. If a child is  
1136 otherwise eligible for a subsidy under the Florida Kidcare  
1137 program and the cost of the child's participation in the family  
1138 member's health insurance benefit plan is greater than 5 percent  
1139 of the family's income, the child may enroll in the appropriate  
1140 subsidized Kidcare program.

1141        (b)~~(c)~~ A child who is seeking premium assistance for the  
1142 Florida Kidcare program through employer-sponsored group  
1143 coverage, if the child has been covered by the same employer's  
1144 group coverage during the 60 days prior to the family's  
1145 submitting an application for determination of eligibility under  
1146 the program.

1147        (c)~~(d)~~ A child who is an alien, but who does not meet the  
1148 definition of qualified alien, in the United States.

1149        (d)~~(e)~~ A child who is an inmate of a public institution or  
1150 a patient in an institution for mental diseases.

1151        (e)~~(f)~~ A child who is otherwise eligible for premium  
1152 assistance for the Florida Kidcare program and has had his or  
1153 her coverage in an employer-sponsored or private health benefit  
1154 plan voluntarily canceled in the last 60 days, except those  
1155 children whose coverage was voluntarily canceled for good cause,  
1156 including, but not limited to, the following circumstances:

1157            1. The cost of participation in an employer-sponsored  
1158 health benefit plan is greater than 5 percent of the family's  
1159 income;

1160            2. The parent lost a job that provided an employer-



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1161 sponsored health benefit plan for children;

1162 3. The parent who had health benefits coverage for the  
1163 child is deceased;

1164 4. The child has a medical condition that, without medical  
1165 care, would cause serious disability, loss of function, or  
1166 death;

1167 5. The employer of the parent canceled health benefits  
1168 coverage for children;

1169 6. The child's health benefits coverage ended because the  
1170 child reached the maximum lifetime coverage amount;

1171 7. The child has exhausted coverage under a COBRA  
1172 continuation provision;

1173 8. The health benefits coverage does not cover the child's  
1174 health care needs; or

1175 9. Domestic violence led to loss of coverage.

1176 Section 59. Any section of this act which implements a  
1177 specific appropriation or specifically identified proviso  
1178 language in the 2011-2012 General Appropriations Act is void if  
1179 the specific appropriation or specifically identified proviso  
1180 language is vetoed. Any section of this act which implements  
1181 more than one specific appropriation or more than one portion of  
1182 specifically identified proviso language in the 2011-2012  
1183 General Appropriations Act is void if all the specific  
1184 appropriations or portions of specifically identified proviso  
1185 language are vetoed.

1186 Section 60. If any other act passed during the 2011 Regular  
1187 Session contains a provision that is substantively the same as a  
1188 provision in this act, but that removes or is otherwise not  
1189 subject to the future repeal applied to such provision by this

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1190 act, the Legislature intends that the provision in the other act  
1191 takes precedence and continues to operate, notwithstanding the  
1192 future repeal provided by this act.

1193 Section 61. If any provision of this act or its application  
1194 to any person or circumstance is held invalid, the invalidity  
1195 does not affect other provisions or applications of the act  
1196 which can be given effect without the invalid provision or  
1197 application, and to this end the provisions of this act are  
1198 severable.

1199 Section 62. Except as otherwise expressly provided in this  
1200 act and except for this section, which shall take effect June  
1201 29, 2011, this act shall take effect July 1, 2011; or, if this  
1202 act fails to become a law until after that date, it shall take  
1203 effect upon becoming a law and shall operate retroactively to  
1204 July 1, 2011.