

HB 5003

2011

1 A bill to be entitled
2 An act relating to 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 fiscal
6 year; requiring the Department of Education to distribute
7 the charter school capital outlay funding pursuant to
8 certain provisions of law; providing that the Public
9 Education Capital Outlay and Debt Service Trust Fund be
10 used as the source of the state match for private
11 contributions for the Aircraft Coating Education Facility
12 at the Florida State College; authorizing the Department
13 of Corrections and the Department of Juvenile Justice to
14 make certain expenditures to defray costs incurred by a
15 municipality or county as a result of opening or operating
16 a facility under authority of the respective department;
17 amending s. 216.262, F.S.; providing for additional
18 positions to operate additional prison bed capacity under
19 certain circumstances; amending s. 932.7055, F.S.;
20 delaying the expiration of provisions authorizing a
21 municipality to expend funds from its special law
22 enforcement trust fund to reimburse the municipality's
23 general fund; requiring that the Department of Juvenile
24 Justice comply with specified reimbursement limitations
25 with respect to payments to hospitals or health care
26 providers for health care services; authorizing certain
27 payments pursuant to a contracted rate only until the
28 contract expires or is renewed; defining the term

HB 5003

2011

29 | "hospital" for purposes of such limitations; amending s.
30 | 394.908, F.S.; delaying the expiration of certain
31 | provisions relating to the allocation requirements for
32 | specified funds appropriated for forensic mental health
33 | services; requiring that funds appropriated through the
34 | Community-Based Medicaid Administrative Claiming Program
35 | be allocated proportionately to contributed provider
36 | earnings; providing requirements to govern the completion
37 | of Phases 2 and 3 of the Department of Health's Florida
38 | Onsite Sewage Nitrogen Reduction Strategies Study;
39 | prohibiting any state agency from adopting or implementing
40 | a rule or policy mandating or establishing new nitrogen-
41 | reduction limits under certain circumstances; amending s.
42 | 1, ch. 2007-174, Laws of Florida; extending provisions
43 | relating to the reorganization activities of the
44 | Department of Children and Family Services; incorporating
45 | by reference certain calculations of the Medicaid Low-
46 | Income Pool, Disproportionate Share Hospital and Hospital
47 | Exemptions Programs for the 2011-1012 fiscal year;
48 | requiring the Florida Catastrophic Storm Risk Management
49 | Center at Florida State University to conduct an analysis;
50 | requiring the Department of Management Services to use
51 | certain interest earnings to fund the administration of
52 | the MyFlorida.com portal; amending s. 253.034, F.S.;
53 | authorizing the deposit of funds derived from the sale of
54 | property by the Department of Citrus into the Citrus
55 | Advertising Trust Fund; amending s. 375.041, F.S.;
56 | providing for the transfer of moneys from the Land

57 Acquisition Trust Fund to support the Total Maximum Daily
58 Loads programs; amending s. 373.59, F.S.; providing for
59 the allocation of moneys from the Water Management Lands
60 Trust Fund for certain purposes; reenacting s.
61 403.1651(1)(g), F.S., relating to the use of funds from
62 the Ecosystem Management and Restoration Trust Fund for
63 the purpose of funding activities to preserve and repair
64 the state's beaches; amending s. 570.20, F.S.; delaying
65 the expiration of provisions authorizing the Department of
66 Agriculture and Consumer Services to use funds from the
67 General Inspection Trust Fund for certain programs;
68 amending s. 403.7095, F.S.; requiring that the Department
69 of Environmental Protection award a specified amount in
70 grants equally to certain counties for waste tire and
71 litter prevention, recycling education, and general solid
72 waste programs; authorizing the Department of Agriculture
73 and Consumer Services to extend, revise, and renew current
74 contracts or agreements created or entered into for the
75 purpose of promotion of agriculture; amending s. 339.135,
76 F.S.; delaying the expiration of certain provisions that
77 permit the Department of Transportation to reduce work
78 program levels to balance the finance plan to revised
79 funding levels; delaying the expiration of certain
80 provisions relating to the specifications of the
81 department's cash balances before a project or phase may
82 be deferred; providing that certain reductions shall not
83 negatively impact safety or maintenance or project
84 contingency percentage levels as of a specified date;

85 providing for use of transportation revenues; requiring
86 that the Department of Transportation transfer funds to
87 the Office of Tourism, Trade, and Economic Development for
88 the purpose of funding transportation-related needs of
89 economic development projects; requiring the Department of
90 Transportation to fund certain airport development
91 projects and prohibiting the department from altering the
92 funding for certain existing projects; amending s. 339.08,
93 F.S.; authorizing the transfer of funds from the State
94 Transportation Trust Fund to the State School Trust Fund
95 under certain circumstances; amending s. 445.009, F.S.;
96 providing that a participant in an adult or youth work
97 experience activity under ch. 445, F.S., is an employee of
98 the state for purposes of workers' compensation coverage;
99 reenacting s. 163.3247(3)(d), F.S., relating to members of
100 the Century Commission for a Sustainable Florida serving
101 without compensation; reenacting s. 201.15, F.S., relating
102 to funds deposited into the Grants and Donations Trust
103 Fund in the Department of Community Affairs which are used
104 to fund technical assistance to local governments and
105 school boards; amending s. 206.608, F.S.; authorizing the
106 transfer of certain tax funds to the State Transportation
107 Trust Fund; authorizing the Executive Office of the
108 Governor to transfer funds between departments for
109 purposes of aligning amounts paid for risk management
110 premiums and for purposes of aligning amounts paid for
111 human resource management services; amending s. 110.123,
112 F.S.; providing for the state's monthly contribution for

113 employees under the state group insurance program;
114 amending s. 112.24, F.S.; providing conditions on the
115 assignment of an employee of a state agency without
116 reimbursement from the receiving agency; updating
117 legislative committee titles; providing that the annual
118 salaries for members of the Legislature be set at a
119 certain level; amending s. 215.32, F.S.; authorizing the
120 transfer of certain unappropriated cash balances from
121 selected trust funds to the State School Trust Fund;
122 providing for the authorization and issuance of new debt;
123 limiting the use of travel funds to activities that are
124 critical to an agency's mission; providing exceptions;
125 authorizing the Executive Office of the Governor to
126 transfer funds for use by the state's designated primary
127 data centers, pursuant to statutory procedures for notice,
128 review, and objection; authorizing agencies to transfer
129 funds from data processing appropriation categories to
130 other appropriation categories in order to support and
131 manage computer resources, notwithstanding other
132 provisions of law; authorizing the Executive Office of the
133 Governor to transfer funds between agencies to properly
134 allocate a reduction in budget for the Southwood Shared
135 Resource Center; authorizing the Executive Office of the
136 Governor to transfer funds between agencies in order to
137 allocate a reduction relating to SUNCOM; reenacting s.
138 110.12315(7)(a), F.S., relating to copayments for the
139 state employees' prescription drug program; providing for
140 reversion of statutory text of certain provisions;

141 providing for the effect of a veto of one or more specific
 142 appropriations or proviso to which implementing language
 143 refers; providing for the continued operation of certain
 144 provisions notwithstanding a future repeal or expiration
 145 provided by the act; providing for severability; providing
 146 effective dates.

147

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

149

150 Section 1. It is the intent of the Legislature that the
 151 implementing and administering provisions of this act apply to
 152 the General Appropriations Act for the 2011-2012 fiscal year.

153 Section 2. In order to implement Specific Appropriations
 154 6, 7, 8, 68, and 69 of the 2011-2012 General Appropriations Act,
 155 the calculations of the Florida Education Finance Program for
 156 the 2011-2012 fiscal year in the document entitled "Public
 157 School Funding-The Florida Education Finance Program," dated
 158 March 31, 2011, and filed with the Clerk of the House of
 159 Representatives, are incorporated by reference for the purpose
 160 of displaying the calculations used by the Legislature,
 161 consistent with the requirements of the Florida Statutes, in
 162 making appropriations for the Florida Education Finance Program.

163 Section 3. In order to implement Specific Appropriation
 164 15A of the 2011-2012 General Appropriations Act, notwithstanding
 165 s. 1013.62(1)(b), Florida Statutes, the Department of Education
 166 shall distribute the charter school capital outlay funding
 167 pursuant to s. 1013.62(1)(e), Florida Statutes. This section
 168 expires July 1, 2012.

169 Section 4. In order to implement Specific Appropriation
 170 15C of the 2011-2012 General Appropriations Act, notwithstanding
 171 the provisions of s. 1011.32, Florida Statutes, the Public
 172 Education Capital Outlay and Debt Service Trust Fund shall be
 173 used as the source of the state match for private contributions
 174 for the Aircraft Coating Education Facility - Cecil at the
 175 Florida State College at Jacksonville. This section expires July
 176 1, 2012.

177 Section 5. In order to fulfill legislative intent
 178 regarding the use of funds contained in Specific Appropriations
 179 605, 616, 628, and 1135 of the 2011-2012 General Appropriations
 180 Act, the Department of Corrections and the Department of
 181 Juvenile Justice may expend appropriated funds to assist in
 182 defraying the costs of impacts that are incurred by a
 183 municipality or county and that are associated with opening or
 184 operating a facility under the authority of the department. The
 185 amount paid for any facility may not exceed 1 percent of the
 186 cost to construct the facility, less building impact fees
 187 imposed by the municipality or county. This section expires July
 188 1, 2012.

189 Section 6. In order to implement Specific Appropriations
 190 595 through 688A and 726 through 759 of the 2011-2012 General
 191 Appropriations Act, subsection (4) of section 216.262, Florida
 192 Statutes, is amended to read:

193 216.262 Authorized positions.—

194 (4) Notwithstanding the provisions of this chapter on
 195 increasing the number of authorized positions, and for the 2011-
 196 2012 ~~2010-2011~~ fiscal year only, if the actual inmate population

HB 5003

2011

197 of the Department of Corrections exceeds the inmate population
 198 projections of the February 21, 2011 ~~February 19, 2010~~, Criminal
 199 Justice Estimating Conference by 1 percent for 2 consecutive
 200 months or 2 percent for any month, the Executive Office of the
 201 Governor, with the approval of the Legislative Budget
 202 Commission, shall immediately notify the Criminal Justice
 203 Estimating Conference, which shall convene as soon as possible
 204 to revise the estimates. The Department of Corrections may then
 205 submit a budget amendment requesting the establishment of
 206 positions in excess of the number authorized by the Legislature
 207 and additional appropriations from unallocated general revenue
 208 sufficient to provide for essential staff, fixed capital
 209 improvements, and other resources to provide classification,
 210 security, food services, health services, and other variable
 211 expenses within the institutions to accommodate the estimated
 212 increase in the inmate population. All actions taken pursuant to
 213 the authority granted in this subsection shall be subject to
 214 review and approval by the Legislative Budget Commission. This
 215 subsection expires July 1, 2012 ~~2011~~.

216 Section 7. In order to implement Specific Appropriations
 217 1192 and 1198 of the 2011-2012 General Appropriations Act,
 218 paragraph (d) of subsection (4) of section 932.7055, Florida
 219 Statutes, is amended to read:

220 932.7055 Disposition of liens and forfeited property.—

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

223 (d) Notwithstanding any other provision of this
 224 subsection, and for the 2011-2012 ~~2010-2011~~ fiscal year only,

HB 5003

2011

225 the funds in a special law enforcement trust fund established by
226 the governing body of a municipality may be expended to
227 reimburse the general fund of the municipality for moneys
228 advanced from the general fund to the special law enforcement
229 trust fund prior to October 1, 2001. This paragraph expires July
230 1, 2012 ~~2011~~.

231 Section 8. (1) In order to implement Specific
232 Appropriations 1069, 1070, 1074, 1075, 1115, 1116, 1120, 1121,
233 1123, 1126, 1127, 1132, 1141, and 1146 of the 2011-2012 General
234 Appropriations Act, the Department of Juvenile Justice must
235 comply with the following reimbursement limitations:

236 (a) No payment to a hospital or a health care provider may
237 exceed 110 percent of the Medicare allowable rate for any health
238 care services provided if no contract exists between the
239 department and either the hospital or the health care provider
240 providing services at a hospital;

241 (b) The department may continue to make payments for
242 health care services at the currently contracted rates through
243 the current term of the contract if a contract has been executed
244 between the department and a hospital or a health care provider
245 providing services to a hospital; however, no payments may
246 exceed 110 percent of the Medicare allowable rate after the
247 current term of the contract expires or after the contract is
248 renewed during the 2011-2012 fiscal year;

249 (c) Payments may not exceed 110 percent of the Medicare
250 allowable rate under a contract executed on or after July 1,
251 2011, between the department and a hospital or health care
252 provider providing services at a hospital;

HB 5003

2011

253 (d) Notwithstanding the limitations of paragraphs (a),
 254 (b), and (c), the department may pay up to 125 percent of the
 255 Medicare allowable rate for health care services at a hospital
 256 that reports or has reported a negative operating margin for the
 257 previous fiscal year to the Agency for Health Care
 258 Administration through hospital-audited financial data; and

259 (e) The department may not execute a contract for health
 260 care services at hospitals for rates other than rates based on a
 261 percentage of the Medicare allowable rate.

262 (2) For purposes of this section, the term "hospital"
 263 means any hospital licensed under chapter 395, Florida Statutes.

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

265 Section 9. In order to implement Specific Appropriations
 266 310 through 339 of the 2011-2012 General Appropriations Act,
 267 paragraphs (b) and (c) of subsection (3) of section 394.908,
 268 Florida Statutes, are amended to read:

269 394.908 Substance abuse and mental health funding equity;
 270 distribution of appropriations.—In recognition of the historical
 271 inequity in the funding of substance abuse and mental health
 272 services for the department's districts and regions and to
 273 rectify this inequity and provide for equitable funding in the
 274 future throughout the state, the following funding process shall
 275 be used:

276 (3)

277 (b) Notwithstanding paragraph (a) and for the 2011-2012
 278 ~~2010-2011~~ fiscal year only, funds appropriated for forensic
 279 mental health treatment services shall be allocated to the areas
 280 of the state having the greatest demand for services and

HB 5003

2011

281 treatment capacity. This paragraph expires July 1, 2012 ~~2011~~.

282 (c) Notwithstanding paragraph (a) and for the 2011-2012
 283 ~~2010-2011~~ fiscal year only, additional funds appropriated for
 284 substance abuse and mental health services from funds available
 285 through the Community-Based Medicaid Administrative Claiming
 286 Program shall be allocated as provided in the 2011-2012 ~~2010-~~
 287 ~~2011~~ General Appropriations Act and in proportion to contributed
 288 provider earnings. This paragraph expires July 1, 2012 ~~2011~~.

289 Section 10. In order to implement Specific Appropriation
 290 465 of the 2011-2012 General Appropriations Act, and for the
 291 2011-2012 fiscal year only, the following requirements shall
 292 govern the completion of Phase 2 and Phase 3 of the Department
 293 of Health's Florida Onsite Sewage Nitrogen Reduction Strategies
 294 Study:

295 (1) The underlying contract for which the study was let
 296 shall remain in full force and effect with the Department of
 297 Health, and funding the contract for the completion of Phase 2
 298 and Phase 3 of the study shall be through the Department of
 299 Health.

300 (2) The Department of Health, the Department of Health's
 301 Research Review and Advisory Committee, and the Department of
 302 Environmental Protection shall work together to provide the
 303 necessary technical oversight of the completion of Phase 2 and
 304 Phase 3 of the study.

305 (3) Management and oversight of the completion of Phase 2
 306 and Phase 3 shall be consistent with the terms of the existing
 307 contract. However, the main focus and priority for work to be
 308 completed for Phase 3 shall be in developing, testing, and

HB 5003

2011

309 recommending cost-effective passive technology design criteria
310 for nitrogen reduction.

311 (4) The systems installed at home sites are experimental
312 in nature and shall be installed with significant field testing
313 and monitoring. The Department of Health is specifically
314 authorized to allow installation of these experimental systems.
315 In addition, before Phase 3 of the study is complete and
316 notwithstanding any law to the contrary, a state agency may not
317 adopt or implement a rule or policy that:

318 (a) Mandates, establishes, or implements more restrictive
319 nitrogen-reduction standards that apply to existing or new
320 onsite sewage treatment systems or modification of such systems;

321 (b) Directly requires or has the indirect effect of
322 requiring, for nitrogen reduction, the use of performance-based
323 treatment systems, or any similar technology. However,
324 Department of Environmental Protection administrative orders
325 recognizing onsite system modifications, developed through a
326 basin management action plan adopted pursuant to s. 403.067,
327 Florida Statutes, are not subject to the restrictions of this
328 subsection for onsite system modifications phased in after
329 completion of Phase 3.

330 (5) This section expires July 1, 2012.

331 Section 11. In order to implement Specific Appropriations
332 259 through 357 of the 2011-2012 General Appropriations Act,
333 subsection (3) of section 1 of chapter 2007-174, Laws of
334 Florida, is amended to read:

335 Section 1. Flexibility for the Department of Children and
336 Family Services.-

HB 5003

2011

337 (3) This section expires July 1, 2012 ~~June 30, 2008~~.

338 Section 12. In order to implement Specific Appropriations
339 171 and 177 through 179 and 182 of the 2011-2012 General
340 Appropriations Act, the calculations of the Medicaid Low-Income
341 Pool, Disproportionate Share Hospital, and Hospital Exemptions
342 Programs for the 2011-2012 fiscal year in the document entitled
343 "Medicaid Supplemental Hospital Funding Programs" dated March
344 31, 2011, and filed with the Clerk of the House of
345 Representatives, are incorporated by reference for the purpose
346 of displaying the calculations used by the Legislature,
347 consistent with the requirements of the Florida Statutes, in
348 making appropriations for the Low-Income Pool, Disproportionate
349 Share Hospital, and Hospital Exemptions Programs.

350 Section 13. In order to implement Specific Appropriation
351 2341A of the 2011-2012 General Appropriations Act, the Florida
352 Catastrophic Storm Risk Management Center at Florida State
353 University shall conduct the analysis as originally required in
354 section 164 of chapter 2004-390, Laws of Florida.
355 Notwithstanding section 164 of chapter 2004-390, Laws of
356 Florida, the Florida Catastrophic Storm Risk Management Center
357 at Florida State University is directed to use the most recent
358 and available premium data for personal lines property and
359 casualty insurance in completing the analysis.

360 Section 14. In order to implement Specific Appropriations
361 2574 through 2584 of the 2011-2012 General Appropriations Act,
362 the Department of Management Services shall use interest
363 earnings of the Communications Working Capital Trust Fund as the

HB 5003

2011

364 funding source for its responsibilities for the administration
 365 of the MyFlorida.com portal.

366 Section 15. In order to implement Specific Appropriations
 367 2173 through 2195 of the 2011-2012 General Appropriations Act,
 368 subsection (13) of section 253.034, Florida Statutes, is amended
 369 to read:

370 253.034 State-owned lands; uses.—

371 (13) Notwithstanding the provisions of this section, funds
 372 derived from the sale of the Department of Citrus' property
 373 located in Lakeland, Florida, are authorized to be deposited
 374 into the Citrus Advertising Trust Fund. This subsection expires
 375 July 1, 2012 ~~2011~~.

376 Section 16. In order to implement Specific Appropriation
 377 1648A of the 2011-2012 General Appropriations Act, paragraph (b)
 378 of subsection (3) of section 375.041, Florida Statutes, is
 379 amended to read:

380 375.041 Land Acquisition Trust Fund.—

381 (3)

382 (b) In addition to the uses allowed in paragraph (a), for
 383 the 2011-2012 ~~2010-2011~~ fiscal year, moneys in the Land
 384 Acquisition Trust Fund are authorized for transfer to support
 385 the Total Maximum Daily Loads ~~Clean Water State Revolving Fund,~~
 386 ~~the Drinking Water State Revolving Fund, the Total Maximum Daily~~
 387 ~~Loads programs, and the Marine Spatial Planning~~ programs as
 388 provided in the General Appropriations Act. This paragraph
 389 expires July 1, 2012 ~~2011~~.

HB 5003

2011

390 Section 17. In order to implement Specific Appropriation
 391 1580A of the 2011-2012 General Appropriations Act, subsection
 392 (12) of section 373.59, Florida Statutes, is amended to read:

393 373.59 Water Management Lands Trust Fund.—

394 (12) Notwithstanding subsection (8), and for the 2011-2012
 395 ~~2010-2011~~ fiscal year only, the moneys from the Water Management
 396 Lands Trust Fund shall be allocated as follows:

397 (a) An amount necessary to pay debt service on bonds
 398 issued before February 1, 2009, by the South Florida Water
 399 Management District and the St. Johns River Water Management
 400 District, which are secured by revenues provided pursuant to
 401 this section, or to fund debt service reserve funds, rebate
 402 obligations, or other amounts payable with respect to such
 403 bonds;

404 (b) Eight million dollars to be transferred to the General
 405 Revenue Fund; and

406 (c) The remaining funds to be distributed equally between
 407 the Suwannee River Water Management District and the Northwest
 408 Florida Water Management District. ~~;~~ and

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

414
 415 This subsection expires July 1, 2012 ~~2011~~.

416 Section 18. In order to implement Specific Appropriations
 417 1649 through 1651 and 1653 and section 60 of the 2011-2012

HB 5003

2011

418 General Appropriations Act, paragraph (g) of subsection (1) of
 419 section 403.1651, Florida Statutes, is reenacted to read:

420 403.1651 Ecosystem Management and Restoration Trust Fund.—

421 (1) There is created the Ecosystem Management and
 422 Restoration Trust Fund to be administered by the Department of
 423 Environmental Protection for the purposes of:

424 (g) Funding activities to preserve and repair the state's
 425 beaches as provided in ss. 161.091-161.212.

426 Section 19. The amendment to s. 403.1651(1)(g), Florida
 427 Statutes, as carried forward by this act from chapter 2010-153,
 428 Laws of Florida, shall expire July 1, 2012, and the text of that
 429 paragraph shall revert to that in existence on June 30, 2009,
 430 except that any amendments to such text enacted other than by
 431 this act shall be preserved and continue to operate to the
 432 extent that such amendments are not dependent upon the portions
 433 of such text which expire pursuant to this section.

434 Section 20. In order to implement Specific Appropriations
 435 1324 through 1475 of the 2011-2012 General Appropriations Act,
 436 subsection (2) of section 570.20, Florida Statutes, is amended
 437 to read:

438 570.20 General Inspection Trust Fund.—

439 (2) For the 2011-2012 ~~2010-2011~~ fiscal year only and
 440 notwithstanding any other provision of law to the contrary, in
 441 addition to the spending authorized in subsection (1), moneys in
 442 the General Inspection Trust Fund may be appropriated for
 443 programs operated by the department which are related to the
 444 programs authorized by this chapter. This subsection expires
 445 July 1, 2012 ~~2011~~.

HB 5003

2011

446 Section 21. In order to implement Specific Appropriation
 447 1703Z of the 2011-2012 General Appropriations Act, subsection
 448 (5) of section 403.7095, Florida Statutes, is amended to read:

449 403.7095 Solid waste management grant program.—

450 (5) Notwithstanding any provision of this section to the
 451 contrary, and for the 2011-2012 ~~2010-2011~~ fiscal year only, the
 452 Department of Environmental Protection shall award the sum of
 453 \$2,400,000 in grants equally to counties having populations of
 454 fewer than 100,000 for waste tire and litter prevention,
 455 recycling education, and general solid waste programs. This
 456 subsection expires July 1, 2012 ~~2011~~.

457 Section 22. In order to implement Specific Appropriation
 458 1430 of the 2011-2012 General Appropriations Act and to provide
 459 consistency and continuity in the promotion of agriculture
 460 throughout the state, notwithstanding s. 287.057, Florida
 461 Statutes, the Department of Agriculture and Consumer Services,
 462 at its discretion, may extend, revise, and renew current
 463 contracts or agreements created or entered into pursuant to
 464 chapter 2006-25, Laws of Florida. This section expires July 1,
 465 2012.

466 Section 23. In order to implement Specific Appropriations
 467 1918A through 1919, 1925A through 1925D, 1938C through 1939, and
 468 1976A through 1976K of the 2011-2012 General Appropriations Act,
 469 paragraph (a) of subsection (4) of section 339.135, Florida
 470 Statutes, is amended to read:

471 339.135 Work program; legislative budget request;
 472 definitions; preparation, adoption, execution, and amendment.—

473 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

HB 5003

2011

474 (a)1. To assure that no district or county is penalized
475 for local efforts to improve the State Highway System, the
476 department shall, for the purpose of developing a tentative work
477 program, allocate funds for new construction to the districts,
478 except for the turnpike enterprise, based on equal parts of
479 population and motor fuel tax collections. Funds for
480 resurfacing, bridge repair and rehabilitation, bridge fender
481 system construction or repair, public transit projects except
482 public transit block grants as provided in s. 341.052, and other
483 programs with quantitative needs assessments shall be allocated
484 based on the results of these assessments. The department may
485 not transfer any funds allocated to a district under this
486 paragraph to any other district except as provided in subsection
487 (7). Funds for public transit block grants shall be allocated to
488 the districts pursuant to s. 341.052. Funds for the intercity
489 bus program provided for under s. 5311(f) of the federal
490 nonurbanized area formula program shall be administered and
491 allocated directly to eligible bus carriers as defined in s.
492 341.031(12) at the state level rather than the district. In
493 order to provide state funding to support the intercity bus
494 program provided for under provisions of the federal 5311(f)
495 program, the department shall allocate an amount equal to the
496 federal share of the 5311(f) program from amounts calculated
497 pursuant to s. 206.46(3).

498 2. Notwithstanding the provisions of subparagraph 1., the
499 department shall allocate at least 50 percent of any new
500 discretionary highway capacity funds to the Florida Strategic
501 Intermodal System created pursuant to s. 339.61. Any remaining

HB 5003

2011

502 new discretionary highway capacity funds shall be allocated to
 503 the districts for new construction as provided in subparagraph
 504 1. For the purposes of this subparagraph, the term "new
 505 discretionary highway capacity funds" means any funds available
 506 to the department above the prior year funding level for
 507 capacity improvements, which the department has the discretion
 508 to allocate to highway projects.

509 3. Notwithstanding subparagraphs 1. and 2. and ss.
 510 201.15(1)(c)1.a.-d., 206.46(3), 334.044(26), and 339.2819(3),
 511 and for the 2011-2012 ~~2010-2011~~ fiscal year only, the department
 512 shall reduce work program levels to balance the finance plan to
 513 the revised funding levels resulting from any reduction in the
 514 2011-2012 ~~2010-2011~~ General Appropriations Act. This
 515 subparagraph expires July 1, 2012 ~~2011~~.

516 4. For the 2011-2012 ~~2009-2010~~ fiscal year only, prior to
 517 any project or phase thereof being deferred, the department's
 518 cash balances shall be as provided in paragraph (6)(b), and the
 519 reductions in subparagraph 3. shall be made to financial
 520 projects not programmed for contract letting as identified with
 521 a work program contract class code 8 and the box code RV. These
 522 reductions shall not negatively impact safety or maintenance or
 523 project contingency percentage levels as of March 22, 2011 ~~April~~
 524 ~~21, 2009~~. This subparagraph expires July 1, 2012 ~~2010~~.

525 5. Notwithstanding subparagraphs 1. and 2. and ss.
 526 206.46(3) and 334.044(26), and for fiscal years 2009-2010
 527 through 2013-2014 only, the department shall annually allocate
 528 up to \$15 million of the first proceeds of the increased
 529 revenues estimated by the November 2009 Revenue Estimating

530 Conference to be deposited into the State Transportation Trust
 531 Fund to provide for the portion of the transfer of funds
 532 included in s. 343.58(4) (a)1.a. or 2.a., whichever is
 533 applicable. The transfer of funds included in s. 343.58(4) shall
 534 not negatively impact projects included in fiscal years 2009-
 535 2010 through 2013-2014 of the work program as of July 1, 2009,
 536 as amended pursuant to subsection (7). This subparagraph expires
 537 July 1, 2014.

538 Section 24. In order to implement Specific Appropriations
 539 1918B and 1938S of the 2011-2012 General Appropriations Act,
 540 subsection (5) of section 339.135, Florida Statutes, is amended
 541 to read:

542 339.135 Work program; legislative budget request;
 543 definitions; preparation, adoption, execution, and amendment.—

544 (5) ADOPTION OF THE WORK PROGRAM.—

545 (a) The original approved budget for operational and fixed
 546 capital expenditures for the department shall be the Governor's
 547 budget recommendation and the first year of the tentative work
 548 program, as both are amended by the General Appropriations Act
 549 and any other act containing appropriations. In accordance with
 550 the appropriations act, the department shall, prior to the
 551 beginning of the fiscal year, adopt a final work program which
 552 shall only include the original approved budget for the
 553 department for the ensuing fiscal year together with any roll
 554 forwards approved pursuant to paragraph (6) (c) and the portion
 555 of the tentative work program for the following 4 fiscal years
 556 revised in accordance with the original approved budget for the
 557 department for the ensuing fiscal year together with said roll

HB 5003

2011

558 forwards. The adopted work program may include only those
559 projects submitted as part of the tentative work program
560 developed under the provisions of subsection (4) plus any
561 projects which are separately identified by specific
562 appropriation in the General Appropriations Act and any roll
563 forwards approved pursuant to paragraph (6)(c). However, any
564 transportation project of the department which is identified by
565 specific appropriation in the General Appropriations Act shall
566 be deducted from the funds annually distributed to the
567 respective district pursuant to paragraph (4)(a). In addition,
568 the department shall not in any year include any project or
569 allocate funds to a program in the adopted work program that is
570 contrary to existing law for that particular year. Projects
571 shall not be undertaken unless they are listed in the adopted
572 work program.

573 (b) Notwithstanding paragraph (a), and for the 2011-2012
574 ~~2010-2011~~ fiscal year only, the Department of Transportation
575 shall transfer funds to the Office of Tourism, Trade, and
576 Economic Development in an amount equal to \$15,300,000
577 ~~\$20,300,000~~ for the purpose of funding transportation-related
578 needs of economic development projects. This transfer shall not
579 reduce, delete, or defer any existing projects funded, as of
580 July 1, 2011 ~~2009~~, in the Department of Transportation's 5-year
581 work program. This paragraph expires July 1, 2012 ~~2011~~.

582 (c) Notwithstanding paragraph (a), and for the 2011-2012
583 fiscal year only, the Department of Transportation shall fund
584 airport development projects specified in the General
585 Appropriations Act and shall not reduce, delete, or defer any

HB 5003

2011

586 existing projects funded, as of July 1, 2011, in the Department
 587 of Transportation's 5-year work program. This paragraph expires
 588 July 1, 2012.

589 Section 25. In order to implement section 72 of the 2011-
 590 2012 General Appropriations Act, subsection (4) of section
 591 339.08, Florida Statutes, is amended to read:

592 339.08 Use of moneys in State Transportation Trust Fund.—

593 (4) For the 2011-2012 ~~2010-2011~~ fiscal year only and
 594 notwithstanding the provisions of this section and ss. 339.09(1)
 595 and 215.32(2)(b)4., funds may be transferred from the State
 596 Transportation Trust Fund to the State School Trust Fund or the
 597 General Revenue Fund as specified in the General Appropriations
 598 Act. Notwithstanding ss. 206.46(3) and 206.606(2), the total
 599 amount transferred shall be reduced from total state revenues
 600 deposited into the State Transportation Trust Fund for the
 601 calculation requirements of ss. 206.46(3) and 206.606(2). This
 602 subsection expires July 1, 2012 ~~2011~~.

603 Section 26. In order to implement Specific Appropriation
 604 2008 of the 2011-2012 General Appropriations Act, subsection
 605 (11) of section 445.009, Florida Statutes, is amended to read:

606 445.009 One-stop delivery system.—

607 (11)(a) A participant in an adult or youth work experience
 608 activity administered under this chapter shall be deemed an
 609 employee of the state for purposes of workers' compensation
 610 coverage. In determining the average weekly wage, all
 611 remuneration received from the employer shall be considered a
 612 gratuity, and the participant shall not be entitled to any
 613 benefits otherwise payable under s. 440.15, regardless of

HB 5003

2011

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

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

618 Section 27. In order to implement Specific Appropriation
 619 1498 of the 2011-2012 General Appropriations Act, paragraph (d)
 620 of subsection (3) of section 163.3247, Florida Statutes, is
 621 reenacted to read:

622 163.3247 Century Commission for a Sustainable Florida.—

623 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA;
 624 CREATION; ORGANIZATION.—The Century Commission for a Sustainable
 625 Florida is created as a standing body to help the citizens of
 626 this state envision and plan their collective future with an eye
 627 towards both 25-year and 50-year horizons.

628 (d) Members of the commission shall serve without
 629 compensation.

630 Section 28. The amendment to s. 163.3247(3)(d), Florida
 631 Statutes, as carried forward by this act from chapter 2010-153,
 632 Laws of Florida, shall expire on July 1, 2012, and the text of
 633 that paragraph shall revert to that in existence on June 30,
 634 2010, except that any amendments to such text enacted other than
 635 by this act shall be preserved and continue to operate to the
 636 extent that such amendments are not dependent upon the portions
 637 of such text which expire pursuant to this section.

638 Section 29. In order to implement Specific Appropriation
 639 1498 of the 2011-2012 General Appropriations Act, paragraph (c)
 640 of subsection (1) of section 201.15, Florida Statutes, is
 641 reenacted to read:

642 201.15 Distribution of taxes collected.—All taxes
 643 collected under this chapter are subject to the service charge
 644 imposed in s. 215.20(1). Prior to distribution under this
 645 section, the Department of Revenue shall deduct amounts
 646 necessary to pay the costs of the collection and enforcement of
 647 the tax levied by this chapter. Such costs and the service
 648 charge may not be levied against any portion of taxes pledged to
 649 debt service on bonds to the extent that the costs and service
 650 charge are required to pay any amounts relating to the bonds.
 651 After distributions are made pursuant to subsection (1), all of
 652 the costs of the collection and enforcement of the tax levied by
 653 this chapter and the service charge shall be available and
 654 transferred to the extent necessary to pay debt service and any
 655 other amounts payable with respect to bonds authorized before
 656 January 1, 2010, secured by revenues distributed pursuant to
 657 subsection (1). All taxes remaining after deduction of costs and
 658 the service charge shall be distributed as follows:

659 (1) Sixty-three and thirty-one hundredths percent of the
 660 remaining taxes shall be used for the following purposes:

661 (c) After the required payments under paragraphs (a) and
 662 (b), the remainder shall be paid into the State Treasury to the
 663 credit of:

664 1. The State Transportation Trust Fund in the Department
 665 of Transportation in the amount of the lesser of 38.2 percent of
 666 the remainder or \$541.75 million in each fiscal year, to be used
 667 for the following specified purposes, notwithstanding any other
 668 law to the contrary:

669 a. For the purposes of capital funding for the New Starts

HB 5003

2011

670 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
671 specified in s. 341.051, 10 percent of these funds;

672 b. For the purposes of the Small County Outreach Program
673 specified in s. 339.2818, 5 percent of these funds. Effective
674 July 1, 2014, the percentage allocated under this sub-
675 subparagraph shall be increased to 10 percent;

676 c. For the purposes of the Strategic Intermodal System
677 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
678 of these funds after allocating for the New Starts Transit
679 Program described in sub-subparagraph a. and the Small County
680 Outreach Program described in sub-subparagraph b.; and

681 d. For the purposes of the Transportation Regional
682 Incentive Program specified in s. 339.2819, 25 percent of these
683 funds after allocating for the New Starts Transit Program
684 described in sub-subparagraph a. and the Small County Outreach
685 Program described in sub-subparagraph b. Effective July 1, 2014,
686 the first \$60 million of the funds allocated pursuant to this
687 sub-subparagraph shall be allocated annually to the Florida Rail
688 Enterprise for the purposes established in s. 341.303(5).

689 2. The Grants and Donations Trust Fund in the Department
690 of Community Affairs in the amount of the lesser of .23 percent
691 of the remainder or \$3.25 million in each fiscal year to fund
692 technical assistance to local governments and school boards on
693 the requirements and implementation of this act.

694 3. The Ecosystem Management and Restoration Trust Fund in
695 the amount of the lesser of 2.12 percent of the remainder or \$30
696 million in each fiscal year, to be used for the preservation and
697 repair of the state's beaches as provided in ss. 161.091-

698 161.212.

699 4. General Inspection Trust Fund in the amount of the
 700 lesser of .02 percent of the remainder or \$300,000 in each
 701 fiscal year to be used to fund oyster management and restoration
 702 programs as provided in s. 379.362(3).

703
 704 Moneys distributed pursuant to this paragraph may not be pledged
 705 for debt service unless such pledge is approved by referendum of
 706 the voters.

707 Section 30. The amendment to s. 201.15(1)(c)2., Florida
 708 Statutes, as carried forward by this act from chapter 2010-153,
 709 Laws of Florida, shall expire on July 1, 2012, and the text of
 710 that subparagraph shall revert to that in existence on June 30,
 711 2010, except that any amendments to such text enacted other than
 712 by this act shall be preserved and continue to operate to the
 713 extent that such amendments are not dependent upon the portions
 714 of such text which expire pursuant to this section.

715 Section 31. In order to implement Specific Appropriations
 716 1918A through 1919, 1925A through 1925D, 1938C through 1939, and
 717 1976A through 1976K of the 2011-2012 General Appropriations Act,
 718 subsection (3) of section 206.608, Florida Statutes, is amended
 719 to read:

720 206.608 State Comprehensive Enhanced Transportation System
 721 Tax; deposit of proceeds; distribution.—Moneys received pursuant
 722 to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the
 723 Fuel Tax Collection Trust Fund, and, after deducting the service
 724 charge imposed in chapter 215 and administrative costs incurred
 725 by the department in collecting, administering, enforcing, and

HB 5003

2011

726 distributing the tax, which administrative costs may not exceed
727 2 percent of collections, shall be distributed as follows:

728 (3) For the 2011-2012 ~~2010-2011~~ fiscal year only, and
729 notwithstanding the provisions of subsection (2), the remaining
730 proceeds of the tax levied pursuant to s. 206.41(1)(f) and all
731 of the proceeds from the tax imposed by s. 206.87(1)(d) shall be
732 transferred into the State Transportation Trust Fund and shall
733 be used for the purposes stated in s. 339.08. This subsection
734 expires July 1, 2012 ~~2011~~.

735 Section 32. In order to implement the appropriation of
736 funds in Special Categories-Risk Management Insurance of the
737 2011-2012 General Appropriations Act, and pursuant to the
738 notice, review, and objection procedures of s. 216.177, Florida
739 Statutes, the Executive Office of the Governor is authorized to
740 transfer funds appropriated in the appropriation category
741 "Special Categories-Risk Management Insurance" of the 2011-2012
742 General Appropriations Act between departments in order to align
743 the budget authority granted with the premiums paid by each
744 department for risk management insurance. This section expires
745 July 1, 2012.

746 Section 33. In order to implement the appropriation of
747 funds in Special Categories-Transfer to Department of Management
748 Services-Human Resources Services Purchased Per Statewide
749 Contract of the 2011-2012 General Appropriations Act, and
750 pursuant to the notice, review, and objection procedures of s.
751 216.177, Florida Statutes, the Executive Office of the Governor
752 is authorized to transfer funds appropriated in the
753 appropriation category "Special Categories-Transfer to

HB 5003

2011

754 Department of Management Services-Human Resources Services
 755 Purchased Per Statewide Contract" of the 2011-2012 General
 756 Appropriations Act between departments in order to align the
 757 budget authority granted with the assessments that must be paid
 758 by each agency to the Department of Management Services for
 759 human resource management services. This section expires July 1,
 760 2012.

761 Section 34. In order to implement specific appropriations
 762 for salaries and benefits in the 2011-2012 General
 763 Appropriations Act, paragraph (a) of subsection (12) of section
 764 110.123, Florida Statutes, is amended to read:

765 110.123 State group insurance program.—

766 (12) HEALTH SAVINGS ACCOUNTS.—The department is authorized
 767 to establish health savings accounts for full-time and part-time
 768 state employees in association with a health insurance plan
 769 option authorized by the Legislature and conforming to the
 770 requirements and limitations of federal provisions relating to
 771 the Medicare Prescription Drug, Improvement, and Modernization
 772 Act of 2003.

773 (a)1. A member participating in this health insurance plan
 774 option shall be eligible to receive an employer contribution
 775 into the employee's health savings account from the State
 776 Employees Health Insurance Trust Fund in an amount to be
 777 determined by the Legislature. A member is not eligible for an
 778 employer contribution upon termination of employment. For the
 779 2011-2012 ~~2010-2011~~ fiscal year, the state's monthly
 780 contribution for employees having individual coverage shall be
 781 \$41.66 and the monthly contribution for employees having family

782 coverage shall be \$83.33.

783 2. A member participating in this health insurance plan
 784 option shall be eligible to deposit the member's own funds into
 785 a health savings account.

786 Section 35. In order to implement specific appropriations
 787 for salaries and benefits in the 2011-2012 General
 788 Appropriations Act, paragraph (b) of subsection (3) of section
 789 112.24, Florida Statutes, is amended to read:

790 112.24 Intergovernmental interchange of public employees.—
 791 To encourage economical and effective utilization of public
 792 employees in this state, the temporary assignment of employees
 793 among agencies of government, both state and local, and
 794 including school districts and public institutions of higher
 795 education is authorized under terms and conditions set forth in
 796 this section. State agencies, municipalities, and political
 797 subdivisions are authorized to enter into employee interchange
 798 agreements with other state agencies, the Federal Government,
 799 another state, a municipality, or a political subdivision
 800 including a school district, or with a public institution of
 801 higher education. State agencies are also authorized to enter
 802 into employee interchange agreements with private institutions
 803 of higher education and other nonprofit organizations under the
 804 terms and conditions provided in this section. In addition, the
 805 Governor or the Governor and Cabinet may enter into employee
 806 interchange agreements with a state agency, the Federal
 807 Government, another state, a municipality, or a political
 808 subdivision including a school district, or with a public
 809 institution of higher learning to fill, subject to the

HB 5003

2011

810 requirements of chapter 20, appointive offices which are within
 811 the executive branch of government and which are filled by
 812 appointment by the Governor or the Governor and Cabinet. Under
 813 no circumstances shall employee interchange agreements be
 814 utilized for the purpose of assigning individuals to participate
 815 in political campaigns. Duties and responsibilities of
 816 interchange employees shall be limited to the mission and goals
 817 of the agencies of government.

818 (3) Salary, leave, travel and transportation, and
 819 reimbursements for an employee of a sending party that is
 820 participating in an interchange program shall be handled as
 821 follows:

822 (b)1. The assignment of an employee of a state agency
 823 either on detail or on leave of absence may be made without
 824 reimbursement by the receiving party for the travel and
 825 transportation expenses to or from the place of the assignment
 826 or for the pay and benefits, or a part thereof, of the employee
 827 during the assignment.

828 2. For the 2011-2012 ~~2010-2011~~ fiscal year only, the
 829 assignment of an employee of a state agency as provided in
 830 subparagraph 1. may be made if recommended by the Governor or
 831 Chief Justice, as appropriate, and approved by the chairs of the
 832 Senate Budget Committee ~~Policy and Steering Committee on Ways~~
 833 ~~and Means~~ and the House Appropriations Committee ~~Full~~
 834 ~~Appropriations Council on Education and Economic Development~~.
 835 Such actions shall be deemed approved if neither chair provides
 836 written notice of objection within 14 days after the chair's

837 receiving notice of the action pursuant to s. 216.177. This
 838 subparagraph expires July 1, 2012 ~~2011~~.

839 Section 36. In order to implement Specific Appropriations
 840 2536 and 2537 of the 2011-2012 General Appropriations Act and
 841 notwithstanding the provisions of s. 11.13(1), Florida Statutes,
 842 the authorized salaries for members of the Legislature for
 843 fiscal year 2011-2012 shall be set at the same level in effect
 844 on July 1, 2010. This section expires July 1, 2012.

845 Section 37. In order to implement the transfer of funds to
 846 the State School Trust Fund from trust funds in the 2011-2012
 847 General Appropriations Act, paragraph (b) of subsection (2) of
 848 section 215.32, Florida Statutes, is amended to read:

849 215.32 State funds; segregation.—

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

852 (b)1. The trust funds shall consist of moneys received by
 853 the state which under law or under trust agreement are
 854 segregated for a purpose authorized by law. The state agency or
 855 branch of state government receiving or collecting such moneys
 856 shall be responsible for their proper expenditure as provided by
 857 law. Upon the request of the state agency or branch of state
 858 government responsible for the administration of the trust fund,
 859 the Chief Financial Officer may establish accounts within the
 860 trust fund at a level considered necessary for proper
 861 accountability. Once an account is established within a trust
 862 fund, the Chief Financial Officer may authorize payment from
 863 that account only upon determining that there is sufficient cash
 864 and releases at the level of the account.

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

868 a. Operations or operating trust fund, for use as a
 869 depository for funds to be used for program operations funded by
 870 program revenues, with the exception of administrative
 871 activities when the operations or operating trust fund is a
 872 proprietary fund.

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

875 c. Administrative trust fund, for use as a depository for
 876 funds to be used for management activities that are departmental
 877 in nature and funded by indirect cost earnings and assessments
 878 against trust funds. Proprietary funds are excluded from the
 879 requirement of using an administrative trust fund.

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

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

886 f. Clearing funds trust fund, for use as a depository for
 887 funds to account for collections pending distribution to lawful
 888 recipients.

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

892

HB 5003

2011

893 To the extent possible, each agency must adjust its internal
894 accounting to use existing trust funds consistent with the
895 requirements of this subparagraph. If an agency does not have
896 trust funds listed in this subparagraph and cannot make such
897 adjustment, the agency must recommend the creation of the
898 necessary trust funds to the Legislature no later than the next
899 scheduled review of the agency's trust funds pursuant to s.
900 215.3206.

901 3. All such moneys are hereby appropriated to be expended
902 in accordance with the law or trust agreement under which they
903 were received, subject always to the provisions of chapter 216
904 relating to the appropriation of funds and to the applicable
905 laws relating to the deposit or expenditure of moneys in the
906 State Treasury.

907 4.a. Notwithstanding any provision of law restricting the
908 use of trust funds to specific purposes, unappropriated cash
909 balances from selected trust funds may be authorized by the
910 Legislature for transfer to the State School Trust Fund, Budget
911 Stabilization Fund, and General Revenue Fund in the General
912 Appropriations Act.

913 b. This subparagraph does not apply to trust funds
914 required by federal programs or mandates; trust funds
915 established for bond covenants, indentures, or resolutions whose
916 revenues are legally pledged by the state or public body to meet
917 debt service or other financial requirements of any debt
918 obligations of the state or any public body; the Division of
919 Licensing Trust Fund in the Department of Agriculture and
920 Consumer Services; the State Transportation Trust Fund; the

HB 5003

2011

921 trust fund containing the net annual proceeds from the Florida
 922 Education Lotteries; the Florida Retirement System Trust Fund;
 923 trust funds under the management of the State Board of Education
 924 or the Board of Governors of the State University System, where
 925 such trust funds are for auxiliary enterprises, self-insurance,
 926 and contracts, grants, and donations, as those terms are defined
 927 by general law; trust funds that serve as clearing funds or
 928 accounts for the Chief Financial Officer or state agencies;
 929 trust funds that account for assets held by the state in a
 930 trustee capacity as an agent or fiduciary for individuals,
 931 private organizations, or other governmental units; and other
 932 trust funds authorized by the State Constitution.

933 Section 38. The amendment to s. 215.32(2)(b), Florida
 934 Statutes, as carried forward by this act from chapter 2010-153,
 935 Laws of Florida, shall expire on July 1, 2012, and the text of
 936 that paragraph shall revert to that in existence on June 30,
 937 2010, except that any amendments to such text enacted other than
 938 by this act shall be preserved and continue to operate to the
 939 extent that such amendments are not dependent upon the portions
 940 of such text which expire pursuant to this section.

941 Section 39. In order to implement the issuance of new debt
 942 authorized in the 2011-2012 General Appropriations Act, and
 943 pursuant to the requirements of s. 215.98, Florida Statutes, the
 944 Legislature determines that the authorization and issuance of
 945 debt for the 2011-2012 fiscal year should be implemented and is
 946 in the best interest of the state and necessary to address a
 947 critical state emergency. This section expires July 1, 2012.

HB 5003

2011

948 Section 40. In order to implement the funds appropriated
949 in the 2011-2012 General Appropriations Act for state employee
950 travel, the funds appropriated to each state agency, which may
951 be used for travel by state employees, shall be limited during
952 the 2011-2012 fiscal year to travel for activities that are
953 critical to each state agency's mission. Funds may not be used
954 to pay for travel by state employees to foreign countries, other
955 states, conferences, staff-training activities, or other
956 administrative functions unless the agency head has approved in
957 writing that such activities are critical to the agency's
958 mission. The agency head must consider the use of
959 teleconferencing and other forms of electronic communication to
960 meet the needs of the proposed activity before approving
961 mission-critical travel. This section does not apply to travel
962 for law enforcement purposes, military purposes, emergency
963 management activities, or public health activities. This section
964 expires July 1, 2012.

965 Section 41. In order to implement the appropriations
966 authorized in the 2011-2012 General Appropriations Act for each
967 of the state's designated primary data centers, which are funded
968 from the data processing appropriation category and other
969 categories used to pay for computing services of user agencies,
970 and pursuant to the notice, review, and objection procedures of
971 s. 216.177, Florida Statutes, the Executive Office of the
972 Governor is authorized to transfer funds appropriated in any
973 appropriation category used to pay for data processing in the
974 2011-2012 General Appropriations Act between agencies in order

HB 5003

2011

975 to align the budget authority granted with the utilization rate
976 of each department. This section expires July 1, 2012.

977 Section 42. In order to implement the appropriations
978 authorized in the 2011-2012 General Appropriations Act and
979 notwithstanding s. 216.181(2)(c), Florida Statutes, an agency
980 may transfer funds from the data processing appropriation
981 categories to another appropriation category for the purpose of
982 supporting and managing its computer resources until such time
983 as the agency's data processing function is transferred to the
984 Southwood Shared Resource Center, the Northwood Shared Resource
985 Center, or the Northwest Regional Data Center. This section
986 expires July 1, 2012.

987 Section 43. In order to implement Specific Appropriation
988 1983B of the 2011-2012 General Appropriations Act, the Executive
989 Office of the Governor is authorized to transfer funds
990 appropriated in the appropriation category "Data Processing
991 Services - Southwood Shared Resource Center" of the 2011-2012
992 General Appropriations Act between agencies in order to properly
993 allocate a reduction in budget for the Southwood Shared Resource
994 Center. This section expires July 1, 2012.

995 Section 44. In order to implement Specific Appropriation
996 1978A of the 2011-2012 General Appropriations Act, the Executive
997 Office of the Governor is authorized to transfer funds
998 appropriated in the appropriation category "Expenses" of the
999 2011-2012 General Appropriations Act between agencies in order
1000 to allocate a reduction relating to SUNCOM Services. This
1001 section expires July 1, 2012.

HB 5003

2011

1002 Section 45. In order to implement section 8 of the General
 1003 Appropriations Act for the 2011-2012 fiscal year, paragraph (a)
 1004 of subsection (7) of section 110.12315, Florida Statutes, is
 1005 reenacted to read:

1006 110.12315 Prescription drug program.—The state employees'
 1007 prescription drug program is established. This program shall be
 1008 administered by the Department of Management Services, according
 1009 to the terms and conditions of the plan as established by the
 1010 relevant provisions of the annual General Appropriations Act and
 1011 implementing legislation, subject to the following conditions:

1012 (7) Under the state employees' prescription drug program
 1013 copayments must be made as follows:

1014 (a) Effective January 1, 2011, for the State Group Health
 1015 Insurance Standard Plan:

- 1016 1. For generic drug with card \$7.
- 1017 2. For preferred brand name drug with card \$30.
- 1018 3. For nonpreferred brand name drug with card \$50.
- 1019 4. For generic mail order drug \$14.
- 1020 5. For preferred brand name mail order drug \$60.
- 1021 6. For nonpreferred brand name mail order drug \$100.

1022 Section 46. The amendment to s. 110.12315(7)(a), Florida
 1023 Statutes, as carried forward by this act from chapter 2010-153,
 1024 Laws of Florida, shall expire on July 1, 2012, and the text of
 1025 that paragraph shall revert to that in existence on December 31,
 1026 2010, except that any amendments to such text enacted other than
 1027 by this act shall be preserved and continue to operate to the
 1028 extent that such amendments are not dependent upon the portions
 1029 of such text which expire pursuant to this section.

HB 5003

2011

1030 Section 47. Any section of this act that implements a
1031 specific appropriation or specifically identified proviso
1032 language in the 2011-2012 General Appropriations Act is void if
1033 the specific appropriation or specifically identified proviso
1034 language is vetoed. A section of this act that implements more
1035 than one specific appropriation or more than one portion of
1036 specifically identified proviso language in the 2011-2012
1037 General Appropriations Act is void if all the specific
1038 appropriations or portions of specifically identified proviso
1039 language are vetoed.

1040 Section 48. If any other act passed during the 2011
1041 Regular Session contains a provision that is substantively the
1042 same as a provision in this act, but that removes or is
1043 otherwise not subject to the future repeal applied to such
1044 provision by this act, the Legislature intends that the
1045 provision in the other act takes precedence and continues to
1046 operate, notwithstanding the future repeal provided by this act.

1047 Section 49. If any provision of this act or its
1048 application to any person or circumstance is held invalid, the
1049 invalidity does not affect other provisions or applications of
1050 the act which can be given effect without the invalid provision
1051 or application, and to this end the provisions of this act are
1052 severable.

1053 Section 50. Except as otherwise expressly provided in this
1054 act and except for this section, which shall take effect June
1055 29, 2011, this act shall take effect July 1, 2011; or, if this
1056 act fails to become a law until after that date, it shall take

HB 5003

2011

1057 | effect upon becoming a law and shall operate retroactively to
1058 | July 1, 2011.