

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 5003

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Appropriations Committee and
Grimsley

80 Y's 36 N's

**COMPANION
BILLS:** SB 2002

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

The bill provides the statutory authority necessary to implement and execute the General Appropriations Act (GAA) for Fiscal Year 2012-2013. The statutory changes are effective for only one year and either expire on July 1, 2013 or revert to the language as it existed before the changes made by the bill.

Because this bill implements provisions of the General Appropriations Act for Fiscal Year 2012-2013, there are no direct fiscal impacts created by this bill.

The bill was approved by the Governor on April 17, 2012, ch. 2012-119, Laws of Florida. The bill has an effective date of July 1, 2012.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background:

Section 12 of Article III of the Florida Constitution states that “[l]aws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject”. This language has been interpreted to defeat proviso language attached to appropriations that have the effect of amending general law.¹ For this reason, when general law changes are required to effectuate appropriations, those changes are placed in a general bill implementing the appropriations act instead of in the GAA. The statutory changes are effective for only one year and either expire on July 1 of the next fiscal year or revert to the language as it existed before the changes made by the bill.

Provisions of Bill:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2012-13.

Section 2 incorporates the Florida Education Finance Program (FEFP) work papers by reference for the purpose of displaying the calculations used by the Legislature.

Section 3 amends s. 216.292, F.S., to authorize the transfer of fixed capital outlay appropriations for public schools between appropriation categories upon approval of the Executive Office of the Governor.

Section 4 authorizes a university board of trustees to expend reserve or carry-forward balances from prior year operational and programmatic appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.

Section 5 provides requirements to govern the completion of Phases 2 and 3 of the Department of Health's Florida Onsite Sewage Nitrogen Strategies Study. State agencies are prohibited from implementing regulations with higher standards than those currently in place until Phase 3 of the department's Florida Onsite Sewage Nitrogen Reduction Strategies Study is completed.

Section 6 incorporates by reference a document entitled "Medicaid Supplemental Hospital Funding Programs" for the purpose of displaying the calculations used by the legislature in making appropriations for the Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs.

Sections 7 and 8 amend s. 20.04, F.S., relating to the structure of the Department of Children and Family Services to replace the reference to "program offices" with language providing that each circuit of the agency is aligned geographically with each of the state's judicial circuits and each region is comprised of multiple circuits that are in geographical proximity to each other.

Section 9 amends s. 409.912, F.S. to authorize the Agency for Health Care Administration (AHCA) to provide a Medicaid prepaid dental health program in Miami-Dade County. The section provides that for all other counties, the agency may not limit dental services to prepaid plans and must allow qualified dental providers to provide dental services under Medicaid on a fee for service reimbursement methodology. The section requires AHCA to seek any necessary revisions or amendments to the state plan or federal waivers in order to implement this provision and requires the agency to terminate existing contracts as needed.

¹ See, e.g., *Brown v. Firestone*, 382 So.2d 654 (Fla. 1980); *Chiles v. Milligan*, 659 So.2d 1055 (Fla. 1995).

Section 10 provides authority for the release of funds to continue the Crestview Education Center project at the Florida Agricultural and Mechanical University through a 14 day (rather than a 3 day) budget amendment process.

Section 11 prohibits the Department of Health from implementing the onsite sewage treatment and disposal program described in s. 381.0065, Florida Statutes, until the department submits a plan to the Legislative Budget Commission and the plan is approved.

Section 12 amends s. 216.262, F.S. to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue during the 2012-2013 fiscal year for the Department of Corrections if the actual inmate population of the department exceeds the inmate population projections of the December 2011 Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month. The additional positions and appropriations must be approved by the Legislative Budget Commission.

Section 13 authorizes the Department of Legal Affairs to transfer cash remaining after required disbursements from specified Attorney General cases to the Operating Trust Fund to pay salaries and benefits.

Section 14 authorizes Department of Legal Affairs to expend appropriated funds in specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years.

Section 15 amends s. 932.7055, F.S. to extend for another year the authorization for a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

Section 16 provides limitation on the Department of Juvenile Justice's reimbursements for health care services to 110 percent of Medicare allowable rates.

Section 17 authorizes the Chief Justice of the Supreme Court to secure a trust fund loan during the 2012-13 fiscal year to ensure that the state court system has funds sufficient to meet its appropriations.

Section 18 provides, notwithstanding section 28.2455, F.S., that funds remaining in the Clerks of Court Trust Fund may not be transferred to the General Revenue Fund at the end of the fiscal year and will remain available for clerks of court for fiscal year 2012-2013 expenditures.

Section 19 provides that the calculation of unit costs for the clerks of court and state trial courts are contained in documents that are incorporated by reference.

Section 20 amends s. 29.008, F.S. to provide that counties are exempt from the statutory requirement to increase expenditures each year by 1.5 percent for court-related functions.

Section 21 provides that funds from the State Agency Law Enforcement Radio System Trust Fund may be used by the Department of Management Services (DMS) to fund mutual aid build out maintenance and sustainment and the interoperability network.

Section 22 authorizes the Department of Management Services to use interest earnings from the Communications Working Capital Trust Fund as the funding source for its responsibilities related to the MyFlorida.com portal.

Section 23 requires DMS and agencies to utilize a tenant broker to renegotiate private lease agreements, in excess of 2,000 square feet, expiring between July 1, 2013 and June 30, 2015.

Section 24 provides that funds available in the Audit and Warrant Clearing Trust Fund for subsequent distribution to the General Revenue Fund will be available to the tax collection service provider who shall make the interest payment required by s. 443.131(5), F.S., to the Federal Government in the amount directed by the Governor.

Section 25 provides that revenues in the Land Acquisition Trust Fund are authorized for transfer to support the Total Maximum Daily Loads program, Drinking Water Revolving Loan Trust Fund and the Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund.

Section 26 provides for the allocation of moneys from the Water Management Lands Trust Fund to pay debt service on bonds issued before February 1, 2009, by the South Water Management District and the St. Johns Water Management District; continues to provide for \$8 million to be transferred to the General Revenue Fund; and provides the remaining appropriation be distributed to the Suwannee River Water Management District.

Section 27 authorizes the use of revenues in the Ecosystem Management and Restoration Trust Fund for funding of activities to preserve and repair the state's beaches.

Section 28 requires the Department of Environmental Protection (DEP) to award \$2,400,000 of grant funds equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling education, and general solid waste programs.

Section 29 provides that the Department of Agriculture and Consumer Services, at its discretion, is authorized to extend, revise, and renew current contracts or agreements created or entered into, pursuant to chapter 2006-25, Laws of Florida (the 2006-2007 GAA), in order to provide consistency and continuity in agriculture promotion throughout the state.

Section 30 amends s. 379.209, F.S., to authorize the Fish and Wildlife Conservation Commission (FWCC) to transfer cash balances from the Nongame Wildlife Trust Fund to the Grants and Donations Trust Fund for the purpose of supporting cash flow needs.

Section 31 authorizes the FWCC to transfer \$500,000 in hunting and fishing license fees from the Grants and Donations Trust Fund to the State Game Trust Fund to repay the loan originally authorized in Specific Appropriation 1950 in ch. 2008-152, Laws of Fla.

Section 32 authorizes the Governor to transfer appropriations relating to the restoration of Lake Apopka between the FWCC and DEP as necessary to implement the approved list of projects.

Section 33 amends s. 259.105, F.S. to provide that the funds appropriated from the Florida Forever Trust Fund shall be distributed only to the Division of State Lands within the Department of Environmental Protection for less-than-fee interest acquisitions or for partnerships in which the state's portion of the acquisition is no more than 50 percent.

Section 34 extends expiration of the Commission on Oil Spill Response Coordination from September 30, 2012 to January 1, 2013 and extends the time for issuance of the required report from September 1, 2012 to January 1, 2013.

Sections 35 and 36 amend s. 311.07, F.S. to exempt certain projects for ports located in counties designated as rural areas of critical economic concern from match requirements.

Section 37 authorizes the Executive Office of the Governor to transfer funds between departments in order to align the budget authority granted to pay each department's risk management insurance.

Section 38 authorizes the Executive Office of the Governor to transfer funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources

Services Purchased Per Statewide Contract" of the 2012-2013 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resources management services.

Section 39 amends s. 110.123, F.S. to set the state's monthly contribution for health savings accounts at the current levels for the fiscal year.

Section 40 amends s. 112.24, F.S. to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House budget committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action pursuant to s. 216.177, F.S.

Section 41 provides that legislative salaries will remain at the same level in effect on July 1, 2010.

Sections 42 and 43 amend s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2012-2013 General Appropriations Act.

Sections 44, 45, and 46 reenact s. 215.5601, F.S. relating to investment objectives of The Lawton Chiles Endowment Fund and authorize the transfer of funds from the endowment to the General Revenue Fund.

Section 47 provides that, in order to implement the issuance of new debt authorized in the 2012-2013 General Appropriations Act, and pursuant to the requirements of s. 215.98, F.S., the Legislature determines that the authorization and issuance of debt for the 2012-2013 fiscal year should be implemented and is in the best interest of the state and necessary to address a critical state emergency.

Section 48 provides that funds appropriated for travel by state employees shall be limited to travel for activities that are critical to each state agency's mission. The section prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training or other administrative functions unless the agency head approves in writing that the activities are critical to the agency's mission. The section requires the agency head to consider use of teleconferencing and electronic communication to meet the needs of an activity before approving travel.

Section 49 provides that an agency may transfer funds from the data processing appropriation categories to another appropriation category based on changes to the data center consolidation schedule.

Section 50 provides that the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the General Appropriations Act between agencies in order to align the budget authority granted with the utilization rate of each department.

Section 51 provides that the Governor is authorized to transfer funds appropriated in the appropriations category "expenses" between agencies in order to allocate a reduction relating to SUNCOM Services.

Section 52 and 53 amend s. 110.12315, F.S., to modify copayments consistent with decisions that have been made in the GAA. The sections authorize the Department of Management Services to implement a 90-day supply limit program for certain maintenance drugs as determined by the department at retail pharmacies participating in the program if the department determines it to be in the best financial interest of the state.

Section 54 requires AHCA to competitively reprocure a Florida Discount Drug Card Program to provide market competitive discounts and return money to the state on a per prescription basis. Discounts will

be available to Florida residents without income restrictions. Revenues will be deposited into the Grants and Donations Trust Fund to reduce the cost of Medicaid pharmacy purchases.

Section 55 specifies that no section will take effect if the appropriations or proviso to which it relates are vetoed.

Section 56 provides that a permanent change made by another law to any of the same statutes amended by this bill takes precedence over the provision in this bill.

Section 57 provides a severability clause.

Section 58 provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS:

Because this bill implements provisions of the General Appropriations Act for Fiscal Year 2012-2013, there are no direct fiscal impacts created by this bill.