



## **State Budget Conference Chairs**

**Senate Budget Committee / House Appropriations Committee**

### **BUMP ISSUES – Conforming Bills**

**Education – HB 5101, HB 5201, HB 5203**

**March 7, 2012**

**8:30 p.m.**

**212 Knott Building (Webster Hall)**

PreK-12 Education Appropriations 2012-13  
HB 5101 Budget Conforming Bill Bump Issues

Item	Issues	Previous House Offer	Previous Senate Offer	Senate Bump Offer #1
1	Class Size Reduction Penalty	<p>Maintain Original House/Senate Bill Language:</p> <p>The bill maintains the class size reduction penalty at the amount equal to 100 percent of the class size base student allocation and 50 percent of the regular base student allocation until 2014-2015 and then adjusts up to 100 percent of the regular base student allocation.</p>	<p>Modified Offer:</p> <p>The bill maintains the class size reduction penalty at the amount equal to 100 percent of the class size base student allocation and 50 percent of the regular base student allocation until 2014-2015 and then adjusts up to 100 percent of the regular base student allocation. <u>For the 2011-12 calculation only, the total penalty for any school district shall not exceed 50% of the statewide total penalty.</u></p>	<p>Modified House Position:</p> <p>The bill maintains the class size reduction penalty at the amount equal to 100 percent of the class size base student allocation and 50 percent of the regular base student allocation until 2014-2015 and then adjusts up to 100 percent of the regular base student allocation.</p> <p><u>Revise the due date of district compliance plans from February 15 to February 1.</u></p>
2	Restriction of specific school districts' ability to close schools due to operational deficit.	<p>Maintain House Language:</p> <p>Requires for the 2012-2013 school year, any school district that built new facilities in 2010 despite at least 3 prior consecutive years of declining enrollment and a failed referendum for a sales tax increase for the purposes of capital outlay and school construction must submit all necessary documentation to have any operational deficit certified by the Auditor General. Any plan for resolving the deficit must be submitted to the LBC. Such district may not close schools, effect across-the-board teacher pay reductions, or eliminate art, athletics, music, or other student options such as magnet schools without having first documented that it has accomplished districtwide rezoning and reduced all administrative salaries over \$100,000 by a minimum of 25 percent.</p>	<p>Maintain Senate Language</p>	<p>Senate Position:</p> <p>Not included</p>
3	Delay School Grade Cut Score Change and PERT	<p>Not included.</p>	<p>Delay the implementation of new school grading cut score for one year. Delay the implementation of the Postsecondary Education Readiness Test (PERT).</p>	<p>Maintain House Position of no delay of school grading cut score or PERT.</p>
<b>NEW CONFORMING BILL LANGUAGE</b>				
4	VPK Pre and Post Assessments	<p>Not included.</p>	<p>Not included.</p>	<p>Revisions to align with the VPK accountability funds provided in the GAA.</p>

**Higher Education Appropriations 2012-13  
HB 5201 Budget Conforming Bill Bump Issues**

	ISSUE	PREVIOUS HOUSE OFFER	PREVIOUS SENATE OFFER	SENATE BUMP OFFER #1
1	Adults with Disabilities Workforce Education Pilot	Maintain House Position: Not Included	Senate Position - Establishes a Workforce Education scholarship pilot program for up to 30 students for 2 years in Charlotte, DeSoto, Manatee, and Sarasota counties.	Modified Senate Position - Establishes a Workforce Education scholarship pilot program for up to 30 students for 2 years in <u>Hardee</u> Charlotte, DeSoto, Manatee, and Sarasota counties.
2	Coenrollment	Modified House Position - Authorizes co-enrolled students to be reported for funding for <u>one course</u> in Workforce Education programs <u>for two years</u> provided the student does not have a pattern of excessive absenteeism, habitual truancy, or a history of disruptive behavior in school.	Modified House Position - Authorizes co-enrolled students to be reported for funding in Workforce Education programs <u>for one year</u> provided the student does not have a pattern of excessive absenteeism, habitual truancy, or a history of disruptive behavior in school.	Modified House Position - Authorizes co-enrolled students to be reported for funding for <u>2 courses</u> in Workforce Education programs <u>for one year</u> , provided the student does not have a pattern of excessive absenteeism, habitual truancy, or a history of disruptive behavior in school.
<b>NEW ISSUES</b>				
3	SUS Facility Concurrency	Not Included	Not Included	Notwithstanding ss. 1013.30 and 1013.51, F.S., allows universities to enter into local development agreements to identify and negotiate plans to mitigate the impact of specific projects and the corresponding affects on local governments.
4	FCS - Capital Improvement Fee	Not Included	Not Included	Increase the limit on the capital improvement fee for Florida colleges from 10% to 20%, but retain the limitation of no more than \$2 per credit hour increase per year.
5	SUS - Capital Improvement Fee	Not Included	Not Included	Index the university Capital Improvement Fee to 10% of tuition, but limit increases to no more than \$2 per credit hour per year.
6	SUS Budgetary Transfers - University Authority	Agreed to House Position Restricts universities' ability to transfer funds to/from university Education and General Activities and other program categories over \$1M unless a budget amendment has been approved by the LBC.	Agreed to House Position Restricts universities' ability to transfer funds to/from university Education and General Activities and other program categories over \$1M unless a budget amendment has been approved by the LBC.	Modified Position:  Notwithstanding this section, or section 32 of the Conference Report for HB 5001 from the 2012 legislative session, for the 2011-12 fiscal year universities are authorized to make transfers exceeding this limitation up to \$2 million to make necessary adjustments.

**Higher Education Appropriations 2012-13  
HB 5203 - Injured Worker Program Conforming Bill**

	ISSUE	PREVIOUS HOUSE OFFER	PREVIOUS SENATE OFFER	SENATE BUMP OFFER #1
1	Reemployment Services - Injured Worker Program Division of Voc. Rehab.	Repeals the Workers' Compensation Administration Trust Fund within the Department of Education.	Accept House Offer.	Repeals the Workers' Compensation Administration Trust Fund within the Department of Education.
		Terminates the Workers' Compensation Administration Trust Fund within the Department of Education and provides direction for close out of the trust fund. This section takes effect on June 30, 2013.		Terminates the Workers' Compensation Administration Trust Fund within the Department of Education and provides direction for close out of the trust fund. This section takes effect on June 30, 2013.
		Repeals Division of Vocational Rehabilitation's responsibilities for the Injured Worker Program.		Amends s. 440.491, Florida Statutes, rather than repealing the entire section of law.
		Makes technical conforming changes related to the repeal of the program by repealing references. (Sections 4, 5, 6, 8, 9)		Removes the Department of Education from the definition of "Department", which removes all responsibilities to provide services and payment for services from the Department of Education. The Department of Financial Services assumes responsibilities.
		<p>Reinstates requirements that a judge of compensation claims may not adjudicate an injured employee as permanently and totally disabled until or less the carrier is given the opportunity to provide a reemployment assessment.</p> <p>Reinstates authorization pertaining to injured workers' compensation benefits. For an employee who has attained maximum medical improvement and is unable to earn at least 80 percent of the compensation rate and requires training and education, the employee is eligible to receive benefits for 26 weeks while participating in the training and education.</p>		<p>Authorizes the Department of Financial Services to contract with one or more third parties to administer functions of training and education in lieu of the Department of Education.</p> <p>Requires that persons or firms selected may not have a conflict of interest.</p> <p>Prohibits a rehabilitation provider who contracts with the department to provide screenings or evaluations from providing training or education to the injured employee.</p>
				Appropriates \$350,000 in recurring funds from the Workers' Compensation Administration Trust Fund and 5 full-time positions and associated salary rate of 260,000 to the Department of Financial Services.
		Provides an effective date.		Provides an effective date.



## State Budget Conference Chairs

House Appropriations Committee / Senate Budget Committee

### BUMP ISSUES

Transportation & Economic Development Appropriations/  
Transportation, Tourism, and Economic Development Appropriations

#### Senate Bump Offer #1

- SB 1998 (\*\*REVISED\*\* Conforming Bill Language\*\*)

March 7, 2012 @ 8:00 pm  
Webster Hall (212-Knott Building)

# Conference Committee on Transportation and Economic Development Appropriations

Line #	SENATE BILL 1998, Eng. Section Summary	SENATE OFFER #3	HOUSE OFFER #3	SENATE BUMP OFFER #1
2	Section 2 repeals s. 288.063, F.S. which authorizes the Economic Development Transportation Fund (Road Fund) in the Department of Economic Opportunity. This incentive is funded by a transfer from the State Transportation Trust Fund. The Road Fund is used to assist local governments in paying for highway or other transportation infrastructure improvements that will benefit a relocating or expanding company.	Senate Position	BUMP	Senate Position
3	Section 3 amends s. 288.0656, F.S., conforming to changes made in section 2 of the bill repealing s. 288.063, F.S., and section 20 creating s. 339.2821, F.S.	Senate Position	BUMP	Senate Position
4	Sections 4 and 5 amend ss. 316.3025 and 316.545, F.S., respectively, authorizing revenues collected for civil penalties on citations for overweight vehicles issued by Motor Carrier Officers with DHSMV or weight inspectors with FDOT be deposited into the Highway Safety Operating Trust for the general operations of DHSMV, rather than the State Transportation Trust Fund at FDOT.	Senate Position	BUMP	House Position Delete
8	Section 9 amends s. 320.0801, F.S., changing the distribution of the existing surcharge of \$10 imposed on each commercial motor vehicle with gross vehicle weight (GVW) of 10,000 pounds or more from 50% to the General Revenue Fund and 50% to the State Transportation Trust Fund, so that 100% of the surcharge is distributed to the State Transportation Trust Fund.	Senate Position (Attached)	BUMP	House Position Delete
15	Section 16 amends s. 339.08, F.S., conforming to changes made in section 2 of the bill repealing s. 288.063, F.S., and section 31 creating s. 339.2821, F.S.	Senate Position	BUMP	Senate Position
17	Section 18 creates s. 339.2821, F.S., authorizing the Economic Development Transportation Road Fund in FDOT. This economic development incentive was previously authorized in s. 288.063, F.S. The Road Fund is used to assist local governments in paying for highway or other transportation infrastructure improvements that will benefit a relocating or expanding company. The General Appropriations Act, as proposed by the Senate, provides \$30 million for this program in FDOT.	Senate Position	BUMP	Senate Position
40	Section 42 amends s. 377.809, F.S., conforming a cross reference to s. 339.2821, F.S.	Senate Position	BUMP	Senate Position
	<b>NEW ISSUES</b>			
10	Provides for transfer of \$200 million from the State Transportation Trust Fund to the General Revenue Fund. Notwithstands current law to reduce the transfer amount from state revenues deposited in the trust fund which are used for the calculation requirement.			Senate Position
47	Pertaining to the DEP permitting language previously agreed to, modification to make this provision/section "effective upon becoming law".			Senate Position
50	Modify Port Investment Initiative language - \$35 million of State Transportation Trust Fund set aside annually.			Senate Position
<b>NEW</b>	Transfers all rights and obligations of the Department of Economic Opportunity road contracts entered into pursuant to s. 288.063, F.S., prior to July 1, 2012 to the Department of Transportation, together with unexpended balances of appropriations and encumbered funds.			Senate Position
<b>NEW</b>	Expanded uses of electronic toll collection system			Senate Position

# Conference Committee on Transportation and Economic Development Appropriations

Line #	SENATE BILL 1998, Eng. Section Summary	SENATE OFFER #3	HOUSE OFFER #3	SENATE BUMP OFFER #1
<b>NEW</b>	<p>Amends Highway Safety and Motor Vehicle provisions to bring state law into compliance with federal requirements. These are needed in order to ensure federal funding is not jeopardized. Included are:</p> <p>316.302 - Updates date reference to federal law regulating interstate commercial drivers;</p> <p>318.14 - Revises state law to comply with federal requirements relating to eligibility of driver improvement courses for CDL license holders;</p> <p>322.07 - Requires applicant to hold a valid Florida drivers license before prior to being issued a temporary commercial permit license;</p> <p>322.53 - Provides exemptions for drivers of commercial motor vehicles required to hold a CDL license;</p> <p>322.54 - Specifies required driver's license classification for drivers operating a vehicle with a gross weight of 36,001 pounds or more;</p> <p>322.59 - Requires DHSMV to disqualify holder of CDL who is not compliance with federal medical certification requirement; and</p> <p>322.61 - Amended to mirror the Federal Motot Carrier Safety Aassistance Act regulations and remedy inconsistencies</p>			Senate Position

**Senate Bill 1998 - Transportation Conforming \*\*REVISED\*\***

**#1**

Section 11. Funds that result from increased revenues to the State Transportation Trust Fund derived from section 8 of this act must be used as follows, notwithstanding any other provision of law:

(1) In the 2012-13 fiscal year \$200,000,000, or actual receipts up to \$200,000,000, shall be transferred to the General Revenue Fund.

(a) The Department of Transportation shall transfer the actual receipts monthly to the General Revenue Fund. These transfers shall be made in the month following the deposit of those receipts into the State Transportation Trust Fund.

**#2 NEW SECTION**

In order to implement sections XX and XX that transfer the responsibility of administering economic development transportation projects from the Department of Economic Opportunity to the Department of Transportation, with minimal disruption of services, the Department of Economic Opportunity shall transfer the following to the Department of Transportation:

(1) All powers, duties, functions, records, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations or other funds relating to the Economic Development Transportation program.

(2) Any unexpended balances of released appropriations and appropriations that remain unreleased, and any funds remaining in the Economic Development Trust Fund relating to economic development transportation projects.

(3) Any binding contract or interagency agreement in effect

between the Department of Economic Opportunity and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department responsible for the program.

### **#3 NEW SECTION**

Section 338.161, Florida Statutes, is amended to read:

338.161 ~~Authority of department or toll agencies to advertise and promote electronic toll collection;~~ Expanded uses of electronic toll collection system; ~~studies authorized.~~

(1) The department may ~~is authorized to~~ incur expenses for paid advertising, marketing, and promotion of toll facilities and electronic toll collection products and services. Promotions may include discounts and free products.

(2) The department may ~~is authorized to~~ receive funds from advertising placed on electronic toll collection products and promotional materials to defray the costs of products and services.

(3) ~~(a)~~ The department or any toll agency created by statute may incur expenses to advertise or promote its electronic toll collection system to consumers on or off the turnpike or toll system.

(4) ~~(b)~~ If the department or ~~any~~ toll agency created by statute finds that it can increase nontoll revenues or add convenience or other value for its customers, the department or toll agency may enter into agreements with a ~~any~~ private or public entity allowing the use of its electronic toll collection system to pay parking fees for vehicles equipped with a transponder or similar device. The department or toll agency may initiate feasibility studies of other ~~additional~~ future uses of its electronic toll collection system and make recommendations to the Legislature to authorize such uses.

(5) If the department finds that it can increase nontoll revenues or add convenience or other value for its customers, and if a public or private transportation facility owner agrees that its facility will become interoperable with the department's electronic toll collection and video billing systems, the department may enter into an agreement with the owner of such facility under which the department uses its systems to collect and enforce for the owner tolls, fares, administrative fees, and other applicable charges due in connection with use of the owner's facility.

NEW ISSUES: Highway Safety Issues which bring state law into compliance with federal requirements.

Section XX. Effective July 1, 2012, paragraph (b) of subsection (1) and paragraph (c) of subsection (2) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.-

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on October 1, 2011 ~~2009~~.

(2)

(c) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive after having been on duty more than 70 hours in any period of 7

consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products or unprocessed food or fiber that is subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products. Upon request of the Department of Highway Safety and Motor Vehicles ~~Department of Transportation~~, motor carriers shall furnish time records or other written verification to that department so that the Department of Highway Safety and Motor Vehicles ~~Department of Transportation~~ can determine compliance with this subsection. These time records must be furnished to the Department of Highway Safety and Motor Vehicles ~~Department of Transportation~~ within 2 days after receipt of that department's request. Falsification of such information is subject to a civil penalty not to exceed \$100. The provisions of this paragraph do not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to s. 570.07(21), and do not apply to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

Section XX. Subsections (9) and (10) of section 318.14, Florida Statutes, are amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.-

(9) Any person who does not hold a commercial driver ~~driver's~~ license and who is cited while driving a noncommercial motor vehicle for an infraction under this section other than a violation of s. 316.183(2), s. 316.187, or s. 316.189 when the driver exceeds the posted limit by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld and points, as provided by s. 322.27, may not be assessed. However, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may not make ~~no~~ more than five elections within his or her lifetime under this subsection. The requirement for community service under s. 318.18(8) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court. If a person makes an election to attend a basic driver improvement course under this subsection, 18 percent of the civil penalty imposed under s. 318.18(3) shall be deposited in the State Courts Revenue Trust Fund; however, that portion is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35.

(10) (a) Any person who does not hold a commercial driver ~~driver's~~ license and who is cited while driving a noncommercial motor vehicle for an offense listed under this subsection may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, a person may not make an ~~no~~ election ~~shall~~ ~~be made~~ under this subsection if the ~~such~~ person has made an

election under this subsection in the preceding 12 months ~~preceding election hereunder~~. A No person may not make more than three elections under this subsection. This subsection applies to the following offenses:

1. Operating a motor vehicle without a valid driver ~~driver's~~ license in violation of ~~the provisions of~~ s. 322.03, s. 322.065, or s. 322.15(1), or operating a motor vehicle with a license that has been suspended for failure to appear, failure to pay civil penalty, or failure to attend a driver improvement course pursuant to s. 322.291.

2. Operating a motor vehicle without a valid registration in violation of s. 320.0605, s. 320.07, or s. 320.131.

3. Operating a motor vehicle in violation of s. 316.646.

4. Operating a motor vehicle with a license that has been suspended under s. 61.13016 or s. 322.245 for failure to pay child support or for failure to pay any other financial obligation as provided in s. 322.245; however, this subparagraph does not apply if the license has been suspended pursuant to s. 322.245(1).

5. Operating a motor vehicle with a license that has been suspended under s. 322.091 for failure to meet school attendance requirements.

(b) Any person cited for an offense listed in this subsection shall present proof of compliance before ~~prior to~~ the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver ~~driver's~~ license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of \$25, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of \$8. One dollar of such costs shall be remitted to the Department of Revenue for

deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Fourteen dollars of such costs shall be distributed to the municipality and \$9 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund. This subsection does ~~shall~~ not be construed to authorize the operation of a vehicle without a valid driver ~~driver's~~ license, without a valid vehicle tag and registration, or without the maintenance of required security.

Section XX. Subsection (3) of section 322.07, Florida Statutes, is amended to read:

322.07 Instruction permits and temporary licenses.—

(3) Any person who, except for his or her lack of instruction in operating a commercial motor vehicle, would otherwise be qualified to obtain a commercial driver ~~driver's~~ license under this chapter, may apply for a temporary commercial instruction permit. The department shall issue such a permit entitling the applicant, while having the permit in his or her immediate possession, to drive a commercial motor vehicle on the highways, if provided that:

(a) The applicant possesses a valid Florida driver ~~driver's~~ license ~~issued in any state~~; and

(b) The applicant, while operating a commercial motor vehicle, is accompanied by a licensed driver who is 21 years of age or older, who is licensed to operate the class of vehicle being operated, and who is ~~actually~~ occupying the closest seat to the right of the driver.

Section XX. Subsection (2) of section 322.53, Florida Statutes, is amended to read:

322.53 License required; exemptions.—

(2) The following persons are exempt from the requirement to obtain a commercial driver ~~driver's~~ license:

(a) Drivers of authorized emergency vehicles.

(b) Military personnel driving vehicles operated for military purposes.

(c) Farmers transporting agricultural products, farm supplies, or farm machinery to or from their farms and within 150 miles of their farms farm, if the vehicle operated under this exemption is not used in the operations of a common or contract motor carrier ~~or transporting agricultural products to or from the first place of storage or processing or directly to or from market, within 150 miles of their farm.~~

(d) Drivers of recreational vehicles, as defined in s. 320.01.

(e) Drivers who operate straight trucks, as defined in s. 316.003, and who that are ~~exclusively~~ exclusively transporting exclusively their own tangible personal property, which is not for sale.

(f) Employees ~~An employee~~ of a publicly owned transit system who are ~~is~~ limited to moving vehicles for maintenance or parking purposes exclusively within the restricted-access confines of a transit system's property.

Section XX. Subsection (2) of section 322.54, Florida

Statutes, is amended to read:

322.54 Classification.—

(2) The department shall issue, pursuant to the requirements of this chapter, driver ~~drivers'~~ licenses in accordance with the following classifications:

(a) Any person who drives a motor vehicle combination having a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more must possess a valid Class A driver ~~driver's~~ license, if provided the gross vehicle weight rating or gross vehicle weight of the vehicle being towed is more than 10,000 pounds. Any person who possesses a valid Class A driver ~~driver's~~ license may, subject to the appropriate restrictions and endorsements, drive any class of motor vehicle within this state.

(b) Any person, except a person who possesses a valid Class A driver ~~driver's~~ license, who drives a motor vehicle having a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more must possess a valid Class B driver ~~driver's~~ license. Any person, except a person who possesses a valid Class A driver ~~driver's~~ license, who drives such vehicle towing a vehicle having a gross vehicle weight rating of 10,000 pounds or less must possess a valid Class B driver ~~driver's~~ license. Any person who possesses a valid Class B driver ~~driver's~~ license may, subject to the appropriate restrictions and endorsements, drive any class of motor vehicle, other than the type of motor vehicle for which a Class A driver ~~driver's~~ license is required, within this state.

(c) Any person, except a person who possesses a valid Class A or a valid Class B driver ~~driver's~~ license, who drives a motor vehicle having a gross vehicle weight rating of less than 26,001 pounds and who is required to obtain an endorsement pursuant to paragraph (1) (b), paragraph (1) (c), or paragraph (1) (e) of s. 322.57, must possess a valid Class C driver

~~driver's~~ license. Any person who possesses a valid Class C driver ~~driver's~~ license may, subject to the appropriate restrictions and endorsements, drive any class of motor vehicle, other than the type of motor vehicle for which a Class A or a Class B driver ~~driver's~~ license is required, within this state.

(d) Any person, except a person who possesses a valid Class A, valid Class B, or valid Class C driver ~~driver's~~ license, who drives a motor vehicle must possess a valid Class E driver ~~driver's~~ license. Any person who possesses a valid Class E driver ~~driver's~~ license may, subject to the appropriate restrictions and endorsements, drive any type of motor vehicle, other than the type of motor vehicle for which a Class A, Class B, or Class C driver ~~driver's~~ license is required, within this state.

Section XX. Section 322.59, Florida Statutes, is amended to read:

322.59 Possession of medical examiner's certificate.-

(1) The department may ~~shall~~ not issue a commercial driver ~~driver's~~ license to a ~~any~~ person who is required by the laws of this state or by federal law to possess a medical examiner's certificate, unless the ~~such~~ person presents a valid certificate, as described in 49 C.F.R. s. 383.71, before ~~prior~~ to licensure.

(2) The department shall disqualify a driver from operating a commercial motor vehicle if the driver holds a commercial driver license and fails to comply with the medical certification requirements in 49 C.F.R. s. 383.71 ~~This section does not expand the requirements as to who must possess a medical examiner's certificate.~~

(3) A person who is disqualified from operating a commercial motor vehicle under this section may, if otherwise qualified, be issued a Class E driver license pursuant to s.

322.251.

Section XX. Subsections (3) and (5) of section 322.61, Florida Statutes, are amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(3)(a) Except as provided in subsection (4), any person who is convicted of one of the offenses listed in paragraph (b) while operating a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 1 year.÷

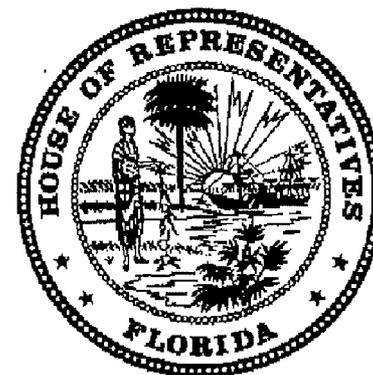
(b) Except as provided in subsection (4), any holder of a commercial driver ~~driver's~~ license who is convicted of one of the offenses listed in this paragraph while operating a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 1 year:

1. Driving a motor vehicle while he or she is under the influence of alcohol or a controlled substance;
2. Driving a commercial motor vehicle while the alcohol concentration of his or her blood, breath, or urine is .04 percent or higher;
3. Leaving the scene of a crash involving a motor vehicle driven by such person;
4. Using a motor vehicle in the commission of a felony;
5. Driving a commercial motor vehicle while in possession of a controlled substance;
6. Refusing to submit to a test to determine his or her alcohol concentration while driving a motor vehicle;
7. Driving a commercial vehicle while the licenseholder's commercial driver ~~driver's~~ license is suspended, revoked, or canceled or while the licenseholder is disqualified from driving

a commercial vehicle; or

8. Causing a fatality through the negligent operation of a commercial motor vehicle.

(5) A ~~Any~~ person who is convicted of two violations specified in subsection (3) which were committed while operating a commercial motor vehicle, or any combination thereof, arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle. A ~~Any~~ holder of a commercial driver ~~driver's~~ license who is convicted of two violations specified in subsection (3) which were committed while operating any ~~a noncommercial~~ motor vehicle, ~~or any combination thereof,~~ arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle. The penalty provided in this subsection is in addition to any other applicable penalty.



## **State Budget Conference Chairs**

**Senate Budget Committee / House Appropriations Committee**

### **BUMP ISSUES**

**Senate Budget Subcommittee on Health and Human Services Appropriations**

**House Health Care Appropriations Subcommittee**

**Medicaid Conforming Bill  
Senate Offer # 1**

**March 7, 2012  
Webster Hall (212 Knott)**

**HOUSE HEALTH CARE APPROPRIATIONS / SENATE HEALTH AND HUMAN SERVICES APPROPRIATIONS  
 MEDICAID CONFORMING BILL, FY 2012-2013**

	<b>HB 5301</b>	<b>SENATE OFFER</b>	<b>SB 1988</b>
1		<b>House</b> (no language)	<b>Section 1.</b> (s. 381.79, F.S.) Increasing the amount of funds that may be available to the University of Florida and the University of Miami for brain and spinal cord injury research from \$500,000 to \$750,000.
2		<b>Senate</b>	<b>Section 2.</b> (s. 383.15, F.S.) Revising legislative intent to conform statute to the repeal of the DSH program for regional perinatal intensive care centers.
3		<b>House</b> (no language)	<b>Section 3.</b> (s. 409.8132, F.S.) Revising a cross-reference to conform to the act.
4		<b>House</b> (no language)	<b>Section 4.</b> (s. 409.814, F.S.) Deleting a provision preventing children who are eligible for coverage under a state health benefit plan from being eligible for services provided through the Kidcare program.  Revising a cross-reference to conform to the act.  Requiring a completed application, including a clinical screening, for enrollment in the Children's Medical Services Network.
5	<b>Section 1.</b> (s. 409.902, F.S.) Creating, subject to appropriation, an Internet-based system for eligibility determination for Medicaid and the CHIP Program; requiring the system to accomplish specified business objectives; requiring the department to develop the system contingent upon an appropriation; requiring the system to be completed and implemented by specified dates; requiring the department to implement governance structure pending implementation of the program; providing for the membership and duties of an executive steering committee.	<b>House</b> (with revisions to specify that DCF Sec. is head of steering committee and add representative from Childrens Medical Services and the FL Healthy Kids Corporation. Adds clarifying language that the system is modular, interoperable, and scalable)	<b>Section 5.</b> (s. 409.902, F.S.) Identical, but adds one additional member to the executive steering committee from Children's Medical Services within the Department of Health appointed by the Surgeon General.
6	<b>Section 2.</b> (s. 409.905, F.S.) Limiting payment for emergency room services for a non-pregnant Medicaid recipient 21 years of age or older to 12 visits per year.	<b>Senate</b>	<b>Section 6, part 1.</b> (s. 409.905, F.S.) Limiting payment for emergency room services for a non-pregnant Medicaid recipient 21 years of age or older to six visits per fiscal year.

**HOUSE HEALTH CARE APPROPRIATIONS / SENATE HEALTH AND HUMAN SERVICES APPROPRIATIONS  
 MEDICAID CONFORMING BILL, FY 2012-2013**

	<b>HB 5301</b>	<b>SENATE OFFER</b>	<b>SB 1988</b>
7		<b>Senate</b> (with revision so that AHCA will submit a budget amendment to reduce hospital rates if IGTs are insufficient)	<b>Section 6, part 2.</b> (s. 409.905, F.S.) Authorizing the agency to submit a request to the Legislative Budget Commission to approve an adjustment to hospital inpatient rates due to insufficient commitments or collections of intergovernmental transfers, after the existing statutory deadline of September 30.
8		<b>Senate</b> (with DRG implementation July 1, 2013)	<b>Section 6, part 3.</b> (s. 409.905, F.S.) Providing components for the agency's plan to convert hospital inpatient rates to a diagnosis-related group (DRG) payment system and changing the date for submitting the plan to December 1, 2012. Upon legislative approval, authorizes the agency to begin implementation by June 1, 2013 with a full implementation target date of November 1, 2013.
9	<b>Section 3.</b> (s. 409.906, F.S.) Eliminating Medicaid optional coverage for chiropractic and podiatric services for a Medicaid recipient 21 years of age or older.	<b>Senate</b> (no language)	
10		<b>House</b> (no language)	<p><b>Section 7.</b> (s. 409.908, F.S.) Revising a cross-reference to conform to the act.</p> <p>Authorizing the agency to accept voluntary intergovernmental transfers (IGTs) in order to fund the costs of special Medicaid payments to hospitals, the costs of exempting hospitals from reimbursement ceilings, or the costs of buying back hospital Medicaid trend adjustments. However, use of the IGTs for fee-for-service payments to hospital is limited to the proportionate use of such funds within prepaid health plan capitations.</p> <p>Prohibiting the costs of special Medicaid payments to hospitals, the costs of exempting hospitals from reimbursement ceilings, and the costs of buying back hospital Medicaid trend adjustments, when funded through IGTs, to be included as inpatient or outpatient costs in the calculation of prepaid health plan capitations, effective September 1, 2012. Allows the agency to accept voluntary IGTs in order to fund said costs.</p> <p>Prohibiting Medicaid prepaid health plans from reimbursing hospitals for the costs of special Medicaid payments to</p>

**HOUSE HEALTH CARE APPROPRIATIONS / SENATE HEALTH AND HUMAN SERVICES APPROPRIATIONS  
 MEDICAID CONFORMING BILL, FY 2012-2013**

	<b>HB 5301</b>	<b>SENATE OFFER</b>	<b>SB 1988</b>
			hospitals, the costs of exempting hospitals from reimbursement ceilings, or the costs of buying back hospital Medicaid trend adjustments, when funded through IGTs, except that prepaid plans may contract with hospitals to pay inpatient per diems that are between 95 percent and 105 percent of county billing rates. Hospital and prepaid plans may negotiate mutually acceptable higher rates for medically complex care, effective September 1, 2012.
11	<b>Section 4.</b> (s. 409.911, F.S.) Continuing the audited data specified for use in calculating amounts due to hospitals under the disproportionate share program.	<b>Senate</b>	<b>Section 8.</b> (s. 409.911, F.S.) Identical, except includes a conforming cross-reference relating to the repeal of s. 409.9112, F.S.
12	<b>Section 5.</b> (s. 409.9112, F.S.) Continues the prohibition against distributing funds under the DSH Program for regional perinatal intensive care centers for FY 2011-2012.	<b>Senate</b>	<b>Section 9.</b> (s. 409.9112, F.S.) Repealing this section of law.
13	<b>Section 6.</b> (s. 409.9113, F.S.) Continuing the authorization for the distribution of moneys to certain teaching hospitals under the disproportionate share program.	<b>Senate</b>	<b>Section 10.</b> (s. 409.9113, F.S.) Deleting a reference to a specific fiscal year in AHCA's authorization to distribute moneys under the program, resulting in recurring authorization and eliminating the need for this statute to be amended each year.  Deleting a conforming cross-reference relating to the repeal of s. 409.9112, F.S.
14	<b>Section 7.</b> (s. 409.9117, F.S.) Continuing the prohibition against distributing moneys under the primary care disproportionate share program.	<b>Senate</b>	<b>Section 11.</b> (s. 409.9117, F.S.) Repealing this section of law.
15		<b>House</b> (no language)	<b>Section 12.</b> (s. 409.912, F.S.) Technical. Revising language to conform to the act as amended in s. 409.9122, F.S.
16		<b>House</b> (no language)	<b>Section 13.</b> (s. 409.9121, F.S.) Technical. Revising legislative findings and intent to conform language to the act as amended in s. 409.9122, F.S.

**HOUSE HEALTH CARE APPROPRIATIONS / SENATE HEALTH AND HUMAN SERVICES APPROPRIATIONS  
 MEDICAID CONFORMING BILL, FY 2012-2013**

17		<b>House</b> (no language)	<p><b>Section 14.</b> (s. 409.9122, F.S.) Deleting transferred provisions relating to school districts.</p> <p>Removing Medipass as a managed care option in counties containing two or more managed care plans. However, a recipient residing in a county with only one plan will be given a choice of the plan or a MediPass provider. A county in which no managed care plan is accepting Medicaid enrollees will choose a MediPass provider</p> <p>Requiring the agency to assign a Medicaid recipient who is required to enroll in managed care and who resides in a county in which one or more managed care plans are excepting Medicaid enrollees to a managed care plan, if the recipient fails to choose a managed care option. This includes a recipient who was enrolled in MediPass at the commencement of his or her 30-day choice period. Requiring the agency to assign a Medicaid recipient who fails to choose a managed care option and who resides in a county with no managed care plans accepting Medicaid enrollees to a MediPass provider.</p>
18		<b>House</b> (no language)	<p><b>Section 15.</b> (s. 409.9123, F.S.) Requiring that quality of care indicators to be the basis of the annually developed and published set of measures of managed care plans performance. Requiring the agency to also consider requirements and recommendations of the Centers for Medicare and Medicaid Services when formulating the information.</p>
19		<b>House</b> (no language)	<p><b>Section 16.</b> (s. 409.9126, F.S.) Reenacting this section of law relating to children with special health care needs to ensure changes made in s. 409.9122, F.S., do not have unintended consequences for the CMS program.</p>

**HOUSE HEALTH CARE APPROPRIATIONS / SENATE HEALTH AND HUMAN SERVICES APPROPRIATIONS**  
**MEDICAID CONFORMING BILL, FY 2012-2013**

20		<p><b>Senate</b> (with revisions to offer counties choice of paying 85% of backlog due or paying 100% of backlog with an appeal process in DOAH)</p>	<p><b>Section 17.</b> (s. 409.915, F.S.) Revising how county responsibility is determined and modifying the billing and collection method for county contributions to Medicaid.</p> <p>Requiring the transfer of funds from General Revenue (resulting from collections of county contributions to Medicaid) to the Lawton Chiles Endowment Fund beginning Fiscal Year 2013-2014 through Fiscal Year 2020-2021.</p> <p>Providing that this section is effective upon becoming law.</p>
21	<p><b>Section 8.</b> (s. 409.979, F.S.) Deleting references to the Adult Day Health Care Waiver in provisions relating to Medicaid eligibility.</p>	<p><b>House</b></p>	<p><b>Section 18.</b> (s. 409.979, F.S.) Identical.</p>
22	<p><b>Section 9.</b> (s. 430.04, F.S.) Deleting references to the Adult Day Health Care Waiver in provisions relating to duties and responsibilities of the Department of Elderly Affairs.</p>	<p><b>House</b></p>	<p><b>Section 19.</b> (s. 430.04, F.S.) Identical.</p>
23	<p><b>Section 10.</b> (section 31 of chapter 2009-223, Laws of Florida, as amended by section 44 of chapter 2010-151, Laws of Florida and redesignates the section as s. 409.9132, F.S.) Expanding the scope of the home health agency monitoring pilot project to Miami-Dade County to include Broward, Escambia, Martin, and Palm Beach counties.</p>	<p><b>Senate</b></p>	<p><b>Section 20.</b> (section 31 of chapter 2009-223, Laws of Florida, as amended by section 44 of chapter 2010-151, Laws of Florida and redesignates the section as s. 409.9132, F.S.) Expanding the scope of the home health agency monitoring pilot project to Miami-Dade County on a statewide basis, except in counties in which the program will not be cost-effective, as determined by the agency.</p>
24	<p><b>Section 11.</b> (section 32 of chapter 2009-223, Laws of Florida, and redesignates the section as s. 409.9133, F.S.) Expanding the scope of the comprehensive care management pilot project for home health services to include private duty nursing and personal care services in Miami-Dade, Broward, Orange, and Palm Beach Counties.</p>	<p><b>Senate</b> (with revision to require AHCA to use current contract)</p>	<p><b>Section 21.</b> (section 32 of chapter 2009-223, Laws of Florida, and redesignates the section as s. 409.9133, F.S.) Expanding the scope of the comprehensive care management pilot project for home health services to include private duty nursing and personal care services on a statewide basis, except in counties in which the program will not be cost-effective, as determined by the agency.</p>
25		<p><b>Senate</b></p>	<p><b>Section 22.</b> Authorizing a PACE site for a current provider in Southeast Florida to develop and operate a PACE site in Broward County for up to 150 initial slots, subject to a specific appropriation.</p>

**HOUSE HEALTH CARE APPROPRIATIONS / SENATE HEALTH AND HUMAN SERVICES APPROPRIATIONS  
MEDICAID CONFORMING BILL, FY 2012-2013**

26	<b>Section 12.</b> Authorizing an additional PACE site in Duval, Clay, and Alachua counties and approves up to 150 initial slots, subject to a specific appropriation.	<b>Senate</b> (no language)	
27	<b>Section 13.</b> Authorizing an additional PACE site in Manatee, Sarasota, and DeSoto counties and approves up to 150 initial slots, subject to a specific appropriation.	<b>House</b>	
28		<b>Senate</b>	<b>Section 23.</b> Authorizing reimbursement rate adjustments for a public hospital located in trauma service area 2 which has local funds available for intergovernmental transfers for Fiscal Year 2011-2012 only. Providing that this section is effective upon becoming law.
29	<b>Section 14.</b> Provides an effective date of July 1, 2012.	<b>Senate</b>	<b>Section 24.</b> Except as otherwise expressly provided, provides an effective date of July 1, 2012.
<b>New Provisions Offered by Senate</b>			
30		<b>Senate</b>	Modifies paragraph (c) of subsection (5) of section 409.905, F.S. to change the date by which adjustments can be made to hospital inpatient rates from September 30 to October 31.
31		<b>Senate</b>	Modifies section 409.9113, F.S. to include programs accredited by the Council on Postdoctoral Training of the American Osteopathic Association to be included with DSH Hospital funding distributions consistent with the Medicaid Supplemental Hospital Funding Programs Model incorporated in HB 5001.
32		<b>Senate</b>	Modify subsection (1), paragraph (l) of section 409.9122, F.S. to allow the a specialty plan for persons with HIV/AIDS disease currently operating in Broward, Miami Dade, or Palm Beach Counties to expand statewide.