

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SPB 2502

INTRODUCER: For consideration by Appropriations Committee

SUBJECT: Implementing the 2024-2025 General Appropriations Act

DATE: January 30, 2024

REVISED: _____

ANALYST

Urban

STAFF DIRECTOR

Sadberry

REFERENCE

ACTION

Pre-meeting

I. Summary:

SPB 2502 provides the statutory authority necessary to implement and execute the General Appropriations Act (GAA) for Fiscal Year 2024-2025. Statutory changes are temporary and expire on July 1, 2025.

The bill provides an effective date of July 1, 2025, except as otherwise provided.

II. Present Situation:

Article III, s. 12 of the Florida Constitution provides that “[I]laws 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 changing 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 general appropriations act. The statutory changes are effective only for one year and either expire on July 1 of the next fiscal year or the language of the amended statute reverts to the text that existed before the changes made by the bill.

III. Effect of Proposed Changes:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act (GAA) for Fiscal Year 2024-2025.

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. 1002.68, F.S., to extend the timelines for the development and implementation of methodology relating to performance metrics for VPK providers and removes

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

the provision that disqualifies VPK providers based on a failure to meet minimum program assessment composite scores.

Section 4 provides that the amendments to s. 1002.68(4)(a), (c), and (f), (5), and (6)(d) and (e), F.S., expire on July 1, 2025, and the text of that provision reverts back to that in existence on June 30, 2023.

Section 5 amends s. 1011.62(4), F.S., to: (1) authorize the Department of Education (DOE) to use the correct taxable value for fiscal year 2023-2024, per the Department of Revenue (DOR), instead of the certified value from July in the third calculation for Wakulla County in order that the FEFP calculates to provide Wakulla the full appropriated amount, back funded from state funds; and (2) allow the third calculation taxable value to be used to avoid a Prior Period Funding Adjustment.

Section 6 amends s. 1004.6495(10), F.S., to require the state board of education to, by August 1, 2024, establish a state Classification of Instructional Program code for the Florida Postsecondary Comprehensive Transition Program.

Section 7 authorizes the Agency for Health Care Administration (AHCA) to submit budget amendments as needed, notwithstanding ss. 216.181 and 216.292, F.S., to increase budget authority to implement the home and community-based services Medicaid waiver program of the Agency for Persons with Disabilities.

Section 8 authorizes the AHCA to submit a budget amendment requesting additional spending authority to implement the Disproportionate Share Hospital Program.

Section 9 authorizes the AHCA to submit a budget amendment to realign funding priorities within the Medicaid program appropriation categories to address any projected surpluses and deficits.

Section 10 authorizes the AHCA to submit a budget amendment to realign funding within the Florida KidCare program appropriation categories, or to increase budget authority in the Children's Medical Services Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment must be submitted in the last quarter of Fiscal Year 2024-2025.

Section 11 amends s. 381.986(17), F.S., to provide that the Department of Health (DOH) is not required to prepare a statement of estimated regulatory costs when adopting rules relating to medical marijuana testing laboratories, and any such rules adopted prior to July 1, 2025, are exempt from the legislative ratification provision of ss. 120.54(3)(b) and 120.541, F.S. Medical marijuana treatment centers are authorized to use a laboratory that has not been certified by the department until rules relating to medical marijuana testing laboratories are adopted by the department, but no later than July 1, 2025.

Section 12 amends s. 14(1), ch. 2017-232, L.O.F., to provide limited emergency rulemaking authority to the DOH and applicable boards to adopt emergency rules to implement the Medical Use of Marijuana Act (2017). The department and applicable boards are not required to prepare a

statement of estimated regulatory costs when promulgating rules to replace emergency rules, and any such rules are exempt from the legislative ratification provision of ss. 120.54(3)(b) and 120.541, F.S., until July 1, 2025.

Section 13 provides that the amendments to s. 14(1), ch. 2017-232, L.O.F., expire on July 1, 2025, and the text of that provision reverts back to that in existence on June 30, 2019.

Section 14 authorizes the AHCA to submit budget amendments to implement the federally approved Directed Payment Program for hospitals statewide, the Indirect Medical Education Program, and a nursing workforce expansion and education program.

Section 15 authorizes the AHCA to submit budget amendments to implement the federally approved Directed Payment Program and fee-for-service supplemental payments for cancer hospitals that meet certain federal criteria.

Section 16 authorizes the AHCA to submit a budget amendment, including specified information, to implement the Low Income Pool Program.

Section 17 authorizes the AHCA to submit a budget amendment to implement fee-for-service supplemental payments and a directed payment program for physicians and subordinate licensed health care practitioners employed by or under contract with a Florida medical or dental school or a public hospital.

Section 18 authorizes the AHCA to submit a budget amendment requesting budget authority for emergency medical transportation services.

Section 19 allows the Department of Children and Families (DCF) to submit a budget amendment to realign funding within DCF based on the implementation of the Guardianship Assistance Program, including between guardianship assistance payments, foster care Level 1 board payments, and relative and nonrelative caregiver payments for current caseload.

Section 20 authorizes the DCF, DOH and AHCA to submit budget amendments to increase budget authority as necessary to meet caseload requirements for Refugee Programs administered by the federal Office of Refugee Resettlement. Requires the DCF to submit quarterly reports on caseload and expenditures.

Section 21 authorizes the DCF to submit budget amendments to increase budget authority to support the following federal grants: the Supplemental Nutrition Assistance Grant Program, the Pandemic Electronic Benefit Transfer, the American Rescue Plan Grant, the State Opioid Response Grant, the Substance Use Prevention and Treatment Block Grant, and the Mental Health Block Grant.

Section 22 authorizes the DOH to submit a budget amendment to increase budget authority for the Supplemental Nutrition Program for Women, Infants and Children (WIC) and the Child Care Food Program if additional federal revenues become available.

Section 23 authorizes the DOH to submit a budget amendment to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues become available.

Section 24 authorizes the DOH to submit a budget amendment to increase budget authority for DOH if additional federal revenues specific to COVID-19 become available.

Section 25 authorizes the balance of any appropriation from the General Revenue Fund for the Pediatric Rare Disease Research Grant, which is not disbursed but which is obligated pursuant to contract or committed to be expended by June 30 of the fiscal year in which the funds are appropriated may be carried forward for up to 5 years after the effective date of the original appropriation.

Section 26 requires the AHCA to replace the current Florida Medicaid Management Information System and provides requirements of the system. This section also establishes the executive steering committee (ESC) membership, duties and the process for the ESC meetings and decisions. Provides requirements for deliverables-based fixed price contracts.

Section 27 requires the AHCA, in consultation with the DOH, Agency for Persons with Disabilities (APD), DCF, and the Department of Corrections (DOC), to competitively procure a contract with a vendor to negotiate prices for prescriptions drugs, including insulin and epinephrine, for all participating agencies. The contract must require that the vendor be compensated on a contingency basis paid from a portion of the savings achieved through the negotiation and purchase of prescription drugs.

Section 28 authorizes the APD to submit budget amendments to transfer funding from salaries and benefits to contractual services in order to support additional staff augmentation at the Developmental Disability Centers.

Section 29 authorizes the Florida Department of Veterans' Affairs (DVA) to submit a budget amendment to the Legislative Budget Commission if DVA projects that additional direct care staff are needed to meet its established staffing ratio.

Section 30 amends s. 409.915(1), F.S., to provide that the term "state Medicaid expenditures" does not include funds specially assessed by any local governmental entity and used as the nonfederal share for the hospital Directed Payment Program after July 1, 2021.

Section 31 amends s. 216.262(4), F.S., to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue during Fiscal Year 2024-2025 for the Department of Corrections (DOC) if the actual inmate population of the DOC exceeds certain Criminal Justice Estimating Conference forecasts. Subject to Legislative Budget Commission (LBC) review and approval, the additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population.

Section 32 amends s. 215.18(2), F.S., to provide the Chief Justice of the Supreme Court the authority to request a trust fund loan.

Section 33 requires the Department of Juvenile Justice (DJJ) to review county juvenile detention payments to ensure that counties are fulfilling their financial responsibilities. If the department determines that a county has not met its obligations, Department of Revenue must deduct the amount owed to the DJJ from shared revenue funds provided to the county under s. 218.23, F.S.

Section 34 reenacts ss. 27.40(1), (2)(a), (3)(a), and (5)-(7), F.S., to continue to require written certification of conflict by the public defender or regional conflict counsel before a court may appoint private conflict counsel.

Section 35 provides that the amendments to s. 27.40(1), (2)(a), (3)(a), (5)-(7), F.S., expire July 1, 2025, and the text of that section reverts to that in existence on June 30, 2019.

Section 36 amends s. 27.5304(6) and (13), F.S., to create a rebuttable presumption of correctness for objections to billings made by the Justice Administrative Commission and provides requirements for payments to private counsel. This section reenacts s. 27.5304(1), (3), (7), (11), and (12)(a)-(e), F.S., to increase caps for compensation of court appointed counsel in criminal cases.

Section 37 provides that the amendments to s. 27.5304(1), (3), (6), (7), (11), and (12)(a)-(e), F.S., expire July 1, 2025, and the text of that section reverts to that in existence on June 30, 2019.

Section 38 amends s. 934.50(7)(f), F.S., notwithstanding subsection (7), to create the drone replacement program within the Department of Law Enforcement; and authorize the department to provide any drones turned in to the Florida Center for Cybersecurity for analysis.

Section 39 requires the Department of Management Services (DMS) and state agencies to utilize a tenant broker to renegotiate private lease agreements that expire between July 1, 2025, and June 30, 2027, and are in excess of 2,000 square feet, and to submit a report by November 1, 2024.

Section 40 provides that, notwithstanding s. 216.292(2)(a), F.S., which authorizes transfers of up to five percent of approved budget between categories, agencies may not transfer funds from a data center appropriation category to a category other than a data center appropriation category.

Section 41 authorizes the EOG to transfer funds in the appropriation category “Special Categories-Risk Management Insurance” between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance.

Section 42 authorizes the EOG to transfer funds in the appropriation category “Special Categories - Transfer to the DMS - Human Resources Services Purchased per Statewide Contract” between departments, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS for human resources management services.

Section 43 authorizes the DMS to use five percent of facility disposition funds from the Architects Incidental Trust Fund to offset relocation expenses associated with the disposition of state office buildings.

Section 44 authorizes the DMS, notwithstanding s. 253.025(4), F.S., to acquire additional state-owned office buildings or property for inclusion in the Florida Facilities Pool.

Section 45 defines the components of the Florida Accounting Information Resource subsystem (FLAIR) and Cash Management System (CMS) included in the Department of Financial Services Planning Accounting and Ledger Management (PALM) system. This section also provides the executive steering committee membership and the procedures for executive steering committee meetings and decisions.

Section 46 reenacts s. 282.709(3), F.S., to carryforward the DMS's authority to execute a 15-year contract with the SLERS operator.

Section 47 provides that the text of s. 282.709(3), F.S., expires July 1, 2025, and the text of that section reverts to that in existence on June 1, 2021.

Section 48 authorizes state agencies and other eligible users of the SLERS network to utilize the DMS state SLERS contract for the purchase of equipment and services.

Section 49 authorizes a reduction of the MyFloridaMarketPlace (MFMP) transaction fee from one percent to .70 percent for Fiscal Year 2024-2025.

Section 50 amends s. 717.123(3), F.S., effective upon becoming a law, to increase the cap under which the Department of Financial Services is authorized to retain unclaimed property funds that would otherwise be required to be distributed to the State School Fund.

Section 51 amends s. 120.80(13), F.S., to provide that for the 2024-2025 fiscal year, the Public Service Commission (PSC) is exempt from rule ratification when regulatory assessment fees adopted pursuant to ss. 350.113, 364.336, 366.14, 367.145, and 368.109, F.S., are set within statutory limits.

Section 52 amends s. 215.18(3), F.S., to authorize loans to land acquisition trust funds within several agencies.

Section 53 provides that, in order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services (DACCS), the DEP, the Fish and Wildlife Conservation Commission (FWC), and the Department of State (DOS), the DEP will transfer a proportionate share of revenues in the Land Acquisition Trust Fund within the DEP on a monthly basis, after subtracting required debt service payments, to each agency and retain a proportionate share within the Land Acquisition Trust Fund within the DEP. Total distributions to a land acquisition trust fund within the other agencies may not exceed the total appropriations for the fiscal year. The section further provides that DEP may advance funds from the beginning unobligated fund balance in the Land Acquisition Trust Fund to LATF within the FWC for cash flow purposes.

Section 54 amends s. 259.105(3), F.S., to notwithstanding the Florida Forever statutory distribution and authorize the use of funds from the trust fund as provided in the GAA.

Section 55 amends s. 376.3071(15)(g), F.S., to revise the requirements for the usage of the trust fund for ethanol or biodiesel damage.

Section 56 provides that the amendment to s. 376.3071(15)(g), F.S., expires July 1, 2025, and the text of that section reverts to that in existence on July 1, 2020.

Section 57 provides that, notwithstanding ch. 287, F.S., the Department of Citrus is authorized to enter into agreements to expedite the increased production of citrus trees that show tolerance or resistance to citrus greening and to advance technologies leading to the creation of a genetically engineered self-limiting strain of an Asian citrus Psyllid for population suppression.

Section 58 creates s. 601.295, F.S., to create the Citrus Recovery Loan Program within the DACS to provide a financing tool for commercial citrus growers for the recovery and reestablishment of citrus groves.

Section 59 creates the Local Government Water Supply Grant Program within the DEP to provide funds to local governments for water supply infrastructure, including distribution and transmission facilities.

Section 60 amends s. 380.5105, F.S., to add a capital outlay grant program to the Stan Mayfield Working Waterfronts Program. The grant program is created within DEP to provide funding to assist commercial fishermen and seafood houses in maintaining their operations.

Section 61 provides that the amendments to s. 380.5105, F.S., expire July 1, 2025, and the text of that section reverts to that in existence on June 30, 2024.

Section 62 amends s. 321.04(3)(b) and (5), F.S., to provide that for Fiscal Year 2024-2025, the Department of Highway Safety and Motor Vehicles may assign a patrol officer to a Cabinet member if the department deems such assignment appropriate or if requested by such Cabinet member in response to a threat. Additionally, the Governor may request the department to assign one or more highway patrol officers to the Lieutenant Governor for security services.

Section 63 amends s. 288.80125(4), F.S., to allow funds to be used for the Rebuild Florida Revolving Loan Fund Program to provide assistance to businesses impacted by Hurricane Michael as provided in the GAA.

Section 64 amends s. 288.8013(3), F.S., to no longer require the interest earned on the Triumph funds to be transferred back into the Triumph Gulf Coast Trust Fund, no other deposits are made into this trust fund. Funds may be used for administrative costs including costs in excess of the statutory cap.

Section 65 provides that the amendment to s. 288.8013(3), F.S., expires July 1, 2025, and the text of that section reverts to that in existence on June 30, 2023.

Section 66 amends s. 339.08(4) F.S., to authorize funds appropriated to the State Transportation Trust Fund from the General Revenue Fund to be used as provided in the GAA.

Section 67 amends s. 339.135(7)(h), F.S., to authorize the chair and vice chair of the Legislative Budget Commission (LBC) to approve, pursuant to s. 216.177, F.S., a Department of Transportation (DOT) work program amendment that adds a new project, or a phase of a new project, in excess of \$3 million, if the LBC does not meet or consider, within 30 days of submittal, the amendment by the DOT.

Section 68 creates s. 250.245, F.S., to establish the Florida National Guard Joint Enlistment Enhancement Program (JEEP) within the Department of Military Affairs to provide bonuses to certain guardsmen in an effort to bolster recruitment efforts and increase the force structure of the Florida National Guard.

Section 69 amends s. 288.0655(7), F.S., to authorize rural Florida Panhandle counties to participate in the Rural Infrastructure Fund grant program as authorized in the GAA.

Section 70 authorizes the Division of Emergency Management to submit budget amendments to increase budget authority for projected expenditures due to federal reimbursements from federally declared disasters.

Section 71 amends s. 112.061(4)(d), F.S., to permit a lieutenant governor who resides outside of Leon County to designate an official headquarters in his or her county as his or her official headquarters for purposes of s. 112.061, F.S. A lieutenant governor for whom an official headquarters in his or her county of residence may be paid travel and subsistence expenses when travelling between their official headquarters and the State Capitol to conduct state business.

Section 72 requires the DMS to assess an administrative health insurance assessment to each state agency equal to the employer's cost of individual employee health care coverage for each vacant position within such agency eligible for coverage through the Division of State Group Insurance.

Section 73 provides that, notwithstanding s. 11.13, F.S., salaries of legislators must be maintained at the same level as July 1, 2010.

Section 74 reenacts 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 General Appropriations Act.

Section 75 provides that the amendment to s. 215.32(2)(b), F.S., expires July 1, 2025, and the text of that section reverts to that in existence on June 30, 2011.

Section 76 provides that funds appropriated for travel by state employees 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. The agency head is required

to consider the use of teleconferencing and electronic communication to meet needs of the activity before approving travel.

Section 77 provides that, notwithstanding s. 112.061, F.S., costs for lodging associated with a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed \$225 per day. An employee may expend his or her own funds for any lodging expenses in excess of \$225.

Section 78 amends s. 216.292, F.S. to require transfers to comply with ch. 216, F.S., maximize the use of available and appropriate funds, and not be contrary to legislative policy and intent.

Section 79 provides that, notwithstanding ch. 287, F.S., state agencies are authorized to purchase vehicles from non-State Term Contract vendors provided certain conditions are met.

Section 80 provides that, notwithstanding s. 255.25(3)(a), F.S., the Department of Management Services, the Executive Office of the Governor, the Commissioner of Agriculture, the Chief Financial Officer, and the Attorney General are authorized to enter into a lease as a lessee for the use of space in a privately owned building, even if such space is 5,000 square feet or more, without having to advertise or receive competitive solicitations.

Section 81 requires the DEP to purchase lands within certain land areas; requires DEP in order to reduce land management costs to provide a lease back option to the sellers under certain circumstances.

Section 82 authorizes the EOG to submit a budget amendment to realign funding within and between agencies in appropriation categories specifically authorized for the implementation of the state's award from the federal Coronavirus State Fiscal Recovery Fund (Public Law Number 117-2).

Section 83 specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 84 provides that if any other act passed during the 2024 Regular Session contains a provision that is substantively the same as a provision in this act, but removes or otherwise is not subject to the future repeal applied by this act, the intent is for the other provision to take precedence and continue to operate.

Section 85 provides for severability.

Section 86 provides for a general effective date of July 1, 2024 (except as otherwise provided).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Because SPB 2502 implements provisions of SPB 2500, the Senate Proposed GAA for Fiscal Year 2024-2025, no direct fiscal impacts are created by this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.061, 120.80, 215.18, 216.262, 216.292, 259.105, 288.0655, 288.80125, 321.04, 339.135, 339.08, 380.5105, 381.986, 409.915, 717.123, 934.50, 1002.68, and 1004.6495.

This bill creates section 601.295 of the Florida Statutes.

This bill and creates undesignated sections of Florida Law.

This bill reenacts the following sections of the Florida Statutes: 27.40, 27.5304, 215.32, 250.245, 282.709, 288.8013, and 376.3071.

IX. Additional Information:

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
