

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

HB 5003 — Implementing the 2018-2019 General Appropriations Act
by Appropriations Committee and Representative Trujillo (SB 2502 by Appropriations Committee)

HB 5003, relating to implementing the 2018-2019 General Appropriations Act, provides the following substantive modifications for the 2018-2019 fiscal year:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2018-2019.

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 provides that funds provided for instructional materials shall be released and expended as required in the proviso language attached to Specific Appropriation 92.

Section 4 amends s. 1011.62, F.S., to create the funding compression allocation within the FEFP to provide additional funding for school districts whose total funds per FTE in the prior year were less than the statewide average.

Section 5 amends s.1001.26, F.S., to allow public colleges or universities that are part of the public broadcasting system to qualify for state funding.

Section 6 reverts the language of s. 1001.26, F.S., to the text in effect on June 30, 2018.

Section 7 notwithstanding s. 212.099, F.S., to require for the 2018-2019 fiscal year that Florida Sales Tax Credit Program funds be used solely for the Florida Tax Credit Scholarship.

Section 8 amends s. 1009.986, F.S., to authorize Florida ABLE, Inc. to determine whether to require residency as a condition of participation based on market research and estimated operating revenues and costs.

Section 9 reverts the language of s. 1009.986, F.S., to the text in effect on June 30, 2016.

Section 10 amends s. 1009.986, F.S., to change the priority of distribution of funds in an ABLE account upon the death of a designated beneficiary. Funds must first be distributed for qualified disability expenses and then transferred to the estate of the designated beneficiary or an ABLE account of another eligible individual specified by the designated beneficiary or his or her estate.

Section 11 reverts the language of s. 1009.986, F.S., to the text in effect on June 30, 2016.

Section 12 amends s. 1009.215, F.S., to authorize fall term awards for University of Florida Innovation Academy students when summer funding is provided for other Bright Futures recipients.

Section 13 reverts the language of s. 1009.215, F.S., to the text in effect on June 30, 2018.

Section 14 provides that the calculations of the Medicaid Disproportionate Share Hospital program for the 2018-2019 fiscal year contained in the document titled “Medicaid Hospital Funding Program,” dated January 26, 2018, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of state law, in making appropriations for the Medicaid Disproportionate Share Hospital and hospital reimbursement program. This section expires on July 1, 2019.

Section 15 authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health for the Children’s Medical Services (CMS) Network for the implementation of Statewide Medicaid Managed Care, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network. This section expires on July 1, 2019.

Section 16 provides direction to the Agency for Persons with Disabilities for setting iBudget amounts for clients receiving Home and Community-Based Waiver services. It also provides parameters under which a client’s iBudget amount may be increased. This section expires on July 1, 2019.

Section 17 amends s. 409.908(2), F.S., relating to Medicaid nursing home reimbursement under the prospective payment system, to modify the parameters upon which Medicaid nursing home prospective payments rates are to be calculated when implemented on October 1, 2018. The direct care subcomponent is changed from 100 percent of the median cost to 105 percent, and the quality incentive payment pool subcomponent is changed from 6 percent to 8.5 percent of the September 2016 non-property payments of included facilities. This section is effective October 1, 2018.

Section 18 amends s. 409.908(23), F.S., relating to Medicaid rate setting for specified provider types, to specify the prospective payment system reimbursement for nursing home services will be governed by s. 409.908(2), F.S., and the General Appropriations Act. Language relating to county health department reimbursement is restructured but not changed substantively. This section is effective October 1, 2018.

Section 19 provides for the reversion of statute language for s. 409.908(2) and (23), F.S., back to the language as it existed on October 1, 2018.

Section 20 directs the Agency to seek federal authorization from federal CMS to modify the period of retroactive Medicaid eligibility for non-pregnant adults to be from the first day of the month in which the person applies for Medicaid.

Section 21 amends s. 893.055(18), F.S., relating to the prescription drug monitoring program to prohibit the use of any settlement agreement funds for the program for Fiscal Year 2018-2019.

Section 22 amends s. 409.911, F.S., to provide that, for the 2018-2019 fiscal year, the AHCA must distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the General Appropriations Act for Fiscal Year 2018-2019.

Section 23 amends s. 409.9113, F.S., to provide that, for the 2018-2019 fiscal year, the AHCA must make disproportionate share payments to teaching hospitals, as defined in s. 408.07, as provided in the General Appropriations Act for Fiscal Year 2018-2019.

Section 24 amends s. 409.9119, F.S., to provide, that, for the 2018-2019 fiscal year, the AHCA must make disproportionate share payments to specialty hospitals for children as provided in the General Appropriations Act for Fiscal Year 2018-2019.

Section 25 allows the Agency for Health Care Administration to submit a budget amendment to realign funding priorities within appropriation, to address any projected surpluses and deficits.

Section 26 amends ss. 39.6251, F.S., relating to continuing care for young adults, to conform to additional federal requirements for extending foster care to the age of 21.

Section 27 amends s. 409.166(4) and (5), F.S., to provide adoption subsidies for qualifying adoptees up to age 21.

Section 28 provides for the reversion of statute language for ss. 39.6251 and 409.166, F.S., back to the language as it existed on June 30, 2018

Sections 29 and 30 amend ss. 381.986 and 381.988, F.S., to provide that rules relating to medical marijuana adopted prior to July 1, 2019 are exempt from the legislative ratification provision of s. 120.541(3), F.S.

Section 31 amends section 296.37, F.S., to increase the personal needs allowance from \$105 to \$130 for residents of Department of Veterans' Affairs nursing facilities.

Section 32 amends s. 216.262, F.S., to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue funds during the 2018-2019 fiscal year for the Department of Corrections (DOC), if the actual inmate population of the DOC exceeds the Criminal Justice Estimating Conference forecasts from December 20, 2017. 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, and are subject to Legislative Budget Commission review and approval.

Section 33 amends s. 215.18, F.S., to provide the Chief Justice of the Florida Supreme Court the authority to request a trust fund loan to ensure the state court system has sufficient funds to meet its appropriations contained in the General Appropriations Act for Fiscal Year 2018-2019.

Section 34 authorizes the Department of Corrections to transfer funds from appropriation categories within the department, other than fixed capital outlay, into the Inmate Health Services category to continue to meet the current level of health care services. These transfers are subject to the notice, review, and objection procedures of s. 216.177, F.S. This section expires on July 1, 2019.

Section 35 requires the Department of Juvenile Justice to ensure that counties are fulfilling their financial responsibilities and to report any deficiencies to the Department of Revenue. If the Department of Juvenile Justice determines that a county has not met its obligations, it must direct the Department of Revenue to deduct the amount owed to the Department of Juvenile Justice from shared revenue funds provided to the county under s. 218.23, F.S. The section also includes procedures to provide assurance to holders of bonds for which shared revenue fund distributions are pledged. This section expires on July 1, 2019.

Section 36 prohibits the payment of reimbursement or application of credits to a nonfiscally constrained county for any previous overpayment of juvenile detention costs to offset detention share costs owed pursuant to s. 985.686, F.S., or any other law during Fiscal Year 2018-2019. This section expires on July 1, 2019.

Section 37 amends s. 27.5304, F.S., to increase, for the 2018-2019 fiscal year, the statutory compensation limits for fees paid to court-appointed attorneys in noncapital, nonlife felony and life felony cases. The Legislature may establish the actual amounts paid to attorneys in these categories in the General Appropriations Act for Fiscal Year 2018-2019. This section expires on July 1, 2019.

Section 38 requires clerks to pay costs of compensation to jurors, for meals or lodging provided to jurors, and for jury-related personnel costs that exceed funding in the General Appropriations Act for these purposes. This section expires on July 1, 2019.

Section 39 amends s. 318.18, F.S., to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

Section 40 provides that the amendment to s. 318.18, F.S., made in section 39 of this act expires July 1, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 41 amends s. 817.568, F.S., to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

Section 42 provides that the amendment to s. 817.568, F.S., made in section 41 of this act expires July 1, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 43 transfers remaining revenue balances from the Public Defenders Trust Fund to the Indigent Criminal Defense Trust Fund. This section expires on July 1, 2019.

Section 44 amends s. 1011.80, F.S., to allow state funds to be used for the operation of postsecondary workforce programs for state or federal inmates if specifically appropriated for such purpose in the General Appropriations Act for Fiscal Year 2018-2019. This allows the Department of Corrections to use state funds appropriated through CareerSource Florida.

Section 45 provides that the amendment to s. 1011.80, F.S., made in section 44 of this act expires July 1, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 46 permits a Supreme Court justice who resides outside of Leon County to designate an official headquarters in the district in which he or she resides. The justice is eligible to receive subsistence at a rate to be established by the Chief Justice for each day or partial day that the justice is at the headquarters of the Supreme Court (Leon County) to conduct court business. In addition, the justice is eligible for reimbursement of travel expenses for travel between the justice's official headquarters and the headquarters of the Supreme Court. This section expires on July 1, 2019.

Section 47 requires the Department of Management Services (DMS) and agencies to utilize a tenant broker to renegotiate private lease agreements, in excess of 2,000 square feet, expiring before June 30, 2021. This section expires on July 1, 2019.

Section 48 continues the online procurement system transaction fee authorized in ss. 287.042(1)(h)1 and 287.057(22)(c), F.S., at 0.7 percent for the 2018-2019 fiscal year only. This section expires on July 1, 2019.

Section 49 prohibits an agency from transferring funds from a data processing category to any category other than another data processing category. This section expires on July 1, 2019.

Section 50 authorizes the Executive Office of the Governor (EOG) to transfer funds in the specific appropriation category "Data Processing Assessment - Agency for State Technology" between agencies, in order to align the budget authority granted with the Agency for State Technology estimated billing cycle and methodology. This section expires on July 1, 2019.

Section 51 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. This section expires on July 1, 2019.

Section 52 authorizes the EOG to transfer funds in the appropriation category “Special Categories - Transfer to DMS - Human Resources Services Purchased Per Statewide Contract” of the General Appropriations Act for Fiscal Year 2018-2019 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. This section expires on July 1, 2019.

Section 53 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 (ESC) membership and the process for ESC meetings and decisions. This section expires on July 1, 2019.

Section 54 transfers the Agency for State Technology Budget and Policy Section, Cost Recovery Section, and administrative rules in chapter 74-3 to the DMS. This section expires on July 1, 2019.

Section 55 directs the DMS to provide financial management oversight and legislative budget request support to the Agency for State Technology (AST). This section expires on July 1, 2019.

Section 56 directs the Department of Environmental Protection to act as the primary point of contact for statewide geographic information systems and grants, coordinate and promote statewide geospatial data sharing. This section expires on July 1, 2019.

Section 57 removes financial management duties from the AST provided by the DMS. Also, removes specific designation of some AST positions.

Section 58 creates a new definition and revises several current definitions to align with the assessment of administrative costs to customers.

Section 59 removes specific financial management duties including annual reconciliation, billing and refunds, and estimating customer costs from the AST.

Section 60 removes customer-billing duties from the AST.

Section 61 provides that the amendments to ss. 20.61, 282.0041, 282.0051, and 282.201, F.S., expires July 1, 2019, and shall revert to that in existence on June 30, 2018.

Section 62 directs executive branch state agencies and the judicial branch to collaborate with the EOG and the DMS to implement and utilize the statewide travel management system.

Section 63 amends s. 216.181(11)(d), F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the Fish and Wildlife Conservation Commission or the DEP for fixed capital outlay projects. The increase in fixed capital outlay budget authority is authorized for funds provided to the state from the Gulf Environmental Benefit Fund administered by the National Fish and Wildlife Foundation, the Gulf Coast Restoration Trust Fund related to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act), or from British Petroleum Corporation (BP) for natural resources damage assessment early restoration projects. Any continuing commitment for future appropriations by the Legislature must be identified specifically.

Section 64 amends s. 215.18, F.S., to authorize the Governor to temporarily transfer moneys, from one or more of the trust funds in the State Treasury, to a land acquisition trust fund (LATF) within the Department of Agriculture and Consumer Services, the DEP, the Department of State, or the Fish and Wildlife Conservation Commission, whenever there is a deficiency that would render the LATF temporarily insufficient to meet its just requirements, including the timely payment of appropriations from that trust fund. These funds must be expended solely and exclusively in accordance with Art. X, s. 28 of the Florida Constitution. This transfer is a temporary loan, and the funds must be repaid to the trust funds from which the moneys are loaned by the end of the 2018-2019 fiscal year. Any action proposed pursuant to this subsection is subject to the notice, review, and objection procedures of s. 216.177, F.S., and the Governor shall provide notice of such action at least seven days before the effective date of the transfer of trust funds. This section expires on July 1, 2019.

Section 65 provides that, in order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the DEP, the Fish and Wildlife Conservation Commission, and the Department of State, 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 Fish and Wildlife Conservation Commission for cash flow purposes. This section expires on July 1, 2019.

Section 66 amends s. 375.041, F.S., to reduce funding from the Land Acquisition Trust Fund for restoration of Lake Apopka for the 2018-2019 fiscal year.

Section 67 reenacts s. 373.470, F.S. to amend match requirements of the South Florida Water Management District for Everglades Restoration funded from the Save Our Everglades Trust Fund. This section will require the match from SFWMD for Everglades Restoration to be funded from the Land Acquisition Trust Fund.

Section 68 provides that the amendment to s. 373.470, F.S., expires July 1, 2019, and shall revert to that in existence on June 30, 2017.

Section 69 amends s. 216.181, F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the Department of Environmental Protection for fixed capital outlay projects. The increase is authorized for funds provided to the state from the Trustee of the Environmental Mitigation Trust administered by Wilmington Trust for violation of the Clean Air Act by Volkswagen.

Section 70 provides for the specific amounts from the Florida Forever Trust to the Division of State Lands, Florida Communities Trust, Stan Mayfield Working Waterfronts, and the Florida Recreation Development Assistance Program (FRDAP).

Section 71 amends s. 375.075, F.S., to require the Department of Environmental Protection to conduct a separate grant application process and ranking within the FRDAP specifically for parks that provide recreational access and educational opportunities for children, with priority given to projects that serve the needs of children with unique abilities.

Section 72 provides that South Florida Water Management District (SFWMD) shall permit agricultural operators to continue to farm on lands owned or controlled by the state or the SFWMD identified as necessary for an Everglades Agricultural Area reservoir project until the farming operations are incompatible with the project.

Section 73 amends s. 427.013, F.S., to authorize the Commission for the Transportation Disadvantaged during the 2018-2019 fiscal year to make:

- Distributions to community transportation coordinators who operate in counties that do not receive federal Urbanized Area Formula Funds to provide transportation disadvantaged services; and
- Competitive grants to community transportation coordinators to support transportation projects that enhance access to specified activities, assist in development of transportation systems in nonurbanized areas, promote efficient coordination of services, support inner-city bus transportation, and encourage private transportation providers to participate.

Section 74 amends s. 420.9079, F.S., relating to the Local Government Housing Trust Fund, to allow funds to be used as provided in the GAA for the 2018-2019 fiscal year.

Section 75 amends s. 420.0005, F.S., relating to the State Housing Trust Fund, to allow funds to be used as provided in the GAA for the 2018-2019 fiscal year.

Section 76 amends s. 321.04, F.S., to provide that for the 2018-2019 fiscal year, the Department of Highway Safety and Motor Vehicles may assign a patrol officer to the Lieutenant Governor, at his or her discretion, and to a Cabinet member if the department deems such assignment appropriate or if requested by such Cabinet member in response to a threat.

Section 77 amends s. 339.135, F.S., to require the Department of Transportation to reduce all work program items identified as a reserve box in order to fund specific appropriations added to the work program in the General Appropriations Act for Fiscal Year 2018-2019.

Section 78 amends s. 216.292(2)(a), F.S., to grant broader legislative review of any “five percent” budget transfers. For the 2018-2019 fiscal year, the review must ensure the proposed action maximizes the use of available and appropriate trust funds, does not exceed delegated authority and is not contrary to legislative policy and intent.

Section 79 provides that no state agency may initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would require a change in law or require a change to the agency's budget other than a transfer authorized in s. 216.292(2) or (3), F.S., unless the initiation of such competitive solicitation is specifically authorized in law or in the General Appropriations Act or by the Legislative Budget Commission.

Section 80 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. This requirement applies to state employee reassignments regardless of which agency (sending or receiving) is responsible for pay and benefits of the assigned employee.

Section 81 maintains legislative salaries at the July 1, 2010, level.

Section 82 amends 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 2018-2019 General Appropriations Act.

Section 83 reverts the language of s. 215.32(2)(b), F.S., to the text in effect on June 30, 2011.

Section 84 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 activity before approving travel.

Section 85 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 150 dollars per day. An employee may expend his or her own funds for any lodging expenses in excess of 150 dollars.

Section 86 provides that a state agency may not enter into a contract containing a nondisclosure clause that prohibits a contractor from disclosing to members or staff of the Legislature information relevant to the performance of the contract.

Section 87 requires the Department of Management Services to develop and establish the enrollee premium rates for the 2019 plan year for the State Employee Health Insurance Program.

The rates must be calculated within certain parameters. The department must establish the rates no later than August 15, 2018, and the Legislature may object to such rates by August 31, 2018.

Section 88 specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 89 provides that a permanent change made by another law to any of the same statutes amended by this bill will take precedence over the provision in this bill.

Section 90 provides a severability clause.

Section 91 provides effective dates.

If approved by the Governor, these provisions take effect July 1, 2018, except where otherwise expressly provided.

Vote: Senate 30-6; House 94-11