

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2502 — Implementing the 2021-2022 General Appropriations Act
by Appropriations Committee

The bill provides the following substantive modifications for Fiscal Year 2021-2022:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act (GAA) for Fiscal Year 2021-2022.

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 GAA.

Section 4 amends s. 1013.62, F.S., to provide that charter school capital outlay funding for Fiscal Year 2021-2022 will consist of state funds appropriated by the Legislature in the GAA.

Section 5 provides that the amendments to s. 1013.62, F.S., expire on July 1, 2022, and the text of that section reverts to that in existence on June 30, 2021.

Section 6 amends s. 1011.62, F.S., to modify 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 7 reenacts s. 1001.26, F.S., to continue to allow public colleges or universities that are not part of the public broadcasting program system to qualify to receive state funds.

Section 8 provides that the amendments to s. 1001.26, F.S., expire on July 1, 2022, and the text of that section reverts to that in existence on June 30, 2018.

Section 9 provides that the calculations of the Hospital Reimbursement program for Fiscal Year 2021-2022, which is contained in the document titled “Hospital Reimbursement Program, Fiscal Year 2021-2022” dated April 27, 2021, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature.

Section 10 authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health (DOH) for the Children’s Medical Services (CMS) Network for the implementation of the Statewide Medicaid Managed Care program, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network.

Section 11 authorizes the AHCA to submit a budget amendment to realign funding within the Medicaid program appropriation categories to address projected surpluses and deficits within the program and to maximize the use of state trust funds.

Section 12 authorizes the AHCA to submit a budget amendment to realign funding between the AHCA and the DOH within the Florida KidCare program appropriation categories, or to increase budget authority in the CMS Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds.

Section 13 amends s. 381.986, F.S., to provide that the 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, 2022, are exempt from the legislative ratification provision of s. 120.541(3), F.S.

Section 14 amends s. 381.988, F.S., to provide that the 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, 2022, are exempt from the legislative ratification provision of s. 120.541(3), F.S.

Section 15 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 s. 120.541(3), F.S., until July 1, 2022.

Section 16 provides that the amendments to s. 14(1), ch. 2017-232, L.O.F., expire on July 1, 2022, and the text of that provision reverts back to that in existence on June 30, 2019.

Section 17 authorizes the AHCA to establish a directed payment program for hospitals providing inpatient and outpatient care to Medicaid Managed Care enrollees. Allows the AHCA to submit a budget amendment.

Section 18 authorizes the DCF to submit a budget amendment to realign funding within the DCF based on the implementation of the Guardianship Assistance Program.

Section 19 authorizes the DCF to submit a budget amendment to realign funding within the Family Safety Program to maximize the use of Title IV-E and other federal funds.

Section 20 authorizes the DOH to submit a budget amendment to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues specific to HIV/AIDS prevention and treatment become available in Fiscal Year 2021-2022.

Section 21 requires the AHCA to replace the current Florida Medicaid Management Information System and provides requirements of the system. This section also establishes an executive steering committee, membership, duties, and the processes and committee meetings and decisions.

Section 22 amends s. 409.916, F.S., to allow for funds in the Grants and Donations Trust Fund to be used for purposes specified in the General Appropriations Act.

This section is effective upon becoming a law.

Section 23 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 Fiscal Year 2021-2022 for the Department of Corrections (DOC), if the actual inmate population of the DOC exceeds the Criminal Justice Estimating Conference forecasts of March 17, 2021. 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 24 amends s. 1011.80(8)(b), F.S., to authorize the expenditure of appropriations for the education of state or federal inmates to the extent funds are specifically appropriated for postsecondary workforce programs.

Section 25 provides that the amendments to s. 1011.80(8)(b), F.S., expire on July 1, 2022, and the text of that section reverts back to that in existence on July 1, 2019.

Section 26 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 GAA for Fiscal Year 2021-2022.

Section 27 requires the Department of Juvenile Justice to ensure that counties are fulfilling their financial responsibilities required in s. 985.6865, F.S., 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. to be deposited into the Shared County/State Juvenile Detention Trust Fund in Department of Juvenile Justice. The section also includes procedures to provide assurance to holders of bonds for which shared revenue fund distributions are pledged.

Section 28 reenacts s. 27.40, 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 29 provides that the amendments to s. 27.40(1), (2)(a), (3)(a), (5), (6), (7), and (11), F.S., expire on July 1, 2022, and the text of those provisions reverts to that in existence on June 30, 2019.

Section 30 amends s. 27.5304(13), F.S., to continue the creation of a rebuttable presumption of correctness for objections to billings made by the Justice Administrative Commission and provision of requirements for payments to private counsel and reenacts s. 27.5304(1), (3), (7), and (11), and 12(a)?(e), F.S., to continue the increase on caps for compensation of court appointed counsel in criminal cases.

Section 31 provides that the amendments to s. 27.5304(1), (3), (7), (11), and (12)(a) – (e) expire on July 1, 2022, and the text of those provisions reverts to that in existence on June 30, 2019.

Section 32 reenacts s. 20.316, F.S., to continue the creation of the Accountability and Program Support Program in the Department of Juvenile Justice.

Section 33 provides that the amendments to s. 20.316(2) and (3), F.S., expire July 1, 2022 and the text of that section shall revert to that in existence on June 30, 2020.

Section 34 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, 2024.

Section 35 prohibits an agency from transferring funds from a data processing category to any category other than another data processing category.

Section 36 authorizes the Executive Office of the Governor (EOG) to transfer funds in the specific appropriation category “Data Processing Assessment – Department of Management Service” between agencies, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS.

Section 37 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 38 authorizes the EOG to transfer funds in the appropriation category “Special Categories - Transfer to DMS - Human Resources Services Purchased per Statewide Contract” of the GAA for Fiscal Year 2021-2022 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 39 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 40 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 Department of Environmental Protection (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 State 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 Fiscal Year 2020-2021. 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.

Section 41 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.

Section 42 amends s. 375.041(3)(b), F.S., to provide that the distribution from the Land Acquisition Trust Fund for restoration of Lake Apopka is as specified in the GAA.

Section 43 reenacts s. 570.93(1)(a), F.S., to continue the revision of the agricultural water conservation program to enable cost-share funds to continue to be used for irrigation system retrofits and mobile irrigation lab evaluations. The revision also permits the funds to be expended on additional water conservation activities pursuant to s. 403.067(7)(c), F.S.

Section 44 provides that the amendments to s. 570.93(1)(a), F.S., expires on July 1, 2022, and the text of that section reverts to that in existence on June 30, 2019.

Section 45 amends s. 259.105(3)(m), F.S., to provide for distribution of a specified amount from the Florida Forever Trust to the Florida Recreation Development Assistance Program within the DEP.

Section 46 amends s. 161.101, F.S., authorizes the DEP to waive or reduce match requirements if beaches are impacted by hurricanes or other storm events within certain communities.

Section 47 reenacts s. 376.3071(15)(g), F.S., to continue revisions to the requirements for the usage of the Inland Protection Trust Fund relating to ethanol or biodiesel damage.

Section 48 provides that the amendment to s. 376.3071(15)(g), F.S., expires on July 1, 2022, and the text of that section reverts to that in existence on July 1, 2020.

Section 49 amends s. 321.04(3)(b) and (5), F.S., to provide that for Fiscal Year 2021-2022, 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 50 amends s. 215.559, F.S., to extend the repeal date for the Hurricane Loss Mitigation Program within the Division of Emergency Management to June 30, 2022.

This section is effective upon becoming a law.

Section 51 amends s. 288.0655, F.S., to continue a grant program for the planning, preparing, and financing of infrastructure projects in six inland panhandle counties.

Section 52 amends s. 288.80125, F.S., to authorize 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 53 amends s. 339.08, F.S., to authorize funds to be transferred from the State Transportation Trust Fund to the General Revenue Fund as specified in the GAA. This section is also amended to authorize funds appropriated to the State Transportation Trust Fund from the General Revenue Fund to be used on State Highway System projects and grants to Florida ports as provided in the GAA.

Section 54 amends s. 339.135(7)(g) and (h), F.S., to authorize the chair and vice chair of the Legislative Budget Commission to approve, pursuant to s. 216.177, F.S., the following work program amendments if the commission does not meet or consider, within 30 days of submittal, the amendment by the Department of Transportation:

- A work program amendment that transfers fixed capital outlay appropriations between categories or increases appropriation categories.
- A work program amendment that adds a new project, or a phase of a new project, in excess of \$3 million.

Section 55 amends s. 341.052, F.S., waives the local match requirements within the Public Transit Block Grant Program for eligible capital projects and public transit operating costs.

Section 56 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

headquarter 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 57 requires the Department of Management Services to maintain and offer, during Fiscal Year 2020-2021, the standard and high deductible PPO and HMO plans that were in effect during Fiscal Year 2019-2020.

Section 58 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 59 maintains salaries of legislators at the same level as July 1, 2010, by notwithstanding s. 11.13, F.S.

Section 60 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 61 provides that the amendment to s. 215.32(2)(b), F.S., expires July 1, 2022, and the text of that section reverts to that in existence on June 30, 2011.

Section 62 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 63 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 \$175.

Section 64 prohibits a state agency from entering into a contract containing a nondisclosure agreement that prohibits a contractor from disclosing information relevant to the performance of the contract to members or staff of the Senate or House.

Section 65 reenacts and amends s. 216.1366, F.S., to require all new state contracts and amended contracts entered on or after July 1, 2021, to authorize public agencies to inspect: a) financial records and documents directly related to the performance of the contract or public expenditures; and b) programmatic records and documents of the contractor which the public agency determines are necessary to monitor performance of the contract or ensure the contract terms are

being met. Contractors are required to provide the requested records and documents within 10 business days after the request by the public agency.

Section 66 amends s. 216.181, F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to state agencies for fixed capital outlay projects using general revenue funds provided the projects are for deferred maintenance needs in state and school facilities.

Section 67 incorporates by reference the Legislative working papers titled "Fiscal Year 2020-2021 Immediate Reversions" filed for the purpose of displaying the calculations used by the Legislature.

Section 68 authorizes agencies, notwithstanding s. 216.181(2)(h), F.S., to issue budget amendments to request salary increases to address pay plan compression issues as a result of raising the minimum wage to \$13 per hour and to authorize retired Florida Commission on Offender Review commissioners to receive \$13 per hour.

Section 69 amends s. 282.709, F.S., to require the Department of Management Services to execute a 15-year contract with the current system operator. The contract must include: the purchase of radios; the upgrade to the Project 25 communications standard; increased system capacity and enhanced coverage for system users; operations, maintenance, and support at a fixed annual rate; the conveyance of communications towers to the department; and the assignment of communications tower leases to the department.

Section 70 provides that the amendments to s. 282.709, F.S., expire July 1, 2022, and the text of that section reverts to that in existence on June 30, 2021.

Section 71 amends s. 350.0614, F.S., to provide that the operating budget as approved jointly by the President and the Speaker from moneys appropriated to the Public Counsel by the Legislature constitutes the allocation under which the Public Counsel will manage the duties of his or her office; and require the Public Counsel to submit annual budget amendments to the Legislature in the format, detail, and schedule determined by the President and the Speaker.

Section 72 provides that in order to expedite the closure of the Piney Point facility located in Manatee County, the Department of Environmental Protection is exempt from the competitive procurement requirements of s. 287.057, Florida Statutes, for any procurement of commodities or contractual services in support of the site closure or to address environmental impacts associated with the system failure.

Section 73 authorizes funds to be provided for the provision of the Continuum of Care program at the Graceville Correctional Facility.

Section 74 reenacts and amends s. 14.25, F.S., to authorize the Governor to award the "Governor's Medal of Freedom" to any person who has made an especially meritorious contribution to the State of Florida or other significant public or private endeavors.

Section 75 specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 76 provides that if any other act passed during the 2021 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 77 provides a severability clause.

Section 78 provides effective dates.

If approved by the Governor, these provisions take effect July 1, 2021, except as otherwise provided.

Vote: Senate 40-0; House 117-1