

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 1502 — Implementing the 2013-2014 General Appropriations Act
by Appropriations Committee

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The bill implements the 2013-2014 General Appropriations Act, SB 1500, and makes the following substantive changes to law for the 2013-2014 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 2013-2014.

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 87.

Section 4 incorporates by reference the document containing the calculations used for district bandwidth support.

Section 5 amends s. 1002.32, F.S., to provide that funds appropriated for capital improvement purposes for lab schools will be divided equally between the schools.

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

Section 7 requires the Department of Children and Families to amend its contracts with each managing entity, as necessary, to remove any contractual provisions that have the effect of requiring a managing entity to conduct a provider network procurement during the 2013-2014 fiscal year.

Section 8 provides requirements to govern the completion of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study and prohibits state agencies from implementing regulations with higher standards than those currently in place until the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study is completed.

Section 9 provides the order that the Agency for Persons with Disabilities will use to transition individuals from the Wait List to the Home and Community Based Services Waiver.

Section 10 amends s. 216.262, F.S., to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue during the 2013-2014 fiscal year for the Department of Corrections (DOC) if the actual inmate population of the DOC exceeds certain Criminal Justice Estimating Conference forecasts. 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 (LBC) review and approval.

Section 11 authorizes Department of Legal Affairs to expend appropriated funds in certain specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years.

Section 12 amends s. 932.7055, F.S., relating to the disbursement of proceeds from the sale of forfeited property to extend for another year the authorization for a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

Section 13 limits the Department of Juvenile Justice's reimbursements for health care services to 110 percent of Medicare allowable rates.

Section 14 amends s. 29.008, F.S., to notwithstanding a provision requiring that counties spend 1.5 percent more on county-funded court system obligations.

Section 15 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, 2016.

Section 16 provides that, notwithstanding the provisions of s. 215.199(2), F.S., funds available in the Audit and Warrant Clearing Trust Fund for subsequent distribution to the General Revenue Fund shall be available to the tax collection provider, as defined in s. 443.036(42), F.S., who shall make the interest payment required by s. 443.131(5), F.S., to the Federal Government in the amount directed by the Governor or the Governor's designee.

Sections 17 and 18 require that the fee for service of process against the Department of Financial Services or Office of Insurance Regulation be deposited to the Administrative Trust Fund rather than the Insurance Regulatory Trust Fund.

Section 19 provides that, notwithstanding s. 161.143, F.S., which requires the Department of Environmental Protection (DEP) to make available at least 10 percent of the total amount appropriated in each fiscal year for statewide beach management for the three highest-ranked projects on the current year's inlet management project list, for the 2013-2014 fiscal year, the amount allocated for inlet management funding is provided in the General Appropriations Act.

Section 20 amends s. 253.01, F.S., to authorize funds to be transferred from the Internal Improvement Trust Fund to the Save Our Everglades Trust Fund, to be used to support Everglades restoration pursuant to s. 216.181(12), F.S.

Section 21 amends s. 375.041, F.S., to provide for allocations from the Land Acquisition Trust Fund to be used for Total Maximum Daily Loads program, and authorizes the transfer of funds to the Save Our Everglades Trust Fund for Everglades restoration, pursuant to s. 216.181(12), F.S.

Section 22 provides that in order to implement Specific Appropriation 1626 of the 2013-2014 General Appropriations Act and, notwithstanding ss. 161.041, 161.055 and 373.427, F.S., and any rules implementing those sections, existing joint coastal permits for projects identified in the proviso following Specific Appropriation 1626 which expire during the 2013-2014 fiscal year are extended until the completion of said projects, to take advantage of time-sensitive full federal emergency funding for sand losses and to address 2012 storm damages to the state's beaches. No fees may be charged for the extension of those existing joint coastal permits and no application is required for any such extension.

Section 23 amends s. 373.472(1), F.S., relating to Save our Everglades Trust Fund to authorize funds to be used for the Long-Term Plan defined in s. 373.4592(2)(j), F.S. (Refers to "Everglades Protection Area Tributary Basins Conceptual Plan for Achieving Long-Term Water Quality Goals Final Report).

Section 24 amends s. 373.59., F.S., to provide for allocation of moneys from the Water Management Lands Trust Fund in an amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Water Management District and the St. Johns Water Management District; to provide that \$8 million be transferred to the General Revenue Fund; and to transfer \$3 million to the Suwannee River Water Management District for springs protection, \$3 million to the Northwest Florida Water Management District for the Apalachicola Bay Water Quality Improvement Projects, \$4 million to the South Florida Water Management District for J.W. Corbett Levee System Improvements, \$1 million to the Southwest Florida Water Management District for Duck Slough / Thousand Oaks flood mitigation; and to specify that remaining funds be distributed to Suwannee River Water Management District. This section also authorizes the transfer of funds from the Water Management Lands Trust Fund to the Save Our Everglades Trust Fund for Everglades Restoration pursuant to s. 216.181(12), F.S.

Section 25 clarifies that the \$32 million appropriated to the DEP in HB 7065 is transferred to the Save Our Everglades Trust Fund.

Section 26 amends s. 403.709, F.S., to authorize funds to be transferred from the Solid Waste Management Trust Fund to the Save Our Everglades Trust Fund, to be used to support Everglades restoration pursuant to s. 216.181(12), F.S.

Section 27 amends s. 403.7095, F.S., relating to the solid waste management grant program to require the DEP to award \$3 million of grant funds equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.

Section 28 amends s. 259.105, F.S., to provide that the funds appropriated from the Florida Forever Trust Fund be distributed to the Division of State Lands of the DEP for less-than-fee interest acquisitions and that \$10 million to be used for conservation lands to protect military installations against encroachment.

Section 29 amends s. 376.30711, F.S., to require: (1) all contracts for providers under the Petroleum Restoration Program be procured through competitive bidding; (2) a statement under oath from all owners, responsible parties, and cleanup contractors and subcontractors, that no compensation, remuneration, or gift, of any kind, directly or indirectly, has been solicited, offered accepted, paid or received in exchange for designation or employment in connection with the cleanup of an eligible site, except for the compensation paid by the DEP to the contractor for the cleanup; (3) a statement under oath from all cleanup contractors and subcontractors receiving compensation for cleanup of eligible sites that they have never paid, offered or provided any compensation in exchange for being designated or hired to do cleanup work, except for the compensation for the cleanup work; and (4) any owner, responsible party or cleanup contractor or subcontractor who falsely executes either of those statements be prohibited from participating in the Petroleum Restoration Program.

Section 30 provides that, notwithstanding s. 287.057, F.S., relating to procurement of commodities or contractual services, the Department of Agriculture and Consumer Services (DACS), at its discretion, is authorized to extend, revise, and renew current contracts or agreements created or entered into, pursuant to Chapter 2006-25, L.O.F., (the 2006-2007 General Appropriations Act), in order to provide consistency and continuity in agriculture promotion throughout the state.

Section 31 notwithstands ss. 339.135(4)(a) and (5)(a), F.S., relating to geographic equity requirements for funding transportation projects, to permit funding for multi-use trails and related facilities.

Section 32 amends s. 335.065, F.S., authorizing Department of Transportation (DOT) to fund the acquisition and development of multi-use trails intended to establish a statewide integrated connected system of trails.

Section 33 amends s. 339.08(1)(n), F.S., to allow a portion of the State Transportation Trust Fund to be spent on a financial analysis of the cost savings to be achieved by the consolidation of services between the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority. HB 599 (2012) required the study but limited the expenditure for the study to \$100,000. The additional \$200,000 in the 2013-2014 General Appropriations Act provides enough funds for a full "desk audit" and a more in-depth analysis.

Section 34 requires the Department of Highway Safety and Motor Vehicles to continue to utilize the current contract with Prison Rehabilitative Industries and Diversified Enterprises, Inc., (PRIDE) for manufacturing license plates. This section requires PRIDE to rebid reflectorization sheeting used on the license plates and return 70 percent of the savings to the department.

Section 35 provides that no state agency may initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would: (1) require a change in law; or (2) require a change to the agency's budget other than a transfer authorized in s. 216.292(2), F.S., unless the initiation of the competitive solicitation is specifically authorized in law, in the General Appropriations Act, or by the Legislative Budget Commission.

Section 36 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 37 authorizes the EOG to transfer funds in the appropriation category "Special Categories-Transfer to DMS-Human Resources Services Purchased Per Statewide Contract" in the 2013-2014 General Appropriations Act, between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS for human resources management services.

Section 38 amends s. 110.123(12), F.S., to extend for another year the provision that, for health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature, the state's monthly contribution for employees having individual coverage shall be \$41.66 and the monthly contribution for employees having family coverage shall be \$83.33. The rates have remained the same since 2005.

Section 39 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 are deemed approved if neither chair provides written notice of objection within 14 days after the chair's 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 the pay and benefits of an assigned employee.

Section 40 maintains legislative salaries at July 1, 2012, level (the 2010 salary levels).

Sections 41 and 42 amend s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2013-2014 General Appropriations Act.

Sections 43 and 44 reenact s. 215.5601, F.S., relating to investment objectives of the Lawton Chiles Endowment Fund. In the 2008 session, language was added to that section to indicate that the investment objective shall be long-term preservation of the real value of the net contributed

principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. The following sentence was also added: "Withdrawals other than specified regular cash outflow shall be considered reductions in contributed principal for the purposes of this subsection."

Section 45 provides that, in order to implement the issuance of new debt authorized in the 2013-2014 General Appropriations Act, and pursuant to the requirements of s. 215.98, F.S., the Legislature has determined that the authorization and issuance of debt for the 2013-2014 fiscal year should be implemented and is in the best interest of the state and necessary to address a critical state emergency.

Section 46 provides that funds appropriated for travel by state employees be limited to travel for activities that are critical to each state agency's mission, prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training or other administrative functions unless agency head approves in writing, and requires the agency head to consider the use of teleconferencing and electronic communication to meet the needs of the activity before approving travel.

Sections 47 and 48 amend s. 282.401(4), F.S., to align the data center consolidation schedule in statute to the funding in General Appropriations Act. These sections also require the Fish and Wildlife Conservation Commission to consolidate into the Northwood Shared Resource Center (NSRC) rather than the Southwood Shared Resource Center (SSRC) and remove the requirements that the Attorney General, the DACS, and the Department of Veterans Affairs consolidate into the NSRC during the 2013-2014 fiscal year.

Section 49 provides that, in order to implement the appropriations authorized in the 2013-2014 General Appropriations Act and notwithstanding s. 216.181(1)(c), F.S., an agency may transfer funds between the data processing appropriation categories and another appropriation category for the purpose of supporting and managing its computer resources until such time as the agency's data processing function is transferred to the SSRC, the NSRC, or the Northwest Regional Data Center.

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

Section 51 notwithstands s. 216.292(2)(a), F.S., which authorizes transfers of up to 5 percent of approved budget between categories. Agencies are prohibited from transferring funds from a data center appropriation category to a category other than a data center appropriation category.

Section 52 provides that the Governor is authorized to transfer between agencies funds appropriated in the appropriations category "expenses," in order to allocate a reduction relating to SUNCOM services.

Sections 53 and 54 amend s. 110.12315, F.S., to modify copayments consistent with decisions that have been made in the General Appropriations Act. The DMS is authorized to implement a 90-day supply limit program for certain maintenance drugs, as determined by the department, at retail pharmacies participating in the program if the department determines it to be in the best financial interest of the state.

Section 55 specifies that no section of SB 1502 shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 56 provides that a permanent change made by another law to any of the statutes amended by SB 1502 takes precedence over the provisions in SB 1502.

Section 57 provides a severability clause.

Section 58 provides an effective date.

If approved by the Governor, these provisions take effect July 1, 2013, except as otherwise provided.

Vote: Senate 39-0; House 107-10