

Committee on Budget

SB 2002 — Implementing 2011-2012 General Appropriations Act

by Budget Committee

The bill, relating to implementing appropriations, provides the following substantive modifications for the 2011-2012 fiscal year:

- **Section 1** provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for FY 2011-2012.
- **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** authorizes the transfer of fixed capital outlay appropriations for public schools between appropriation categories upon approval of the Executive Office of the Governor.
- **Section 4** authorizes \$2 million from the Workers' Compensation Administration Trust Fund to be used for the Ready to Work Program.
- **Section 5** authorizes a university board of trustees to expend reserve or carry-forward balances from prior year operational and programmatic appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.
- **Section 6** authorizes the Department of Children and Families to allocate funds appropriated for forensic mental health treatment services to the areas of the state with the greatest service demand and capacity, and to allocate Community Based Medicaid Administrative Claiming Program funding in proportion to contributed provider earnings.
- **Section 7** prohibits state agencies from implementing regulations with higher standards than those currently in place until Phase 2 and Phase 3 of the department's Florida Onsite Sewage Nitrogen Reduction Strategies Study is completed.
- **Section 8** extends for one year the repeal date of language that provides the Department of Children and Families flexibility in its organizational structure.
- **Section 9** adopts by reference the document used to display the calculations used by the Legislature in making appropriations for the Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs.
- **Section 10** provides authority for the Department of Health to transfer funding to the Florida Agricultural and Mechanical University for the Crestview Education Center Project through the budget amendment process.
- **Sections 11 and 12** amends proviso in Specific Appropriation 177 and 182 of the 2011-2012 General Appropriations Act relating the allocation of budget reductions to specified hospitals.
- **Section 13** prohibits the Department of Health from implementing the onsite sewage treatment and disposal program described in s. 381.0065, F.S., until the department submits a plan to and gets the approval of the Legislative Budget Commission.
- **Section 14** provides that the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed

one percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county.

- **Section 15** allows the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue during FY 2011-2012 for the Department of Corrections, if the Criminal Justice Estimating Conference projects a certain increase in the inmate population. The additional positions and appropriations must be approved by the Legislative Budget Commission.
- **Section 16** authorizes the Department of Legal Affairs to transfer cash remaining after required disbursements from specified Attorney General cases to the Operating Trust Fund to pay salaries and benefits.
- **Section 17** authorizes the Department of Legal Affairs to expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in prior years.
- **Section 18** extends 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 19** limits the reimbursements for health care services by the Department of Juvenile Justice to 110 percent of Medicare allowable rates.
- **Section 20** provides that the state court system is relieved of loan repayment obligations made from Mediation and Arbitration and Court Education Trust Fund during the 2010-2011 fiscal year.
- **Section 21** authorizes the Chief Justice to secure a trust fund loan during the 2011-2012 fiscal year if revenues are insufficient in the State Courts Revenue Trust Fund to fund appropriations.
- **Section 22** allows funds remaining in the Clerks of Court Trust Fund at the end of FY 2010-2011 to be available for clerks of court for FY 2011-2012 expenditures.
- **Section 23** provides that counties are exempt from the requirement to increase expenditures by 1.5 percent for court-related functions.
- **Section 24** provides that funds from the State Agency Law Enforcement Radio System Trust Fund may be used by the Department of Management Services to fund mutual aid build out maintenance and sustainment.
- **Section 25** provides for a study of factors affecting costs and availability of property and casualty insurance in Florida to be conducted by the Catastrophic Storm Risk Management Center at Florida State University.
- **Section 26** authorizes the Department of Management Services to use interest earnings from the Communications Working Capital Trust Fund as the funding source for its responsibilities related to the MyFlorida.com portal.
- **Section 27** provides that funds derived from the sale of property by the Department of Citrus located in Lakeland, Florida, are authorized to be deposited into the Citrus Advertising Trust Fund.

- **Sections 28 and 29** limit the tax on grapefruit, tangerines, and fresh oranges to the rate in effect on May 1, 2011, and provides that the tax rate on oranges in processed form shall not exceed 25 cents per box.
- **Sections 30 and 31** provide that the Executive Director of the Citrus Commission shall serve a four-year term, except that the initial term of the Executive Director shall end on June 30, 2011.
- **Section 32** allows revenues from the trust fund to be used for Total Maximum Daily Loads programs within the Department of Environmental Protection.
- **Section 33** provides for the allocation of moneys from the Water Management Lands Trust Fund to pay debt service on bonds issued before February 1, 2009, by the South Water Management District and the St. Johns Water Management District; continues to provide for \$8 million to be transferred to the General Revenue Fund; and provides the remaining funds be distributed to the Suwannee River Water Management District, of which \$500,000 may be used for minimum flows and levels.
- **Sections 34 and 35** authorize the use of revenues in the Ecosystem Management and Restoration Trust Fund for funding of activities to preserve and repair the state's beaches.
- **Section 36** extends for another year the authorization for funds in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services to be appropriated for programs operated by the department which are related to the programs authorized by ch. 570, F.S.
- **Section 37** requires the Department of Environmental Protection to award \$2.4 million in 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 38** allows the Department of Agriculture and Consumer Services to extend, revise, or renew certain contracts related to promotion of agriculture.
- **Section 39** provides that the acquisition and disposition of state-owned lands are exempt from appraisal requirements if the proceeds are used to purchase state-owned lands for preservation, conservation, and recreation purposes. This section requires agencies to submit a list of state-owned lands to Board of Trustees of the Internal Improvement Trust Fund that are available for lease or are surplus lands. Proceeds from the sale of such lands will be deposited into the Florida Forever Trust Fund.
- **Sections 40 and 41** authorize the Fish and Wildlife Conservation Commission to transfer cash balance originating from hunting and finishing license fees in other trust funds into the Federal Grants Trust Fund for the purpose of supporting appropriations.
- **Section 42** provides legislative intent to minimize the impacts of reduced revenues on the Department of Transportation's work program.
- **Section 43** directs the Department of Transportation to transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$15 million for the purpose of funding economic development transportation projects. This transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2011, in the Department of Transportation's 5-year work program. This section also directs the Department of Transportation to fund airport development projects specified in the General Appropriations Act.

- **Section 44** provides that funds in the State Transportation Trust Fund may be transferred to the General Revenue Fund and the State School Trust Fund.
- **Section 45** authorizes funds in the State Transportation Trust Fund to be used to pay administrative expenses incurred in accordance with applicable laws for a multi-county transportation or expressway authority created under ch. 343 or 348, F.S., where jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System.
- **Section 46** provides that the ownership of all vehicles currently used by the Office of Motor Carrier Compliance shall be transferred to Department of Highway Safety and Motor Vehicles, effective July 1, 2011, without payment of any titling or registration fees.
- **Section 47** provides that a participant in an adult or youth work experience activity administered pursuant to ch. 445, F.S., shall be deemed an employee of the state for purposes of workers' compensation coverage. This section provides that, in determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, F.S.
- **Sections 48 and 49** reenact s. 163.3247, F.S., to remove authorization for members of the Century Commission for a Sustainable Florida to receive per diem and travel expenses while in performance of duties.
- **Sections 50 and 51** reenact s. 201.15, F.S., to remove language distributing certain taxes to the Century Commission for a Sustainable Florida.
- **Section 52** provides the Department of Transportation flexibility to use State Comprehensive Enhanced Transportation System Tax proceeds that are deposited into the State Transportation Trust Fund outside the district in which were collected, in order to assist the department in adopting a work program balanced to revenues.
- **Section 53** delays transfer of funds from the Highway Safety Operating Trust fund to the Transportation Disadvantaged Trust Fund by notwithstanding s. 320.204, F.S.
- **Section 54** provides legislative discretion as to the placement of passenger rail funding with the Department of Transportation budget, notwithstanding s. 341.303(6)(a), F.S.
- **Section 55** provides that incumbent employees transferred from the Office of Motor Carrier Compliance to the Department of Highway Safety and Motor Vehicles who are exempt from career service be placed in career service upon transfer. This section provides legislative intent that incumbent employees retain current status unless otherwise provided in the General Appropriations Act.
- **Section 56** authorizes grants of up to \$3 million from the Toll Facilities Revolving Trust Fund for expressway projects.
- **Section 57** authorizes the Executive Office of the Governor to transfer funds in order to align the budget authority granted to pay each department's risk management insurance.
- **Section 58** authorizes the Executive Office of the Governor to transfer funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2011-2012 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 Department of Management Services for human resources management services.

- **Section 59** extends the authorization of monthly employer contributions into the state employee health savings accounts at \$41.66 for individuals and \$83.33 for family coverage.
- **Section 60** provides that, notwithstanding the provisions of paragraph 110.123(3)(f), F.S., and for the 2011-2012 fiscal year only, the state contribution toward the cost of any plan in the state group insurance plan shall be the difference between the overall premium and the employee contribution.
- **Section 61** extends the authorization to assign an employee from one agency to another agency if recommended by the Governor and approved by the chairs of the respective legislative appropriations committees.
- **Section 62** provides that legislative salaries will remain at the same level in effect on July 1, 2010.
- **Sections 63 and 64** provide that, in the event that HB 5011 fails to become law, the Justice Administrative Commission will maintain the registry of attorneys qualified for appointment for capital collateral defense.
- **Sections 65 and 66** provide for the transfer of moneys to the General Revenue Fund or State School Trust Fund from trust funds as specified in the 2011-2012 General Appropriations Act.
- **Sections 67 and 68** reenact and amend s. 215.5601, F.S., to clarify that certain withdrawals from the Lawton Chiles Endowment Fund are to be treated as reductions in contributed principal to the fund.
- **Section 69** provides a legislative determination that the authorization and issuance of state debt is in the best interest of the state and is necessary to address a critical state emergency.
- **Section 70** limits the use of state funds for travel by state employees during the 2011-2012 fiscal year.
- **Section 71** provides that the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the General Appropriation Act between agencies in order to align the budget authority granted with the utilization rate of each department.
- **Section 72** provides that an agency may transfer funds from the data processing appropriation categories to 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 Southwood Shared Resource Center, the Northwood Shared Resource Center, or the Northwest Regional Data Center.
- **Section 73** provides that the Governor is authorized to transfer funds appropriated in the appropriations category "expenses" between agencies in order to allocate a reduction relating to SUNCOM Services.
- **Sections 74 and 75** modify copayments consistent with decisions that have been made in the General Appropriations Act.

- **Section 76** requires the Department of Management Services to use the services of a tenant broker to renegotiate all private lease agreements more than 150,000 square feet and authorizes the use of savings to generate additional savings through office space consolidation by state agencies.
- **Section 77** requires the Department of Management Services and state agencies to seek to renegotiate private lease agreements of more than 2,000 square feet expiring before June 30, 2013.
- **Section 78** requires the Department of Management Services to issue a solicitation for the Minnesota Multistate Contracting Alliance for Pharmacy agreement as a state term contract.
- **Section 79** requires the Agency for Health Care Administration to competitively reprocure a Florida Discount Drug Card Program to provide market competitive discounts and return money to the state on a per prescription basis. Discounts will be available to Florida residents without income restrictions. Revenues deposited into Grants and Donations Trust Fund to reduce cost of Medicaid pharmacy purchases.
- **Section 80** requires agencies to submit report regarding purchases that could have been made from Prison Rehabilitative Industries and Diversified Enterprises, Inc., (PRIDE), but were made from another vendor.
- **Section 81** specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.
- **Section 82** provides that a permanent change made by another law to any of the same statutes amended by this bill takes precedence over the provision in this bill.
- **Section 83** provides a severability clause.
- **Section 84** provides effective dates.

If approved by the Governor, these provisions take effect June 29, 2011, except as otherwise provided.

Vote: Senate 32-7; House 80-39