

**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.)

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Prepared By: The Professional Staff of the Budget Committee

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BILL: SPB 7086

INTRODUCER: For consideration by the Budget Committee

SUBJECT: Implementing Bill

DATE: March 28, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Meyer, C.		<b>Pre-meeting</b>
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

The bill provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2011-2012. Statutory changes are temporary and expire on July 1, 2012.

The bill substantially amends ss. 44.108, 110.123, 112.24, 215.32, 215.5601, 216.262, 216.292, 253.034, 282.709, 339.08, 373.59, 394.908, 403.7095, 445.009, 932.7055, and, 945.025, Florida Statutes. The bill reenacts s. 110.12315, Florida Statutes.

**II. Present Situation:**

In the past, substantive language was included in proviso or in separate sections of the General Appropriations Act to clarify how funds contained in the act were to be expended. However, decisions such as *Brown v. Firestone*, 382 So. 2d 654 (Fla. 1980), and *Graham v. Firestone*, Circuit Court of the Second Judicial Circuit, #82-1703, Leon County Florida, 1982, have found such proviso language in the annual General Appropriations Act to be unconstitutional and void.

**III. Effect of Proposed Changes:**

**Section 1** provides legislative intent.

**Section 2** incorporates the Florida Education Finance Program workpapers by reference for the purpose of displaying the calculations used by the legislature for K-12 funding.

**Section 3** amends s. 216.292, F.S., to provide for the transfer of funds provided for university developmental research schools from a fixed capital outlay category to another fixed capital category for public school maintenance.

**Section 4** amends s. 394.908, F.S., to require that funds appropriated for mental health treatment services in forensic institutions be allocated to the areas of the state having the greatest demand for services and treatment capacity.

**Section 5** prohibits any state agency from implementing any rule or policy mandating or establishing new nitrogen-reduction limits that apply to existing or new onsite sewage treatment systems, have the effect of requiring the use of performance based treatment systems, or increase the cost of treatment for nitrogen reduction from onsite systems before completion of phase 3 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study.

**Section 6** requires that funds appropriated to the Department of Health only be transferred to the FAMU for the Crestview Center through a budget amendment with 14 days notice.

**Section 7** prohibits the Department of Children and Families from paying for any leased space after the secretary has notified in writing that the space is no longer needed due to reductions in department functions or positions.

**Section 8** authorizes the Department of Corrections and the Department of Juvenile Justice to use appropriated funds to make expenditures to defray costs incurred by a municipality or county for facilities operated under the authority of each department. The payment may not exceed one percent of the construction costs, less any building impact fees paid to the local government.

**Section 9** amends s. 216.262, F.S., to allow the Executive Office of the Governor to request additional positions and other resources, including fixed capital outlay, for the Department of Corrections, if the Criminal Justice Estimating Conference projects a certain increase in the inmate population. All increases must be approved by the Legislative Budget Commission.

**Section 10** requires the Department of Corrections to get approval of both the Executive Office of the Governor and the Legislative Budget Commission prior to closing, changing the purpose of, or reducing the size, of any state prison.

**Section 11** authorizes the Department of Legal Affairs to transfer specified funds in the Operating Trust Fund to salaries and benefits.

**Section 12** authorizes the Department of Legal Affairs to spend specified funds on the same programs and in the same method as was done in the prior fiscal year unless specifically prohibited.

**Section 13** amends s. 932.7055, F.S. 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 funds advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

**Section 14** limits the amount the Department of Juvenile Justice may pay for health care services. If no contract exists between the department and the health care provider, the payment cannot exceed 110% of the allowable Medicare rate for that service. The department may continue to pay the rates established under current contracts but must adjust the compensation at the next execution, renewal or extension of a contract related to health care services.

**Section 15** amends s. 44.108, F.S. to authorize funds in the Mediation and Arbitration Trust Fund to be used as specified in General Appropriations Act.

**Section 16** notwithstanding s. 215.18, F.S., requiring the state court system to pay back funds loaned from the Mediation and Arbitration and Court Education Trust Funds. Loans from these trust funds were made to the state court system to assist in resolving the fiscal year 2010-2011 projected deficit in the State Courts Revenue Trust Fund.

**Section 17** allows the Chief Justice to request a loan from unallocated general revenue when the revenues received in the State Courts Revenue Trust Fund equal 98% or less than the official revenue estimate during the fiscal year 2011-2012.

**Section 18** creates the Judicial Caseload Incentive Plan to assist in resolving civil disputes in a timely manner and reducing legal costs. The plan allows judges that preside over civil cases to earn a nonrecurring award of \$12,000 if certain performance goals are met relating to timely disposition of specified case types. The annual performance goals for specific case types and funding for the plan are provided in the proposed Senate budget.

**Section 19** amends s. 282.709, F.S., to allow the funds in the State Agency Law Enforcement Radio System Trust Fund to be used for the maintenance and sustainment of the Mutual Aid portion of the Florida Interoperability Network.

**Section 20** requires the Department of Management Services to issue a competitive solicitation for the operation of the Statewide Law Enforcement Radio System. The current contract is null and void on or before June 30, 2012.

**Section 21** provides for a study of factors affecting costs and potential assessments on consumers, and availability, of personal lines property and casualty insurance in Florida by the Florida Catastrophic Storm Risk Management Center at Florida State University as originally provided in s. 164 of chapter 2004-390, Laws of Florida.

**Section 22** amends s. 253.034, F.S., to authorize the Department of Citrus to deposit funds derived from the sale of property into the Citrus Advertising Trust Fund.

**Section 23** amends s. 373.59, F.S., to distribute certain funds in the Water Management Lands Trust Fund within the Department of Environmental Protection to the Suwannee River Water Management District in fiscal year 2011-2012.

**Section 24** amends s. 403.7095, F.S., to permit the Department of Environmental Protection to award grants equally to certain small counties for solid waste programs.

**Section 25** allows the Department of Agriculture and Consumer Services to extend, revise, or renew a contract pursuant to chapter 2006-25, Laws of Florida, related to the promotion of agriculture.

**Section 26** notwithstanding ss. 253.04 and 259.041, F.S., the disposition and acquisition of state-owned lands are exempt from the appraisal requirements when the proceeds are deposited in the Florida Forever Trust Fund for the purchase of lands for preservation, conservation, or recreation purposes. Requires agencies to submit a list of surplus lands for disposition by October 1, 2011 to the Board of Trustees of the Internal Improvement Trust Fund.

**Section 27** authorizes the Executive Office of the Governor to submit budget amendments to the Legislative Budget Commission to transfer funds and positions from specified agencies to implement the creation of the Department of Jobs Florida and other agency reorganizations approved by the 2011 legislature.

**Section 28** amends s. 339.08, F.S., to extend the authority for funds in the State Transportation Trust Fund to be used for administrative expenses of a multicounty transportation or expressway authority created under chapters 343 and 348 of the Florida Statutes, where jurisdiction for the authority includes a portion of the State Highway System.

**Section 29** requires \$80 million from the State Transportation Trust Fund to be used for the County Incentive Grant Program projects within the Department of Transportation as specified in s. 339.2817, F.S.

**Section 30** requires \$42.4 million from the State Transportation Trust Fund to be used for the Small County Outreach Program projects within the Department of Transportation as specified in s. 339.2818, F.S.

**Section 31** requires \$72.2 million from the State Transportation Trust Fund to be used for the Transportation Regional Incentive Program projects within the Department of Transportation as specified in s. 339.2819, F.S.

**Section 32** requires \$19 million from the State Transportation Trust Fund to be used for the transportation projects within the Department of Transportation specified under s. 339.2821, F.S., as created by the 2011 legislature.

**Section 33** exempts the Department of Highway Safety and Motor Vehicles from paying the titling and registration fees required under chapters 319 and 320, Florida Statutes, when the Office of Motor Carrier Compliance is transferred from the Department of Transportation to the Department of Highway Safety and Motor Vehicles.

**Section 34** amends s. 445.009, F.S., to allow participants in an adult or youth work program sponsored by Agency for Workforce Innovation to be covered for workers' compensation through the state's risk management pool.

**Section 35** creates the Florida Base Realignment and Closure Task Force housed within the Department of Jobs Florida, to prepare the state for any federal base realignment and closure

actions, to support research and development related to the military, and to improve the environment for active and retired members of the military and their dependents, and for businesses that create military related jobs.

**Section 36** authorizes the Executive Office of the Governor to transfer funds appropriated for the payment of risk management insurance premiums between departments. The amendments to the approved operating budget are subject to the notice and objection procedures of s. 216.177, F.S.

**Section 37** authorizes the Executive Office of the Governor to transfer funds appropriated for the payment of the statewide human resource management services contract between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

**Section 38** notwithstanding the provisions of paragraph 110.123(3)(f), F.S., requiring uniform contributions, 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 39** amends s. 112.24, F.S., to extend 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 40** maintains the salaries of the members of the legislature at the fiscal year 2009-2010 levels by reducing the June 30, 2010 salaries by 7 percent.

**Section 41** reenacts s. 215.32, F.S., to authorize the legislature to transfer unencumbered trust fund balances into the General Revenue Fund or the Budget Stabilization Fund as specified in the General Appropriations Act.

**Section 42** reenacts s. 215.5601, F.S., relating to investment objectives of the Lawton Chiles Endowment Fund that specifies 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 and that withdrawals other than specified regular cash outflow shall be considered reductions in contributed principal for the purposes of this subsection.

**Section 43** provides a legislative finding that the authorization and issuance of state debt during the 2011-2012 fiscal year is in the best interests of the state and is necessary to address a critical state emergency.

**Section 44** provides that funds appropriated for travel by state employees shall be limited to travel for activities that are critical to each state agency's mission. The bill 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. The bill requires agency heads to consider the use of teleconferencing and electronic communication to meet needs of activity before approving travel.

**Section 45** allows the Executive Office of the Governor to transfer funds appropriated to different agencies to pay for data processing services from primary data centers between state agencies in cases in which an agency's use of a data center service has increased relative to the other agency users of the service.

**Section 46** authorizes budget amendments for agencies scheduled to consolidate computing services in future years that wish to begin implementation ahead of schedule in fiscal year 2011-2012.

**Section 47** authorizes agencies to transfer funds in appropriation categories that fund the implementation of the statewide e-mail system to the original agency appropriation categories necessary to support agency specific e-mail systems until the e-mail services are provided by the statewide e-mail system.

**Section 48** authorizes the Executive Office of the Governor to transfer funds in the Expense Appropriation Category between agencies in order to allocate any budget reduction for agency SUNCOM services.

**Section 49** amends s. 216.292, F.S., to grant authority to the Executive Office of the Governor to transfer funds appropriated for the American Recovery and Reinvestment Act of 2009 to specific operating categories established to track the expenditure of such funds.

**Section 50** amends s. 216.292, F.S., to provide that Governor may recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Government through the American Recovery and Reinvestment Act of 2009 or any other federal economic stimulus grant funding. Such actions are subject to review and approval of the Legislative Budget Commission.

**Section 51** reenacts s. 110.12315, F.S., to modify prescription drug copayments for state employees under the State Group Health Plan to be consistent with appropriations in the proposed Senate budget.

**Section 52** requires the Department of Management Services to utilize a tenant broker to renegotiate all multi state agency leases. Any savings from such negotiations shall be reported to the Legislative Budget Commission by September 30, 2011. The department may propose budget amendments to place savings in reserve or transfer such funds to another appropriation category pursuant to chapter 216, Florida Statutes. All leases that do not comply with the Florida State Constitution or Florida law on September 30, 2012 are null and void.

**Section 53** requires the Department of Management Services to begin lease renegotiations for all leases with an expiration date of June 30, 2013, or sooner to achieve a reduction in costs in future years. The department must provide a report by March 1, 2012, to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of the negotiations and savings achieved.

**Section 54** requires the Department of Management Services to issue a solicitation for the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) as a state term contract by

September 1, 2011. The department shall award the contract to one group purchasing organization or vendor and must use generic drugs when feasible.

**Section 55** requires the Agency for Health Care Administration to renegotiate a Florida Discount Drug Card Program. Requirements of the successful vendor are specified. Revenues generated as a result of the contract must be deposited in the agency's Grants and Donations Trust Fund and be used to reduce the cost of Medicaid pharmacy services.

**Section 56** specifies that no section of this bill will take effect if the appropriations and proviso to which it relates are vetoed.

**Section 57** 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 58** provides a severability clause.

**Section 59** provides an effective date of July 1, 2011.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Although the provisions of this bill allow specific budget decisions to be effective, actual appropriations are made in the proposed Senate budget.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

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

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

None.

**B. Amendments:**

None.

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

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