

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 3A

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Corcoran

94 Y's

19 N's

**COMPANION
BILLS:** SB 2502-A

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 3A passed the House on June 19, 2015 as SB 2502-A. The bill provides the statutory authority necessary to implement and execute the General Appropriations Act (GAA) for Fiscal Year 2015-2015. The statutory changes are effective for only one year and either expire on July 1, 2016 or revert to the language as it existed before the changes made by the bill.

Because this bill implements provisions of the General Appropriations Act for Fiscal Year 2015-2016, there are no direct fiscal impacts created by this bill.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background:

Section 12 of Article III of the Florida Constitution states that “[l]aws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject”. This language has been interpreted to defeat proviso language attached to appropriations that have the effect of amending general law. For this reason, when general law changes are required to effectuate appropriations, those changes are placed in a general bill implementing the appropriations act instead of in the GAA. The statutory changes are effective for only one year and either expire on July 1 of the next fiscal year or revert to the language as it existed before the changes made by the bill.

Provisions of bill:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2015-2016.

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 90.

Section 4 provides that any district school board that generates less than \$2 million dollars in revenue from one mill of ad valorem tax shall contribute 0.75 mill, rather than 1.5 mills, for Fiscal Year 2015-2016 to the cost of funded special facilities projects.

Section 5 modifies Personal Learning Scholarship Accounts (PLSA) to expand program eligibility and the authorized use of program funds, establish eligibility priority, update the eligibility verification process, strengthen safeguards against unauthorized expenditures, and advance the release of funds for the 2015-2016 fiscal year.

Section 6 modifies the surety bond requirements for nonprofit scholarship-funding organizations.

Section 7, 8, and 9 make several changes to the Florida Education Finance Program (FEFP) including extending the extra hour of reading for the lowest 300 performing elementary schools, adjusting the sparsity supplement calculation, creating the federal connected student supplement, amending the digital classrooms allocation, and extending for an additional year the authority for school districts to levy the Prior Period Funding Adjustment Millage (PPFAM) before the final taxable value is certified with technical clarifications to ensure that the PPFAM is not levied multiple times for the same year.

Section 10 requires the Department of Education to administer an educator liability insurance program.

Section 11 notwithstanding ss. 1009.534, 1009.535, and 1009.536, Florida Statutes, relating to community service work requirements for Bright Futures initial eligibility. For the 2015-2016 fiscal year, a student may fulfill the community service work requirement by completing a program of volunteer service work which may include, but is not limited to, a business or government internship, work for a nonprofit community service organization, or activity on behalf of a candidate for public office.

Sections 12 and 13 extend to March 15 the deadline for the Board of Governors annual accountability report under s. 1008.46, F.S.

Section 14 establishes the State University System Performance-Based Incentive.

Section 15 establishes the Florida College System Performance-Based Incentive.

Section 16 authorizes the Office of Early Learning to allocate or reallocate funds held by the Child Care Executive Partnership Program to prevent disenrollment of children from the school readiness program or child care funded through the Child Care Executive Partnership Program.

Section 17 provides requirements governing the continuation of the Department of Health's "Florida Onsite Sewage Nitrogen Reduction Strategies Study."

Section 18 amends s. 20.453(4)(a), F.S., to provide that for the 2015-2016 fiscal year, the uses authorized for the Department of Health's Medical Quality Assurance Trust Fund include the provision of health care services to DOH clients.

Section 19 provides that the Agency for Health Care Administration is authorized to submit a budget amendment to realign Medicaid funding based on the parameters of various hospital funding programs included in the document titled "Medicaid Hospital Funding Programs" incorporated by reference in SB 2508-A, consistent with legislative intent.

Section 20 provides parameters to the Agency for Persons with Disabilities for removing clients from the wait list for home and community-based waiver services and provides client prioritization for that process.

Section 21 provides requirements to the Agency for Persons with Disabilities for setting iBudget amounts for clients receiving home and community-based waiver services. Provides parameters under which a client's iBudget amount may be increased.

Section 22 amends s. 296.37(3), F.S., for the 2015-2016 fiscal year, to maintain the personal needs allowance for residents of state veterans' nursing homes at \$105 per month. Otherwise, the amount would fall to \$35 per month on July 1, 2015.

Sections 23 and 24 amend s. 393.067(15), F.S., to provide that the Agency for Persons with Disabilities is not required to contract with licensed comprehensive transitional education programs.

Sections 25 and 26 amend ss. 393.18(4)-(6), F.S., to provide that for comprehensive transitional education programs (CTEP), the total number of residents being provided with services may not in any instance exceed the licensed capacity of 120 residents, and each residential unit within a CTEP may not in any instance exceed 15 residents, except that a program authorized to operate residential units with more than 15 residents prior to July 1, 2015, may continue to operate such units.

Section 27 requires the Agency for Health Care Administration to ensure that nursing facility residents eligible for funds to transition to home and community-based services waivers must first have resided in a skilled nursing facility for at least 60 consecutive days.

Section 28 requires the Agency for Health Care Administration (AHCA) and the Department of Elder Affairs (DOEA) to prioritize individuals for enrollment in the Long Term Care waiver using a frailty based screening instrument resulting in a prioritization score and to enroll individuals in the Long Term Care waiver in accordance with the assigned priority score as funds are available. The AHCA may adopt rules, pursuant to s. 409.919, F.S., and enter into interagency agreements necessary to administer s. 409.979(3), F.S. Any rules or interagency agreements adopted by the AHCA relating to the scoring process may delegate to the DOEA, pursuant to 409.978, F.S., responsibility for implementing and administering the scoring process, providing notice of Medicaid fair hearing rights, and responsibility for defending, as needed, the scores assigned to persons on the Long Term Care waiver waitlist in any resulting Medicaid fair hearings. The DOEA may delegate the provision of notice of Medicaid fair hearing rights to its contractors.

Section 29 authorizes the Agency for Health Care Administration to submit a budget amendment to realign funding based on the implementation of the Managed Medical Assistance component of the Statewide Medicaid Managed Care program in order to reflect the actual enrollment changes due to the transfer of beneficiaries from fee-for-service to capitated managed care plans for medical assistance services.

Section 30 provides that, for the 2015-2016 fiscal year, and notwithstanding s. 409.991, F.S., funds provided from the Department of Children and Families to community-based care lead agencies for personnel training purposes will be allocated based on a training needs assessment conducted by the department.

Section 31 provides, subject to federal approval, that a current Program of All-Inclusive Care for the Elderly (PACE) organization which is authorized to provide PACE services in Southeast Florida and which is granted authority under section 18 of chapter 2012-33, 2012 Laws of Florida, for up to 150 enrollee slots to serve frail elders residing in Broward County, may also utilize those PACE slots for enrollees residing in Miami-Dade County, subject to a contract amendment with the Agency for Health Care Administration.

Section 32 creates s. 893.055(17), F.S., to provide that, for the 2015-2016 fiscal year only, the Department of Health may use state funds appropriated in the 2015-2016 General Appropriations Act to administer the prescription drug monitoring program. Also provides that neither the attorney general nor the department may use funds received as part of a settlement agreement to administer the program.

Section 33 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 2015-2016 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 review and approval.

Section 34 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 general appropriations acts in prior years.

Section 35 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 36 amends s. 215.18, F.S., to provide the Chief Justice the authority to request a trust fund loan.

Section 37 prohibits the Department of Corrections from transferring funds from salaries and benefits to any other appropriations category without the approval of the Legislative Budget Commission.

Section 38 requires the Department of Juvenile Justice to ensure that counties are fulfilling their financial responsibilities relating to shared cost of juvenile detention. 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.

Section 39 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, 2018.

Sections 40 and 41 require that fee for service of process against the Department of Financial Services or Office of Insurance Regulation to be deposited in the Administrative Trust Fund rather than the Insurance Regulatory Trust Fund.

Sections 42 and 43 reenact s. 282.709, F.S. relating to the Joint Task Force on State Agency Law Enforcement Communications by removing a representative from the Department of Transportation from the task force and adding a representative from the Department of Agriculture and Consumer Services to the task force.

Section 44 provides that the online procurement system transaction fee authorized in ss. 287.042(1)(h)1 and 287.057, F.S., currently set at one percent per rule of the Department of Management Services will be reduced to .7 percent for the 2015-2016 fiscal year only, effective November 1, 2015.

Section 45 provides the authority for the Agency for State Technology to transfer up to \$2.5 million from a special appropriation category upon the completion of an assessment of state data center applications, due January 15, 2016. The transfer requires a 14 day notice and is subject to objection pursuant to s. 216.177, F.S.

Section 46 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 for beach restoration projects in each fiscal year for inlet management projects.

Section 47 amends s. 259.105, F.S., related to the distribution of proceeds in the Florida Forever Trust Fund, to provide \$17.4 million to the Division of State Lands within the Department of Environmental Protection for the Board of Trustees Florida Forever Priority List land acquisition projects.

Section 48 authorizes 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 specifically identified.

Section 49 amends s. 376.3071, F.S., related to the Inland Protection Trust Fund to authorize Department of Environmental Protection to pay for program deductibles, copayments, and limited contamination assessment reports that would otherwise be paid by another state agency for state-funded petroleum contamination site rehabilitation.

Sections 50 and 51 amend s. 381.0065, F.S., revising the effective date for the prohibition of the land application of septage from onsite sewage treatment and disposal systems from January 1, 2016, to June 30, 2016.

Section 52 amends s. 388.261, F.S., to increase the percentage of annual funds appropriated to local governments that may be used for arthropod control research or demonstration projects.

Section 53 establishes a solid waste management closure account within the Solid Waste Management Trust Fund within the Department of Environmental Protection to provide funding for the closing and long-term care of solid waste management facilities.

Section 54 authorizes 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, 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 Article 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 were loaned by the end of the 2015-2016 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.

Section 55 provides that, in order to implement the provisions in SB 2516-A, SB 2520-A, SB 2522-A, or similar legislation related to Article X, s. 28 of the Florida Constitution, enacted during the 2015 Regular Session of the Legislature or an extension thereof, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the Department of State may submit one or more budget amendments, as necessary, to: realign funding; increase operating or nonoperating, budget authority from trust funds; or transfer trust funds between agencies or budget entities, as needed. A budget amendment is subject to the notice, review, and objection procedures of s. 216.177, F.S.

Section 56 provides that, in order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of Environmental Protection (DEP), the Fish and Wildlife Conservation Commission, and the Department of State, the DEP will transfer a proportionate share of revenues deposited into 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.

Section 57 provides that, notwithstanding chapters 253 and 270.22, F.S., the Board of Trustees of the Internal Improvement Trust Fund is directed to sell, through a competitive solicitation, a portion of the Bronson Diagnostic Lab property located in Osceola County and deposit proceeds from the sale into the General Inspection Trust Fund within the Department of Agriculture and Consumer Services.

Section 58 provides that, notwithstanding provisions of Chapter 253 and 270.22, F. S., the Board of Trustees of the Internal Improvement Trust Fund must provide the University of South Florida with the proceeds from the sale of the University of South Florida Sarasota-Manatee campus bookstore/Viking property, to the Sarasota Manatee Airport Authority.

Section 59 provides that, notwithstanding s. 287.057, F.S., the Department of Highway Safety and Motor Vehicles may extend its existing contract for driver license and identification card equipment and consumables through December 31, 2017, provided that the current price of each driver license and identification card does not increase. The contract extension must be executed by August 1, 2015.

Section 60 requires the Department of Highway Safety and Motor Vehicles to continue to contract with Prison Rehabilitation Industries and Diversified Enterprises, Inc., (PRIDE) for manufacturing license plates, provided that the cost is the same as that paid by the department during fiscal year 2013-2014. This section requires PRIDE to seek bids for the reflectorized sheeting used on the license plates and return 70 percent of savings to the department.

Section 61 requires the Department of Transportation (DOT) to fund a statewide system of multi-use trails and related facilities, notwithstanding ss. 339.135(4)(a) and (5)(a), F.S., relating to geographic equity requirements for funding transportation projects. The section also provides that this funding may

not impact any existing projects for multi-use trails and related facilities that are in the work program as of July 1, 2015.

Section 62 provides that, notwithstanding s. 339.2818(2)(a), F.S., the DOT may use appropriated funds to serve any county with a population of 165,000 or less through the Small County Outreach Program in the 5-year work program for the 2015-2016 fiscal year.

Sections 63 and 64 reenact s. 341.102, F.S., to authorize the DOT to approve and provide matching grant funding for railroad quiet zones.

Sections 65 and 66 amend s. 339.2816, F.S., to allow the DOT to use up to \$50 million from the State Transportation Trust Fund for the purposes of funding the Small County Road Assistance Program in the 5-year work program for the 2015-2016 fiscal year.

Section 67 amends s. 420.9072, F.S., relating to the State Housing Initiatives Partnership (SHIP) Program, to provide exceptions to the limitations on using SHIP funds for rent subsidies and to allow counties and eligible municipalities to use up to 25 percent of available SHIP funds for rental housing.

Section 68 amends s. 420.5087, F.S., relating to the State Apartment Incentive Loan (SAIL) Program, to change requirements for reserving percentages of available SAIL funding for specified tenant groups to reflect the projected housing needs for those groups.

Section 69 delays the implementation of three provisions of the building code until June 30, 2016, while the Department of Economic Opportunity completes a study of the regulatory compliance costs of those provisions and the impacts of those costs on the construction industry and consumers. The provisions subject to delayed implementation relate to mandatory blower door testing for residential buildings or dwelling units, second fire service access elevators, and mechanical ventilation for residential buildings or dwelling units.

Sections 70 and 71 reenact amendments to s. 216.292, F.S., that remove language limiting scope of legislative review of "five percent" budget transfers. The Legislature would continue to be able to object that a proposed action exceeds delegated authority or is contrary to legislative policy and intent.

Section 72 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 73 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 74 authorizes the EOG to transfer funds in the appropriation category "Special Categories-Transfer to DMS-Human Resources Services Purchased Per Statewide Contract" of the 2015-2016 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 75 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 assigned employee.

Section 76 maintains legislative salaries at the July 1, 2010 level.

Sections 77 and 78 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 2015-2016 General Appropriations Act.

Section 79 provides that, in order to implement the issuance of new debt authorized in the 2015-2016 General Appropriations Act, and pursuant to the requirements of s. 215.98, F.S., the Legislature determines that the authorization and issuance of debt for the 2015-2016 fiscal year should be implemented and is in the best interest of the state.

Section 80 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 81 provides that the EOG is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the GAA between agencies in order to align the budget authority granted with the utilization rate of each department.

Section 82 provides that the EOG is authorized to transfer funds in the specific appropriation category "Data Processing Services - State Data Center - AST" between agencies in order to align the budget authority granted with the AST estimated billing cycle and methodology.

Section 83 notwithstanding s. 216.292(2)(a), F.S., which authorizes agency budget transfers of up to 5 percent of approved budget between categories. Except for transfers approved pursuant to section 81 and 82 of the Implementing Bill, agencies are prohibited from transferring funds from a data center appropriation category to a category other than a data center appropriation category.

Section 84 provides that the EOG is authorized to transfer funds appropriated in the appropriations category "expenses" between agencies in order to allocate a reduction relating to SUNCOM Services.

Sections 85 and 86 reenact amendments to s. 110.12315, F.S., that: modify copayments associated with the state employees' group health insurance program consistent with decisions that have been made in the General Appropriations Act; authorize the Department of Management Services, for the state employees' prescription drug program, to negotiate the pharmacy dispensing fee, to implement a 90-day supply limit program for certain maintenance drugs at retail pharmacies for state employees under certain circumstances, and to maintain a list of maintenance drugs and preferred brand name drugs; and provide that copayments for state employees for a 90-day supply of prescription drugs at a retail pharmacy will be the same as a 90-day supply through mail order.

Section 87 specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 88 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 89 provides that if any law amended by the Implementing Bill was also amended during the 2015 Regular Session, those laws will be construed as if enacted during the same legislative session and full effect will be given to both, if possible.

Section 90 provides a severability clause.

Section 91 provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None
2. Expenditures:
None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None
2. Expenditures:
None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

Because this bill implements provisions of the General Appropriations Act for Fiscal Year 2015-2016, there are no direct fiscal impacts created by this bill.