

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 2502 — Implementing the Fiscal Year 2023-2024 General Appropriations Act

by Appropriations Committee

The bill provides the following substantive modifications for the 2023-2024 fiscal year:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act (GAA) for Fiscal Year 2023-2024.

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 amends s. 1009.895, F.S., to modify the Open Door Grant Program.

Section 4 provides that the amendments to s. 1008.895, F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2023.

Section 5 amends s. 1002.68(4)(a)(f), (5) and (6)(e), F.S., to extend the timelines for the development and implementation of methodology relating to performance metrics for voluntary prekindergarten providers and removes the provisions that would disqualify a voluntary prekindergarten provider based on a failure to meet minimum program assessment composite scores.

Section 6 provides that the amendments to s. 1009.895(4)(a)(f), (5) and (6)(e), F.S., expire July 1, 2024, and the text of those sections reverts to that in existence on June 30, 2023.

Section 7 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) Program 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 8 authorizes the AHCA to submit a budget amendment to realign funding priorities within the Medicaid program appropriation categories to address any projected surpluses and deficits.

Section 9 authorizes the AHCA and the DOH to each submit a budget amendment to realign funding within the Florida KidCare program appropriation categories, or to increase budget authority in the Children's Medical Services Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment must be submitted by each agency in the last quarter of Fiscal Year 2023-2024.

Section 10 amends s. 381.986(17), 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, 2024, are exempt from the legislative ratification provision of ss. 120.54(3)(b) and 120.541, F.S. Medical marijuana treatment centers are authorized to use a laboratory that has not been certified by the department until rules relating to medical marijuana testing laboratories are adopted by the department, but no later than July 1, 2024.

Section 11 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 ss. 120.54(3)(b) and 120.541, F.S., until July 1, 2024.

Section 12 provides that the amendments to s. 14(1), ch. 2017-232, L.O.F., expire on July 1, 2024, and the text of that provision reverts back to that in existence on June 30, 2019.

Section 13 authorizes the AHCA to submit budget amendments to implement the federally approved Directed Payment Program for hospitals statewide, the Indirect Medical Education Program, and a nursing workforce expansion and education program.

Section 14 authorizes the AHCA to submit budget amendments to implement the federally approved Directed Payment Program and fee-for-service supplemental payments for cancer hospitals that meet certain federal criteria and provides an extension for Fiscal Year 2022-2023 Letters of Agreement.

Section 15 authorizes the AHCA to submit a budget amendment, including specified information, to implement the Low Income Pool Program.

Section 16 authorizes the AHCA to submit a budget amendment to implement fee-for-service supplemental payments and a directed payment program for physicians and subordinate licensed health care practitioners employed by or under contract with a Florida medical or dental school or a public hospital and provides an extension for Fiscal Year 2022-2023 Letters of Agreement.

Section 17 authorizes the AHCA to submit a budget amendment requesting budget authority for public emergency medical transportation services.

Section 18 allows the Department of Children and Families (DCF) to submit a budget amendment to realign funding within DCF based on the implementation of the Guardianship Assistance Program, including between guardianship assistance payments, foster care Level 1 board payments, and relative and nonrelative caregiver payments for current caseload.

Section 19 authorizes the DCF, DOH and AHCA to submit budget amendments to increase budget authority as necessary to meet caseload requirements for Refugee Programs administered by the federal Office of Refugee Resettlement. Requires the DCF to submit quarterly reports on caseload and expenditures.

Section 20 authorizes the DCF to submit budget amendments to increase budget authority to support the following federal grants: the Supplemental Nutrition Assistance Grant Program, the Pandemic Electronic Benefit Transfer, the American Rescue Plan Grant, the State Opioid Response Grant, the Substance Abuse Prevention and Treatment Block Grant, and the Mental Health Block Grant.

Section 21 authorizes the DOH to submit a budget amendment to increase budget authority for the Supplemental Nutrition Program for Women, Infants and Children (WIC) and the Child Care Food Program if additional federal revenues become available.

Section 22 authorizes the DOH to submit a budget amendment to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues become available.

Section 23 authorizes the DOH to submit a budget amendment to increase budget authority for DOH if additional federal revenues specific to COVID-19 become available.

Section 24 reenacts and amends s. 21, ch. 2021-37, L.O.F., to require the AHCA to replace the current Florida Medicaid Management Information System and provides requirements of the system. This section also establishes the executive steering committee (ESC) membership, duties and the process for the ESC meetings and decisions. Provides requirements for deliverables-based fixed price contracts.

Section 25 requires the AHCA, in consultation with the DOH, Agency for Persons with Disabilities (APD), DCF, and the Department of Corrections (DOC), to competitively procure a contract with a vendor to negotiate prices for prescription drugs, including insulin and epinephrine, for all participating agencies. The contract must require that the vendor be compensated on a contingency basis paid from a portion of the savings achieved through the negotiation and purchase of prescription drugs.

Section 26 authorizes the Agency for Persons with Disabilities (APD) to submit budget amendments to transfer funding from salaries and benefits to contractual services in order to support additional staff augmentation at the Developmental Disability Centers.

Section 27 amends s. 409.915(1), F.S., to provide that the term “state Medicaid expenditures” does not include funds specially assessed by any local governmental entity and used as the nonfederal share for the hospital Directed Payment Program after July 1, 2021.

Section 28 amends s. 216.262(4), F.S., to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue during Fiscal Year 2023-2024 for the Department of Corrections (DOC) if the actual inmate population of the DOC exceeds certain Criminal Justice Estimating Conference forecasts. Subject to Legislative Budget Commission (LBC) review and approval, 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.

Section 29 amends s. 215.18(2), F.S., to provide the Chief Justice of the Supreme Court the authority to request a trust fund loan.

Section 30 requires the Department of Juvenile Justice (DJJ) to review county juvenile detention payments to ensure that counties are fulfilling their financial responsibilities. If the department determines that a county has not met its obligations, Department of Revenue must deduct the amount owed to the DJJ from shared revenue funds provided to the county under s. 218.23, F.S.

Section 31 reenacts ss. 27.40(1), (2)(a), (3)(a), and (5)-(7), 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 32 provides that the amendments to s. 27.40(1), (2)(a), (3)(a), (5)-(7), F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2019.

Section 33 amends s. 27.5304(6) and (13), F.S., to create a rebuttable presumption of correctness for objections to billings made by the Justice Administrative Commission and provides requirements for payments to private counsel. This section reenacts s. 27.5304(1), (3), (7), (11), and (12)(a)-(e), F.S., to increase caps for compensation of court appointed counsel in criminal cases.

Section 34 provides that the amendments to s. 27.5304(1), (3), (6), (7), (11), and (12)(a)-(e), F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2019.

Section 35 requires the Department of Management Services (DMS) and state agencies to utilize a tenant broker to renegotiate private lease agreements that expire between July 1, 2024, and June 30, 2026, and are in excess of 2,000 square feet, and to submit a report by November 1, 2023.

Section 36 provides that, notwithstanding s. 216.292(2)(a), F.S., which authorizes transfers of up to five percent of approved budget between categories, agencies may not transfer funds from a data center appropriation category to a category other than a data center appropriation category.

Section 37 authorizes the Executive Office of the Governor (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 the DMS - Human Resources Services Purchased per Statewide Contract” of the GAA for Fiscal Year 2023-2024 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 authorizes the DMS to use five percent of facility disposition funds from the Architects Incidental Trust Fund to offset relocation expenses associated with the disposition of state office buildings.

Section 40 authorizes the DMS, notwithstanding s. 253.025(4), F.S., to acquire additional state-owned office buildings or property for inclusion in the Florida Facilities Pool.

Section 41 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 42 reenacts s. 282.709(3), F.S., to carryforward the DMS’s authority to execute a 15-year contract with the SLERs operator.

Section 43 provides that the text of s. 282.709(3), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on June 1, 2021.

Section 44 authorizes state agencies and other eligible users of the SLERS network to utilize the DMS state SLERS contract for the purchase of equipment and services.

Section 45 authorizes a reduction of the MyFloridaMarketPlace (MFMP) transaction fee from one percent to .70 percent for Fiscal Year 2023-2024.

Section 46 amends s. 24.105(9)(i), F.S., to provide that except for Fiscal Year 2023-2024, effective July 1, 2023, the commission for Florida Lottery ticket sales is 6.0 percent of the purchase price of each ticket sold or issued as a prize by a retailer. Any additional retailer compensation is limited to the Florida Lottery Retailer Bonus Commission.

Section 47 provides that the amendment to s. 24.105(9)(i), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on June 30, 2022.

Section 48 amends s. 717.123(3), F.S., to increase the cap under which the Department of Financial Services is authorized to retain unclaimed property funds that would otherwise be required to be distributed to the State School Fund.

Section 49 amends s. 627.351(6)(II), F.S., to authorize Citizen's Property Insurance Corp. to adopt policy forms authorizing disputes regarding claim determinations to come before the Division of Administrative Hearings.

Section 50 creates the drone replacement program within the Department of Law Enforcement (FDLE). The program must provide funds to law enforcement agencies that turn in drones that are not in compliance with s. 934.50, F.S. To be eligible, the drone must have not reached its end-of-life and still be in working condition. Funds are provided per drone based upon the drone's current value. Grant funds may only be used to purchase statutorily compliant drones. The FDLE must expeditiously develop an application process and funds must be allocated on a first-come, first-served basis, determined by the date the FDLE receives the application.

In addition, this section requires the FDLE to provide drones received through the program to the Florida Center for Cybersecurity (Center) within the University of South Florida. The Center must analyze whether the drones present cybersecurity concerns and submit its findings or recommendations to the DMS regarding the drone's safety or security.

Section 51 amends s. 120.80, F.S., to provide that for the 2023-2024 fiscal year, the Public Service Commission (PSC) is exempt from rule ratification when regulatory assessment fees adopted pursuant to ss. 350.113, 364.336, 366.14, 367.145, and 368.109, F.S., are set within statutory limits.

Section 52 amends s. 215.18(3), F.S., to authorize loans to land acquisition trust funds within several agencies.

Section 53 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 54 amends s. 259.105(3), F.S., to notwithstanding the Florida Forever statutory distribution and authorize the use of funds from the trust fund as provided in the GAA.

Section 55 reenacts s. 570.93(1)(a), F.S., to revise 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 56 provides that the amendments to s. 570.93(1)(a), F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2019.

Section 57 amends s. 376.3071(15)(g), F.S., to revise the requirements for the usage of the trust fund for ethanol or biodiesel damage.

Section 58 provides that the amendment to s. 376.3071(15)(g), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on July 1, 2020.

Section 59 provides that, notwithstanding ch. 287, F.S., the Department of Citrus is authorized to enter into agreements to expedite the increased production of citrus trees that show tolerance or resistance to citrus greening.

Section 60 amends s. 161.101(22), F.S., to notwithstanding subsections (1), (15), and (16) for the 2023-2024 fiscal year to allow the Department of Environmental Protection to waive or reduce certain match requirements for specified counties for beach management and erosion control projects.

Section 61 amends s. 10, ch. 2022-272, L.O.F., to extend the Hurricane Restoration Reimbursement Grant Program through the 2023-2024 fiscal year.

Section 62 amends s. 321.04(3)(b) and (5), F.S., to provide that for Fiscal Year 2023-2024, 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 63 amends s. 288.80125(4), F.S., to allow 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 64 amends s. 288.8013(3), F.S., to no longer require the interest earned on the Triumph funds to be transferred back into the Triumph Gulf Coast Trust Fund, no other deposits are made into this trust fund. Funds may be used for administrative costs including costs in excess of the statutory cap.

Section 65 provides that the amendment to s. 288.8013(3), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on June 30, 2023.

Section 66 amends s. 339.08(4) F.S., to authorize funds appropriated to the State Transportation Trust Fund from the General Revenue Fund to be used as provided in the GAA.

Section 67 amends s. 339.135(7)(h), F.S., to authorize the chair and vice chair of the Legislative Budget Commission (LBC) to approve, pursuant to s. 216.177, F.S., a Department of Transportation (DOT) work program amendment that adds a new project, or a phase of a new project, in excess of \$3 million, if the LBC does not meet or consider, within 30 days of submittal, the amendment by the DOT.

Section 68 creates s. 250.245, F.S., to establish the Florida National Guard Joint Enlistment Enhancement Program (JEEP) within the Department of Military Affairs to provide bonuses to certain guardsmen in an effort to bolster recruitment efforts and increase the force structure of the Florida National Guard.

Section 69 amends s. 288.0655(7), F.S., to authorize rural Florida Panhandle counties to participate in the Rural Infrastructure Fund grant program as authorized in the GAA.

Section 70 authorizes the Division of Emergency Management to submit budget amendments to increase budget authority for projected expenditures due to federal reimbursements from federally declared disasters.

Section 71 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 headquarters 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 72 revises the DMS's authority relating to the procurement of HMOs. Authorizes DMS to enter into contracts that may require the payment of administrative fees in excess of 110 percent of the amount appropriated in the GAA.

Section 73 requires the DMS to assess an administrative health insurance assessment to each state agency equal to the employer's cost of individual employee health care coverage for each vacant position within such agency eligible for coverage through the Division of State Group Insurance. This section does not apply to positions funded with federal funds.

Section 74 provides that, notwithstanding s. 11.13, F.S., salaries of legislators must be maintained at the same level as July 1, 2010.

Section 75 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 76 provides that the amendment to s. 215.32(2)(b), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on June 30, 2011.

Section 77 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 the activity before approving travel.

Section 78 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 \$225.

Section 79 authorizes the LBC to approve budget amendments for new fixed capital outlay projects or increase the amounts appropriated to state agencies for fixed capital outlay projects.

Section 80 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 81 requires reviews for transfers to comply with ch. 216, F.S., maximize the use of available and appropriate funds, and not be contrary to legislative policy and intent.

Section 82 provides that, notwithstanding ch. 287, F.S., state agencies are authorized to purchase vehicles from non-State Term Contract vendors provided certain conditions are met.

Section 83 provides that, notwithstanding s. 255.25, F.S., the Department of Management Services, the Executive Office of the Governor, the Commissioner of Agriculture, the Chief Financial Officer, and the Attorney General are authorized to enter into a lease as a lessee for the use of space in a privately owned building, even if such space is 5,000 square feet or more, without having to advertise or receive competitive solicitations.

Section 84 authorizes the DEP to purchase lands within certain land areas; requires the DEP, in order to reduce land management costs, to provide a lease back option to the sellers under certain circumstances; and requires the DEP to review land management activities.

Section 85 prohibits a local government from adopting or amending a fertilizer management ordinance pursuant to s. 403.9337, F.S., which provides for a prohibited application period not in existence on June 30, 2023.

Section 86 specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 87 provides that if any other act passed during the 2023 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 88 provides for severability.

Section 89 provides for a general effective date of July 1, 2023 (except as otherwise provided).

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except where otherwise expressly provided.

Vote: Senate 38-0; House 105-5