Committee on Budget

CS/HB 143 — Economic Development

by Economic Development and Tourism Subcommittee and Rep. Workman (SB 508 by Education Pre-K – 12, and Senators Bogdanoff and Negron; SB 842 by Senator Latvala; SB 872 by Senator Negron; SB 942 by Senator Bogdanoff; SB 1084 by Senator Altman; SB 1506 by Commerce and Tourism Committee and Senator Ring; SB 1820 by Senator Hays)

Emergency Excise Tax Repeal

The bill repeals the Emergency Excise Tax, and allows taxpayers with unused credits related to the Emergency Excise Tax to take those credits against corporate income tax.

Entertainment Industry Financial Incentive Program

The bill increases the credit limit from $38 million to $42 million per year for fiscal years 2012-13, 2013-14, 2014-15.

The bill grants three types of credit bonuses: productions that use "underutilized" areas of the state receive an additional 5 percent credit; productions receive an additional 15 percent credit for payroll expenses paid to full-time Florida film school students or recent Florida film school graduates; and productions receive an additional 5 percent credit for conducting at least 50 percent of their photography or digital media production in Florida.

The bill removes television series and television pilots from the general production queue if more than 25 percent of credits for the life of the program have been issued to television series. The bill moves digital media production to the first queue slot if less than 20 percent of credits have been awarded to digital media production.

The bill limits high-impact television series to applying for a maximum of two initial seasons, and then the series may only add an additional season as it finishes each season.

The bill limits total combined credits for a project to 30 percent of production expenses.

Enterprise Zone Provisions

The bill provides local governments the ability to apply to the Office of Tourism, Trade, and Economic Development for expansion of rural enterprise zones by up to 3 square miles.

The bill provides authority for Martin County and Lake County to apply for designation of an Enterprise Zone of up to 10 square miles, and for the City of Palm Bay to apply for designation of an Enterprise Zone of up to 5 square miles.

Single Sales Factor Apportionment

The bill permits companies that make $250 million in qualified expenditures within Florida over a two-year period, beginning no earlier than July 1, 2011, to use a single sales factor formula in order to apportion their taxable income for Florida corporate income tax purposes.

In order to qualify, the company must notify the Office of Tourism, Trade, and Economic Development of the company's intent to begin making qualifying expenditures, and the company must complete its expenditures and apply for approval within 2 years.

Spaceflight Tax Credits

The bill creates corporate income tax incentives for businesses engaged in spaceflight activities within Florida. The program creates two corporate tax credits and is time-limited – no credit may be approved after October 1, 2017. In order to qualify for a credit, the business must engage in:

- the design, manufacture, testing, or assembly of space vehicles;
- providing services related to spaceflight launch, payload processing, or reentry;
- providing spaceflight payload;
- providing launch or reentry vehicles for space tourists; or
- providing the administrative support for such businesses.

In order to obtain a credit, a qualifying company must apply to the Office of Tourism, Trade, and Economic Development and be approved. The total amount that may be approved for all credits, for all years is $10 million.

The first incentive is a corporate tax credit equal to 50 percent of the business's corporate income tax liability in a given year. This credit cannot be transferred and is limited to $3 million for all years. The second incentive allows a business with a net operating loss to convert the net operating loss into a credit that can be sold to third parties. The total credit amount is limited to $7 million for all years. A certified spaceflight business may be approved for both incentives, but not in the same year.

Research and Development Credits

The bill provides an annual corporate income tax credit for expenses related to research and development in Florida. The taxpayer must have also received the related federal credit for research and development on the same expenses. The Florida credit is equal to 10 percent of the excess of the current year's expenses over the corporation's average research and development expenses for the prior 4 years. The total annual amount of credit authorized is $9 million.

Sales Tax Holiday

The bill provides that no sales and use tax will be collected on the sale of books, clothing, wallets, or certain bags having a selling price of $75 or less during the 3-day period beginning 12:01 a.m., Friday, August 12, 2011, through 11:59 p.m., Sunday, August 14, 2011. The bill also provides that no sales and use tax shall be collected on sales of certain school supplies having a selling price of $15 or less per item during that same period of time. The temporary exemption does not apply to sales within theme parks, public lodgings or airports, as defined by statute.

Special Impact Estimating Conferences

The bill provides for the creation of special impact estimating conferences, which will require the appointment of 4 principals each time a special impact session is requested by the President of the Senate or the Speaker of the House of Representatives.

These principals would be one each from the Executive Office of the Governor, the Office of Economic and Demographic Research, Senate professional staff, and House of Representatives professional staff and will be appointed based on their appropriate fiscal expertise in the subject matter of the proposal to be evaluated.

Brownfield Rehabilitation Tax Credits

The bill increases from $2 million to $5 million the corporate income tax credits that are annually available to partially compensate taxpayers who voluntarily clean up dry-cleaning solvent-contaminated or brownfield sites.

Florida Defense Support Task Force

The bill creates the Florida Defense Support Task Force. The task force’s mission is to prepare the state to compete in any federal base realignment and closure action, to support the state’s position in militarily-related research and development, and to improve the state’s military-friendly environment.

Appropriations

The bill contains four appropriations of nonrecurring General Revenue to the Office of Tourism, Trade and Economic Development for the following purposes:

- $5 million for the Florida Defense Support Task Force;
- $15 million for the Innovation Incentive Fund program;
- $42 million for the Quick Action Closing Fund program; and
- $10 million for the Institute for the Commercialization of Public Research.

The bill also provides an appropriation to the Department of Revenue for administration of the Sales Tax Holiday.

If approved by the Governor, except as otherwise provided, these provisions take effect July 1, 2011.
Vote: Senate 33-3; House 118-0

CS/HB 641 — Tax Administration

by Finance and Tax Committee and Reps. Mayfield and others (SB 2044 by Budget Subcommittee on Finance and Tax and Senators Alexander and Bogdanoff)

Estate Tax Filing Requirement

The bill extends until December 31, 2012, the period during which Florida estates do not need to file a return if they have no estate tax liability.

Beverage and Tobacco Wholesaler Reports

The bill requires sellers of alcoholic beverage or tobacco products to file annual information reports with the Department of Revenue. The report must be filed electronically, unless the Department waives the electronic filing requirement. If a seller fails to provide the annual report, a $1,000 penalty is imposed per month for every month the report is not provided, up to a maximum of $10,000.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 88-30

CS/CS/SB 1292 — Chief Financial Officer

by Budget Committee, Governmental Oversight and Accountability Committee, and Senator Alexander

The bill provides for the following:

- Beginning October 1, 2011, the Chief Financial Officer (CFO) will begin conducting workshops with state agencies, local governments, educational entities, and entities of higher education to gather information for the development of a uniform chart of accounts.
- The CFO will provide to the state agencies, local governments, educational entities and entities of higher education a draft chart of accounts by July 1, 2013.
- The CFO shall accept comments and input from state agencies, local governments, educational entities, and entities of higher education regarding the draft chart of accounts through November 1, 2013.
- By January 15, 2014, the CFO will present a report to the Governor, President of the Senate, and the Speaker of the House of Representatives recommending a uniform chart of accounts, which requires specific enterprise-wide information related to revenues and expenditures of state agencies, local governments, educational entities, and entities of higher education. The report will include the estimated cost of adopting and implementing a uniform enterprise-wide chart of accounts.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 118-0

CS/CS/SB 1314 — State Financial Matters

by Budget Committee, Governmental Oversight and Accountability Committee, and Senator Alexander

This bill makes agencies more accountable in their contracting practices, and the Legislature more informed about the agencies' actions. Specifically, the bill:

- Defines a new budget category "Lease or lease/purchase of equipment" in s. 216.011, F.S. for the Legislature to better track expenditures.
- Requires each state agency to provide certain contract information in its Legislative Budget Request when granting a concession contract.
- Requires state agencies to identify the specific appropriation in the contract that will be used to make payment for the first year of the contract with a $5 million threshold, unless the Legislature specifically authorizes otherwise.
- The Act applies to contracts, contract amendments, contract extensions, or contract renewals which are executed on or after July 1, 2011.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 37-0; House 117-0

CS/SB 1738 — State Financial Information

by Governmental Oversight and Accountability Committee and Senator Alexander

The bill provides for the following:

- Creates the Agency for Enterprise Business Services, which is administratively housed in the Department of Management Services, with the Governor and Cabinet as the agency head.
- Establishes an executive director, appointed by the Governor and the Cabinet with at least three affirmative votes, who must be confirmed by the Senate.
- Provides duties to the new agency including:
  - Developing the Enterprise Financial Business Services Strategic Plan;
  - Providing assistance to the Chief Financial Officer in developing recommendations for the uniform chart of accounts;
  - Serving as a clearinghouse for enterprise information relating to the planning, development, implementation, and evaluation of improvements to enterprise financial business services;
  - Making recommendations to the Legislature for additional substantive changes required to implement the Enterprise Financial Business Services Strategic Plan including the associated governance structure.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 36-0; House 94-24

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

SB 2094 — State Employees

by Budget Committee

The bill resolves the noneconomic collective bargaining issues at impasse between the State of Florida and the bargaining representatives for state employees for the 2011-2012 fiscal year. The bill does not change substantive law.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 29-9; House 80-39

SB 2096 — State Financial Information

by Budget Committee

The bill provides for the following:

- Requires charter schools and charter technical career centers to post their financial information on the Transparency Florida website.
- Requires the Auditor General to annually submit to the Legislature a list of any school districts, charter schools, charter technical career centers, colleges, state universities, and water management districts that have failed to comply with the transparency requirements.
- Changes the exemption criteria for municipalities or special districts from a population threshold (fewer than 10,000) to a revenue threshold (less than $10 million in total annual revenues).
- Requires water management districts to post their financial statements on their websites by September 1, 2011.
- Requires the Chief Financial Officer to make a state contract management system publically available that includes information and documentation relating to contracts procured by state governmental entities.
- Requires agency procurement staff to update information within 30 days of any major change to a contract or the execution of a new contract. A major change includes a contract renewal, extension, termination, or amendment.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 37-0; House 117-0

Committee on Budget

SB 2098 — Consolidation of State Information Technology Services

by Budget Committee

The bill provides for the following:

- Clarifies the required components of the Agency for Enterprise Information Technology's annual work plan.
- Clarifies the duties of the Agency for Enterprise Information Technology pertaining to the state data center system, to include developing rules relating to its operation.
- Establishes in statute the agency schedule for data center consolidations, providing requirements for the development and submission of appropriate transition plans, providing requirements for the execution of new or updated service level agreements, and establishing agency limitations pertaining to their agency data centers and email services.
- Provides that approval to transition to a statewide email system is contingent on approval by the Legislative Budget Commission.
- Eliminates the Agency Chief Information Officers Council.
- Eliminates the requirement that agencies hire a Chief Information Officer.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 37-1; House 119-0

SB 2100 — Retirement
by Budget Committee

The bill provides for the following changes with respect to the Florida Retirement System (FRS):

- Effective July 1, 2011, requires three percent employee contribution for all FRS members. DROP participants are not required to pay employee contributions.
- For employees initially enrolled on or after July 1, 2011, the definition of "average final compensation" means the average of the 8 highest fiscal years of compensation for creditable service prior to retirement, for purposes of calculation of retirement benefits. For employees initially enrolled prior to July 1, 2011, the definition of "average final compensation" continues to be the average of the 5 highest fiscal years of compensation.
- For employees initially enrolled in the pension plan on or after July 1, 2011, such members will vest in 100 percent of employer contributions upon completion of 8 years of creditable service. For existing employees, vesting will remain at 6 years of creditable service.
- For employees initially enrolled on or after July 1, 2011, increases the normal retirement age and years of service requirements, as follows:
  For Special Risk Class: Increases the age from 55 to 60 years of age; and increases the years of creditable service from 25 to 30.
  For all other classes: Increases the age from 62 to 65 years of age; and increases the years of creditable service from 30 to 33 years.
- Maintains DROP; however, employees entering DROP on or after July 1, 2011 will earn interest at a reduced accrual rate of 1.3%. For employees currently in DROP or entering before July 1, 2011, the interest rate remains 6.5%.
- Eliminates the cost-of-living adjustment (COLA) for service earned on or after July 1, 2011. Subject to the availability of funding and the Legislature enacting sufficient employer contributions specifically for the purpose of funding the reinstatement of the COLA, the new COLA formula will expire effective June 30, 2016, and the current 3 percent cost-of-living adjustment will be reinstated.
- To implement the bill for the 2011-12 fiscal year, funds the Division of Retirement with four positions and $207,070 in recurring funds and $31,184 in non-recurring funds.

If approved by the Governor, these provisions take effect June 30, 2011.
Vote: Senate 24-13; House 80-39

SB 2104 — Governmental Reorganization
by Budget Committee

The bill provides for the following:

- Moves the Statewide Office for Suicide Prevention from the Executive Office of Governor to the Department of Children and Family Services.
- Eliminates the Seaport Security Standards Advisory Council.
- Removes the Office of Drug Control from involvement in approving waivers to seaport security standards and maritime domain security awareness training.
- Eliminates the Office of Drug Control and moves the Statewide Drug Policy Advisory Council from the Office of Drug Control to the Department of Health.
- Removes the director of the Office of Drug Control from the Suicide Prevention Coordinating Council and replaces with staff from the Governor's Office of Planning and Budgeting.
- Amends s. 1006.07, F.S., to eliminate language requiring the approval role of the Office of Drug Control for materials provided to school districts relating to suicide prevention educational resources.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 35-4; House 81-38

SB 2106 — Florida Energy and Climate Commission

by Budget Committee

The bill provides for the following:

- Provides for a type two transfer of the Florida Energy and Climate Commission (commission) within the Governor's Office to the Department of Agriculture and Consumer Services.
- Abolishes the commission and transfers the majority of the commission's duties to the Department of Agriculture and Consumer Services.
- Transfers the duties of petroleum allocation from the commission to the Division of Emergency Management.
- Transfers energy emergency contingency plans to the Division of Emergency Management.
- Requires the Department of Management Services to coordinate the energy conservation programs of all state agencies.
- Transfers administration of the Coastal Energy Impact Program to the Department of Environmental Protection.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 37-2; House 85-34

SB 2110 — Auditor General
by Budget Committee

The bill provides for the following:

- Modifies statutory requirements relating to the frequency of certain operational and financial audits conducted by the Auditor General.
- Requires the Auditor General to submit an annual report which includes a projected two-year work plan.
- Authorizes the Auditor General to audit virtual education providers receiving state funds or funds from local ad valorem taxes.
- Authorizes the Auditor General to audit water management districts.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 118-0

SB 2112 — Juvenile Detention Facilities

by Budget Committee

This bill amends ss. 985.686 and 985.688, F.S., allowing counties to operate their own detention facility if they cover the financial cost of detention care for pre-adjudicated juveniles and providing that a county is exempt from the provisions of these sections of Florida Statutes if they are in compliance with specific provisions. They consist of the following:

- Counties must fund the entire cost for pre-adjudication detention for juveniles.
- Counties must authorize the county sheriff, any other county jail operator, or contract provider that is located inside or outside of the county to operate the facility.
- County sheriffs or other county jail operators must be accredited by the Florida Corrections Accreditation Commission or the American Correctional Association.
- Detention facilities must be inspected annually and meet the Florida Model Jail Standards.
- Counties or county sheriffs may form regional detention facilities through interlocal agreements in order to meet the requirements of this section.
- County sheriffs or other county jail operators must follow the federal regulations requiring sight and sound separation of juvenile inmates from adult inmates.
- If counties or county sheriffs comply with the provisions of this new subsection, they will not be subject to any additional training, procedures, or inspections required in ch. 985, F.S.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 83-35

Committee on Budget

SB 2114 — Juvenile Justice

by Budget Committee

This bill amends ss. 985.441, 985.0301, 985.033, and 985.46, F.S., to provide that a juvenile judge may not commit an adjudicated delinquent youth whose underlying offense is a misdemeanor to a restrictiveness level other than minimum-risk nonresidential if the youth is adjudicated with a misdemeanor or probation violation for a misdemeanor, other than a new law violation constituting a felony.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 37-2; House 119-0

SB 2116 — State Judicial System

by Budget Committee

This bill:

- Authorizes the regional conflict counsels to establish a Direct Support Organization to benefit the offices and further their mission.
- Makes property title and vehicle searches for indigency determination optional by the clerk of court.
- Requires that payments for attorney fees in criminal conflict cases ordered by the court to be first paid from funds appropriated to the Justice Administrative Commission. After those funds are exhausted, additional payments ordered by the court shall come from funds appropriated to the state court system.
- Requires an agreement between counties and the Statewide Guardian Ad Litem Office when counties provide staff to local Guardian Ad Litem programs.
- Requires the Clerks of Court Operations Corporation to collect and summarize reports to the Legislature on a local surcharge on traffic tickets used to fund court facilities.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 36-3; House 114-4

SB 2118 — Criminal Justice

by Budget Committee

The bill provides for the following:

- Removes permissive language, making it a requirement for a judge to assess a defendant convicted of a crime the current $100 crime lab services fee if state or county crime lab services were performed in the investigation of the crime.
- Eliminates the Department of Correction's authority to operate the Basic Training Program for youthful offenders ("boot camps").
- Provides for the transfer of all powers, duties, and functions relating to the operation of private correctional facilities from the Department of Management Services (currently managed by the Bureau of Private Prison Monitoring) to the Department of Corrections.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-1; House 92-26

Committee on Budget

SB 2120 — K-12 Education Funding

by Budget Committee

The bill, relating to K-12 education funding, provides the following:

- Authorizes DOR to provide certain information regarding the gross receipts tax to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research. In making the determination of the amount of bonds that can be serviced by the gross receipts tax, the State Board of Education is to disregard the effects of a 2010 nonrecurring refund.
- Expands the class size reduction lottery bond program to include other educational facilities.
- Authorizes a regional educational consortium service organization to generate revenue to support its activities. A consortium may establish ownership of patents, copyrights, trademarks and licenses. Revenues generated must be used to support each organization's marketing and research and development activities in order to increase services to its member school districts.
- Provides that the allocation of state funds for a regional education consortium shall be determined based on funds provided in the General Appropriations Act.
- Adjusts the charter school enrollment process such that students living in a development that provides the facility and related property with an appraised value of at least $10 million for a charter school in the development shall be entitled to 50 percent of the enrollment in the charter school.
- Provides that charter school systems may be designated as local education agencies for the purpose of receiving federal funds.
- Limits the administrative fee that sponsors may withhold from high performing charter schools and high performing charter school systems, as defined by SB 1546, to two percent for up to 250 students and two percent for up to 500 students, respectively.
- Clarifies prior legislation and authorizes the expenditure of PECO funds by a charter-school-in-the-workplace prior to July 1, 2010.
- Increases the number of students that may be assigned to an instructor in the school year prekindergarten program from 11 to 12, and from 18 to 20 for an instructor plus an assistant. Reduces the administrative allowance for early learning coalitions from 4.5 to 4.0 percent.
- Redefines the term "core curricula courses" for the purpose of designating classes subject to the maximum class size requirements and requires the Department of Education (DOE) to maintain a list of such courses.
- Provides flexibility for school districts to implement class size requirements when additional students enroll in a school after the October survey and for students in grades 4 to 8 who take high school courses. Clarifies the use of class size reduction funds.
- Authorizes school districts to establish pilot digital instructional materials schools. Participating districts will be required to have a local instructional improvement system and emphasize the use of electronic instructional materials. Pilot schools will not be

required to purchase the instructional materials adoption within the first two years and will not have to purchase materials from the depository. Districts will provide a plan and report on the outcomes.

- Revises statutes related to instructional materials for public schools, including revising naming conventions, using “instructional materials” as the generic rather than “textbooks”; modifying and expanding the description and requirements for local instructional improvement systems; revising the instructional materials review process by replacing committees with three national expert reviewers; clarifying and expanding bid advertisement specifications for electronic and digital content; revising the term for instructional materials adoptions from 6 to 5 years; requiring that by 2015-2016, all adopted instructional materials for K-12 students are to be in electronic or digital format and districts are to use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials on the state adopted list.
- Provides recurring flexibility, after March 1 of each year, for instructional materials funds to be used to purchase hardware for student instruction after required instructional materials purchases have been made.
- Revises the definition of adult education and provisions relating to the coenrollment of high school students in adult education courses.
- Adjusts industry certified bonus weights based on rigor and the employment value of the certification with revised weights remaining within existing funding levels, and provides for middle school student eligibility for industry certification and bonus weights.
- Requires school districts to provide to the DOE by October 1, copies of contracts and amounts paid to providers of virtual instruction. Also requires districts to spend the difference between funds received for the virtual instruction program and amounts paid to providers of virtual instruction on local instructional improvement systems and electronic and digital instructional materials.
- Removes the additional FTE provision for the Florida Virtual School.
- Creates a virtual education contribution categorical in the FEFP.
- Authorizes an interdistrict transfer of FEFP funds when students in Department of Juvenile Justice facilities are transferred between student membership surveys.
- Allows sixteen districts that passed a referendum in the 2010 general election to levy by supermajority vote 0.25 mills for the authorized two years and eligible districts to receive state compression adjustment funds. Provides for the expiration on June 30, 2011 of this additional 0.25 mills for critical operations or capital outlay.
- Defines casualty insurance for educational and ancillary facilities for purposes of school district expenditure of capital improvement millage revenues.
- Waives the equal dollar reduction penalty in the FEFP for school district audit findings for property and casualty insurance expenditures for the 2009-2010 fiscal year and the 2010-2011 fiscal year prior to January 1, 2011.
- Provides that state funding for the Merit Award Program will be discontinued after the 2011-2012 payment of the 2010-2011 awards.
- Provides the DOE with flexibility to provide Florida Knowledge Network materials and other educational services online or by other electronic media, instead of primarily through television broadcast.

- Updates and clarifies DOE responsibilities for the Florida Information Resource Network.
- Extends an exemption from state educational facilities requirements for the demolition and replacement of school buildings for certain school districts.
- Adopts by reference, the alternative compliance calculation amounts to the class size reduction operating categorical allocation for the 2010-2011 fiscal year.

This bill substantially amends ss. 213.053, 215.61, 1001.10, 1001.25, 1001.271, 1001.28, 1001.451, 1002.33, 1002.34, 1002.45, 1002.55, 1002.63, 1002.71, 1003.01, 1003.03, 1004.02, 1006.28, 1006.281, 1006.29, 1006.30, 1006.31, 1006.32,1006.33, 1006.34, 1006.35, 1006.36, 1006.38, 1006.39, 1006.40, 1006.43, 1011.62, 1011.685, 1011.71, 1012.225, 1013.737, creates ss. 1003.4935, 1006.282, and 1011.621, and repeals s. 1006.43 of the F.S.

If approved by the Governor, these provisions take effect July 1, 2011
Vote: Senate 30-7; House 79-39

SB 2122 — State Government Operations

by Budget Committee

This bill provides for the following:

- Within the Department of Agriculture and Consumer Services (DACS), consolidates the Division of Dairy Industry within the Division of Food Safety.
- Transfers authority for the regulation and enforcement of the state Lemon Law and the price gouging program entirely to the Department of Legal Affairs.
- Renames the Division of Forestry within the DACS as the Florida Forest Service.
- Reduces the membership of the Citrus Commission from twelve members to nine, reduces the number of citrus districts from four to three, and reassigns counties to those three districts.
- Provides that the Executive Director of the Department of Citrus be appointed by a majority vote of the commission and serve a four-year term, except for the initial term, which expires on June 30, 2011, and shall be subject to confirmation by the Senate in the legislative session following appointment.
- Imposes limits on the tax per box of grapefruit, oranges, and tangerines. The tax on grapefruit, tangerines, and fresh oranges is capped at the rate in effect on May 1, 2011, and the tax rate on oranges in processed form cannot exceed 25 cents per box.
- Requires employees of the Department of Citrus to work a five-day, 40-hour work week, except when on approved leave.

The consolidation of the Division of Dairy Industry into the Division of Food Safety provides a recurring cost savings of $239,496 in general revenue. The elimination of activities by the Division of Consumer Services relating to the Lemon Law and the price gouging program provides a recurring cost savings to the General Inspection Trust Fund within the DACS of $386,415.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 37-0; House 118-0

SB 2128 — Public Employees Relations Commission

by Budget Committee

The bill requires the Public Employees' Relations Commission to be comprised of a chair and two part-time commissioners. The part-time members are prohibited from engaging in any other business, vocation, or employment that conflicts with their duties while serving as a commissioner. The provisions in this bill provide an annual cost savings of $125,652.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 119-0

SB 2130 — Pollution Control

by Budget Committee

The bill revises requirements for the deposit of funds used in providing financial assistance for water pollution control. The bill requires that such funds be deposited into the Federal Grants Trust Fund within the Department of Environmental Protection (department) rather than the Grants and Donations Trust Fund within the department. The bill also expands the use of existing service fees, as authorized by the Federal Water Pollution Control Act, to include other water quality activities performed by the department. These activities include monitoring, developing total maximum daily loads, watershed restoration best management practices, and source water assessments.

The bill has a recurring positive fiscal impact of $1.8 million to the General Revenue Fund and $300,000 to the Permit Fee Trust Fund by allowing the department to transfer administrative costs associated with other water quality activities from the General Revenue Fund and the Permit Fee Trust Fund to the Federal Grants Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 118-0

SB 2132 — Department of Financial Services

by Budget Committee

The bill provides for the following:

- Requires that the Department of Financial Services (department) and all state agencies with more than 3,000 full-time employees that are provided insurance coverage from the Division of Risk Management, within the department, establish and maintain return-to-work programs for injured state workers. This provision is anticipated to result in an estimated annual cost savings of $1 million to the state's self-insurance program.
- Requires the Division of Risk Management to utilize agency loss prevention results in addition to claims history as criteria for calculating state agency risk management premiums.
- Requires the Division of Risk Management to evaluate each agency's risk management programs at least once every five years and to produce reports recommending improvements. In addition, the bill outlines a process for each agency's response to the division's evaluation and recommendations.
- Eliminates the Chief Financial Officer's authority to operate a check cashing service at the state capitol, which will eliminate three full-time positions and provide a savings of $129,022.
- Requires that unencumbered and undisbursed funds that are transferred from the Workers' Compensation Administration Trust Fund within the department revert back to the fund each year.
- Revises the responsibilities of the Division of Consumer Services within the department to reflect organizational changes related to the Office of Insurance Regulation and the Office of Financial Regulation.
- Authorizes the department to accept donations, grants of property or moneys from any governmental unit, public agency, institution, person, firm, or corporation for its anti-fraud efforts in the Division of Insurance Fraud within the department and provides for the vesting of certain rights in the Division of Insurance Fraud upon donation. The bill authorizes the department to request annual appropriations from these funds.
- Requires that all donations or grants of monies to the Division of Insurance Fraud be deposited immediately into the Insurance Regulatory Trust Fund within the department, to be separately accounted for. The bill authorizes the use of these funds by the Division of Insurance Fraud to carry out its duties and responsibilities or for the sub-granting of funds to the state attorneys for funding or defraying the cost of dedicated fraud prosecutors.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 35-4; House 93-24

SB 2136 — Federal Grants Trust Fund/Department of Business and Professional Regulation

by Budget Committee

The bill creates the Federal Grants Trust Fund within the Department of Business and Professional Regulation (department). This trust fund is established for allowable grant activities funded by restricted program revenues. Funds credited to the Federal Grants Trust Fund will consist of grants and funding from the federal government, interest earnings, and cash advances from other trust funds. The creation of this trust fund will align agency accounts pursuant to the requirements of s. 215.32, F.S. The trust fund will terminate in four years, on July 1, 2015, pursuant to s. 19(f)(2), Art. III of the State Constitution, unless terminated sooner or re-created by the Legislature. Creation of the Federal Grants Trust Fund within the department will allow for improved segregation of funds and accounting records.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 38-0; House 118-0

Committee on Budget

SB 2142 — Water Management Districts

by Budget Committee

The bill provides for the following:

- Requires the Legislature to annually review the preliminary budget for each water management district and set the maximum amount of revenue a district may raise in the next fiscal year through its ad valorem tax. For the 2011-2012 fiscal year, the bill limits the total ad valorem taxes that may be levied by water management districts to the following amounts: $3,946,969 for the Northwest Florida Water Management District; $5,412,674 for the Suwannee River Water Management District; $85,335,619 for the St. Johns Water Management District; $107,766,957 for the Southwest Florida Water Management District; and $284,901,967 for the South Florida Water Management District.
- Provides that, if the annual maximum amount of property tax revenue is not set by the Legislature on or before July 1 of each year, the maximum property tax revenue that may be raised reverts to the amount authorized in the prior year.
- Requires each water management district to provide a monthly financial statement to its governing board and make such information available to the public through the district's website.
- Revises provisions relating to the review of district budgets to allow the Legislative Budget Commission, in addition to the Executive Office of the Governor, to disapprove, in whole or in part, the budget of each water management district.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 38-1; House 83-34

CS/SB 2144 — Medicaid

by Budget Committee

The bill provides statutory changes to conform to the FY 2011-2012 General Appropriations Act. Specifically, the bill:

- Modifies the nursing home staffing requirements to allow for a combined direct care staffing requirement of 3.6 hours per resident per day and modifies the formula for calculating the direct care subcomponent of the nursing home reimbursement.
- Modifies the requirements for the Agency for Health Care Administration to deny licensure and renewal requests.
- Repeals the sunset of the Medically Needy for adults program and the Medicaid Aged and Disabled (MEDS-AD) waiver, which will sunset June 30, 2011.
- Eliminates a requirement for a hospitalist program in nonteaching hospitals.
- Modifies the formula used for calculating reimbursements to providers of prescribed drugs.
- Repeals the sunset date for the freeze on Medicaid institutional unit cost; and deletes obsolete workgroups and reporting requirements.
- Provides for the allowed aggregated amount of assessments for all nursing home facilities to increase to conform to federal regulations and revises the criteria for exempting qualified public, nonstate-owned or operated nursing home facilities from quality assessments.
- Repeals the sunset of the quality assessment on privately operated intermediate care facilities for the developmentally disabled.
- Revises the years of audited data used in determining Medicaid and charity care days for hospitals in the Disproportionate Share Hospital (DSH) Program; and changes the distribution criteria for Medicaid DSH payments to implement funding decisions for the DSH program.
- Eliminates the requirement to implement a wireless handheld clinical pharmacology drug information database for practitioners; and allowing electronic access to certain pharmacology drug information.
- Authorizes the implementation of a home delivery of pharmacy products program; establishes the requirements for the procurement and the program; and eliminates the requirement for the expansion of the mail-order-pharmacy diabetes-supply program.
- Eliminates certain specific components of the prescription drug management system program.
- Authorizes an additional Program of All-inclusive Care for the Elderly (PACE) site in Palm Beach County and approves up to 150 initial enrollees, subject to a specific appropriation.
- Authorizes the agency in conjunction with the specialty behavioral health plan to develop a clinically effective, evidence-based alternatives as downward substitution for the statewide inpatient psychiatric program and similar residential care and institutional services

- Deletes a provision that sunsets the ability of tobacco companies to deposit a limited amount of security with the Florida Supreme Court.
- Authorizes the use of a managing entity in the Medipass program in certain counties to implement program initiatives to improve care coordination, patient outcomes, and reduce costs.
- Assigns Medicaid program recipients diagnosed with HIV/AIDS residing in Broward, Miami-Dade, or Palm Beach counties to an HIV/AIDS specialty plan.
- Exempts from Insurance Premiums Tax the premiums, contributions, and assessments received under a contract with Medicaid to solely provide services to Medicaid recipients by a prepaid limited health service organization (PLHSO) licensed under chapter 636, F.S. Provides that the provisions within the bill will operate prospectively and does not provide a basis for an assessment of taxes not paid, or a basis for determining any right to a refund of taxes paid, prior to the effective date.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 24-15; House 80-38

Committee on Budget

SB 2146 — Allocation of Funds for Community-Based Care Lead Agencies

by Budget Committee

The bill provides statutory changes to conform to the FY 2011-2012 General Appropriations Act. Specifically, the bill:

- Creates s. 409.16713, F.S.
- Requires the Department of Children and Family Services to allocate funds for community-based care lead agencies according to a specified equity allocation model.
- Specifies that included in the equity model is core services funding for foster care and in-home care.
- Specifies that excluded from the equity model is funding for independent living, maintenance adoption subsidies, mental health wrap-around services, non-recurring funds, special project funds, and training funds.
- Specifies the factors used in the equity model for each lead agency are as follows:
  - The proportion of children in poverty,
  - The proportion of child abuse hotline workload,
  - The proportion of children in care (in-home and out-of-home), and
  - The proportion of contribution in the reduction of out-of-home care.
- Specifies the weighting for these factors to calculate the equity allocation for core service fund:
  - Proportion of children in poverty – 30 percent of the total,
  - Proportion of child abuse hotline workload – 30 percent of the total,
  - Proportion of children in care – 30 percent of the total, and
  - Proportion of contribution to the reduction in out-of-home care – 10 percent of the total.
- Requires that, beginning in the 2011-2012 fiscal year, 75 percent of recurring core services funding for each lead agency be based on the prior year recurring base, and 25 percent be based on the equity allocation model.
- Specifies that any new funds for FY 2011-2012 be allocated based on the equity allocation model and only to those lead agencies where the current funding proportion is less than the proportion of funding based on the equity model.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 25-13; House 110-9

SB 2150 — Postsecondary Education Funding

by Budget Committee

The bill relating to Higher Education Appropriations Issues provides for the following:

- Authorizes the Department of Revenue to provide information regarding gross receipts taxes to the State Board of Education, the Division of Bond Finance and the Office of Economic and Demographic Research. In making the determination of the amount of bonds that can be serviced by gross receipts tax the State Board of Education is to disregard the effects of a 2010 nonrecurring refund.
- Expands the class size reduction lottery bond program to include other educational facilities.
- Repeals certain responsibilities of the Department of Education for monitoring rehabilitation providers and services; repeals rehabilitation provider qualifications.
- Authorizes the implementation of a transient student admission application process through the Florida Academic Counseling Tracking for Students system to include admissions, readmissions, financial aid, and transfer of credit functions. Authorizes a fee of $5 to support the system.
- Designates the Northwest Regional Data Center as a primary data center.
- Requires an annual report on cost savings from collaborative licensing of electronic library resources.
- Authorizes the Florida Fund for Minority Teachers, Inc. to use other available funds for administration.
- Authorizes a spring and summer term student enrollment pilot program at the University of Florida for the purpose of aligning student enrollment and the availability of instructional facilities. Authorizes Bright Futures scholarships in the summer for these students.
- Updates the provisions related to tuition and out-of-state fees for postsecondary students in workforce, college, and university programs to include 2011-2012 tuition.
- Requires a block tuition and corresponding out-of-state fee for students enrolled in adult general education courses. Removes fee exemptions for certain students and requires residency of students to be documented.
- Authorizes college and school district workforce programs to use capital improvement fee revenue for the acquisition of improved real property.
- Authorizes college and school district workforce programs to charge a convenience fee for processing automated or online credit card payments.
- Authorizes the Board of Trustees of Santa Fe College to establish a transportation access fee of up to $6 if approved by a referendum held by student government.
- Provides an exemption from the 30 percent need-based expenditure requirement from the tuition differential fee if the university has covered the entire tuition and fee costs of all resident students who are eligible for need-based aid.
- Authorizes alternative documentation for tuition fee waivers for Purple Heart veterans.

- Increases the Florida Medallion Scholarship test scores in 2013-2014, from 1050 to 1170 for SAT, including the applicable home school test scores. Increases or establishes required community service hours for Bright Futures applicants.
- Requires applicants for Bright Futures, FRAG, and ABLE programs to submit the Free Application for Federal Student Aid prior to disbursement of funds.
- Increases the tuition surcharge for excess hours to 100 percent in excess of 115 percent of the credit hours required for a degree.
- Provides that funding for student financial aid and tuition assistance programs shall be as provided in the General Appropriations Act.
- Streamlines library operations through consolidation and joint purchasing. Requires creation of a union catalog for higher education.
- Prioritizes state student financial aid to the neediest (Pell eligible) students for the Florida Work Experience Program and the First Generation in College Program.
- Prohibits funding for coenrollment in public schools and adult general education programs, except that for the 2011-2012 fiscal year students may enroll in core courses for credit recovery or dropout prevention for up to two courses. High school students are exempt from the payment of block tuition for general adult education programs.
- Prohibits the use of state workforce education and Florida College funding for prison inmate education.
- Temporarily suspends the state match for facilities and operating challenge grant programs for colleges and universities, effective July 1, 2011. Existing eligible donations will remain eligible for future match. The suspension may be removed once $200 million of the grant backlog has been matched.
- Allows a university board of trustees to expend carry-forward balances from prior year operational appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.
- Requires the Florida College System Council of Presidents to develop and recommend an equitable funding formula for the distribution of PECO funds to the college system institutions.
- Provides for the use of a funding formula to ensure equitable distribution of district workforce funds.
- Provides a $200,000 limit on the amount of state funds that may be paid for salaries of college and university presidents and administrative employees.
- Allows the Division of Blind Services to lease donated property.
- Provides that funds received from community events or festivals are not eligible for state match under the Dr. Philip Benjamin Matching Grant Program.
- Terminates the University Concurrency Trust Fund.

This bill substantially amends ss. 213.053, 215.61, 440.491, 413.011, 1004.091, 1006.72, 1007.28, 1009.22, 1009.23, 1009.24, 1009.25, 1009.286, 1009.531, 1009.534, 1009.535, 1009.536, 1009.55, 1009.56, 1009.57, 1009.60, 1009.605, 1009.68, 1009.69, 1009.701, 1009.73, 1009.74, 1009.77, 1009.89, 1009.891, 1011.32, 1011.61, 1011.80, 1011.81, 1011.85, 1011.94, 1012.885, 1012.975, 1013.33, 1013.737, 1013.79 and creates ss. 1004.649, 1009.21, 1009.215, 1012.886, 1012.976, and repeals s. 1013.63 of the F.S.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 35-3; House 89-29

SB 2152 — Transportation
by Budget Committee

The bill provides for the following:
- Clarifies that the Florida Department of Transportation is authorized to adjust toll rates by rule and is not subject to the provisions of ss. 120.54(3)(b) and 120.541., F.S.;
- Authorizes the use of excess toll revenues from the Alligator Alley Toll Road to develop and operate a fire station at mile marker 63 on Alligator Alley to provide, fire, rescue, and emergency management services to the adjacent counties along Alligator Alley;
- Repeals the Brevard County Expressway Authority, Broward County Expressway Authority, Pasco County Expressway Authority, St. Lucie County Expressway Authority, Seminole County Expressway Authority, and Southwest Florida Expressway Authority;
- Repeals various sections of law relating to and authorizing lease purchase agreements between certain transportation authorities and FDOT;
- Clarifies that an airport providing communications services within its own confines is exempt from the definition of telecommunications company;
- Corrects cross references in various sections of law to conform to changes made in this amendment; and
- Directs state agencies to develop and adopt assessment protocols for evaluating damaged equipment before a request for purchase is approved.

If approved by the Governor, these provisions take effect July 2, 2011.
Vote: Senate 33-5; House 85-33

SB 2154 — Florida Housing Finance Corporation; Federal Grants Trust Fund

by Budget Subcommittee on Transportation, Tourism, and Economic Development

This bill as filed modified statutes pertaining to the Florida Housing Finance Corporation, but the conference committee report instead creates the Federal Grants Trust Fund within the Executive Office of the Governor for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

This trust fund is needed in order to implement the transfer of the Division of Emergency Management from the Department of Community Affairs to the Executive Office of the Governor as proposed in legislation before the 2011 Legislature.

In accordance with s. 19(f)(2), Art. III, State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), F.S.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 33-5; House 118-0

SB 2156 — Governmental Reorganization

by Budget Committee

1. REORGANIZATION

a. Creates the Department of Economic Opportunity (DEO):
   - Agency head, known as the "executive director," appointed by the Governor and confirmed by the Senate.
   - Transfers the Office of Tourism, Trade and Economic Development (OTTED), portions of the Department of Community Affairs (DCA), and portions of the Agency for Workforce Innovation (AWI) workforce functions to the new agency, effective October 1, 2011.
   - The Ready to Work program is transferred from the Department of Education (DOE) to the Department of Economic Opportunity.

b. Transfers the AWI Office of Early Learning to the Department of Education as a separate entity:
   - Director of the office appointed by the Governor, and confirmed by the Senate.
   - DOE may not impose requirements or standards on early learning programs beyond those authorized in law for voluntary prekindergarten (VPK).
   - Auditor General to review programs and delivery systems (including early learning coalitions) by December 31, 2011.

c. Consolidates public-private economic development partnerships:
   - Enterprise Florida, Inc., (EFI) President, known as the "Secretary of Commerce," is appointed by and serves at the pleasure of the Governor.
   - EFI board remains largely as it is under current law, however new language requires certain private-sector representation (e.g., space, tourism, etc).
   - Space Florida retains special district status under the direction of appointed EFI board members.
   - VISIT Florida direct support organization is retained under contract with the EFI Board.
   - Black Business Investment Board (BBIB) and Florida Sports Foundation are merged into EFI, and related divisions are created in EFI.
   - Matching requirements for EFI and VISIT Florida (1-to-1 match) remain as required under current law.
   - Workforce Florida, Inc., maintains independent status as currently provided in law.

d. Other transfers:
   - Florida Communities Trust and Stan Mayfield Working Waterfronts are transferred from DCA to the Department of Environmental Protection.

- Florida Building Commission is transferred from DCA to the Department of Business and Professional Regulation.
- Division of Emergency Management is transferred from DCA to the Executive Office of the Governor.
- Florida Energy and Climate Commission within the Executive Office of the Governor is transferred to the Department of Agriculture and Consumer Services.

e. Repeals DCA, AWI, and OTTED.

2. PURPOSE AND FUNCTIONS OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY

a. Responsibilities of the department:
- Oversight and coordination of economic development, housing, growth management, community development programs, and unemployment compensation.
- Develop a single, statewide 5-year strategic plan to address the promotion of business formation, expansion, recruitment, and retention in order to create jobs for all regions of the state. The plan must address economic development, marketing and infrastructure development for rural communities.
- Submit an annual report on the condition of the business climate and economic development in the state, with assistance from EFI and WFI.
- Manage the activities of the public-private partnerships.
- Establish annual performance standards for Enterprise Florida, Inc., Workforce Florida, Inc., VISIT Florida, and Space Florida and report annually on how these performance measures are being met.

b. Streamlined incentive process:
- Incentives for economic development projects must be approved or denied within 10 days of submitting an application to the department.
- The release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program.
- Quick Action Closing Fund projects require recommendation to the Governor in 7 days. In addition, the Governor can approve projects under $2 million. Projects ranging from $2 million - $5 million require notification to the chairs and vice chairs of the Legislative Budget Commission (LBC). Projects totaling more than $5 million must be approved by the LBC.

c. Business plan required by September 1, 2011, in conjunction with EFI, must outline:
- Strategies to be used by department and EFI for business recruitment and expansion.
- Benchmarks related to: business recruitment, business expansion, number of jobs created or retained.

- Tools, financial and otherwise, needed to achieve benchmarks, and timeframes necessary to achieve standards.
- By Jan. 1, 2012, the department must make recommendations for any further reorganization and streamlining of economic development and workforce functions.

3. PURPOSE AND FUNCTIONS OF ENTERPRISE FLORIDA, INC.

a. Responsibilities of EFI:

- Must enter a performance-based contract with the Department of Economic Opportunity.
- Acts as primary economic agency for the state; chief negotiator for business recruitment and business expansion.
- Increase private investment in Florida.
- Advance international and domestic trade opportunities.
- Market the state as a pro-business location for new investment and as a tourist destination.
- Revitalize Florida's space and aerospace industries.
- Promote opportunities for minority-owned businesses.
- Assist and market professional and amateur sports teams and sporting events.
- Assist and promote economic opportunities in rural and urban communities.

b. Annual incentive report must include:

- Description of incentive programs.
- Amount of awards granted, by year, since inception.
- Economic benefits including actual amount of private capital invested, actual number of jobs created, actual wages paid for incentive agreements, annual average wage.
- The number of applications submitted, and the number of projects approved and denied by the department.
- Federal and local incentives provided.
- The number of projects that did not fulfill the terms of their agreements and consequently did not receive incentives.
- Trends related to usage of the various incentives, including the number of minority-owned businesses receiving incentives.

4. DEEPWATER HORIZON OIL SPILL

To address the negative economic impacts of the Deepwater Horizon oil spill:

- Defines the following counties as "disproportionally affected counties" and waives job, wage, and other requirements for businesses seeking economic development incentives in these counties: Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, and Wakulla.

- Provides that during a state of emergency permits are tolled and an additional 6 months is added to existing permits.
- Creates the Commission on Oil Spill Response Coordination (expires Sept. 2012).
- Appropriates $10 million per year for three fiscal years to develop and implement an economic strategic plan in counties designated as disproportionally affected.
- Directs how funds received by the state for damages caused by the Deepwater Horizon oil spill may be directed.

5. STATE ECONOMIC ENHANCEMENT AND DEVELOPMENT (SEED) TRUST FUND (HB 7205 creates the SEED Trust Fund within the Department of Economic Opportunity)

This bill provides:

- Effective July 1, 2012, redirects a total of $75 million from documentary stamp tax revenues, currently dedicated to affordable housing trust funds, into the SEED Trust Fund.
- Effective July 1, 2012, begins redirecting from documentary stamp tax revenues currently dedicated to the State Transportation Trust Fund (STTF) into the SEED Trust Fund. In order to lessen the impacts to the Florida Department of Transportation (FDOT) Work Program, the bill phases-in the amounts to be redirected as follows: $50 million for FY 2012-13; $65 million for FY 2013-14; and $75 million for FY 2014-15 and subsequent years.
- The above-mentioned funds are to be appropriated annually in the General Appropriations Act.
- The affordable housing trust funds are maintained as in current law.

6. FLORIDA ENERGY AND CLIMATE COMMISSION PROVISIONS

a. Provides for transfer of the powers, duties, and functions of the Florida Energy and Climate Commission within the Governor's Office to the Department of Agriculture and Consumer Services and abolishes the Commission.
b. Transfers the duties of petroleum allocation from the Commission to the Division of Emergency Management.
c. Transfers energy emergency contingency plans to the Division of Emergency Management.
d. Requires the Department of Management Services to coordinate the energy conservation programs of all state agencies.
e. Transfers administration of the Coastal Energy Impact Program to the Department of Environmental Protection.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 33-6; House 81-35

SB 2160 — Department of Highway Safety and Motor Vehicles

by Budget Committee

The bill contains provisions relating to the Department of Highway Safety and Motor Vehicles and provides for the following:

- Creates the Division of Motorist Services within the department;
- Transfers the Office of Motor Carrier Compliance sworn law enforcement officers and administrative personnel from the Florida Department of Transportation (FDOT);
- Allows the department to contract with a vendor to outsource the online sale of crash records;
- Authorizes revenue sharing with county tax collectors on the issuance of driver's license replacement and identification cards, beginning July 1, 2015, when the those services are provided by the tax collector;
- Creates a Law Enforcement Consolidation Task Force to evaluate the duplication of law enforcement functions throughout state government; and
- Directs the department to contract with providers for online traffic law and substance abuse education courses to serve as third party provider for online examinations for Class E learner's driver's license.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 36-2; House 99-20

SB 2162 — Welfare Transition Trust Fund

by Budget Committee

This bill creates the Welfare Transition Trust Fund within the Department of Education. This trust fund is needed in order to implement the transfer of programs to the Department of Education as proposed in legislation before the 2011 Legislature. Specifically, the School Readiness Program, proposed for transfer from the Agency for Workforce Innovation to the Department of Education as part of the creation of the Department of Economic Opportunity, is currently partially funded with federal funds derived from the Temporary Assistance for Needy Families (TANF) Block Grant.

The trust fund is established for use as a depository for receiving federal funds under the Temporary Assistance for Needy Families Program. Trust fund moneys shall be used exclusively for the purpose of providing services to individuals eligible for Temporary Assistance for Needy Families pursuant to the requirements and limitations of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Funds credited to the trust fund consist of those funds collected from the Temporary Assistance for Needy Families Block Grant.

In accordance with s. 19(f)(2), Art. III, State Constitution, the Welfare Transition Trust Fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), F.S.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 119-0

HB 5011 — Commission on Capital Cases

By Appropriations Committee and Rep. Grimsley

The bill provides for the following:

- Repeals the Commission on Capital Cases from s. 27.709, F.S.
- Requires the executive director of the Justice Administrative Commission to maintain the registry of capital collateral qualified attorneys.
- Requires the executive director of the Justice Administrative Commission to request additional attorneys to add to the registry when fewer than 50 attorneys are listed statewide on the registry.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 27-12; House 82-37

Committee on Budget

HB 5303 — Biomedical Research

by Health Care Appropriations Subcommittee; Rep. Hudson

The bill provides statutory changes to conform to the FY 2011-2012 General Appropriations Act. Specifically, the bill revises provisions of s. 216.5602 (12), F.S., as follows:

- Modifies the amount of revenue from the cigarette surcharge deposited in the Health Care Trust Fund to be reserved and subsequently transferred to the Biomedical Research Trust Fund within the Department of Health from $50 million to $25 million beginning in the 2011-2012 fiscal year. Allocation of the funds is subject to an annual appropriation in the General Appropriations Act.
- Decreases the amount of funding provided to the James and Esther King Biomedical Research Program and the William G. “Bill” Bankhead Coley Cancer Research Program from $20 million each to $5 million each.
- Decreases the amount of funding provided to the H. Lee Moffitt Cancer Center and Research Program from $10 to $5 million.
- Provides $5 million each to the Sylvester Cancer Center at the University of Miami and the Shands Cancer Center at the University of Florida for cancer research activities. The 2011-12 General Appropriations Act appropriates $5 million to the Shands Cancer Hospital, not the Shands Cancer Center. This is an error in the bill and Senator Negron made a statement on the Floor of the Senate indicating his intent that the funds go to the Shands Cancer Hospital.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 31-7; House 115-0

Committee on Budget

HB 5305 — Correctional Medical Authority

by Health Care Appropriations Subcommittee; Rep. Hudson

The bill provides statutory changes to conform to the FY 2011-2012 General Appropriations Act. Specifically, the bill:

- Repeals all sections of statute creating the Correctional Medical Authority.
- Repeals all sections of statute establishing and directing the duties and responsibilities of the Correctional Medical Authority.
- Makes conforming changes by deleting reference to the Correctional Medical Authority elsewhere in statute.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 26-13; House 81-34

HB 5401 — Cybercrime Office

by Appropriations Committee and Rep. Glorioso

The bill which repeals s. 16.61, F.S., and creates s. 943.0415, F.S., provides for the transfer of the powers, duties and functions of the Cybercrime Office from the Department of Legal Affairs to the Department of Law Enforcement.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 118-0

HB 5405 — Trust Funds of the State Courts System

by Appropriations Committee and Rep. Glorioso

The bill:

- Amends ss. 28.241, 34.041, 35.22, and 44.108, F.S., to redirect moneys generated from filing fees from the state courts' Mediation and Arbitration Trust Fund to the State Courts Revenue Trust Fund.
- The moneys credited to the State Courts Revenue Trust Fund include fees for trial and appellate proceedings, filing fees from any civil action, suit, or proceeding in county court, clerk of district court filing fees, and a filing fee of $1 on all proceedings in the circuit or county courts.

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 39-0; House 117-1

Committee on Budget

HB 7205 — State Economic Enhancement and Development Trust Fund

by the Select Committee on Government Reorganization; and Reps. Aubuchon and Hukill

This bill creates the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. Funds deposited into the trust fund shall be used for infrastructure and job creation opportunities and for the following purposes or programs:

- Transportation facilities that meet a strategic and essential state interest with respect to the economic development of the state;
- Affordable housing programs and projects in accordance with ch. 420, F.S.;
- Economic development incentives for job creation and capital investment;
- Workforce training associated with locating a new business or expanding an existing business; and
- Tourism promotion and marketing services, functions, and programs.

The trust fund is established for use as a depository for funds credited to the trust fund, to consist of documentary stamp tax proceeds as specified in law, local financial support funds, interest earnings, and cash advances from other trust funds.

In accordance with s. 19(f)(2), Art. III, State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

If approved by the Governor, these provisions take effect July 1, 2011.
Vote: Senate 34-5; House 84-34

HB 7207 — Trust Funds; Growth Management

by the Select Committee on Government Reorganization; and Rep. Aubuchon

This bill as filed amended statutes for various trust funds – terminating certain trust funds and providing for revenue sources for a newly created trust fund.

The conference report provides instead for various provisions relating to growth management:

- Makes concurrency for parks and recreation, schools, and transportation facilities optional for local governments.
- Applies and revises the expedited comprehensive plan amendment process statewide.
- Deletes the requirement that comprehensive plans be financially feasible.
- Deletes the twice a year limitation on comprehensive plan amendments.
- Revises the small scale amendment process.
- Specifies that population projections should be a floor for requisite development except for areas of critical state concern.
- Allows additional planning periods for specific parts of the comprehensive plan.
- Abolishes 9J-5 (DCA's growth management regulations and incorporates certain provisions into the bill).
- Removes many of the state specifications and requirements for optional elements in the comprehensive plan, but allows local governments to continue to include optional elements.
- Expands and revises the optional sector plan process.
- Reduces the requirements of the evaluation and appraisal process.
- Revises the rural land stewardship program.
- Restricts the state's ability to interpret joint planning agreements.
- Clarifies and broadens the window for permit extensions.
- Creates a 4-year development of regional impact permit extension.
- Removes industrial areas, hotels/motels, and theaters from the list of developments of regional impact.
- Creates an exemption from the DRI process for mining projects and allows those mines to enter into agreements with the Department of Transportation.
- Adds a new 2-year permit extension, but caps the maximum extension at 4 years.
- Prohibits local governments from having referenda for local comprehensive plan amendments.
- Encourages planning innovation technical assistance.
- Sunsets the Century Commission in two years.
- Clarifies requirements for adopting criteria to address compatibility of lands relating to military installations.
- Allows a certain plan amendment to be readopted by a local government without being resubmitted to the state land planning agency.

- Clarifies when a local government can reject a proposed change to a development of regional impact.
- Encourages adaptation strategies.
- Requires DOT to study the proportionate share calculation.
- Allows DCA to have procedural issues on their website.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 34-5; House 87-31