

By the Fiscal Responsibility Council and Representatives
Lacasa, Ball, Maygarden, Dockery, Murman, Lynn, Johnson, Byrd,
Bense, Cantens, Alexander, Greenstein, Kosmas, Crow, Kendrick,
Gottlieb, Ryan and Attkisson

1 A bill to be entitled
2 An act implementing the 2001-2002 General
3 Appropriations Act; providing legislative
4 intent; amending s. 236.081, F.S., relating to
5 the Florida Education Finance Program; revising
6 calculation of additional full-time equivalent
7 membership based on the Advanced International
8 Certificate of Education Program; revising the
9 basis of the quality assurance guarantee;
10 providing for future reversion to current text;
11 amending s. 240.116, F.S.; eliminating
12 restriction of the Advanced International
13 Certificate of Education Program to a pilot
14 program; providing for future reversion to
15 current text; amending s. 240.35, F.S.;
16 including technology fees within the
17 calculation of the range of fees allowed to be
18 adopted by each community college board of
19 trustees; providing for future reversion to
20 current text; authorizing the Department of Law
21 Enforcement to use certain moneys to provide
22 bonuses to employees for meritorious
23 performance, subject to review; amending s.
24 216.181, F.S.; authorizing the Department of
25 Law Enforcement to transfer some positions and
26 associated budget and a certain percentage of
27 salary rate between budget entities and
28 providing requirements with respect thereto;
29 authorizing the Correctional Privatization
30 Commission to make certain expenditures to
31 defray costs incurred by a municipality or

1 county as a result of opening or operating a
2 facility under authority of the commission or
3 the Department of Juvenile Justice; authorizing
4 the Department of Legal Affairs to transfer
5 certain funds between trust funds; amending s.
6 925.037, F.S.; providing that the state courts
7 system shall allocate conflict counsel funds
8 among certain counties; amending s. 216.262,
9 F.S.; providing for additional positions to
10 operate additional prison bed capacity under
11 certain circumstances; amending ss. 938.01 and
12 943.25, F.S.; providing for deposit of certain
13 funds for use by the Department of Law
14 Enforcement, rather than the Department of
15 Community Affairs; providing for future
16 reversion to current text; transferring the
17 Criminal Justice Program from the Department of
18 Community Affairs to the Department of Law
19 Enforcement; transferring the Prevention of
20 Domestic and Sexual Violence Program from the
21 Department of Community Affairs to the
22 Department of Children and Family Services;
23 providing matching funds for the administration
24 of such program; amending s. 25.402, F.S.;
25 revising use and distribution of funds in the
26 County Article V Trust Fund; amending s.
27 287.161, F.S.; requiring the Department of
28 Management Services to charge all persons
29 receiving transportation from the executive
30 aircraft pool a specified rate; providing for
31 deposit and use of such fees; amending s.

1 212.20, F.S.; providing for use of moneys
2 allocated to the Solid Waste Management Trust
3 Fund; amending s. 373.59, F.S.; requiring
4 release of certain moneys by the Secretary of
5 Environmental Protection to water management
6 districts, upon request; amending s. 259.032,
7 F.S.; authorizing the appropriation of certain
8 funds in the Conservation and Recreation Lands
9 Trust Fund for outdoor recreation grants;
10 amending s. 110.12315, F.S.; providing
11 copayment requirements for the state employees'
12 prescription drug program; amending s.
13 110.1239, F.S.; providing requirements for the
14 funding of the state group health insurance
15 program; providing procedures and requirements
16 for the outsourcing of human resource services
17 for all state agencies; amending s. 287.1345,
18 F.S.; providing for use of funds in the Grants
19 and Donations Trust Fund of the Department of
20 Management Services for technology initiatives;
21 authorizing the Departments of Insurance,
22 Education, Business and Professional
23 Regulation, Management Services, and Labor and
24 Employment Security and the Agencies for
25 Workforce Innovation and Health Care
26 Administration to transfer positions and funds
27 to comply with the General Appropriations Act;
28 amending s. 252.373, F.S.; providing for use of
29 funds of the Emergency Management,
30 Preparedness, and Assistance Trust Fund to
31 improve, and increase the number of, disaster

1 shelters in the state and improve local
2 disaster preparedness; authorizing certain
3 agencies to contract or subcontract with
4 faith-based organizations under certain
5 programs or allow faith-based organizations to
6 accept certificates, warrants, or other forms
7 of disbursement under certain programs under
8 certain circumstances; specifying eligibility
9 of faith-based organizations; providing certain
10 protections for faith-based organizations;
11 requiring certain agencies to prepare
12 implementation plans and submit the plans to
13 the Governor and the Legislature; providing
14 effect of veto of specific appropriation or
15 proviso to which implementing language refers;
16 providing applicability to other legislation;
17 adopting state agency program performance
18 measures and standards; providing that the
19 performance measures and standards are directly
20 linked to the appropriations made in the
21 2001-2002 General Appropriations Act, as
22 required by the Government Performance and
23 Accountability Act of 1994; providing
24 severability; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. It is the intent of the Legislature that
29 the implementing and administering provisions of this act
30 apply to the General Appropriations Act for fiscal year
31 2001-2002.

1 Section 2. In order to implement Specific
2 Appropriation 118 of the 2001-2002 General Appropriations Act,
3 paragraph (k) of subsection (1) and subsection (8) of section
4 236.081, Florida Statutes, are amended to read:

5 236.081 Funds for operation of schools.--If the annual
6 allocation from the Florida Education Finance Program to each
7 district for operation of schools is not determined in the
8 annual appropriations act or the substantive bill implementing
9 the annual appropriations act, it shall be determined as
10 follows:

11 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
12 OPERATION.--The following procedure shall be followed in
13 determining the annual allocation to each district for
14 operation:

15 (k) Calculation of additional full-time equivalent
16 membership based on international baccalaureate examination
17 scores of students.--A value of 0.24 full-time equivalent
18 student membership shall be calculated for each student
19 enrolled in an international baccalaureate course who receives
20 a score of 4 or higher on a subject examination. A value of
21 0.3 full-time equivalent student membership shall be
22 calculated for each student who receives an international
23 baccalaureate diploma. Such value shall be added to the total
24 full-time equivalent student membership in basic programs for
25 grades 9 through 12 in the subsequent fiscal year. ~~During the~~
26 ~~1997-1998, 1998-1999, and 1999-2000 school years of the pilot~~
27 ~~program authorized in s. 240.116,~~ Students enrolled in the
28 Advanced International Certificate of Education Program shall
29 generate full-time equivalent student membership in a manner
30 that is equitable to the manner in which students enrolled in
31 the International Baccalaureate Program generate full-time

1 equivalent student membership. ~~During 1997-1998, a maximum of~~
2 ~~40 students in each participating school district is~~
3 ~~authorized to generate full-time equivalent student membership~~
4 ~~in the pilot program, and in 1998-1999 and 1999-2000 a maximum~~
5 ~~of 80 students per year in each participating school district~~
6 ~~is authorized to generate full-time equivalent student~~
7 ~~membership in the pilot program.~~

8 (8) QUALITY ASSURANCE GUARANTEE.--The Legislature may
9 annually in the General Appropriations Act determine a
10 percentage increase in funds per K-12 unweighted ~~weighted~~ FTE
11 as a minimum guarantee to each school district. The guarantee
12 shall be calculated from prior year base funding per
13 unweighted ~~weighted~~ FTE student which shall include the
14 adjusted FTE dollars as provided in subsection (9), quality
15 guarantee funds, and actual nonvoted discretionary local
16 effort from taxes. From the base funding per unweighted
17 ~~weighted~~ FTE, the increase shall be calculated for the current
18 year. The current year funds from which the guarantee shall be
19 determined shall include the adjusted FTE dollars as provided
20 in subsection (9) and potential nonvoted discretionary local
21 effort from taxes. A comparison of current year funds per
22 unweighted ~~weighted~~ FTE to prior year funds per unweighted
23 ~~weighted~~ FTE shall be computed. For those school districts
24 which have less than the legislatively assigned percentage
25 increase, funds shall be provided to guarantee the assigned
26 percentage increase in funds per unweighted ~~weighted~~ FTE
27 student. Should appropriated funds be less than the sum of
28 this calculated amount for all districts, the commissioner
29 shall prorate each district's allocation. This provision shall
30 be implemented to the extent specifically funded.

31

1 Section 3. The amendment of paragraph (k) of
2 subsection (1) and subsection (8) of section 236.081, Florida
3 Statutes, by this act shall expire on July 1, 2002, and the
4 text of said provisions shall revert to that in existence on
5 June 30, 2001, except that any amendments to such text enacted
6 other than by this act shall be preserved and continue to
7 operate to the extent that such amendments are not dependent
8 upon the portions of said text which expire pursuant to the
9 provisions of this act.

10 Section 4. In order to implement Specific
11 Appropriation 118 of the 2001-2002 General Appropriations Act,
12 subsection (6) of section 240.116, Florida Statutes, is
13 amended to read:

14 240.116 Articulated acceleration.--

15 (6) The International Baccalaureate Program shall be
16 the curriculum in which eligible secondary students are
17 enrolled in a program of studies offered through the
18 International Baccalaureate Program administered by the
19 International Baccalaureate Office. The State Board of
20 Education shall establish rules which specify the cutoff
21 scores and International Baccalaureate Examinations which will
22 be used to grant postsecondary credit at community colleges
23 and universities. Any such rules, which have the effect of
24 raising the required cutoff score or of changing the
25 International Baccalaureate Examinations which will be used to
26 grant postsecondary credit, shall only apply to students
27 taking International Baccalaureate Examinations after such
28 rules are adopted by the State Board of Education. Students
29 shall be awarded a maximum of 30 semester credit hours
30 pursuant to this subsection. The specific course for which a
31 student receives such credit shall be determined by the

1 community college or university that accepts the student for
2 admission. Students enrolled pursuant to this subsection
3 shall be exempt from the payment of any fees for
4 administration of the examinations. ~~During the 1997-1998,~~
5 ~~1998-1999, and 1999-2000 school years, the Department of~~
6 ~~Education shall assist up to three school districts in~~
7 ~~conducting a pilot of the Advanced International Certificate~~
8 ~~of Education Program administered by the University of~~
9 ~~Cambridge Local Examinations Syndicate. The department shall~~
10 ~~produce an evaluation report and recommendations regarding the~~
11 ~~comparability of the Advanced International Certificate of~~
12 ~~Education Program to the International Baccalaureate Program~~
13 ~~and submit the report to the President of the Senate and the~~
14 ~~Speaker of the House of Representatives on or before October~~
15 ~~1, 2000.~~

16 Section 5. The amendment of subsection (6) of section
17 240.116, Florida Statutes, by this act shall expire on July 1,
18 2002, and the text of said subsection shall revert to that in
19 existence on June 30, 2001, except that any amendments to such
20 text enacted other than by this act shall be preserved and
21 continue to operate to the extent that such amendments are not
22 dependent upon the portions of said text which expire pursuant
23 to the provisions of this act.

24 Section 6. In order to implement Specific
25 Appropriation 178 of the 2001-2002 General Appropriations Act,
26 subsection (7) of section 240.35, Florida Statutes, is amended
27 to read:

28 240.35 Student fees.--Unless otherwise provided, the
29 provisions of this section apply only to fees charged for
30 college credit instruction leading to an associate in arts
31 degree, an associate in applied science degree, or an

1 associate in science degree and noncollege credit
2 college-preparatory courses defined in s. 239.105.

3 (7) Each community college board of trustees shall
4 establish matriculation and tuition fees, which may vary no
5 more than 10 percent below and 15 percent above the combined
6 total of the fee schedule adopted by the State Board of
7 Community Colleges and the technology fee adopted by a board
8 of trustees, provided that any amount from 10 to 15 percent
9 above the fee schedule is used only to support safety and
10 security purposes. In order to assess an additional amount for
11 safety and security purposes, a community college board of
12 trustees must provide written justification to the State Board
13 of Community Colleges based on criteria approved by the local
14 board of trustees, including but not limited to criteria such
15 as local crime data and information, and strategies for the
16 implementation of local safety plans. For 1999-2000, each
17 community college is authorized to increase the sum of the
18 matriculation fee and technology fee by not more than 5
19 percent of the sum of the matriculation and local safety and
20 security fees in 1998-1999. However, no fee in 1999-2000 shall
21 exceed the prescribed statutory limit. Should a college decide
22 to increase the matriculation fee, the funds raised by
23 increasing the matriculation fee must be expended solely for
24 additional safety and security purposes and shall not supplant
25 funding expended in the 1998-1999 budget for safety and
26 security purposes.

27 Section 7. The amendment of subsection (7) of section
28 235.40, Florida Statutes, by this act shall expire on July 1,
29 2002, and the text of said subsection shall revert to that in
30 existence on June 30, 2001, except that any amendments to such
31 text enacted other than by this act shall be preserved and

1 continue to operate to the extent that such amendments are not
2 dependent upon the portions of said text which expire pursuant
3 to the provisions of this act.

4 Section 8. Consistent with the provisions of section
5 216.163, Florida Statutes, in accordance with
6 performance-based program budgeting requirements, and
7 notwithstanding the provisions of section 216.181, Florida
8 Statutes, the Department of Law Enforcement may transfer up to
9 one-half of 1 percent of the funds in Specific Appropriations
10 1236, 1248, 1257, 1259, 1268, 1278, 1281, 1289, 1296, 1302,
11 and 1308 of the 2001-2002 General Appropriations Act for
12 salary bonuses for departmental employees at the discretion of
13 the executive director, provided that such bonuses are given
14 only to selected employees for meritorious performance,
15 instead of being given as across-the-board bonuses for all
16 employees. The department, after consultation with the
17 Executive Office of the Governor, shall provide a plan to the
18 chairs of the legislative appropriations committees
19 responsible for producing the General Appropriations Act for
20 review before awarding such bonuses. This section is repealed
21 on July 1, 2002.

22 Section 9. In order to implement Specific
23 Appropriations 1236-1312 of the 2001-2002 General
24 Appropriations Act, subsection (17) is added to section
25 216.181, Florida Statutes, to read:

26 216.181 Approved budgets for operations and fixed
27 capital outlay.--

28 (17) Notwithstanding any other provision of this
29 section to the contrary, and for the 2001-2002 fiscal year
30 only, the Department of Law Enforcement may transfer up to 20
31 positions and associated budget between budget entities,

1 provided the same funding source is used throughout each
2 transfer. The department may also transfer up to 10 percent of
3 the initial approved salary rate between budget entities,
4 provided the same funding source is used throughout each
5 transfer. The department must provide notice to the Executive
6 Office of the Governor, the chair of the Senate Budget
7 Committee, and the chair of the House Committee on Criminal
8 Justice Appropriations for all transfers of positions or
9 salary rate. This subsection is repealed on July 1, 2002.

10 Section 10. In order to implement proviso language
11 following Specific Appropriation 1225 of the 2001-2002 General
12 Appropriations Act, the Correctional Privatization Commission
13 may expend appropriated funds to assist in defraying the costs
14 of impacts that are incurred by a municipality or county and
15 associated with opening or operating a facility under the
16 authority of the Correctional Privatization Commission or a
17 facility under the authority of the Department of Juvenile
18 Justice which is located within that municipality or county.
19 The amount that is to be paid under this section for any
20 facility may not exceed 1 percent of the facility construction
21 cost, less building impact fees imposed by the municipality or
22 by the county if the facility is located in the unincorporated
23 portion of the county. This section is repealed on July 1,
24 2002.

25 Section 11. In order to implement Specific
26 Appropriation 1347 of the 2001-2002 General Appropriations
27 Act, the Department of Legal Affairs may transfer up to
28 \$1,054,632 between trust funds. This section is repealed on
29 July 1, 2002.

30 Section 12. In order to implement Specific
31 Appropriation 2967 of the 2001-2002 General Appropriations

1 Act, subsection (8) of section 925.037, Florida Statutes, is
2 amended to read:

3 925.037 Reimbursement of counties for fees paid to
4 appointed counsel; circuit conflict committees.--

5 (8) Notwithstanding any other provision of this
6 section to the contrary, and for the 2001-2002 ~~2000-2001~~
7 fiscal year only, funds allocated pursuant to this section
8 shall be distributed to the counties in the designated
9 circuits by the state courts system. This subsection is
10 repealed on July 1, 2002 ~~2001~~.

11 Section 13. In order to implement Specific
12 Appropriation 681 of the 2001-2002 General Appropriations Act,
13 subsection (4) of section 216.262, Florida Statutes, is
14 amended to read:

15 216.262 Authorized positions.--

16 (4) Notwithstanding the provisions of this chapter on
17 increasing the number of authorized positions, and for the
18 2001-2002 ~~2000-2001~~ fiscal year only, if the actual inmate
19 population of the Department of Corrections exceeds by 2
20 percent for 2 consecutive months or more the inmate population
21 projected by the Criminal Justice Estimating Conference on
22 February 16, 2001 ~~March 2, 2000~~, the Executive Office of the
23 Governor may request positions in excess of the number
24 authorized by the Legislature and sufficient funding from the
25 Working Capital Fund to operate the additional prison bed
26 capacity necessary to accommodate the actual inmate
27 population. Such request is subject to the budget amendment
28 and consultation provisions of this chapter. This subsection
29 is repealed on July 1, 2002 ~~2001~~.

30 Section 14. In order to implement Specific
31 Appropriations 1236-1258A of the 2001-2002 General

1 Appropriations Act, subsection (1) of section 938.01, Florida
2 Statutes, as amended by section 40 of chapter 2000-171, Laws
3 of Florida, is amended to read:

4 938.01 Additional Court Cost Clearing Trust Fund.--

5 (1) All courts created by Art. V of the State
6 Constitution shall, in addition to any fine or other penalty,
7 assess \$3 as a court cost against every person convicted for
8 violation of a state penal or criminal statute or convicted
9 for violation of a municipal or county ordinance. Any person
10 whose adjudication is withheld pursuant to the provisions of
11 s. 318.14(9) or (10) shall also be assessed such cost. In
12 addition, \$3 from every bond estreature or forfeited bail bond
13 related to such penal statutes or penal ordinances shall be
14 forwarded to the Treasurer as described in this subsection.
15 However, no such assessment may be made against any person
16 convicted for violation of any state statute, municipal
17 ordinance, or county ordinance relating to the parking of
18 vehicles.

19 (a) All such costs collected by the courts shall be
20 remitted to the Department of Revenue, in accordance with
21 administrative rules adopted by the executive director of the
22 Department of Revenue, for deposit in the Additional Court
23 Cost Clearing Trust Fund and shall be earmarked to the
24 Department of Law Enforcement ~~and the Department of Community~~
25 ~~Affairs~~ for distribution as follows:

26 1. Two dollars and seventy-five cents of each \$3
27 assessment shall be deposited in the Criminal Justice
28 Standards and Training Trust Fund, and the remaining 25 cents
29 of each such assessment shall be deposited into the Department
30 of Law Enforcement Operating Trust Fund and shall be disbursed
31

1 to the ~~Bureau of Public Safety Management of the~~ Department of
2 Law Enforcement Community Affairs.

3 2. Ninety-two percent of the money distributed to the
4 Additional Court Cost Clearing Trust Fund pursuant to s.
5 318.21 shall be earmarked to the Department of Law Enforcement
6 for deposit in the Criminal Justice Standards and Training
7 Trust Fund, and 8 percent of such money shall be deposited
8 into the Department of Law Enforcement Operating Trust Fund
9 and shall be disbursed to the ~~Bureau of Public Safety~~
10 ~~Management of the~~ Department of Law Enforcement Community
11 Affairs.

12 (b) The funds deposited in the Criminal Justice
13 Standards and Training Trust Fund and the Department of Law
14 Enforcement Operating Trust Fund may be invested. Any interest
15 earned from investing such funds and any unencumbered funds
16 remaining at the end of the budget cycle shall remain in the
17 respective trust fund until the following year.

18 (c) All funds in the Criminal Justice Standards and
19 Training Trust Fund earmarked to the Department of Law
20 Enforcement shall be disbursed only in compliance with s.
21 943.25(9).

22 Section 15. The amendment of subsection (1) of section
23 938.01, Florida Statutes, by this act shall expire on July 1,
24 2002, and the text of said subsection shall revert to that in
25 existence on June 30, 2000, except that any amendments to such
26 text enacted other than by this act shall be preserved and
27 continue to operate to the extent that such amendments are not
28 dependent upon the portions of said text which expire pursuant
29 to the provisions of this act.

30 Section 16. In order to implement Specific
31 Appropriations 1236-1258A of the 2001-2002 General

1 Appropriations Act, subsection (1) of section 943.25, Florida
2 Statutes, as amended by section 42 of chapter 2000-171, Laws
3 of Florida, is amended to read:

4 943.25 Criminal justice trust funds; source of funds;
5 use of funds.--

6 (1) The Department of Law Enforcement ~~Community~~
7 ~~Affairs~~ may approve, for disbursement from the Department of
8 Law Enforcement ~~its~~ Operating Trust Fund, those appropriated
9 sums necessary and required by the state for grant matching,
10 implementing, administering, evaluating, and qualifying for
11 such federal funds. Disbursements from the trust fund for the
12 purpose of supplanting state general revenue funds may not be
13 made without specific legislative appropriation.

14 Section 17. The amendment of subsection (1) of section
15 943.25, Florida Statutes, by this act shall expire on July 1,
16 2002, and the text of said subsection shall revert to that in
17 existence on June 30, 2000, except that any amendments to such
18 text enacted other than by this act shall be preserved and
19 continue to operate to the extent that such amendments are not
20 dependent upon the portions of said text which expire pursuant
21 to the provisions of this act.

22 Section 18. (1) In order to implement Specific
23 Appropriations 1236-1258A of the 2001-2002 General
24 Appropriations Act, and for the 2001-2002 fiscal year only,
25 the Criminal Justice Program shall be transferred from the
26 Department of Community Affairs to the Department of Law
27 Enforcement by a type two transfer, pursuant to section
28 20.06(2), Florida Statutes. The Criminal Justice Program so
29 transferred is comprised of the Byrne State and Local Law
30 Enforcement Assistance Program, Local Law Enforcement Block
31 Grants, Drug-Free Communities Program, Residential Substance

1 Abuse Treatment for State Prisoners, the Bulletproof Vest
2 Program, the Guantanamo Bay Refugee and Entrant Assistance
3 Program, the National Criminal History Improvement Program,
4 and the Violent Offender Incarceration and Truth-in-Sentencing
5 Program.

6 (2)(a) In order to implement Specific Appropriations
7 1236-1258A of the 2001-2002 General Appropriations Act, and
8 for the 2001-2002 fiscal year only, the Prevention of Domestic
9 and Sexual Violence Program is transferred from the Department
10 of Community Affairs to the Department of Children and Family
11 Services by a type two transfer, pursuant to section 20.06(2),
12 Florida Statutes. The Prevention of Domestic and Sexual
13 Violence Program so transferred is comprised of the Governor's
14 Task Force on Domestic and Sexual Violence and the Violence
15 Against Women Program.

16 (b) From the funds deposited into the Department of
17 Law Enforcement Operating Trust Fund pursuant to section
18 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law
19 Enforcement shall transfer funds to the Department of Children
20 and Family Services to be used as matching funds for the
21 administration of the Prevention of Domestic and Sexual
22 Violence Program transferred from the Department of Community
23 Affairs. The amount of the transfer for fiscal year 2001-2002
24 shall be determined by the Governor's Office of Planning and
25 Budgeting, in consultation with the Department of Community
26 Affairs, the Department of Law Enforcement, and the Department
27 of Children and Family Services, and shall be based on the
28 historic use of these funds and current needs of the
29 Prevention of Domestic and Sexual Violence Program.

30 (3) This section is repealed on July 1, 2002.
31

1 Section 19. In order to implement Specific
2 Appropriations 1005-1126 and 2967-2978A of the 2001-2002
3 General Appropriations Act, section 25.402, Florida Statutes,
4 is amended to read:

5 25.402 County Article V Trust Fund.--

6 (1)(a) The trust fund moneys in the County Article V
7 Trust Fund, administered by the Supreme Court, may ~~must~~ be
8 used to compensate counties for the costs they incur under
9 Article V of the State Constitution in operating the state
10 courts system, including the costs they incur in providing and
11 maintaining court facilities.

12 (b) The Supreme Court shall adopt an allocation and
13 disbursement plan for the operation of the trust fund and the
14 expenditure of moneys deposited in the trust fund. The Supreme
15 Court shall include the plan in its legislative budget
16 request. A committee of 15 people shall develop and recommend
17 the allocation and disbursement plan to the Supreme Court. The
18 committee shall be composed of:

19 1. Six persons appointed by the Florida Association of
20 Counties, as follows:

21 a. Two persons residing in counties with populations
22 less than 85,000 ~~75,000~~.

23 b. Two persons residing in counties with populations
24 greater than 84,999 ~~74,999~~, but less than 700,000.

25 c. Two persons residing in counties with populations
26 greater than 699,999.

27 2. Six persons appointed by the Chief Justice of the
28 Supreme Court, as follows:

29 a. Two persons residing in counties with populations
30 less than 85,000 ~~75,000~~.

31

1 b. Two persons residing in counties with populations
2 greater than 84,999 ~~74,999~~, but less than 700,000.

3 c. Two persons residing in counties with populations
4 greater than 699,999.

5 3. Three persons appointed by the Florida Association
6 of Court Clerks and Comptrollers, as follows:

7 a. One person residing in a county with a population
8 less than 85,000 ~~75,000~~.

9 b. One person residing in a county with a population
10 greater than 84,999 ~~74,999~~, but less than 700,000.

11 c. One person residing in a county with a population
12 greater than 699,999.

13

14 The allocation and disbursement plan shall include provisions
15 to compensate counties with fewer than 85,000 ~~75,000~~ residents
16 for court facility needs.

17 (c) Amendments to the approved operating budget for
18 expenditures from the County Article V Trust Fund must be
19 approved in accordance with the provisions of s. 216.181. The
20 total amount disbursed from the County Article V Trust Fund
21 may not exceed the amount authorized by the General
22 Appropriations Act.

23 (d) Effective July 1, 2001 ~~1998~~, moneys generated from
24 civil penalties distributed under s. 318.21(2)(h) shall be
25 deposited in the trust fund for the following purposes:

26 1. Funds paid to counties with populations less than
27 85,000 ~~75,000~~ shall be grants-in-aid to be used, in priority
28 order, for: operating expenditures of the offices of the
29 state attorneys and public defenders; consulting or
30 architectural studies related to the improvement of courthouse
31 facilities; improving court facilities to ensure compliance

1 with the Americans with Disabilities Act and other federal or
2 state requirements; other renovations in court facilities;
3 improvements in court security; and expert witness fees in
4 criminal cases, court reporting and transcribing costs in
5 criminal cases, and costs associated with the appointment of
6 special public defenders.

7 2. Funds paid to counties with populations exceeding
8 84,999 ~~74,999~~ shall be grants-in-aid to be used, in priority
9 order, for operating expenditures of the offices of the state
10 attorneys and public defenders, costs paid by the county for
11 expert witness fees in criminal cases, court reporting and
12 transcribing costs in criminal cases, and costs associated
13 with the appointment of special public defenders.

14 (2) This section is repealed June 30, 2002.

15 Section 20. In order to implement Specific
16 Appropriations 2624-2628A of the 2001-2002 General
17 Appropriations Act, subsection (4) of section 287.161, Florida
18 Statutes, is amended to read:

19 287.161 Executive aircraft pool; assignment of
20 aircraft; charge for transportation.--

21 (4) Notwithstanding the requirements of subsections
22 (2) and (3) and for the 2001-2002 ~~2000-2001~~ fiscal year only,
23 the Department of Management Services shall charge all persons
24 receiving transportation from the executive aircraft pool a
25 rate not less than the mileage allowance fixed by the
26 Legislature for the use of privately owned vehicles. Fees
27 collected for persons traveling by aircraft in the executive
28 aircraft pool shall be deposited into the Bureau of Aircraft
29 Trust Fund and shall be expended for costs incurred to operate
30 the aircraft management activities of the department. It is
31 the intent of the Legislature that the executive aircraft pool

1 be operated on a full cost recovery basis, less available
2 funds. This subsection expires July 1, 2002 ~~2001~~.

3 Section 21. In order to implement Specific
4 Appropriation 1748 of the 2001-2002 General Appropriations
5 Act, subsection (7) is added to section 212.20, Florida
6 Statutes, to read:

7 212.20 Funds collected, disposition; additional powers
8 of department; operational expense; refund of taxes
9 adjudicated unconstitutionally collected.--

10 (7) For the 2001-2002 fiscal year only, the use of
11 funds allocated to the Solid Waste Management Trust Fund shall
12 be as provided in the General Appropriations Act. There is
13 transferred \$24.5 million for wastewater, surface water, and
14 stormwater improvement and management projects. This
15 subsection is repealed on July 1, 2002.

16 Section 22. In order to implement Specific
17 Appropriation 1789 of the 2001-2002 General Appropriations
18 Act, subsection (11) of section 373.59, Florida Statutes, is
19 amended to read:

20 373.59 Water Management Lands Trust Fund.--

21 (11) Notwithstanding any provision of this section to
22 the contrary, and for the 2001-2002 ~~2000-2001~~ fiscal year
23 only, the governing board of a water management district may
24 request, and the Secretary of Environmental Protection shall
25 release upon such request, moneys allocated to the districts
26 pursuant to subsection (8) for the purpose of carrying out the
27 purposes of s. 373.0361, s. 375.0831, s. 373.139, or ss.
28 373.451-373.4595 and for legislatively authorized land
29 acquisition and water restoration initiatives. No funds may be
30 used pursuant to this subsection until necessary debt service
31 obligations, requirements for payments in lieu of taxes, and

1 land management obligations that may be required by this
2 chapter are provided for. This subsection is repealed on July
3 1, 2002 ~~2001~~.

4 Section 23. In order to implement Specific
5 Appropriation 1814 of the 2001-2002 General Appropriations
6 Act, subsection (15) of section 259.032, Florida Statutes, is
7 amended to read:

8 259.032 Conservation and Recreation Lands Trust Fund;
9 purpose.--

10 (15) For fiscal year 2001-2002 ~~2000-2001~~ only, moneys
11 credited to the fund may be appropriated to provide grants to
12 qualified local governmental entities pursuant to the
13 provisions of s. 375.075. This subsection is repealed on July
14 1, 2002 ~~2001~~.

15 Section 24. In order to implement section 8 of the
16 2001-2002 General Appropriations Act, section 110.12315,
17 Florida Statutes, is amended to read:

18 110.12315 Prescription drug program.--

19 (1) The state employees' prescription drug program is
20 established. This program shall be administered by the
21 Department of Management Services, according to the terms and
22 conditions of the plan as established by the relevant
23 provisions of the annual General Appropriations Act and
24 implementing legislation, subject to the following conditions:

25 (a)~~(1)~~ The Department of Management Services shall
26 allow prescriptions written by health care providers under the
27 plan to be filled by any licensed pharmacy pursuant to
28 contractual claims-processing provisions. Nothing in this
29 section may be construed as prohibiting a mail order
30 prescription drug program distinct from the service provided
31 by retail pharmacies.

1 (b)~~(2)~~ In providing for reimbursement of pharmacies
2 for prescription medicines dispensed to members of the state
3 group health insurance plan and their dependents under the
4 state employees' prescription drug program:

5 1.~~(a)~~ Retail pharmacies participating in the program
6 must be reimbursed at a uniform rate and subject to uniform
7 conditions, according to the terms and conditions of the plan.

8 2.~~(b)~~ There shall be a 30-day supply limit for
9 prescription card purchases and 90-day supply limit for mail
10 order or mail order prescription drug purchases.

11 3.~~(c)~~ The current pharmacy dispensing fee remains in
12 effect.

13 (c)~~(3)~~ The Department of Management Services shall
14 establish the reimbursement schedule for prescription
15 pharmaceuticals dispensed under the program. Reimbursement
16 rates for a prescription pharmaceutical must be based on the
17 cost of the generic equivalent drug if a generic equivalent
18 exists, unless the physician prescribing the pharmaceutical
19 clearly states on the prescription that the brand name drug is
20 medically necessary or that the drug product is included on
21 the formulary of drug products that may not be interchanged as
22 provided in chapter 465, in which case reimbursement must be
23 based on the cost of the brand name drug as specified in the
24 reimbursement schedule adopted by the Department of Management
25 Services.

26 (d)~~(4)~~ The Department of Management Services shall
27 conduct a prescription utilization review program. In order
28 to participate in the state employees' prescription drug
29 program, retail pharmacies dispensing prescription medicines
30 to members of the state group health insurance plan or their
31 covered dependents, or to subscribers or covered dependents of

1 a health maintenance organization plan under the state group
2 insurance program, shall make their records available for this
3 review.

4 (e)~~(5)~~ The Department of Management Services shall
5 implement such additional cost-saving measures and adjustments
6 as may be required to balance program funding within
7 appropriations provided, including a trial or starter dose
8 program and dispensing of long-term-maintenance medication in
9 lieu of acute therapy medication.

10 (f)~~(6)~~ Participating pharmacies must use a
11 point-of-sale device or an on-line computer system to verify a
12 participant's eligibility for coverage. The state is not
13 liable for reimbursement of a participating pharmacy for
14 dispensing prescription drugs to any person whose current
15 eligibility for coverage has not been verified by the state's
16 contracted administrator or by the Department of Management
17 Services.

18 (2)(a)~~(7)~~ Notwithstanding the provisions of subsection
19 subsections (1) and (2), and for the 2001-2002 fiscal year
20 only, under the state employees' prescription drug program
21 copayments must be made as follows:

22 ~~(a) For the period July 1, 2000, through December 31,~~
23 ~~2000:~~

- 24 1. ~~For generic drug with card.....\$7.~~
25 2. ~~For brand name drug with card.....\$20.~~
26 3. ~~For generic mail order drug with card.....\$7.~~
27 4. ~~For brand name mail order drug with card.....\$20.~~

28 ~~(b) Effective January 1, 2001:~~

- 29 1. For generic drug with card.....\$7.
30 2. For preferred brand name drug with card.....\$20.
31 3. For nonpreferred brand name drug with card.....\$35.

- 1 4. For generic mail order drug ~~with card~~.....\$10.50.
2 5. For preferred brand name mail order drug ~~with card~~
3\$30.
4 6. For nonpreferred brand name mail order drug ~~with~~
5 ~~card~~.....\$52.50.
6 **(b)**~~(c)~~ The Department of Management Services shall
7 create a preferred brand name drug list to be used in the
8 administration of the state employees' prescription drug
9 program.

10

11 This subsection expires July 1, 2002 ~~2001~~.

12 Section 25. In order to implement section 8 of the
13 2001-2002 General Appropriations Act, section 110.1239,
14 Florida Statutes, is amended to read:

15 110.1239 State group health insurance program
16 funding.--For the 2001-2002 ~~2000-2001~~ fiscal year only, it is
17 the intent of the Legislature that the state group health
18 insurance program be managed, administered, operated, and
19 funded in such a manner as to maximize the protection of state
20 employee health insurance benefits. Inherent in this intent is
21 the recognition that the health insurance liabilities
22 attributable to the benefits offered state employees should be
23 fairly, orderly, and equitably funded. Accordingly:

24 (1) The division shall determine the level of premiums
25 necessary to fully fund the state group health insurance
26 program for the next fiscal year. Such determination shall be
27 made after each revenue estimating conference on health
28 insurance as provided in s. 216.136(1), but not later than
29 December 1 and April 1 of each fiscal year.

30 (2) The Governor, in the Governor's recommended
31 budget, shall provide premium rates necessary for full funding

1 of the state group health insurance program, and the
2 Legislature shall provide in the General Appropriations Act
3 for a premium level necessary for full funding of the state
4 group health insurance program.

5 (3) For purposes of funding, any additional
6 appropriation amounts allocated to the state group health
7 insurance program by the Legislature shall be considered as a
8 state contribution and thus an increase in the state premiums.

9 (4) This section is repealed on July 1, 2002 ~~2001~~.

10 Section 26. (1) In order to implement section 15 of
11 the 2001-2002 General Appropriations Act, the Department of
12 Management Services shall contract with a service provider for
13 human resource services on behalf of all state agencies. The
14 department shall submit a plan for the outsourcing of human
15 resource services to the Executive Office of the Governor and
16 the Legislative Budget Commission. This plan shall include:

17 (a) The costs associated with contracting for
18 outsourcing of human resource services;

19 (b) The costs associated with providing those human
20 resource services not outsourced; and

21 (c) The cost savings anticipated by the state.

22 (2) The Legislative Budget Commission shall consider
23 and approve the plan submitted by the department for the
24 outsourcing of human resource services.

25 (3) The department shall work with each state agency
26 regarding the implementation of the approved plan. During
27 implementation of the outsourced human resource services,
28 agency full-time equivalent (FTE) service positions and
29 associated rate shall be placed in unbudgeted reserve by the
30 Executive Office of the Governor pursuant to section 216.181,
31 Florida Statutes. Each agency shall transfer any budget

1 associated with the reserved FTE to a special category for
2 human resource services. To the extent necessary to pay an
3 agency's portion of the costs of the outsourced human resource
4 services, the agency shall pay a special assessment fee to the
5 Department of Management Services.

6 (4) For purposes of this section, "state agencies"
7 means all state entities and government branches utilizing the
8 Cooperative Personnel Employment System (COPES) on March 15,
9 2001.

10 (5) This section is repealed on July 1, 2002.

11 Section 27. In order to implement Specific
12 Appropriations 2702 and 2732 of the 2001-2002 General
13 Appropriations Act, section 287.1345, Florida Statutes, is
14 amended to read:

15 287.1345 Surcharge on users of state term contracts;
16 deposit of proceeds collected.--

17 (1) The Department of Management Services may impose a
18 surcharge upon users of state term contracts in order to fund
19 the costs, including overhead, of its procurement function.
20 The department may provide for the state term contract vendor
21 to collect the surcharge or directly collect the fee from the
22 public agency involved. For the purpose of compensating
23 vendors for expenses incurred in collecting such fees, the
24 department may authorize a vendor to retain a portion of the
25 fees. The vendor may withhold the portion retained from the
26 amount of fees to be remitted to the department. The
27 department may negotiate the retainage as a percentage of such
28 fees charged to users, as a flat amount, or as any other
29 method the department deems feasible. Vendors shall maintain
30 accurate sales summaries for purchases made from state term
31 contracts and shall provide the summaries to the department on

1 a quarterly basis. Any contract remedies relating to the
2 collection of such fees from users through vendors are
3 enforceable, including, but not limited to, liquidated
4 damages, late fees, and the costs of collection, including
5 attorney's fees. The fees collected pursuant to this section
6 shall be deposited into the Grants and Donations Trust Fund of
7 the department and are subject to appropriation as provided by
8 law. The Executive Office of the Governor may exempt
9 transactions from the payment of the surcharge if payment of
10 such surcharge would cause the state, a political subdivision,
11 or unit of local government to lose federal funds or in other
12 cases where such exemption is in the public interest. The
13 fees collected pursuant to this section and interest income on
14 such fees shall not be deemed to be income of a revenue nature
15 for purposes of chapter 215.

16 (2) For the 2001-2002 fiscal year only and
17 notwithstanding the limitations of subsection (1), funds
18 collected and deposited into the Grants and Donations Trust
19 Fund may be used to develop the state portal and to implement
20 enterprisewide and statewide technology initiatives. This
21 subsection is repealed on July 1, 2002.

22 Section 28. In order to implement Specific
23 Appropriations 2164-2167, 2285-2290A, 2537-2544C, 2746-2751A,
24 2700-2726A, 25-33A, and 291-293 of the 2001-2002 General
25 Appropriations Act, and for the 2001-2002 fiscal year only,
26 the Department of Insurance, the Department of Education, the
27 Department of Business and Professional Regulation, the Agency
28 for Workforce Innovation, the Department of Management
29 Services, the Department of Labor and Employment Security, and
30 the Agency for Health Care Administration may transfer
31 positions and funds as necessary to comply with any provision

1 of the 2001-2002 General Appropriations Act. This section is
2 repealed on July 1, 2002.

3 Section 29. In order to implement Specific
4 Appropriations 1524-1591 of the 2001-2002 General
5 Appropriations Act, paragraph (b) of subsection (1) of section
6 252.373, Florida Statutes, is amended to read:

7 252.373 Allocation of funds; rules.--

8 (1)

9 (b) Notwithstanding the provisions of paragraph (a),
10 and for the 2001-2002 ~~2000-2001~~ fiscal year only, up to \$2.2
11 million ~~\$4 million~~ of the unencumbered balance of the
12 Emergency Management, Preparedness, and Assistance Trust Fund
13 shall be utilized to improve, and increase the number of,
14 disaster shelters within the state and improve local disaster
15 preparedness. This paragraph is repealed on July 1, 2002 ~~2001~~.

16 Section 30. (1) This section implements Specific
17 Appropriations 337, 343, 349, 350, 431, 2122, 2127, 2128, and
18 2145 of the 2001-2002 General Appropriations Act.

19 (2) For purposes of this section, "program" means:

20 (a) Any state program funded under part A of Title IV
21 of the Social Security Act, as amended by section 103(a) of
22 Title I of the Personal Responsibility and Work Opportunity
23 Reconciliation Act of 1996, Pub. L. No. 104-193.

24 (b) Any other program established or modified under
25 Title I or Title II of the Personal Responsibility and Work
26 Opportunity Reconciliation Act of 1996 that permits contracts
27 with organizations or permits certificates, warrants, or other
28 forms of disbursement to be provided to beneficiaries as a
29 means of providing assistance.

30 (c) Any other state program or policy initiative that
31 provides direct assistance to individuals or families.

1 (3) Any agency or political subdivision of this state
2 may contract with faith-based organizations or allow
3 faith-based organizations to accept certificates, warrants, or
4 other forms of disbursement under any program, on the same
5 basis as any other nongovernmental provider, without impairing
6 the religious character of such organizations. Any
7 faith-based organization may act as a subcontractor in the
8 delivery of services under any program, on the same basis as
9 any other nongovernmental provider, without impairing the
10 religious character of such organization. Each program to
11 which this section is applicable shall be operated in
12 compliance with federal requirements applicable to the
13 particular program, and consistent with the Establishment
14 Clause of the United States Constitution and s. 3, Art. I of
15 the State Constitution.

16 (4) Any faith-based organization is eligible as a
17 contractor or subcontractor, on the same basis as any other
18 nongovernmental organization, to provide assistance or to
19 accept certificates, warrants, or other forms of disbursement
20 under any program. Any agency of this state or any political
21 subdivision of this state receiving funds under any program
22 shall not discriminate against any organization which is or
23 applies to be a contractor to provide assistance, or which
24 accepts certificates, warrants, or other forms of
25 disbursement, on the basis that the organization has a
26 religious character.

27 (5)(a) A faith-based organization which has entered
28 into a contract with an agency or political subdivision of
29 this state, or which accepts certificates, warrants, or other
30 forms of disbursement described in subsection (2), shall
31 retain its independence from state and local governments,

1 including such organization's control over the definition,
2 development, practice, and expression of its religious
3 beliefs.

4 (b) An agency or any political subdivision of this
5 state shall not require a faith-based organization to alter
6 its form of internal governance or remove religious art,
7 icons, scripture, or other symbols in order to be eligible to
8 contract to provide assistance, or to accept certificates,
9 warrants, or other forms of disbursement, funded under a
10 program.

11 (6) Each agency which administers any program
12 described in this section shall prepare a plan to implement
13 this section and, no later than September 1, 2001, shall
14 submit a copy of the plan to the Governor, the President of
15 the Senate, and the Speaker of the House of Representatives.

16 (7) Any contractor or provider that has received a
17 contract to provide services under any program may employ
18 faith-based organizations as subcontractors on the same basis
19 as any other nongovernmental provider. Any agency that
20 administers any program described in this section may include
21 in any client services contract a requirement that contractors
22 or providers prepare plans describing their implementation of
23 this section. A failure to deliver such plans, if required,
24 may be considered by the agency as a material breach of the
25 contract that may result in cancellation of the contract.

26 (8) This section is repealed on July 1, 2002.

27 Section 31. A section of this act that implements a
28 specific appropriation or specifically identified proviso
29 language in the 2001-2002 General Appropriations Act is void
30 if the specific appropriation or specifically identified
31 proviso language is vetoed. A section of this act that

1 implements more than one specific appropriation or more than
2 one portion of specifically identified proviso language in the
3 2001-2002 General Appropriations Act is void if all the
4 specific appropriations or portions of specifically identified
5 proviso language are vetoed.

6 Section 32. If any other act passed during the 2001
7 Regular Session of the Legislature or any extension thereof
8 contains a provision that is substantively the same as a
9 provision in this act but that removes or is otherwise not
10 subject to the future repeal applied to such provision by this
11 act, the Legislature intends that the provision in the other
12 act shall take precedence and shall continue to operate,
13 notwithstanding the future repeal provided by this act.

14 Section 33. The performance measures and standards
15 established in this section for individual programs shall be
16 applied to those programs for the 2001-2002 fiscal year. These
17 performance measures and standards are directly linked to the
18 appropriations made in the General Appropriations Act for
19 fiscal year 2001-2002, as required by the Government
20 Performance and Accountability Act of 1994.

21 Section 34. If any provision of this act or the
22 application thereof to any person or circumstance is held
23 invalid, the invalidity shall not affect other provisions or
24 applications of the act which can be given effect without the
25 invalid provision or application, and to this end the
26 provisions of this act are declared severable.

27 Section 35. This act shall take effect July 1, 2001;
28 or, in the event this act fails to become a law until after
29 that date, it shall take effect upon becoming a law and shall
30 operate retroactively to July 1, 2001.

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HOUSE SUMMARY

Provides guidelines for implementing the 2001-2002
General Appropriations Act. Adopts state agency program
performance measures and standards. See bill for
details.