

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Lacasa offered the following:

13 **Amendment (with title amendment)**

14 On page 6, line 17

15 remove from the bill: Everything after the enacting clause

17 and insert in lieu thereof:

18 Section 1. It is the intent of the Legislature that
19 the implementing and administering provisions of this act
20 apply to the General Appropriations Act for fiscal year
21 2001-2002.

22 Section 2. In order to implement Specific
23 Appropriation 118 of the 2001-2002 General Appropriations Act,
24 paragraph (k) of subsection (1) and subsection (8) of section
25 236.081, Florida Statutes, are amended to read:

26 236.081 Funds for operation of schools.--If the annual
27 allocation from the Florida Education Finance Program to each
28 district for operation of schools is not determined in the
29 annual appropriations act or the substantive bill implementing
30 the annual appropriations act, it shall be determined as
31 follows:

Amendment No. ____ (for drafter's use only)

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

5 (k) Calculation of additional full-time equivalent
6 membership based on international baccalaureate examination
7 scores of students.--A value of 0.24 full-time equivalent
8 student membership shall be calculated for each student
9 enrolled in an international baccalaureate course who receives
10 a score of 4 or higher on a subject examination. A value of
11 0.3 full-time equivalent student membership shall be
12 calculated for each student who receives an international
13 baccalaureate diploma. Such value shall be added to the total
14 full-time equivalent student membership in basic programs for
15 grades 9 through 12 in the subsequent fiscal year. ~~During the~~
16 ~~1997-1998, 1998-1999, and 1999-2000 school years of the pilot~~
17 ~~program authorized in s. 240.116, Students enrolled in the~~
18 Advanced International Certificate of Education Program shall
19 generate full-time equivalent student membership in a manner
20 that is equitable to the manner in which students enrolled in
21 the International Baccalaureate Program generate full-time
22 equivalent student membership. ~~During 1997-1998, a maximum of~~
23 ~~40 students in each participating school district is~~
24 ~~authorized to generate full-time equivalent student membership~~
25 ~~in the pilot program, and in 1998-1999 and 1999-2000 a maximum~~
26 ~~of 80 students per year in each participating school district~~
27 ~~is authorized to generate full-time equivalent student~~
28 ~~membership in the pilot program.~~

29 (8) QUALITY ASSURANCE GUARANTEE.--The Legislature may
30 annually in the General Appropriations Act determine a
31 percentage increase in funds per K-12 unweighted ~~weighted~~ FTE

Amendment No. ____ (for drafter's use only)

1 as a minimum guarantee to each school district. The guarantee
2 shall be calculated from prior year base funding per
3 unweighted ~~weighted~~ FTE student which shall include the
4 adjusted FTE dollars as provided in subsection (9), quality
5 guarantee funds, and actual nonvoted discretionary local
6 effort from taxes. From the base funding per unweighted
7 ~~weighted~~ FTE, the increase shall be calculated for the current
8 year. The current year funds from which the guarantee shall be
9 determined shall include the adjusted FTE dollars as provided
10 in subsection (9) and potential nonvoted discretionary local
11 effort from taxes. A comparison of current year funds per
12 unweighted ~~weighted~~ FTE to prior year funds per unweighted
13 ~~weighted~~ FTE shall be computed. For those school districts
14 which have less than the legislatively assigned percentage
15 increase, funds shall be provided to guarantee the assigned
16 percentage increase in funds per unweighted ~~weighted~~ FTE
17 student. Should appropriated funds be less than the sum of
18 this calculated amount for all districts, the commissioner
19 shall prorate each district's allocation. This provision shall
20 be implemented to the extent specifically funded.

21 Section 3. The amendment of paragraph (k) of
22 subsection (1) and subsection (8) of section 236.081, Florida
23 Statutes, by this act shall expire on July 1, 2002, and the
24 text of said provisions shall revert to that in existence on
25 June 30, 2001, except that any amendments to such text enacted
26 other than by this act shall be preserved and continue to
27 operate to the extent that such amendments are not dependent
28 upon the portions of said text which expire pursuant to the
29 provisions of this act.

30 Section 4. In order to implement Specific
31 Appropriation 118 of the 2001-2002 General Appropriations Act,

Amendment No. ____ (for drafter's use only)

1 subsection (6) of section 240.116, Florida Statutes, is
2 amended to read:

3 240.116 Articulated acceleration.--

4 (6) The International Baccalaureate Program shall be
5 the curriculum in which eligible secondary students are
6 enrolled in a program of studies offered through the
7 International Baccalaureate Program administered by the
8 International Baccalaureate Office. The State Board of
9 Education shall establish rules which specify the cutoff
10 scores and International Baccalaureate Examinations which will
11 be used to grant postsecondary credit at community colleges
12 and universities. Any such rules, which have the effect of
13 raising the required cutoff score or of changing the
14 International Baccalaureate Examinations which will be used to
15 grant postsecondary credit, shall only apply to students
16 taking International Baccalaureate Examinations after such
17 rules are adopted by the State Board of Education. Students
18 shall be awarded a maximum of 30 semester credit hours
19 pursuant to this subsection. The specific course for which a
20 student receives such credit shall be determined by the
21 community college or university that accepts the student for
22 admission. Students enrolled pursuant to this subsection
23 shall be exempt from the payment of any fees for
24 administration of the examinations. ~~During the 1997-1998,~~
25 ~~1998-1999, and 1999-2000 school years, the Department of~~
26 ~~Education shall assist up to three school districts in~~
27 ~~conducting a pilot of the Advanced International Certificate~~
28 ~~of Education Program administered by the University of~~
29 ~~Cambridge Local Examinations Syndicate. The department shall~~
30 ~~produce an evaluation report and recommendations regarding the~~
31 ~~comparability of the Advanced International Certificate of~~

Amendment No. ____ (for drafter's use only)

1 ~~Education Program to the International Baccalaureate Program~~
2 ~~and submit the report to the President of the Senate and the~~
3 ~~Speaker of the House of Representatives on or before October~~
4 ~~1, 2000.~~

5 Section 5. The amendment of subsection (6) of section
6 240.116, Florida Statutes, by this act shall expire on July 1,
7 2002, and the text of said subsection shall revert to that in
8 existence on June 30, 2001, except that any amendments to such
9 text enacted other than by this act shall be preserved and
10 continue to operate to the extent that such amendments are not
11 dependent upon the portions of said text which expire pursuant
12 to the provisions of this act.

13 Section 6. In order to implement Specific
14 Appropriation 178 of the 2001-2002 General Appropriations Act,
15 subsection (7) of section 240.35, Florida Statutes, is amended
16 to read:

17 240.35 Student fees.--Unless otherwise provided, the
18 provisions of this section apply only to fees charged for
19 college credit instruction leading to an associate in arts
20 degree, an associate in applied science degree, or an
21 associate in science degree and noncollege credit
22 college-preparatory courses defined in s. 239.105.

23 (7) Each community college board of trustees shall
24 establish matriculation and tuition fees, which may vary no
25 more than 10 percent below and 15 percent above the combined
26 total of the fee schedule adopted by the State Board of
27 Community Colleges and the technology fee adopted by a board
28 of trustees, provided that any amount from 10 to 15 percent
29 above the fee schedule is used only to support safety and
30 security purposes. In order to assess an additional amount for
31 safety and security purposes, a community college board of

Amendment No. ____ (for drafter's use only)

1 trustees must provide written justification to the State Board
2 of Community Colleges based on criteria approved by the local
3 board of trustees, including but not limited to criteria such
4 as local crime data and information, and strategies for the
5 implementation of local safety plans. For 1999-2000, each
6 community college is authorized to increase the sum of the
7 matriculation fee and technology fee by not more than 5
8 percent of the sum of the matriculation and local safety and
9 security fees in 1998-1999. However, no fee in 1999-2000 shall
10 exceed the prescribed statutory limit. Should a college decide
11 to increase the matriculation fee, the funds raised by
12 increasing the matriculation fee must be expended solely for
13 additional safety and security purposes and shall not supplant
14 funding expended in the 1998-1999 budget for safety and
15 security purposes.

16 Section 7. The amendment of subsection (7) of section
17 240.35, 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 8. Consistent with the provisions of section
25 216.163, Florida Statutes, in accordance with
26 performance-based program budgeting requirements, and
27 notwithstanding the provisions of section 216.181, Florida
28 Statutes, the Department of Law Enforcement may transfer up to
29 one-half of 1 percent of the funds in Specific Appropriations
30 1236, 1248, 1257, 1259, 1268, 1278, 1281, 1289, 1296, 1302,
31 and 1308 of the 2001-2002 General Appropriations Act for

Amendment No. ____ (for drafter's use only)

1 salary bonuses for departmental employees at the discretion of
2 the executive director, provided that such bonuses are given
3 only to selected employees for meritorious performance,
4 instead of being given as across-the-board bonuses for all
5 employees. The department, after consultation with the
6 Executive Office of the Governor, shall provide a plan to the
7 chairs of the legislative appropriations committees
8 responsible for producing the General Appropriations Act for
9 review before awarding such bonuses. This section is repealed
10 on July 1, 2002.

11 Section 9. In order to implement Specific
12 Appropriations 1236-1312 of the 2001-2002 General
13 Appropriations Act, subsection (17) is added to section
14 216.181, Florida Statutes, to read:

15 216.181 Approved budgets for operations and fixed
16 capital outlay.--

17 (17) Notwithstanding any other provision of this
18 section to the contrary, and for the 2001-2002 fiscal year
19 only, the Department of Law Enforcement may transfer up to 20
20 positions and associated budget between budget entities,
21 provided the same funding source is used throughout each
22 transfer. The department may also transfer up to 10 percent of
23 the initial approved salary rate between budget entities,
24 provided the same funding source is used throughout each
25 transfer. The department must provide notice to the Executive
26 Office of the Governor, the chair of the Senate Budget
27 Committee, and the chair of the House Committee on Criminal
28 Justice Appropriations for all transfers of positions or
29 salary rate. This subsection is repealed on July 1, 2002.

30 Section 10. In order to implement proviso language
31 following Specific Appropriation 1225 of the 2001-2002 General

Amendment No. ____ (for drafter's use only)

1 Appropriations Act, the Correctional Privatization Commission
2 may expend appropriated funds to assist in defraying the costs
3 of impacts that are incurred by a municipality or county and
4 associated with opening or operating a facility under the
5 authority of the Correctional Privatization Commission or a
6 facility under the authority of the Department of Juvenile
7 Justice which is located within that municipality or county.
8 The amount that is to be paid under this section for any
9 facility may not exceed 1 percent of the facility construction
10 cost, less building impact fees imposed by the municipality or
11 by the county if the facility is located in the unincorporated
12 portion of the county. This section is repealed on July 1,
13 2002.

14 Section 11. In order to implement Specific
15 Appropriation 1347 of the 2001-2002 General Appropriations
16 Act, the Department of Legal Affairs may transfer up to
17 \$1,054,632 between trust funds. This section is repealed on
18 July 1, 2002.

19 Section 12. In order to implement Specific
20 Appropriation 2967 of the 2001-2002 General Appropriations
21 Act, subsection (8) of section 925.037, Florida Statutes, is
22 amended to read:

23 925.037 Reimbursement of counties for fees paid to
24 appointed counsel; circuit conflict committees.--

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

31 Section 13. In order to implement Specific

Amendment No. ____ (for drafter's use only)

1 Appropriation 681 of the 2001-2002 General Appropriations Act,
2 subsection (4) of section 216.262, Florida Statutes, is
3 amended to read:

4 216.262 Authorized positions.--

5 (4) Notwithstanding the provisions of this chapter on
6 increasing the number of authorized positions, and for the
7 2001-2002 ~~2000-2001~~ fiscal year only, if the actual inmate
8 population of the Department of Corrections exceeds by 2
9 percent for 2 consecutive months or more the inmate population
10 projected by the Criminal Justice Estimating Conference on
11 February 16, 2001 ~~March 2, 2000~~, the Executive Office of the
12 Governor may request positions in excess of the number
13 authorized by the Legislature and sufficient funding from the
14 Working Capital Fund to operate the additional prison bed
15 capacity necessary to accommodate the actual inmate
16 population. Such request is subject to the budget amendment
17 and consultation provisions of this chapter. This subsection
18 is repealed on July 1, 2002 ~~2001~~.

19 Section 14. In order to implement Specific
20 Appropriations 1236-1258A of the 2001-2002 General
21 Appropriations Act, subsection (1) of section 938.01, Florida
22 Statutes, as amended by section 40 of chapter 2000-171, Laws
23 of Florida, is amended to read:

24 938.01 Additional Court Cost Clearing Trust Fund.--

25 (1) All courts created by Art. V of the State
26 Constitution shall, in addition to any fine or other penalty,
27 assess \$3 as a court cost against every person convicted for
28 violation of a state penal or criminal statute or convicted
29 for violation of a municipal or county ordinance. Any person
30 whose adjudication is withheld pursuant to the provisions of
31 s. 318.14(9) or (10) shall also be assessed such cost. In

Amendment No. ____ (for drafter's use only)

1 addition, \$3 from every bond estreature or forfeited bail bond
2 related to such penal statutes or penal ordinances shall be
3 forwarded to the Treasurer as described in this subsection.
4 However, no such assessment may be made against any person
5 convicted for violation of any state statute, municipal
6 ordinance, or county ordinance relating to the parking of
7 vehicles.

8 (a) All such costs collected by the courts shall be
9 remitted to the Department of Revenue, in accordance with
10 administrative rules adopted by the executive director of the
11 Department of Revenue, for deposit in the Additional Court
12 Cost Clearing Trust Fund and shall be earmarked to the
13 Department of Law Enforcement ~~and the Department of Community~~
14 ~~Affairs~~ for distribution as follows:

15 1. Two dollars and seventy-five cents of each \$3
16 assessment shall be deposited in the Criminal Justice
17 Standards and Training Trust Fund, and the remaining 25 cents
18 of each such assessment shall be deposited into the Department
19 of Law Enforcement Operating Trust Fund and shall be disbursed
20 to the ~~Bureau of Public Safety Management of the~~ Department of
21 Law Enforcement ~~Community Affairs~~.

22 2. Ninety-two percent of the money distributed to the
23 Additional Court Cost Clearing Trust Fund pursuant to s.
24 318.21 shall be earmarked to the Department of Law Enforcement
25 for deposit in the Criminal Justice Standards and Training
26 Trust Fund, and 8 percent of such money shall be deposited
27 into the Department of Law Enforcement Operating Trust Fund
28 and shall be disbursed to the ~~Bureau of Public Safety~~
29 ~~Management of the~~ Department of Law Enforcement ~~Community~~
30 ~~Affairs~~.

31 (b) The funds deposited in the Criminal Justice

Amendment No. ____ (for drafter's use only)

1 Standards and Training Trust Fund and the Department of Law
2 Enforcement Operating Trust Fund may be invested. Any interest
3 earned from investing such funds and any unencumbered funds
4 remaining at the end of the budget cycle shall remain in the
5 respective trust fund until the following year.

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

10 Section 15. The amendment of subsection (1) of section
11 938.01, Florida Statutes, by this act shall expire on July 1,
12 2002, and the text of said subsection shall revert to that in
13 existence on June 30, 2000, except that any amendments to such
14 text enacted other than by this act shall be preserved and
15 continue to operate to the extent that such amendments are not
16 dependent upon the portions of said text which expire pursuant
17 to the provisions of this act.

18 Section 16. In order to implement Specific
19 Appropriations 1236-1258A of the 2001-2002 General
20 Appropriations Act, subsection (1) of section 943.25, Florida
21 Statutes, as amended by section 42 of chapter 2000-171, Laws
22 of Florida, is amended to read:

23 943.25 Criminal justice trust funds; source of funds;
24 use of funds.--

25 (1) The Department of Law Enforcement ~~Community~~
26 ~~Affairs~~ may approve, for disbursement from the Department of
27 Law Enforcement ~~its~~ Operating Trust Fund, those appropriated
28 sums necessary and required by the state for grant matching,
29 implementing, administering, evaluating, and qualifying for
30 such federal funds. Disbursements from the trust fund for the
31 purpose of supplanting state general revenue funds may not be

Amendment No. ____ (for drafter's use only)

1 made without specific legislative appropriation.

2 Section 17. The amendment of subsection (1) of section
3 943.25, Florida Statutes, by this act shall expire on July 1,
4 2002, and the text of said subsection shall revert to that in
5 existence on June 30, 2000, except that any amendments to such
6 text enacted other than by this act shall be preserved and
7 continue to operate to the extent that such amendments are not
8 dependent upon the portions of said text which expire pursuant
9 to the provisions of this act.

10 Section 18. (1) In order to implement Specific
11 Appropriations 1236-1258A of the 2001-2002 General
12 Appropriations Act, and for the 2001-2002 fiscal year only,
13 the Criminal Justice Program shall be transferred from the
14 Department of Community Affairs to the Department of Law
15 Enforcement by a type two transfer, pursuant to section
16 20.06(2), Florida Statutes. The Criminal Justice Program so
17 transferred is comprised of the Byrne State and Local Law
18 Enforcement Assistance Program, Local Law Enforcement Block
19 Grants, Drug-Free Communities Program, Residential Substance
20 Abuse Treatment for State Prisoners, the Bulletproof Vest
21 Program, the Guantanamo Bay Refugee and Entrant Assistance
22 Program, the National Criminal History Improvement Program,
23 and the Violent Offender Incarceration and Truth-in-Sentencing
24 Program.

25 (2)(a) In order to implement Specific Appropriations
26 1236-1258A of the 2001-2002 General Appropriations Act, and
27 for the 2001-2002 fiscal year only, the Prevention of Domestic
28 and Sexual Violence Program is transferred from the Department
29 of Community Affairs to the Department of Children and Family
30 Services by a type two transfer, pursuant to section 20.06(2),
31 Florida Statutes. The Prevention of Domestic and Sexual

Amendment No. ____ (for drafter's use only)

1 Violence Program so transferred is comprised of the Governor's
2 Task Force on Domestic and Sexual Violence and the Violence
3 Against Women Program.

4 (b) From the funds deposited into the Department of
5 Law Enforcement Operating Trust Fund pursuant to section
6 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law
7 Enforcement shall transfer funds to the Department of Children
8 and Family Services to be used as matching funds for the
9 administration of the Prevention of Domestic and Sexual
10 Violence Program transferred from the Department of Community
11 Affairs. The amount of the transfer for fiscal year 2001-2002
12 shall be determined by the Governor's Office of Planning and
13 Budgeting, in consultation with the Department of Community
14 Affairs, the Department of Law Enforcement, and the Department
15 of Children and Family Services, and shall be based on the
16 historic use of these funds and current needs of the
17 Prevention of Domestic and Sexual Violence Program.

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

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

23 25.402 County Article V Trust Fund.--

24 (1)(a) The trust fund moneys in the County Article V
25 Trust Fund, administered by the Supreme Court, may ~~must~~ be
26 used to compensate counties for the costs they incur under
27 Article V of the State Constitution in operating the state
28 courts system, including the costs they incur in providing and
29 maintaining court facilities.

30 (b) The Supreme Court shall adopt an allocation and
31 disbursement plan for the operation of the trust fund and the

Amendment No. ____ (for drafter's use only)

1 expenditure of moneys deposited in the trust fund. The Supreme
2 Court shall include the plan in its legislative budget
3 request. A committee of 15 people shall develop and recommend
4 the allocation and disbursement plan to the Supreme Court. The
5 committee shall be composed of:

6 1. Six persons appointed by the Florida Association of
7 Counties, as follows:

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

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

12 c. Two persons residing in counties with populations
13 greater than 699,999.

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

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

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

20 c. Two persons residing in counties with populations
21 greater than 699,999.

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

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

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

28 c. One person residing in a county with a population
29 greater than 699,999.

30

31 The allocation and disbursement plan shall include provisions

Amendment No. ____ (for drafter's use only)

1 to compensate counties with fewer than 85,000 ~~75,000~~ residents
2 for court facility needs.

3 (c) Amendments to the approved operating budget for
4 expenditures from the County Article V Trust Fund must be
5 approved in accordance with the provisions of s. 216.181. The
6 total amount disbursed from the County Article V Trust Fund
7 may not exceed the amount authorized by the General
8 Appropriations Act.

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

12 1. Funds paid to counties with populations less than
13 85,000 ~~75,000~~ shall be grants-in-aid to be used, in priority
14 order, for: operating expenditures of the offices of the
15 state attorneys and public defenders; consulting or
16 architectural studies related to the improvement of courthouse
17 facilities; improving court facilities to ensure compliance
18 with the Americans with Disabilities Act and other federal or
19 state requirements; other renovations in court facilities;
20 improvements in court security; and expert witness fees in
21 criminal cases, court reporting and transcribing costs in
22 criminal cases, and costs associated with the appointment of
23 special public defenders.

24 2. Funds paid to counties with populations exceeding
25 84,999 ~~74,999~~ shall be grants-in-aid to be used, in priority
26 order, for operating expenditures of the offices of the state
27 attorneys and public defenders, costs paid by the county for
28 expert witness fees in criminal cases, court reporting and
29 transcribing costs in criminal cases, and costs associated
30 with the appointment of special public defenders.

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

Amendment No. ____ (for drafter's use only)

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

5 287.161 Executive aircraft pool; assignment of
6 aircraft; charge for transportation.--

7 (4) Notwithstanding the requirements of subsections
8 (2) and (3) and for the 2001-2002 ~~2000-2001~~ fiscal year only,
9 the Department of Management Services shall charge all persons
10 receiving transportation from the executive aircraft pool a
11 rate not less than the mileage allowance fixed by the
12 Legislature for the use of privately owned vehicles. Fees
13 collected for persons traveling by aircraft in the executive
14 aircraft pool shall be deposited into the Bureau of Aircraft
15 Trust Fund and shall be expended for costs incurred to operate
16 the aircraft management activities of the department. It is
17 the intent of the Legislature that the executive aircraft pool
18 be operated on a full cost recovery basis, less available
19 funds. This subsection expires July 1, 2002 ~~2001~~.

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

24 212.20 Funds collected, disposition; additional powers
25 of department; operational expense; refund of taxes
26 adjudicated unconstitutionally collected.--

27 (7) For the 2001-2002 fiscal year only, the use of
28 funds allocated to the Solid Waste Management Trust Fund shall
29 be as provided in the General Appropriations Act. There is
30 transferred \$24.5 million for wastewater, surface water, and
31 stormwater improvement and management projects. This

Amendment No. ____ (for drafter's use only)

1 subsection is repealed on July 1, 2002.

2 Section 22. In order to implement Specific
3 Appropriation 1789 of the 2001-2002 General Appropriations
4 Act, subsection (11) of section 373.59, Florida Statutes, is
5 amended to read:

6 373.59 Water Management Lands Trust Fund.--

7 (11) Notwithstanding any provision of this section to
8 the contrary, and for the 2001-2002 ~~2000-2001~~ fiscal year
9 only, the governing board of a water management district may
10 request, and the Secretary of Environmental Protection shall
11 release upon such request, moneys allocated to the districts
12 pursuant to subsection (8) for the purpose of carrying out the
13 purposes of s. 373.0361, s. 375.0831, s. 373.139, or ss.
14 373.451-373.4595 and for legislatively authorized land
15 acquisition and water restoration initiatives. No funds may be
16 used pursuant to this subsection until necessary debt service
17 obligations, requirements for payments in lieu of taxes, and
18 land management obligations that may be required by this
19 chapter are provided for. This subsection is repealed on July
20 1, 2002 ~~2001~~.

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

25 259.032 Conservation and Recreation Lands Trust Fund;
26 purpose.--

27 (15) For fiscal year 2001-2002 ~~2000-2001~~ only, moneys
28 credited to the fund may be appropriated to provide grants to
29 qualified local governmental entities pursuant to the
30 provisions of s. 375.075. This subsection is repealed on July
31 1, 2002 ~~2001~~.

Amendment No. ____ (for drafter's use only)

1 Section 24. In order to implement section 8 of the
2 2001-2002 General Appropriations Act, section 110.12315,
3 Florida Statutes, is amended to read:

4 110.12315 Prescription drug program.--

5 (1) The state employees' prescription drug program is
6 established. This program shall be administered by the
7 Department of Management Services, according to the terms and
8 conditions of the plan as established by the relevant
9 provisions of the annual General Appropriations Act and
10 implementing legislation, subject to the following conditions:

11 (a)~~(1)~~ The Department of Management Services shall
12 allow prescriptions written by health care providers under the
13 plan to be filled by any licensed pharmacy pursuant to
14 contractual claims-processing provisions. Nothing in this
15 section may be construed as prohibiting a mail order
16 prescription drug program distinct from the service provided
17 by retail pharmacies.

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

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

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

28 3.~~(c)~~ The current pharmacy dispensing fee remains in
29 effect.

30 (c)~~(3)~~ The Department of Management Services shall
31 establish the reimbursement schedule for prescription

Amendment No. ____ (for drafter's use only)

1 pharmaceuticals dispensed under the program. Reimbursement
2 rates for a prescription pharmaceutical must be based on the
3 cost of the generic equivalent drug if a generic equivalent
4 exists, unless the physician prescribing the pharmaceutical
5 clearly states on the prescription that the brand name drug is
6 medically necessary or that the drug product is included on
7 the formulary of drug products that may not be interchanged as
8 provided in chapter 465, in which case reimbursement must be
9 based on the cost of the brand name drug as specified in the
10 reimbursement schedule adopted by the Department of Management
11 Services.

12 (d)~~(4)~~ The Department of Management Services shall
13 conduct a prescription utilization review program. In order
14 to participate in the state employees' prescription drug
15 program, retail pharmacies dispensing prescription medicines
16 to members of the state group health insurance plan or their
17 covered dependents, or to subscribers or covered dependents of
18 a health maintenance organization plan under the state group
19 insurance program, shall make their records available for this
20 review.

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

27 (f)~~(6)~~ Participating pharmacies must use a
28 point-of-sale device or an on-line computer system to verify a
29 participant's eligibility for coverage. The state is not
30 liable for reimbursement of a participating pharmacy for
31 dispensing prescription drugs to any person whose current

Amendment No. ____ (for drafter's use only)

1 eligibility for coverage has not been verified by the state's
2 contracted administrator or by the Department of Management
3 Services.

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

8 ~~(a) For the period July 1, 2000, through December 31,~~
9 ~~2000+~~

- 10 1. ~~For generic drug with card.....\$7.~~
- 11 2. ~~For brand name drug with card.....\$20.~~
- 12 3. ~~For generic mail order drug with card.....\$7.~~
- 13 4. ~~For brand name mail order drug with card.....\$20.~~

14 ~~(b) Effective January 1, 2001+~~

- 15 1. For generic drug with card.....\$7.
- 16 2. For preferred brand name drug with card.....\$20.
- 17 3. For nonpreferred brand name drug with card.....\$35.
- 18 4. For generic mail order drug ~~with card~~.....\$10.50.
- 19 5. For preferred brand name mail order drug ~~with card~~
20\$30.
- 21 6. For nonpreferred brand name mail order drug ~~with~~
22 ~~card~~.....\$52.50.

23 ~~(b)(c)~~ The Department of Management Services shall
24 create a preferred brand name drug list to be used in the
25 administration of the state employees' prescription drug
26 program.

27
28 This subsection expires July 1, 2002 ~~2001~~.

29 Section 25. In order to implement section 8 of the
30 2001-2002 General Appropriations Act, section 110.1239,
31 Florida Statutes, is amended to read:

Amendment No. ____ (for drafter's use only)

1 110.1239 State group health insurance program
2 funding.--For the 2001-2002 ~~2000-2001~~ fiscal year only, it is
3 the intent of the Legislature that the state group health
4 insurance program be managed, administered, operated, and
5 funded in such a manner as to maximize the protection of state
6 employee health insurance benefits. Inherent in this intent is
7 the recognition that the health insurance liabilities
8 attributable to the benefits offered state employees should be
9 fairly, orderly, and equitably funded. Accordingly:

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

16 (2) The Governor, in the Governor's recommended
17 budget, shall provide premium rates necessary for full funding
18 of the state group health insurance program, and the
19 Legislature shall provide in the General Appropriations Act
20 for a premium level necessary for full funding of the state
21 group health insurance program.

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

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

27 Section 26. (1) In order to implement section 15 of
28 the 2001-2002 General Appropriations Act, the Department of
29 Management Services shall contract with a service provider for
30 human resource services on behalf of all state agencies. The
31 department shall submit a plan for the outsourcing of human

Amendment No. ____ (for drafter's use only)

1 resource services to the Executive Office of the Governor and
2 the Legislative Budget Commission. This plan shall include:
3 (a) The costs associated with contracting for
4 outsourcing of human resource services;
5 (b) The costs associated with providing those human
6 resource services not outsourced; and
7 (c) The cost savings anticipated by the state.
8 (2) The Legislative Budget Commission shall consider
9 and approve the plan submitted by the department for the
10 outsourcing of human resource services.
11 (3) The department shall work with each state agency
12 regarding the implementation of the approved plan. During
13 implementation of the outsourced human resource services,
14 agency full-time equivalent (FTE) service positions and
15 associated rate shall be placed in unbudgeted reserve by the
16 Executive Office of the Governor pursuant to section 216.181,
17 Florida Statutes. Each agency shall transfer any budget
18 associated with the reserved FTE to a special category for
19 human resource services. To the extent necessary to pay an
20 agency's portion of the costs of the outsourced human resource
21 services, the agency shall pay a special assessment fee to the
22 Department of Management Services.
23 (4) For purposes of this section, "state agencies"
24 means all state entities and government branches utilizing the
25 Cooperative Personnel Employment System (COPES) on March 15,
26 2001.
27 (5) This section is repealed on July 1, 2002.
28 Section 27. In order to implement Specific
29 Appropriations 2702 and 2732 of the 2001-2002 General
30 Appropriations Act, section 287.1345, Florida Statutes, is
31 amended to read:

Amendment No. ____ (for drafter's use only)

1 287.1345 Surcharge on users of state term contracts;
2 deposit of proceeds collected.--

3 (1) The Department of Management Services may impose a
4 surcharge upon users of state term contracts in order to fund
5 the costs, including overhead, of its procurement function.
6 The department may provide for the state term contract vendor
7 to collect the surcharge or directly collect the fee from the
8 public agency involved. For the purpose of compensating
9 vendors for expenses incurred in collecting such fees, the
10 department may authorize a vendor to retain a portion of the
11 fees. The vendor may withhold the portion retained from the
12 amount of fees to be remitted to the department. The
13 department may negotiate the retainage as a percentage of such
14 fees charged to users, as a flat amount, or as any other
15 method the department deems feasible. Vendors shall maintain
16 accurate sales summaries for purchases made from state term
17 contracts and shall provide the summaries to the department on
18 a quarterly basis. Any contract remedies relating to the
19 collection of such fees from users through vendors are
20 enforceable, including, but not limited to, liquidated
21 damages, late fees, and the costs of collection, including
22 attorney's fees. The fees collected pursuant to this section
23 shall be deposited into the Grants and Donations Trust Fund of
24 the department and are subject to appropriation as provided by
25 law. The Executive Office of the Governor may exempt
26 transactions from the payment of the surcharge if payment of
27 such surcharge would cause the state, a political subdivision,
28 or unit of local government to lose federal funds or in other
29 cases where such exemption is in the public interest. The
30 fees collected pursuant to this section and interest income on
31 such fees shall not be deemed to be income of a revenue nature

Amendment No. ____ (for drafter's use only)

1 for purposes of chapter 215.

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

8 Section 28. In order to implement Specific
9 Appropriations 2164-2167, 2285-2290A, 2537-2544C, 2746-2751A,
10 2700-2726A, 25-33A, and 291-293 of the 2001-2002 General
11 Appropriations Act, and for the 2001-2002 fiscal year only,
12 the Department of Insurance, the Department of Education, the
13 Department of Business and Professional Regulation, the Agency
14 for Workforce Innovation, the Department of Management
15 Services, the Department of Labor and Employment Security, and
16 the Agency for Health Care Administration may transfer
17 positions and funds as necessary to comply with any provision
18 of the 2001-2002 General Appropriations Act. This section is
19 repealed on July 1, 2002.

20 Section 29. In order to implement Specific
21 Appropriations 1524-1591 of the 2001-2002 General
22 Appropriations Act, paragraph (b) of subsection (1) of section
23 252.373, Florida Statutes, is amended to read:

24 252.373 Allocation of funds; rules.--

25 (1)

26 (b) Notwithstanding the provisions of paragraph (a),
27 and for the 2001-2002 ~~2000-2001~~ fiscal year only, up to \$2.2
28 ~~million~~ ~~\$4 million~~ of the unencumbered balance of the
29 Emergency Management, Preparedness, and Assistance Trust Fund
30 shall be utilized to improve, and increase the number of,
31 disaster shelters within the state and improve local disaster

Amendment No. ____ (for drafter's use only)

1 preparedness. This paragraph is repealed on July 1, 2002 ~~2001~~.

2 Section 30. (1) This section implements Specific
3 Appropriations 337, 343, 349, 350, 431, 2122, 2127, 2128, and
4 2145 of the 2001-2002 General Appropriations Act.

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

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

10 (b) Any other program established or modified under
11 Title I or Title II of the Personal Responsibility and Work
12 Opportunity Reconciliation Act of 1996 that permits contracts
13 with organizations or permits certificates, warrants, or other
14 forms of disbursement to be provided to beneficiaries as a
15 means of providing assistance.

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

18 (3) Any agency or political subdivision of this state
19 may contract with faith-based organizations or allow
20 faith-based organizations to accept certificates, warrants, or
21 other forms of disbursement under any program, on the same
22 basis as any other nongovernmental provider, without impairing
23 the religious character of such organizations. Any
24 faith-based organization may act as a subcontractor in the
25 delivery of services under any program, on the same basis as
26 any other nongovernmental provider, without impairing the
27 religious character of such organization. Each program to
28 which this section is applicable shall be operated in
29 compliance with federal requirements applicable to the
30 particular program, and consistent with the Establishment
31 Clause of the United States Constitution and s. 3, Art. I of

Amendment No. ____ (for drafter's use only)

1 the State Constitution.

2 (4) Any faith-based organization is eligible as a
3 contractor or subcontractor, on the same basis as any other
4 nongovernmental organization, to provide assistance or to
5 accept certificates, warrants, or other forms of disbursement
6 under any program. Any agency of this state or any political
7 subdivision of this state receiving funds under any program
8 shall not discriminate against any organization which is or
9 applies to be a contractor to provide assistance, or which
10 accepts certificates, warrants, or other forms of
11 disbursement, on the basis that the organization has a
12 religious character.

13 (5)(a) A faith-based organization which has entered
14 into a contract with an agency or political subdivision of
15 this state, or which accepts certificates, warrants, or other
16 forms of disbursement described in subsection (2), shall
17 retain its independence from state and local governments,
18 including such organization's control over the definition,
19 development, practice, and expression of its religious
20 beliefs.

21 (b) An agency or any political subdivision of this
22 state shall not require a faith-based organization to alter
23 its form of internal governance or remove religious art,
24 icons, scripture, or other symbols in order to be eligible to
25 contract to provide assistance, or to accept certificates,
26 warrants, or other forms of disbursement, funded under a
27 program.

28 (6) Each agency which administers any program
29 described in this section shall prepare a plan to implement
30 this section and, no later than September 1, 2001, shall
31 submit a copy of the plan to the Governor, the President of

Amendment No. ____ (for drafter's use only)

1 the Senate, and the Speaker of the House of Representatives.

2 (7) Any contractor or provider that has received a
3 contract to provide services under any program may employ
4 faith-based organizations as subcontractors on the same basis
5 as any other nongovernmental provider. Any agency that
6 administers any program described in this section may include
7 in any client services contract a requirement that contractors
8 or providers prepare plans describing their implementation of
9 this section. A failure to deliver such plans, if required,
10 may be considered by the agency as a material breach of the
11 contract that may result in cancellation of the contract.

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

13 Section 31. A section of this act that implements a
14 specific appropriation or specifically identified proviso
15 language in the 2001-2002 General Appropriations Act is void
16 if the specific appropriation or specifically identified
17 proviso language is vetoed. A section of this act that
18 implements more than one specific appropriation or more than
19 one portion of specifically identified proviso language in the
20 2001-2002 General Appropriations Act is void if all the
21 specific appropriations or portions of specifically identified
22 proviso language are vetoed.

23 Section 32. If any other act passed during the 2001
24 Regular Session of the Legislature or any extension thereof
25 contains a provision that is substantively the same as a
26 provision in this act but that removes or is otherwise not
27 subject to the future repeal applied to such provision by this
28 act, the Legislature intends that the provision in the other
29 act shall take precedence and shall continue to operate,
30 notwithstanding the future repeal provided by this act.

31 Section 33. The performance measures and standards

1 filed with the Clerk of the House on March 19, 2001, are
 2 hereby incorporated by reference and shall be applied to those
 3 programs for the 2001-2002 fiscal year. These performance
 4 measures and standards are directly linked to the
 5 appropriations made in the General Appropriations Act for
 6 fiscal year 2001-2002, as required by the Government
 7 Performance and Accountability Act of 1994.

8 Section 34. If any provision of this act or the
 9 application thereof to any person or circumstance is held
 10 invalid, the invalidity shall not affect other provisions or
 11 applications of the act which can be given effect without the
 12 invalid provision or application, and to this end the
 13 provisions of this act are declared severable.

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

18
 19

20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 1, line 1, through page 7, line 14
 23 remove from the title of the bill: all of said lines

24

25 and insert in lieu thereof:

26 An act implementing the 2001-2002 General
 27 Appropriations Act; providing legislative
 28 intent; amending s. 236.081, F.S., relating to
 29 the Florida Education Finance Program; revising
 30 calculation of additional full-time equivalent
 31 membership based on the Advanced International

Amendment No. ____ (for drafter's use only)

1 Certificate of Education Program; revising the
2 basis of the quality assurance guarantee;
3 providing for future reversion to current text;
4 amending s. 240.116, F.S.; eliminating
5 restriction of the Advanced International
6 Certificate of Education Program to a pilot
7 program; providing for future reversion to
8 current text; amending s. 240.35, F.S.;
9 including technology fees within the
10 calculation of the range of fees allowed to be
11 adopted by each community college board of
12 trustees; providing for future reversion to
13 current text; authorizing the Department of Law
14 Enforcement to use certain moneys to provide
15 bonuses to employees for meritorious
16 performance, subject to review; amending s.
17 216.181, F.S.; authorizing the Department of
18 Law Enforcement to transfer some positions and
19 associated budget and a certain percentage of
20 salary rate between budget entities and
21 providing requirements with respect thereto;
22 authorizing the Correctional Privatization
23 Commission to make certain expenditures to
24 defray costs incurred by a municipality or
25 county as a result of opening or operating a
26 facility under authority of the commission or
27 the Department of Juvenile Justice; authorizing
28 the Department of Legal Affairs to transfer
29 certain funds between trust funds; amending s.
30 925.037, F.S.; providing that the state courts
31 system shall allocate conflict counsel funds

Amendment No. ____ (for drafter's use only)

1 among certain counties; amending s. 216.262,
2 F.S.; providing for additional positions to
3 operate additional prison bed capacity under
4 certain circumstances; amending ss. 938.01 and
5 943.25, F.S.; providing for deposit of certain
6 funds for use by the Department of Law
7 Enforcement, rather than the Department of
8 Community Affairs; providing for future
9 reversion to current text; transferring the
10 Criminal Justice Program from the Department of
11 Community Affairs to the Department of Law
12 Enforcement; transferring the Prevention of
13 Domestic and Sexual Violence Program from the
14 Department of Community Affairs to the
15 Department of Children and Family Services;
16 providing matching funds for the administration
17 of such program; amending s. 25.402, F.S.;
18 revising use and distribution of funds in the
19 County Article V Trust Fund; amending s.
20 287.161, F.S.; requiring the Department of
21 Management Services to charge all persons
22 receiving transportation from the executive
23 aircraft pool a specified rate; providing for
24 deposit and use of such fees; amending s.
25 212.20, F.S.; providing for use of moneys
26 allocated to the Solid Waste Management Trust
27 Fund; amending s. 373.59, F.S.; requiring
28 release of certain moneys by the Secretary of
29 Environmental Protection to water management
30 districts, upon request; amending s. 259.032,
31 F.S.; authorizing the appropriation of certain

Amendment No. ____ (for drafter's use only)

1 funds in the Conservation and Recreation Lands
2 Trust Fund for outdoor recreation grants;
3 amending s. 110.12315, F.S.; providing
4 copayment requirements for the state employees'
5 prescription drug program; amending s.
6 110.1239, F.S.; providing requirements for the
7 funding of the state group health insurance
8 program; providing procedures and requirements
9 for the outsourcing of human resource services
10 for all state agencies; amending s. 287.1345,
11 F.S.; providing for use of funds in the Grants
12 and Donations Trust Fund of the Department of
13 Management Services for technology initiatives;
14 authorizing the Departments of Insurance,
15 Education, Business and Professional
16 Regulation, Management Services, and Labor and
17 Employment Security and the Agencies for
18 Workforce Innovation and Health Care
19 Administration to transfer positions and funds
20 to comply with the General Appropriations Act;
21 amending s. 252.373, F.S.; providing for use of
22 funds of the Emergency Management,
23 Preparedness, and Assistance Trust Fund to
24 improve, and increase the number of, disaster
25 shelters in the state and improve local
26 disaster preparedness; authorizing certain
27 agencies to contract or subcontract with
28 faith-based organizations under certain
29 programs or allow faith-based organizations to
30 accept certificates, warrants, or other forms
31 of disbursement under certain programs under

Amendment No. ____ (for drafter's use only)

1 certain circumstances; specifying eligibility
2 of faith-based organizations; providing certain
3 protections for faith-based organizations;
4 requiring certain agencies to prepare
5 implementation plans and submit the plans to
6 the Governor and the Legislature; providing
7 effect of veto of specific appropriation or
8 proviso to which implementing language refers;
9 providing applicability to other legislation;
10 adopting state agency program performance
11 measures and standards; providing that the
12 performance measures and standards are directly
13 linked to the appropriations made in the
14 2001-2002 General Appropriations Act, as
15 required by the Government Performance and
16 Accountability Act of 1994; providing
17 severability; providing an effective date.

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