

By Senator Detert

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1                                   A bill to be entitled  
2           An act relating to state and federal relations;  
3           amending s. 14.23, F.S.; revising legislative intent;  
4           providing for the Chief Financial Officer, the  
5           Governor's Office of Federal Revenue Maximization, and  
6           the Legislative Committee on Intergovernmental  
7           Relations to have direct access to the staff of the  
8           Office of State-Federal Relations; requiring the  
9           Office of State-Federal Relations to cooperate with  
10          the Chief Financial Officer, the Governor's Office of  
11          Federal Revenue Maximization, the Legislature, and the  
12          Legislative Committee on Intergovernmental Relations;  
13          requiring that the Office of State-Federal Relations  
14          submit an annual report to the Governor and  
15          Legislature; amending s. 216.212, F.S.; creating the  
16          Office of Federal Revenue Maximization within the  
17          Governor's Office of Policy and Budget; requiring that  
18          the office respond to federal grant opportunities and  
19          coordinate the use of federal funds in the state;  
20          revising duties of executive branch offices and  
21          procedures for state agencies with respect to requests  
22          for and the receipt of federal funds; requiring that  
23          the Office of Federal Revenue Maximization prepare an  
24          annual report on its activities during the preceding  
25          calendar year; amending s. 403.061, F.S.; eliminating  
26          certain duties of the Department of Environmental  
27          Protection with respect to its review of applications  
28          for federal grants and the operation of the Florida  
29          State Clearinghouse; amending s. 427.013, F.S.;

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30 conforming a cross-reference; providing an effective  
31 date.

32  
33 Be It Enacted by the Legislature of the State of Florida:

34  
35 Section 1. Section 14.23, Florida Statutes, is amended to  
36 read:

37 14.23 State-Federal relations.—

38 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
39 to establish mechanisms through which the legislative and  
40 executive branches of state government can work together in a  
41 cooperative alliance, to strengthen the state's relationship  
42 with our Congressional Delegation and with federal executive  
43 branch agencies, to improve our position in relation to federal  
44 legislative initiatives which have a fiscal impact or  
45 substantive policy impact on the state, and to establish and  
46 maintain a viable network and communications structure to  
47 facilitate the transmittal of essential information between  
48 executive and legislative branch state officials and  
49 congressional and federal officials, and to take all necessary  
50 steps to maximize the receipt of various federal funds by the  
51 State of Florida. Florida's Congressional Delegation is, in this  
52 regard, the most important linkage in representing Florida's  
53 interests in the nation's capital. Therefore, the mechanisms and  
54 resources created herein, for the furtherance of the state's  
55 intergovernmental efforts, shall include the Congressional  
56 Delegation and be available to meet its needs.

57 (2) CREATION OF THE OFFICE OF STATE-FEDERAL RELATIONS.—

58 (a) There is created, within the Executive Office of the

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59 Governor, the Office of State-Federal Relations for the State of  
60 Florida, hereinafter referred to as the "office," to be located  
61 in Washington, D.C. The office shall represent both the  
62 legislative and executive branches of state government. The  
63 Chief Financial Officer, the Governor's Office of Federal  
64 Revenue Maximization, as authorized by s. 216.212, the  
65 Legislature, and the Legislative Committee on Intergovernmental  
66 Relations shall have direct access to the staff of the office.

67 (b) The duties of the office shall be determined by the  
68 Governor, in consultation with the President of the Senate and  
69 the Speaker of the House of Representatives, and shall include,  
70 but not be limited to, the following:

71 1. To provide legislative and administrative liaison  
72 between executive and legislative branch state officials and  
73 federal officials and agencies and with Congress.

74 2. To provide grants assistance and advice to state  
75 agencies.

76 3. To assist in the development and implementation of  
77 strategies for the evaluation and management of the state's  
78 federal legislative program and intergovernmental efforts.

79 4. To facilitate the activities of Florida officials  
80 traveling to Washington, D.C., in the performance of their  
81 official duties.

82 (c) The head of the office shall be the director, who shall  
83 be appointed by and serve at the pleasure of the Governor.

84 (3) COOPERATION AND COORDINATION.—For the purpose of  
85 centralizing the state-federal relations efforts of the state,  
86 state agencies and their representatives shall cooperate and  
87 coordinate their state-federal efforts and activities with the

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88 office. The office shall cooperate with the Chief Financial  
89 Officer, the Governor's Office of Federal Revenue Maximization,  
90 the Legislature, and the Legislative Committee on  
91 Intergovernmental Relations. State agencies which have  
92 representatives headquartered in Washington, D.C., are  
93 encouraged to station their representatives in the office.

94 (4) ANNUAL REPORT.—The office shall transmit to the  
95 Governor, the President of the Senate, the Speaker of the House  
96 of Representatives, and the executive director of the  
97 Legislative Committee on Intergovernmental Relations by February  
98 1 of each year a report on its activities to cooperate,  
99 coordinate, and satisfy the duties specified in subsections (2)  
100 and (3) during the preceding calendar year.

101 (5)-~~(4)~~(a) NOMINATIONS TO FEDERAL REGIONAL FISHERIES  
102 MANAGEMENT COUNCILS.—The Governor is prohibited from nominating  
103 for appointment to any one of the federal fisheries management  
104 councils established under 16 U.S.C. ss. 1801 et seq., as  
105 amended, the name of any person who is, or who has been at any  
106 time during the 24 months preceding such nomination, a lobbyist  
107 for any entity of any kind whatsoever whose interests are or  
108 could be affected by actions or decisions of such fisheries  
109 management councils.

110 (b) For purposes of this section, the term "lobbyist" means  
111 any natural person who is required to register pursuant to s.  
112 11.045 or the equivalent federal statute and who, for  
113 compensation, seeks, or sought during the preceding 24 months,  
114 to influence the governmental decisionmaking of a reporting  
115 individual or procurement employee, as those terms are defined  
116 under s. 112.3148, or his or her agency, to encourage the

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117 passage, defeat, or modification of any proposal or  
118 recommendation by such reporting individual or procurement  
119 employee or his or her agency.

120 Section 2. Section 216.212, Florida Statutes, is amended to  
121 read:

122 216.212 Office of Federal Revenue Maximization; budgets for  
123 federal funds; restrictions on expenditure of federal funds.—

124 (1) The Office of Federal Revenue Maximization is created  
125 within the Office of Policy and Budget in the Executive Office  
126 of the Governor. The Office of Federal Revenue Maximization  
127 shall develop the capacity to respond to federal grant  
128 opportunities and coordinate the use of federal funds in the  
129 state with the Chief Financial Officer, the Governor's Office of  
130 State-Federal Relations, as authorized by s. 14.23, the  
131 judiciary, the Legislature, and the Legislative Committee on  
132 Intergovernmental Relations.

133 ~~(2)(1) The Office of Federal Revenue Maximization Executive~~  
134 ~~Office of the Governor and the office of the Chief Financial~~  
135 ~~Officer shall develop and implement procedures for accelerating~~  
136 ~~the drawdown of, and minimizing the payment of interest on,~~  
137 ~~federal funds. The Executive Office of the Governor shall~~  
138 ~~establish a clearinghouse for federal programs and activities.~~  
139 ~~The clearinghouse shall develop the capacity to respond to~~  
140 ~~federal grant opportunities and to coordinate the use of federal~~  
141 ~~funds in the state.~~

142 (a) Every state agency, when making a request or preparing  
143 a budget to be submitted to the Federal Government for funds,  
144 equipment, material, or services, shall submit such request or  
145 budget to the Office of Federal Revenue Maximization Executive

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146 ~~Office of the Governor~~ for review and approval before submitting  
147 it to the proper federal authority. However, the Office of  
148 Federal Revenue Maximization ~~Executive Office of the Governor~~  
149 may specifically authorize any agency to submit specific types  
150 of grant proposals directly to the Federal Government.

151 (b) Every office or court of the judicial branch, when  
152 making a request or preparing a budget to be submitted to the  
153 Federal Government for funds, equipment, material, or services,  
154 shall submit such request or budget to the Chief Justice of the  
155 Supreme Court for approval before submitting it to the proper  
156 federal authority. However, the Chief Justice may specifically  
157 authorize any court to submit specific types of grant proposals  
158 directly to the Federal Government. A copy of each request,  
159 budget, or grant proposal submitted to the Federal Government  
160 must be provided to the Office of Federal Revenue Maximization.

161 (3) ~~(2)~~ When such federal authority has approved the request  
162 or budget, the state agency or the judicial branch shall submit  
163 to the Office of Federal Revenue Maximization ~~Executive Office~~  
164 ~~of the Governor~~ such documentation showing approval as that  
165 office prescribes. The Office of Federal Revenue Maximization  
166 ~~Executive Office of the Governor~~ must acknowledge each approved  
167 request or budget by entering that approval into an Automated  
168 Grant Management System ~~developed in consultation with the~~  
169 ~~chairs of the House of Representatives and Senate appropriations~~  
170 ~~committees.~~

171 (4) ~~(3)~~ Federal money appropriated by Congress or received  
172 from court settlements to be used for state purposes, whether by  
173 itself or in conjunction with moneys appropriated by the  
174 Legislature, may not be expended unless appropriated by the

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175 Legislature. However, the Office of Federal Revenue Maximization  
176 within the Executive Office of the Governor or the Chief Justice  
177 of the Supreme Court may, after consultation with the  
178 legislative appropriations committees, approve the receipt and  
179 expenditure of funds from federal sources by state agencies or  
180 by the judicial branch. Any federal programs requiring state  
181 matching funds which funds were eliminated, or were requested  
182 and were not approved, by the Legislature may not be implemented  
183 during the interim. However, federal and other fund sources for  
184 the State University System which do not carry a continuing  
185 commitment on future appropriations are hereby appropriated for  
186 the purpose received.

187 (5) The Office of Federal Revenue Maximization shall  
188 transmit to the Governor, the Chief Financial Officer, the Chief  
189 Justice of the Supreme Court, the President of the Senate, the  
190 Speaker of the House of Representatives, and the executive  
191 director of the Legislative Committee on Intergovernmental  
192 Relations by February 1 of each year a report that details the  
193 office's efforts during the preceding calendar year to respond  
194 to federal grant opportunities; coordinate the use of federal  
195 funds in the state; and accelerate the drawdown of, and minimize  
196 the payment of interest on, federal funds.

197 Section 3. Subsection (40) of section 403.061, Florida  
198 Statutes, is amended to read:

199 403.061 Department; powers and duties.—The department shall  
200 have the power and the duty to control and prohibit pollution of  
201 air and water in accordance with the law and rules adopted and  
202 promulgated by it and, for this purpose, to:

203 ~~(40) Serve as the state's single point of contact for~~

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204 ~~performing the responsibilities described in Presidential~~  
205 ~~Executive Order 12372, including administration and operation of~~  
206 ~~the Florida State Clearinghouse. The Florida State Clearinghouse~~  
207 ~~shall~~ Be responsible for coordinating interagency reviews of ~~the~~  
208 ~~following:~~ federal activities and actions subject to the federal  
209 consistency requirements of s. 307 of the Coastal Zone  
210 Management Act and documents prepared pursuant to the National  
211 Environmental Policy Act, 42 U.S.C. ss. 4321 et seq., and the  
212 Outer Continental Shelf Lands Act, 43 U.S.C. ss. 1331 et seq. ~~and~~  
213 ~~applications for federal funding pursuant to s. 216.212; and~~  
214 ~~other notices and information regarding federal activities in~~  
215 ~~the state, as appropriate. The Florida State Clearinghouse shall~~  
216 ~~ensure that state agency comments and recommendations on the~~  
217 ~~environmental, social, and economic impact of proposed federal~~  
218 ~~actions are communicated to federal agencies, applicants, local~~  
219 ~~governments, and interested parties.~~

220  
221 The department shall implement such programs in conjunction with  
222 its other powers and duties and shall place special emphasis on  
223 reducing and eliminating contamination that presents a threat to  
224 humans, animals or plants, or to the environment.

225 Section 4. Subsection (17) of section 427.013, Florida  
226 Statutes, is amended to read:

227 427.013 The Commission for the Transportation  
228 Disadvantaged; purpose and responsibilities.—The purpose of the  
229 commission is to accomplish the coordination of transportation  
230 services provided to the transportation disadvantaged. The goal  
231 of this coordination is to assure the cost-effective provision  
232 of transportation by qualified community transportation



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233 coordinators or transportation operators for the transportation  
234 disadvantaged without any bias or presumption in favor of  
235 multioperator systems or not-for-profit transportation operators  
236 over single operator systems or for-profit transportation  
237 operators. In carrying out this purpose, the commission shall:

238       (17) Review, monitor, and coordinate all transportation  
239 disadvantaged local government, state, and federal fund requests  
240 and plans for conformance with commission policy, without  
241 delaying the application process. Such funds shall be available  
242 only to those entities participating in an approved coordinated  
243 transportation system or entities which have received a  
244 commission-approved waiver to obtain all or part of their  
245 transportation through another means. This process shall  
246 identify procedures for coordinating with the state's  
247 intergovernmental coordination and review procedures and s.  
248 216.212(1) and any other appropriate grant review process.

249       Section 5. This act shall take effect July 1, 2010.