

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Budget Committee

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BILL: SPB 7052

INTRODUCER: For consideration by the Budget Committee

SUBJECT: Implementing the 2012-2013 General Appropriations Act

DATE: February 12, 2012

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McSwain	Rhodes		<b>Pre-meeting</b>
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

The bill provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2012-2013. Statutory changes are temporary and expire on July 1, 2013.

The bill substantially amends the following sections of the Florida Statutes: 20.04, 29.008, 110.123, 112.24, 215.18, 216.262, 216.292, 338.2275, 373.209, 373.4145, 373.59, 375.041, 379.204, 403.7095, 445.009, 932.7055, and 946.515.

This bill substantially amends chapter 2011-142, Laws of Florida.

The bill reenacts the following sections of the Florida Statutes: 110.12315(7)(a), 163.3247(3)(d), 201.15(1)(c), 215.32(2)(b), 215.5601(4)(b), and 403.1651(1)(g).

**II. Present Situation:**

In the past, substantive language was included in proviso or in separate sections of the General Appropriations Act to clarify how funds contained in the act were to be expended. However, decisions such as *Brown v. Firestone*, 382 So. 2d 654 (Fla. 1980), and *Graham v. Firestone*, Circuit Court of the Second Judicial Circuit, #82-1703, Leon County Florida, 1982, have found such proviso language in the annual General Appropriations Act to be unconstitutional and void.

**III. Effect of Proposed Changes:**

**Section 1** provides legislative intent.

**Section 2** incorporates the Florida Education Finance Program workpapers by reference for the purpose of displaying the calculations used by the legislature for K-12 funding.

**Section 3** s. 216.292, F.S., to provide for the transfer of funds provided for university developmental research schools from a fixed capital outlay category to another fixed capital category for public school maintenance.

**Section 4** allows a university board of trustees to expend carry-forward balances from prior year operational appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.

**Section 5** prohibits any state agency from implementing any rule or policy mandating or establishing new nitrogen-reduction limits that apply to existing or new onsite sewage treatment systems, have the effect of requiring the use of performance based treatment systems, or increase the cost of treatment for nitrogen reduction from onsite systems before completion of phase 3 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study.

**Section 6** adopts by reference the document used to display the calculations used by the Legislature in making appropriations for the Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs.

**Section 7** amends s. 20.04, F.S. to reorganize the Department of Children and Families and aligns program offices to correspond to the state's judicial circuits and regions.

**Section 8** provides that the amendments in Section 7 of the bill expire July 1, 2013.

**Section 9** requires that funds appropriated for adult community mental health shall be first used to fund crisis stabilization services and forensic mental health treatment services. The remaining funds for adult community mental health shall be allocated by region and shall be awarded to providers as ranked by the Department of Children and Families as having as having achieved the highest performance. In addition, section 9 requires that funds appropriated for adult substance abuse services shall first fund detoxification services. The remaining funds appropriated for adult substance abuse services shall be allocated by region and shall be awarded to providers as ranked by the Department of Children and Families as having as having achieved the highest performance.

**Section 10** requires that funds appropriated to the Department of Health only be transferred to the FAMU for the Crestview Center through a budget amendment with 14 days notice.

**Section 11** authorizes the Department of Corrections and the Department of Juvenile Justice to use appropriated funds to make expenditures to defray costs incurred by a municipality or county for facilities operated under the authority of each department. The payment may not exceed one percent of the construction costs, less any building impact fees paid to the local government.

**Section 12** amends s. 216.262, F.S., to allow the Executive Office of the Governor to request additional positions and other resources, including fixed capital outlay, for the Department of

Corrections, if the Criminal Justice Estimating Conference projects a certain increase in the inmate population. All increases must be approved by the Legislative Budget Commission.

**Section 13** authorizes the Department of Legal Affairs to transfer specified funds in the Operating Trust Fund to salaries and benefits.

**Section 14** authorizes the Department of Legal Affairs to spend specified funds on the same programs and in the same method as was done in the prior fiscal year unless specifically prohibited.

**Section 15** amends s. 932.7055, F.S. to extend for another year the authorization for a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for funds advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

**Section 16** limits the amount the Department of Juvenile Justice may pay for health care services. If no contract exists between the department and the health care provider, the payment cannot exceed 110% of the allowable Medicare rate for that service. The department may continue to pay the rates established under current contracts but must adjust the compensation at the next execution, renewal or extension of a contract related to health care services.

**Section 17** amends s. 215.18, F.S., to allow the Chief Justice to request one or more loans from unallocated general revenue when the revenues received in the State Courts Revenue Trust Fund equal 98% or less than the official revenue estimate during the fiscal year 2011-2012.

**Section 18** allows any funds remaining in the Clerk of Courts Trust Fund shall not be transferred to the General Revenue and are available to the clerk of courts for fiscal year 2012-13 expenditures.

**Section 19** provides that unit cost budgets shall be incorporated by reference for the purpose of displaying calculations used by the Legislature in making appropriations for the Clerks of Courts and State Trial Courts.

**Section 20** amends s. 29.008, F.S., and provides that counties are exempt from the requirement that expenditures increase by 1.5 percent for court-related functions of the clerk.

**Section 21** authorizes the Department of Management Services to use interest earnings from the Communications Working Capital Trust Fund as the funding source for its responsibilities related to the MyFlorida.com portal.

**Section 22** amends s. 375.041, F.S., to authorize moneys in the Land Acquisition Trust Fund to support the Total Maximum Daily Loads Program.

**Section 23** amends s. 373.59, F.S., to distribute certain funds in the Water Management Lands Trust Fund within the Department of Environmental Protection to the Suwannee River Water Management District in fiscal year 2012-2013.

**Section 24** amends s. 403.1651, F.S., to authorize funds in the Ecosystem Management and Restoration Trust fund to be used to fund activities to preserve and repair the state's beaches as provided in ss. 161.091-161.212, F.S.

**Section 25** provides that the amendments to s. 403.1651(1)(g), F.S., in section 24 of the bill expire on July 1, 2013.

**Section 26** amends s. 403.7095, F.S., to permit the Department of Environmental Protection to award grants equally to small counties for solid waste programs.

**Section 27** allows the Department of Agriculture and Consumer Services to extend, revise, or renew a contract pursuant to chapter 2006-25, Laws of Florida, related to the promotion of agriculture.

**Section 28** amends s. 379.209, F.S., to authorize the Fish and Wildlife Conservation Commission to transfer cash balance originating from the Grants and Donations Trust Fund into the Federal Grants Trust Fund for the purpose of supporting cash flow.

**Section 29** amends s. 379.204, F.S., to authorize the Fish and Wildlife Conservation Commission \$500,000 originating from hunting and finishing license fees from the Grants and Donations Trust Fund to the Federal Grants Trust Fund for the purpose of repaying a loan originating in Fiscal Year 2008-2009.

**Section 30** amends s. 373.4145, F.S., to require Northwest Florida Water Management District to fund up to \$1,851,231 for the environmental resource permitting program from unbudgeted reserves once prior legislative appropriations have been expended.

**Section 31** amends s. 445.009, F.S., to provide a participant in an adult or youth work experience activity administered pursuant to ch. 445, Laws of Florida, shall be deemed an employee of the state for purposes of workers' compensation coverage.

**Section 32** eliminates the travel and per diem reimbursement for members of the Century Commission.

**Section 33** provides that the amendments in Section 32 of the bill expire July 1, 2013.

**Section 34** eliminates the distribution of documentary stamp tax revenues to the Century Commission.

**Section 35** provides that the amendments in Section 34 of the bill expire on July 1, 2013.

**Section 36** amends section 496 of ch. 2011-142, L.O.F, to change the due date of the report from the Commission on Oil Spill Response Coordination from September 30, 2012, to January 1, 2013.

**Section 37** amends s. 338.2272, F.S., to prohibit issuance of revenue bonds to fund the Department of Transportation's obligations to construct the Wekiva Parkway and provides a definition of "Wekiva Parkway."

**Section 38** authorizes the Executive Office of the Governor to transfer funds appropriated for the payment of risk management premiums between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

**Section 39** provides flexibility for the Department of Transportation to reallocate position reductions as authorized in the General Appropriations Act.

**Section 40** authorizes the Executive Office of the Governor to transfer funds appropriated for the payment of statewide human resource management services contract between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

**Section 41** sets rates for health savings accounts at the current levels for FY 2012-2013.

**Section 42** notwithstanding the provisions of s. 110.123(3)(f), F.S., requiring uniform contributions, and for the 2012-2013 fiscal year only, the state contribution toward the cost of any plan in the state group health insurance plan shall be the difference between the overall premium and the employee contribution.

**Section 43** amends s. 112.24, F.S., to extend the authorization to assign an employee from one agency to another agency if recommended by the Governor and approved by the chairs of the respective legislative appropriations committees.

**Section 44** maintains the salaries of members of the Legislature at the level in effect on July 1, 2010.

**Section 45** reenacts s. 215.32(2)(b), F.S., in order to authorize the transfer of moneys to the State School Trust Fund from trust funds in the 2012-2013 General Appropriations Act.

**Section 46** provides that the amendments to s. 215.32, F.S., in section 45 of the bill expire on July 1, 2013.

**Section 47** reenacts s. 215.5601, F.S., relating to investment objectives of the Lawton Chiles Endowment Fund that specifies that the investment objective shall be long-term preservation of the real value of the net contributed principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue and that withdrawals other than specified regular cash outflow shall be considered reductions in contributed principal for the purposes of this subsection.

**Section 48** provides that the amendment to s. 215.5601, F.S., in section 47 of the bill expires July 1, 2013.

**Section 49** provides a legislative finding that the authorization and issuance of state debt during the 2012-2013 fiscal year is in the best interests of the state and is necessary to address a critical state emergency.

**Section 50** provides that funds appropriated for travel by state employees shall be limited to travel for activities that are critical to each state agency's mission. The bill prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training or other administrative functions unless agency head approves in writing. The bill requires agency heads to consider the use of teleconferencing and electronic communication to meet needs of activity before approving travel.

**Section 51** allows the Executive Office of the Governor, subject to the notice and objection procedures of s. 216.177, F.S., may transfer funds to pay for data processing services from primary data centers between state agencies in cases in which an agency's use of a data center service has increased relative to the other agency users of the service.

**Section 52** authorizes budget amendments for agencies scheduled to consolidate computing services in future years that wish to begin implementation ahead of schedule in fiscal year 2012-2013.

**Section 53** allows the Executive Office of the Governor to transfer funds appropriated to different agencies to consolidated email services between state agencies in cases in which an agency's use of email services has increased relative to the other agency users of the service.

**Section 54** reenacts s. 110.12315, F.S., to modify prescription drug copayments for state employees under the State Group Health Plan to be consistent with appropriations in the proposed Senate budget.

**Section 55** provides that the amendments to s. 110.12315, F.S., in section 54 of the bill expire on July 1, 2013.

**Section 56** requires the Agency for Health Care Administration to competitively procure a Florida Discount Drug Card Program. Requirements of the successful vendor are specified. Revenues generated as a result of the contract must be deposited in the agency's Grants and Donations Trust Fund and be used to reduce the cost of Medicaid pharmacy services.

**Section 57** amends s. 946.515, F.S., to require agencies to submit a report regarding purchases which could have been made from Prison Rehabilitative Industries and Diversified Enterprises, Inc., (PRIDE), but were made from another vendor.

**Section 58** prohibits the Department of Economic Opportunity, the Department of Education, the Department of Financial Services, the Department of Health, the Department of Juvenile Justice, the Department of State, the Department of Transportation, and the Fish and Wildlife Conservation Commission, which are occupying space located at Koger Executive Center Tallahassee pursuant to State of Florida Lease No. 720:318 or any other lease, and the Department of Management Services from amending any such lease, deferring any rent due under any such lease or occupying any additional space at Koger Executive Center Tallahassee

which was not occupied on June 30, 2012, notwithstanding any lease to the contrary. Except for enumerated Specific Appropriations in the 2012-2013 Senate General Appropriations Bill, SPB 7050, these agencies are prohibited from expending any funds for rental of any space at Koger Executive Center Tallahassee and are required to vacate all such space not later than December 31, 2012.

**Section 59** specifies that no section of this bill will take effect if the appropriations and proviso to which it relates are vetoed.

**Section 60** provides that a permanent change made by another law to any of the same statutes amended by this bill takes precedence over the provision in this bill.

**Section 61** provides a severability clause.

**Section 62** provides an effective date of July 1, 2011.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Although the provisions of this bill allow specific budget decisions to be effective, actual appropriations are made in the proposed Senate budget.

#### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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