

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	HB 5003	FINAL HOUSE FLOOR ACTION:		
SUBJECT/SHORT TITLE	Implementing the 2017-2018 General Appropriations Act	98	Y's 13	N's
SPONSOR(S):	Appropriations Committee	GOVERNOR'S ACTION: Approved		
COMPANION BILLS:	SB 2502			

SUMMARY ANALYSIS

HB 5003 passed the House and Senate on May 8, 2017, as SB 2502 as amended by the conference committee. The bill provides the statutory authority necessary to implement and execute the General Appropriations Act (GAA) for Fiscal Year 2017-2018. The statutory changes are effective for only one year and either expire on July 1, 2017 or revert to the language as it existed before the changes made by the bill.

Because this bill implements provisions of the General Appropriations Act for Fiscal Year 2017-2018, there are no direct fiscal impacts created by this bill.

The bill was approved by the Governor on June 2, 2017, ch. 2017-71, L.O.F., and will become effective on July 1, 2017.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background:

Section 12 of Article III of the Florida Constitution states that “[l]aws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject”. This language has been interpreted to defeat proviso language attached to appropriations that have the effect of amending general law. For this reason, when general law changes are required to effectuate appropriations, those changes are placed in a general bill implementing the appropriations act instead of in the GAA. The statutory changes are effective for only one year and either expire on July 1 of the next fiscal year or revert to the language as it existed before the changes made by the bill.

Provisions of bill:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2017-2018.

Section 2 incorporates the Florida Education Finance Program work papers by reference for the purpose of displaying the calculations used by the Legislature.

Section 3 provides that funds provided for instructional materials shall be released and expended as required in the proviso language in the General Appropriations Act.

Section 4 authorizes the Dixie Middle School/High School special facilities project to exceed the cost per student station established in s. 1013.64, F.S.

Section 5 amends s. 1008.46, F.S., to change the date for submission of the Board of Governors annual accountability report from December 31 to March 15.

Section 6 amends s. 1004.345, F.S., to extend the date by which Florida Polytechnic University must meet statutory deadlines until December 31, 2017.

Sections 7 and 8 reenact s. 1009.986, F.S., to authorize Florida ABLE, Inc., to determine whether to require residency as a condition of participation based on market research and estimated operating revenues and costs.

Section 9 provides that the calculations of the Medicaid Disproportionate Share Hospital and hospital reimbursement programs for the 2017-2018 fiscal year contained in the document titled “Medicaid Hospital Funding Programs,” dated May 5, 2017, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of state law, in making appropriations for the Medicaid Disproportionate Share Hospital and hospital reimbursement programs.

Section 10 authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health, for the Children’s Medical Services (CMS) Network for the implementation of Statewide Medicaid Managed Care, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network.

Section 11 authorizes the Agency for Health Care Administration to seek federal authorization and intergovernmental transfer (IGTs) funds as state share funding for making cost-based reimbursement payment to cancer hospital that meet specific requirements. Once federal authorization is granted and

IGT funds are available, the Agency is to seek a budget amendment in order to implement this provision. That amendment must provide specified information.

Section 12 provides requirements to the Agency for Persons with Disabilities for setting iBudget amounts for clients receiving Home and Community-Based Waiver services. It also provides parameters under which a client's iBudget amount may be increased.

Section 13 directs the Agency for Persons with Disabilities to hire an independent consultant to examine the state's transportation disadvantaged services. It creates the Task Force on Transportation Disadvantaged Services to examine the design and use of transportation disadvantaged services.

Section 14 amends s. 893.055(17), F.S., to provide that, for the 2017-2018 fiscal year only, to provide that neither the attorney general nor the department may use funds received as part of a settlement agreement to administer the prescription drug monitoring program.

Section 15 amends s. 409.911, F.S., to provide that AHCA must distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the 2017-2018 General Appropriations Act.

Section 16 amends s. 409.9113, F.S., to provide that the AHCA must make disproportionate share payments to teaching hospitals, as defined in s. 408.07, F.S. as provided in the 2017-2018 General Appropriations Act.

Section 17 amends s. 216.262, F.S., to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue funds during the 2017-2018 fiscal year for the Department of Corrections (DOC), if the actual inmate population of the DOC exceeds certain Criminal Justice Estimating Conference forecasts. The additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population, and are subject to Legislative Budget Commission review and approval.

Section 18 amends s. 215.18, F.S., to provide the Chief Justice the authority to request a trust fund loan.

Section 19 amends s. 932.7055, F.S., relating to the disbursement of proceeds from the sale of forfeited property, 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 moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

Section 20 authorizes the Department of Corrections to transfer funds from categories other than fixed capital outlay into the Inmate Health Services category, subject to the notice, review, and objection procedures of s. 216.177, F.S.

Section 21 requires the Department of Juvenile Justice to ensure that counties are fulfilling their financial responsibilities and to report any deficiencies to the Department of Revenue. If the Department of Juvenile Justice determines that a county has not met its obligations, it must direct the Department of Revenue to deduct the amount owed to the Department of Juvenile Justice from shared revenue funds provided to the county under s. 218.23, F.S. The section also includes procedures to provide assurance to holders of bonds for which shared revenue fund distributions are pledged.

Section 22 prohibits the payment of reimbursement or application of credits to a nonfiscally constrained county for any previous overpayment of juvenile detention costs to offset detention share costs owed pursuant to s. 985.686, F.S., or any other law in Fiscal Year 2017-2018.

Sections 23 amends s. 27.5304, F.S., to permit the Legislature to increase the statutory compensation limits for fees paid to court-appointed attorneys in two case categories: noncapital, nonlife felonies and life felonies. These changes allow the Legislature to increase flat fees paid to attorneys in these categories in the General Appropriations Act.

Section 24 permits the Justice Administrative Commission to provide funds to compensate the clerks of court for juror compensation, juror lodging and meals, and jury-related personnel costs.

Section 25 requires the Department of Management Services (DMS) and agencies to utilize a tenant broker to renegotiate private lease agreements, in excess of 2,000 square feet, expiring before June 30, 2020.

Section 26 amends s. 282.709, F.S., relating to the Joint Task Force on State Agency Law Enforcement Communications, by removing a representative from the Department of Transportation from the task force.

Section 27 provides that the online procurement system transaction fee authorized in ss. 287.042(1)(h)1 and 287.057(22)(c), F.S., will remain at 0.7 percent for the 2017-2018 fiscal year.

Section 28 prohibits an agency from transferring funds from a data processing category to any appropriations category other than another data processing category.

Section 29 provides that the EOG is authorized to transfer funds in the specific appropriation category "Data Processing Assessment - Agency for State Technology" between agencies, in order to align the budget authority granted with the Agency for State Technology estimated billing cycle and methodology.

Section 30 authorizes the EOG to transfer funds in the appropriation category "Special Categories-Risk Management Insurance" between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance.

Section 31 authorizes the EOG to transfer funds in the appropriation category "Special Categories - Transfer to DMS - Human Resources Services Purchased Per Statewide Contract" of the 2017-2018 General Appropriations Act between departments, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS for human resources management services.

Section 32 defines the components of the Florida Accounting Information Resource subsystem (FLAIR) and Cash Management System (CMS) included in the Department of Financial Services Planning Accounting and Ledger Management (PALM) system. This section also provides the executive steering committee (ESC) membership and the process for ESC meetings and decisions.

Section 33 directs the executive branch agencies and judicial branch agencies to collaborate with the EOG to implement a statewide travel management system and utilize the system.

Section 34 amends s. 216.181(11)(d), F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the Fish and Wildlife Conservation Commission or the DEP for fixed capital outlay projects. The increase in fixed capital outlay budget authority is authorized for funds provided to the state from the Gulf Environmental Benefit Fund administered by the National Fish and Wildlife Foundation, the Gulf Coast Restoration Trust Fund related to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act), or from British Petroleum Corporation (BP) for natural resources damage assessment early restoration projects. Any continuing commitment for future appropriations by the Legislature must be specifically identified.

Section 35 amends s. 215.18, F.S., to authorize the Governor to temporarily transfer moneys, from one or more of the trust funds in the State Treasury, to a land acquisition trust fund (LATF) within the Department of Agriculture and Consumer Services, the DEP, the Department of State, or the Fish and Wildlife Conservation Commission, whenever there is a deficiency that would render the LATF temporarily insufficient to meet its just requirements, including the timely payment of appropriations from that trust fund. These funds must be expended solely and exclusively in accordance with Art. X, s. 28 of the Florida Constitution. This transfer is a temporary loan and the funds must be repaid to the trust funds from which the moneys were loaned by the end of the 2017-2018 fiscal year. Any action proposed pursuant to this subsection is subject to the notice, review, and objection procedures of s. 216.177, F.S., and the Governor shall provide notice of such action at least seven days before the effective date of the transfer of trust funds.

Section 36 provides that, in order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the DEP, the Fish and Wildlife Conservation Commission, and the Department of State, the DEP will transfer a proportionate share of revenues in the Land Acquisition Trust Fund within the DEP on a monthly basis, after subtracting required debt service payments, to each agency and retain a proportionate share within the Land Acquisition Trust Fund within the DEP. Total distributions to a land acquisition trust fund within the other agencies may not exceed the total appropriations for the fiscal year. The section further provides that DEP may advance funds from the beginning unobligated fund balance in the Land Acquisition Trust Fund to LATF within the Fish and Wildlife Conservation Commission for cash flow purposes.

Section 37 amends s. 375.041, F.S., to reduce funding from the Land Acquisition Trust Fund for restoration of Lake Apopka for the 2017-2018 fiscal year.

Sections 38 and 39 amends s. 373.470, F.S. to amend match requirements of the South Florida Water Management District for Everglades Restoration funded from the Save Our Everglades Trust Fund. This section will require the match from SFWMD for Everglades Restoration to be funded from the Land Acquisition Trust Fund.

Section 40 amends s. 216.181, F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the Department of Environmental Protection for fixed capital outlay projects. The increase is authorized for funds provided to the state from the Trustee of the Environmental Mitigation Trust administered by Wilmington Trust for violation of the Clean Air Act by Volkswagen.

Section 41 and 42 amend s. 339.135, F.S., to make an exception to the Department of Transportation work program amendment approval process for certain projects when an emergency exists.

Section 43 requires the Department of Highway Safety and Motor Vehicles to continue to contract with Prison Rehabilitation Industries and Diversified Enterprises, Inc., (PRIDE) for manufacturing license plates, provided that the cost is the same as that paid by the department during fiscal year 2013-2014.

Section 44 creates the Law Enforcement Workgroup within the Department of Highway Safety and Motor Vehicles and requires the workgroup to review the Florida Highway Patrol's (FHP) response to calls for service and the resources available for these services. The workgroup is also required to compare FHP resources to those of local law enforcement entities and other state highway patrol agencies to determine whether additional resources are necessary to improve response times.

Section 45 creates s. 316.0898, F.S., to require the Department of Transportation (DOT) to create a Smart Cities Grant program to provide funds to applicants who submit projects that demonstrate and document the adoption of emerging technologies and their impact on the transportation system.

Section 46 creates the Affordable Housing Workgroup within the Florida Housing Finance Corporation. The workgroup is required to develop recommendations for addressing the state's affordable housing needs. The recommendations shall include a review of: market rate developments; housing

developments; land use for affordable housing developments; building codes for affordable housing developments; the state's implementation of the low-income housing tax credit; private and public sector development and construction industries; the rental market for assisted rental housing; and development of strategies and pathways for low-income housing.

Section 47 amends s. 427.013, F.S., to authorize the Commission for the Transportation Disadvantaged to make distributions, during Fiscal Year 2017-2018, to community transportation coordinators that do not receive federal Urbanized Area Formula Funds to provide transportation disadvantaged services; and as competitive grants to support transportation projects, to enhance access to specified activities, to assist in development of transportation systems in nonurbanized areas, to promote efficient coordination of services, to support inner-city bus transportation, and to encourage private transportation providers to participate.

Section 48 amends s. 321.04, F.S., to provide that for the 2017-2018 fiscal year, the Department of Highway Safety and Motor Vehicles may assign a patrol officer to the Lieutenant Governor, at his or her discretion, and to a Cabinet member if the department deems such assignment appropriate or in response to a threat, if requested by such Cabinet member.

Section 49 amends s. 311.07, F.S., to exempt seaport projects added by a specific appropriation from matching and eligibility requirements provided in s. 311.07, F.S.

Section 50 amends s. 339.135, F.S., to require the Department of Transportation to reduce all work program items identified as a reserve box in order to fund specific appropriations added to the work program in the 2017-2018 General Appropriations Act.

Section 51 amends s. 216.292(2)(a), F.S., to grant broader legislative review of any "five percent" budget transfers. For the 2017-2018 fiscal year, the legislature is authorized to object to a proposed action that exceeds delegated authority or is contrary to legislative policy and intent.

Section 52 provides that no state agency may initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would require a change in law or require a change to the agency's budget other than a transfer authorized in s. 216.292(2) or (3), F.S., unless the initiation of such competitive solicitation is specifically authorized in law or in the General Appropriations Act or by the Legislative Budget Commission.

Section 53 amends s. 112.24, F.S., to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House budget committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action, pursuant to s. 216.177, F.S. This requirement applies to state employee reassignments regardless of which agency (sending or receiving) is responsible for pay and benefits of the assigned employee.

Section 54 maintains legislative salaries at the July 1, 2010, level.

Sections 55 and 56 amend s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2017-2018 General Appropriations Act.

Section 57 provides that funds appropriated for travel by state employees be limited to travel for activities that are critical to each state agency's mission. The section prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training, or other administrative functions unless the agency head approves in writing. The agency head is required to consider the use of teleconferencing and electronic communication to meet needs of activity before approving travel.

Section 58 provides that, notwithstanding s. 112.061, F.S., costs for lodging associated with a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial

branch may not exceed 150 dollars per day. A meeting does not include travel activities for conducting an audit, examination, inspection or investigation or travel activities relating to a litigation or emergency response. An employee may expend his or her own funds for any lodging expenses in excess of 150 dollars.

Section 59 provides that a state agency may not enter into a contract containing a nondisclosure clause that prohibits a contractor from disclosing to members or staff of the Legislature information relevant to the performance of the contract.

Section 60 specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 61 provides that a permanent change made by another law to any of the same statutes amended by this bill will take precedence over the provision in this bill.

Section 62 provides a severability clause.

Section 63 provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.

2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.

2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Because this bill implements provisions of the General Appropriations Act for Fiscal Year 2017-2018, there are no direct fiscal impacts created by this bill.