

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.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SPB 2502

INTRODUCER: For consideration by the Appropriations Committee

SUBJECT: Implementing the 2018-2019 General Appropriations Act

DATE: January 30, 2018

REVISED: _____

ANALYST

McVaney

STAFF DIRECTOR

Hansen

REFERENCE

ACTION

Pre-meeting

I. Summary:

SPB 2502 provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2018-2019. Statutory changes are temporary and expire on July 1, 2019.

The bill provides effective date of July 1, 2018, except as otherwise provided.

II. Present Situation:

Article III, s. 12 of the Florida Constitution provides 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 changing general law.¹ 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 general appropriations act. The statutory changes are effective only for one year and either expire on July 1 of the next fiscal year or the language of the amended statute reverts to the text that existed before the changes made by the bill.

III. Effect of Proposed Changes:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2018-2019.

Section 2 incorporates the Florida Education Finance Program (FEFP) work papers by reference for the purpose of displaying the calculations used by the Legislature. This section expires on July 1, 2019.

¹ *Brown v. Firestone*, 382 So.2d 654 (Fla. 1980); *Chiles v. Milligan*, 659 So.2d 1055 (Fla. 1995).

Section 3 provides that funds provided for instructional materials shall be released and expended as required in the proviso language attached to Specific Appropriation 92. This section expires on July 1, 2019.

Section 4 amends s. 1011.62, F.S., to create two new funding categoricals within the FEFP.

- The mental health assistance allocation provides funds for school districts and charter schools to help address the mental health crisis affecting children and young people in Florida, including the opioid crisis, bullying, and youth suicides. Schools may use these funds primarily to help identify and refer students for necessary services and to create additional partnerships among service providers and the schools.
- The funding compression allocation provides additional funding for school districts whose total funds per FTE in the prior year were less than the statewide average.

Section 5 provides that the calculations of the Medicaid Disproportionate Share Hospital program for the 2018-2019 fiscal year contained in the document titled “Medicaid Hospital Funding Program,” dated January 26, 2018, 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 program. This section expires on July 1, 2019.

Section 6 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. This section expires on July 1, 2019.

Section 7 provides direction 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. This section expires on July 1, 2019.

Section 8 amends s. 409.911, F.S., to provide that, for the 2018-2019 fiscal year, the AHCA must distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the General Appropriations Act for Fiscal Year 2018-2019.

Section 9 amends s. 409.9113, F.S., to provide that, for the 2018-2019 fiscal year, the AHCA must make disproportionate share payments to teaching hospitals, as defined in s. 408.07, as provided in the General Appropriations Act for Fiscal Year 2018-2019.

Section 10 amends s. 409.9119, F.S., to provide, that, for the 2018-2019 fiscal year, the AHCA must make disproportionate share payments to specialty hospitals for children as provided in the General Appropriations Act for Fiscal Year 2018-2019.

Section 11 amends s. 216.262, F.S., to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue funds during the 2018-2019 fiscal year for the Department of Corrections (DOC), if the actual inmate population of the

DOC exceeds the Criminal Justice Estimating Conference forecasts from December 20, 2017. 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 12 amends s. 215.18, F.S., to provide the Chief Justice of the Florida Supreme Court the authority to request a trust fund loan to ensure the state court system has sufficient funds to meet its appropriations contained in the General Appropriations Act for Fiscal Year 2018-2019.

Section 13 authorizes the Department of Corrections to transfer funds from appropriation categories within the department, other than fixed capital outlay, into the Inmate Health Services category to continue to meet the current level of health care services. These transfers are subject to the notice, review, and objection procedures of s. 216.177, F.S. This section expires on July 1, 2019.

Section 14 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. This section expires on July 1, 2019.

Section 15 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 during Fiscal Year 2018-2019. This section expires on July 1, 2019.

Section 16 amends s. 27.5304, F.S., to increase, for the 2018-2019 fiscal year, the statutory compensation limits for fees paid to court-appointed attorneys in noncapital, nonlife felony and life felony cases. The Legislature may establish the actual amounts paid to attorneys in these categories in the General Appropriations Act for Fiscal Year 2018-2019.

Section 17 amends s. 1011.80, F.S., to allow state funds to be used for the operation of postsecondary workforce programs for state or federal inmates if specifically appropriated for such purpose in the General Appropriations Act for Fiscal Year 2018-2019. This allows the Department of Corrections to use state funds appropriated through CareerSource Florida.

Section 18 permits a Supreme Court justice who resides outside of Leon County to designate an official headquarters in the district in which he or she resides. The justice is eligible to receive subsistence at a rate to be established by the Chief Justice for each day or partial day that the justice is at the headquarters of the Supreme Court (Leon County) to conduct court business. In addition, the justice is eligible for reimbursement of travel expenses for travel between the justice's official headquarters and the headquarters of the Supreme Court. This section expires on July 1, 2019.

Section 19 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, 2021. This section expires on July 1, 2019.

Section 20 continues the online procurement system transaction fee authorized in ss. 287.042(1)(h)1 and 287.057(22)(c), F.S., at 0.7 percent for the 2018-2019 fiscal year only. This section expires on July 1, 2019.

Section 21 prohibits an agency from transferring funds from a data processing category to any category other than another data processing category. This section expires on July 1, 2019.

Section 22 authorizes the Executive Office of the Governor (EOG) 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. This section expires on July 1, 2019.

Section 23 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. This section expires on July 1, 2019.

Section 24 authorizes the EOG to transfer funds in the appropriation category "Special Categories - Transfer to DMS - Human Resources Services Purchased Per Statewide Contract" of the General Appropriations Act for Fiscal Year 2018-2019 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. This section expires on July 1, 2019.

Section 25 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. This section expires on July 1, 2019.

Section 26 amends s. 282.0051, F.S., to direct the Agency for State Technology to procure budget support from the Department of Management Services.

Section 27 provides that the amendment of s. 282.0051, F.S., expires July 1, 2019, and shall revert to that in existence on June 30, 2018.

Section 28 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 identified specifically.

Section 29 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 are loaned by the end of the 2018-2019 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. This section expires on July 1, 2019.

Section 30 amends s. 375.041, F.S., to reduce funding from the Land Acquisition Trust Fund for restoration of Lake Apopka for the 2018-2019 fiscal year.

Section 31 reenacts 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 32 provides that the amendment of s. 373.470, F.S., expires July 1, 2019, and shall revert to that in existence on June 30, 2017.

Section 33 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 34 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. This section expires on July 1, 2019.

Section 35 provides that, in order to implement the ten appropriations specific to the Florida Forever Program, the Department of Environmental Protection shall transfer the necessary funds appropriated to the Florida Forever trust funds located within the Department of Agriculture and

Consumer Services, the Fish and Wildlife Conservation Commission, and the Department of Environmental Protection. This section expires on July 1, 2019.

Section 36 amends s. 375.075, F.S., to require the Department of Environmental Protection to conduct a separate grant application process and ranking within the Florida Recreational Assistance Development Program (FRDAP) specifically for parks that provide recreational access and educational opportunities for children, with priority given to projects that serve the needs of children with unique abilities.

Section 37 amends s. 295.23, F.S., to permit, instead of require, Florida is for Veterans, Inc., (“Veterans Florida”) to work with the Florida Tourism Industry Marketing Corporation (“VISIT Florida”) in developing research and marketing activities to attract veterans to move to Florida. The bill repeals a requirement that VISIT Florida expend up to \$1 million annually on the marketing campaign, and instead requires Veterans Florida to expend funds appropriated in the General Appropriations Act.

Section 38 amends s. 295.21, F.S., to revise the duties of Veterans Florida to require Veterans Florida to develop the marketing campaign to attract veterans to move to Florida. The bill permits, instead of requires, Veterans Florida to work with VISIT Florida.

Section 39 provides that the amendments to ss. 295.23 and 295.21, F.S., expire on July 1, 2019, and the text of the statutes will revert to the text that was in existence on June 30, 2018.

Section 40 amends s. 427.013, F.S., to authorize the Commission for the Transportation Disadvantaged during the 2018-2019 fiscal year to make:

- Distributions to community transportation coordinators who operate in counties that do not receive federal Urbanized Area Formula Funds to provide transportation disadvantaged services; and
- Competitive grants to community transportation coordinators to support transportation projects that enhance access to specified activities, assist in development of transportation systems in nonurbanized areas, promote efficient coordination of services, support inner-city bus transportation, and encourage private transportation providers to participate.

Section 41 amends s. 321.04, F.S., to provide that for the 2018-2019 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 if requested by such Cabinet member in response to a threat.

Section 42 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 General Appropriations Act for Fiscal Year 2018-2019.

Section 43 amends s. 216.292(2)(a), F.S., to grant broader legislative review of any “five percent” budget transfers. For the 2018-2019 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 44 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 45 maintains legislative salaries at the July 1, 2010, level. This section expires on July 1, 2019.

Section 46 reenacts 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 47 reverts the language of s. 215.32(2)(b), F.S., to the text in effect on June 30, 2011.

Section 48 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. This section expires on July 1, 2019.

Section 49 specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 50 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 51 provides a severability clause.

Section 52 provides an effective date.

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:

Because SPB 2502 implements provisions of SPB 2500, the Senate Proposed General Appropriations Act for Fiscal Year 2018-2019, no direct fiscal impacts are created by this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 27.5304, 112.24, 215.18, 216.181, 216.262, 216.292, 282.0051, 295.21, 295.23, 321.04, 339.135, 375.041, 375.075, 409.911, 409.9113, 409.9119, 427.013, 1011.62, and 1011.80.

This bill creates undesignated sections of Florida Law.

This bill reenacts the following sections of the Florida Statutes: 215.32 and 373.470.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.