



1 A bill to be entitled
2 An act implementing the 2018-2019 General
3 Appropriations Act; providing legislative intent;
4 incorporating by reference certain calculations of the
5 Florida Education Finance Program; providing that
6 funds for instructional materials must be released and
7 expended as required in specified proviso language;
8 amending s. 1011.62, F.S.; creating the funding
9 compression allocation; providing the purpose of the
10 allocation; authorizing funding for the annual
11 allocation for specified purposes; providing the
12 calculation for the allocation; amending s. 1001.26,
13 F.S.; authorizing the Department of Education to
14 provide certain appropriated funds to public colleges
15 and universities; providing for the future expiration
16 and reversion of specified statutory text; prohibiting
17 eligible contributions to the Florida Sales Tax Credit
18 Scholarship Program from being used to fund a
19 specified scholarship program; reenacting s.
20 1009.986(4)(b), F.S., relating to the Florida ABLE
21 program; extending by 1 fiscal year provisions
22 regarding the participation agreement for the program;
23 providing for the future expiration and reversion of
24 specified statutory text; amending s. 1009.986, F.S.;
25 revising the distribution of funds in the ABLE account



26 | upon the death of the designated beneficiary;
27 | prohibiting the state Medicaid program from filing
28 | certain claims for Medicaid recovery of funds except
29 | as required by federal law; providing for the future
30 | expiration and reversion of specified statutory text;
31 | amending s. 1009.215, F.S.; specifying that students
32 | enrolled in a specified pilot program who are eligible
33 | to receive Bright Futures Scholarships are also
34 | eligible for such scholarship funds for designated
35 | terms and under specified circumstances; providing for
36 | the future expiration and reversion of specified
37 | statutory text; incorporating by reference certain
38 | calculations of the Medicaid Disproportionate Share
39 | Hospital and Hospital Reimbursement programs;
40 | authorizing the Agency for Health Care Administration,
41 | in consultation with the Department of Health, to
42 | submit a budget amendment to realign funding for a
43 | component of the Children's Medical Services program
44 | to reflect actual enrollment changes; specifying
45 | requirements for such realignment; authorizing the
46 | agency to request nonoperating budget authority for
47 | transferring certain federal funds to the Department
48 | of Health; specifying criteria to be used by the
49 | Agency for Persons with Disabilities in the event that
50 | the rule which adopted an allocation algorithm and



51 methodology for the iBudget system is no longer in
52 effect; authorizing funding allocated for the
53 algorithm may be increased under certain
54 circumstances; amending s. 409.908, F.S.; revising
55 parameters relating to the prospective payment
56 methodology for the reimbursement of Medicaid
57 providers to be implemented for rate-setting purposes;
58 requiring the agency to establish prospective payment
59 reimbursement rates for nursing home services as
60 provided in this act and in the General Appropriations
61 Act; providing for the future expiration and reversion
62 of specified statutory text; requiring the Agency for
63 Health Care Administration to seek authorization from
64 the federal Centers for Medicare and Medicaid Services
65 to eliminate the Medicaid retroactive eligibility
66 period to ensure that the elimination becomes
67 effective by a certain date; amending s. 893.055,
68 F.S.; prohibiting the Attorney General and the
69 Department of Health from using certain settlement
70 agreement funds to administer the prescription drug
71 monitoring program; amending s. 409.911, F.S.;
72 updating the average of audited disproportionate share
73 data for purposes of calculating disproportionate
74 share payments; extending for 1 fiscal year the
75 requirement that the Agency for Health Care



76 Administration distribute moneys to hospitals that
77 provide a disproportionate share of Medicaid or
78 charity care services as provided in the General
79 Appropriations Act; amending s. 409.9113, F.S.;
80 extending for 1 fiscal year the requirement that the
81 Agency for Health Care Administration make
82 disproportionate share payments to teaching hospitals
83 as provided in the General Appropriations Act;
84 authorizing the Agency of Health Care Administration
85 to submit a budget amendment to realign funding within
86 the Medicaid program appropriation categories;
87 specifying the time period within which such budget
88 amendment must be submitted; amending s. 409.9119,
89 F.S.; extending for 1 fiscal year the requirement that
90 the Agency for Health Care Administration make
91 disproportionate share payments to certain specialty
92 hospitals for children; amending s. 39.6251, F.S.;
93 requiring the case manager for a young adult in foster
94 care to consult the young adult when updating case or
95 the transition plans and arrangements; deleting a
96 provision authorizing case management reviews to be
97 conducted by telephone under certain circumstances;
98 amending s. 409.166, F.S.; providing definitions;
99 providing conditions for the department to provide
100 adoption assistance payments to adoptive parents of



101 certain children; providing that children and young
102 adults receiving benefits through the adoption
103 assistance program are ineligible for specified other
104 benefits and services; providing additional conditions
105 for eligibility for adoption assistance; providing for
106 expiration and reversion of specified statutory text;
107 amending s. 381.986, F.S.; exempting certain rules
108 adopted before a specified date related to medical use
109 of marijuana from legislative ratification
110 requirements; authorizing medical marijuana treatment
111 centers to use laboratories that have not been
112 certified under specified conditions; amending s.
113 381.988, F.S.; exempting certain rules adopted before
114 a specified date related to medical marijuana testing
115 laboratories from legislative ratification
116 requirements; amending s. 296.37, F.S.; revising the
117 amount of money residents of a veterans' nursing home
118 must receive monthly before being required to
119 contribute to their maintenance and support; amending
120 s. 216.262, F.S.; extending for 1 fiscal year the
121 authority of the Department of Corrections to submit a
122 budget amendment for additional positions and
123 appropriations under certain circumstances; amending
124 s. 215.18, F.S.; extending for 1 fiscal year the
125 authority and related repayment requirements for



126 temporary trust fund loans to the state court system
127 which are sufficient to meet the system's
128 appropriation; authorizing the Department of
129 Corrections to submit certain budget amendments to
130 transfer funds into the Inmate Health Services
131 category; providing that such transfers are subject to
132 notice, review, and objection procedures; requiring
133 the Department of Juvenile Justice to review county
134 juvenile detention payments to determine whether the
135 county has met specified financial responsibilities;
136 requiring amounts owed by the county for such
137 financial responsibilities to be deducted from certain
138 county funds; requiring the Department of Revenue to
139 transfer withheld funds to a specified trust fund;
140 requiring the Department of Revenue to ensure that
141 such reductions in amounts distributed do not reduce
142 distributions below amounts necessary for certain
143 payments due on bonds and comply with bond covenants;
144 requiring the Department of Revenue to notify the
145 Department of Juvenile Justice if bond payment
146 requirements require a reduction in deductions for
147 amounts owed by a county; prohibiting the Department
148 of Juvenile Justice from providing to certain
149 nonfiscally constrained counties reimbursements or
150 credits against identified juvenile detention center



151 costs under specified circumstances; prohibiting a
152 nonfiscally constrained county from applying,
153 deducting, or receiving such reimbursements or
154 credits; amending s. 27.5304, F.S.; establishing
155 certain limitations on compensation for private court-
156 appointed counsel for the 2018-2019 fiscal year;
157 specifying that the clerks of the circuit court are
158 responsible for certain costs related to jurors that
159 exceed funding provided in the General Appropriations
160 Act; amending ss. 318.18 and 817.568, F.S.;;
161 redirecting revenues from the Public Defenders Revenue
162 Trust Fund to the Indigent Criminal Defense Trust
163 Fund; transferring all current balances in the Public
164 Defenders Revenue Trust Fund to the Indigent Criminal
165 Defense Trust Fund; amending s. 1011.80, F.S.;;
166 providing that state funds provided for postsecondary
167 workforce program operations may be used for inmate
168 education if specifically appropriated for such
169 purpose; providing for the future expiration and
170 reversion of specified statutory text; authorizing a
171 Supreme Court Justice to designate an alternate
172 facility as his or her official headquarters for
173 purposes of travel reimbursement; specifying which
174 expenses may be reimbursed to a justice; requiring the
175 Chief Justice to coordinate with an affected justice



176 and other appropriate officials with respect to
177 implementation; providing construction; prohibiting
178 the Supreme Court from using state funds to lease
179 space in an alternate facility for use as a justice's
180 official headquarters; requiring the Department of
181 Management Services to use tenant broker services to
182 renegotiate or reprocur certain private lease
183 agreements for office or storage space; requiring the
184 Department of Management Services to provide a report
185 to the Governor and Legislature by a specified date;
186 specifying the amount of the transaction fee to be
187 collected for use of the online procurement system;
188 prohibiting an agency from transferring funds from a
189 data processing category to another category that is
190 not a data processing category; authorizing the
191 Executive Office of the Governor to transfer funds
192 appropriated for data processing assessment between
193 departments for a specified purpose; authorizing the
194 Executive Office of the Governor to transfer funds
195 between departments for purposes of aligning amounts
196 paid for risk management insurance and for human
197 resources services; requiring the Department of
198 Financial Services to replace specified components of
199 the Florida Accounting Information Resource Subsystem
200 (FLAIR) and the Cash Management Subsystem (CMS);



201 specifying certain actions to be taken by the
202 Department of Financial Services regarding FLAIR and
203 CMS replacement; providing for the composition of an
204 executive steering committee to oversee FLAIR and CMS
205 replacement; prescribing duties and responsibilities
206 of the executive steering committee; transferring
207 specified entities within the Agency for State
208 Technology to the Department of Management Services;
209 amending s. 20.22, F.S.; requiring the Department of
210 Management Services to provide the Agency for State
211 Technology financial management oversight; specifying
212 oversight responsibilities; amending s. 20.255, F.S.;
213 providing duties of the Department of Environmental
214 Protection related to geospatial data development,
215 review, policies, practices, and standards; amending
216 s. 20.61, F.S.; specifying that the Department of
217 Management Services shall provide financial management
218 for the Agency for State Technology; deleting
219 specified positions within the agency; amending s.
220 282.0041, F.S.; revising and providing definitions
221 related to data services; amending s. 282.0051, F.S.;
222 deleting specified duties from the Agency for State
223 Technology related to financial management; amending
224 s. 282.201, F.S.; deleting the requirement that the
225 state data center provide a billing methodology;



226 providing for future expiration and reversion of
227 specified statutory text; requiring executive branch
228 state agencies and the judicial branch to collaborate
229 with the Executive Office of the Governor regarding
230 the statewide travel management system and to use such
231 system; amending s. 216.181, F.S.; extending for 1
232 fiscal year the authority for the Legislative Budget
233 Commission to increase amounts appropriated to the
234 Fish and Wildlife Conservation Commission or the
235 Department of Environmental Protection for certain
236 fixed capital outlay projects from specified sources;
237 amending s. 215.18, F.S.; extending for 1 fiscal year
238 the authority of the Governor, if there is a specified
239 temporary deficiency in a land acquisition trust fund
240 in the Department of Agriculture and Consumer
241 Services, the Department of Environmental Protection,
242 the Department of State, or the Fish and Wildlife
243 Conservation Commission, to transfer funds from other
244 trust funds in the State Treasury as a temporary loan
245 to such trust fund; providing time periods for the
246 repayment of a temporary loan; requiring the
247 Department of Environmental Protection to transfer
248 designated proportions of the revenues deposited in
249 the Land Acquisition Trust Fund within the department
250 to land acquisition trust funds in the Department of



251 Agriculture and Consumer Services, the Department of
252 State, and the Fish and Wildlife Conservation
253 Commission according to specified parameters and
254 calculations; requiring the Department of
255 Environmental Protection to retain a proportionate
256 share of revenues; specifying a limit on
257 distributions; requiring the Department of
258 Environmental Protection to make transfers to land
259 acquisition trust funds; specifying the method of
260 determining transfer amounts; authorizing the
261 Department of Environmental Protection to advance
262 funds from its land acquisition trust fund to the Fish
263 and Wildlife Conservation Commission's land
264 acquisition trust fund for specified purposes;
265 requiring the Department of Environmental Protection
266 to prorate amounts transferred to the Fish and
267 Wildlife Conservation Commission; amending s. 375.041,
268 F.S.; specifying that certain funds for projects
269 dedicated to restoring Lake Apopka shall be
270 appropriated as provided in the General Appropriations
271 Act; reenacting s. 373.470, F.S.; relating to
272 distribution of funds to the South Florida Water
273 Management District from the Department of
274 Environmental Protection's land acquisition trust fund
275 which must be equally matched by cumulative district



276 | contributions for certain Everglades restoration
277 | efforts; providing for the future expiration and
278 | reversion of specified statutory text; amending s.
279 | 216.181, F.S.; authorizing the Legislative Budget
280 | Commission to increase amounts appropriated to the
281 | Department of Environmental Protection for fixed
282 | capital outlay projects using specified funds;
283 | specifying additional information to be included in
284 | budget amendments for projects requiring additional
285 | funding; amending s. 259.105, F.S.; revising
286 | distributions from the Florida Forever Trust Fund;
287 | amending s. 375.075, F.S.; requiring that a minimum
288 | amount of funds for the Florida Recreation Development
289 | Assistance Program be used for projects that provide
290 | recreational enhancements and opportunities for
291 | children; requiring the Department of Environmental
292 | Protection to award grants by a specified date;
293 | providing limitations with respect to the number of
294 | grant applications a local government may submit and
295 | the maximum project grant amount; specifying
296 | requirements for the selection criteria used by the
297 | department; requiring the South Florida Water
298 | Management District to allow the continued
299 | agricultural use of certain agricultural lands owned
300 | or controlled by the state or district under specified



301 | circumstances; specifying parameters to be used in
302 | extending or amending leases, reservations of
303 | possessory estates, or other farming interests;
304 | amending s. 427.013, F.S.; extending for 1 fiscal year
305 | a requirement that the Commission for the
306 | Transportation Disadvantaged allocate and award
307 | appropriated funds for specified purposes; amending s.
308 | 420.9079, F.S.; authorizing funds in the Local
309 | Government Housing Trust Fund to be used as provided
310 | in the General Appropriations Act; amending s.
311 | 420.0005, F.S.; authorizing certain funds related to
312 | state housing to be used as provided in the General
313 | Appropriations Act; providing for future expiration;
314 | amending s. 321.04, F.S.; extending for 1 fiscal year
315 | provisions requiring the Department of Highway Safety
316 | and Motor Vehicles to assign the patrol officer
317 | assigned to the office of the Governor to the
318 | Lieutenant Governor and to assign a patrol officer to
319 | a Cabinet member under certain circumstances; amending
320 | s. 339.135, F.S.; extending for 1 fiscal year
321 | provisions authorizing the Department of
322 | Transportation to realign budget authority to carry
323 | out the department's work program; amending s.
324 | 216.292, F.S.; specifying that the required review
325 | ensures that certain transfers of appropriations



326 | comply with ch. 216, F.S., maximize use of available
327 | and appropriate trust funds, and are not contrary to
328 | legislative policy and intent; prohibiting a state
329 | agency from initiating a competitive solicitation for
330 | a product or service under certain circumstances;
331 | providing an exception; amending s. 112.24, F.S.;
332 | extending for 1 fiscal year the authorization, subject
333 | to specified requirements, for the assignment of an
334 | employee of a state agency under an employee
335 | interchange agreement; providing that the annual
336 | salaries of the members of the Legislature shall be
337 | maintained at a specified level; reenacting s.
338 | 215.32(2)(b), F.S., relating to the source and use of
339 | certain trust funds; providing for the future
340 | expiration and reversion of statutory text; limiting
341 | the use of travel funds to activities that are
342 | critical to an agency's mission; providing exceptions;
343 | placing a monetary cap on lodging expenses for state
344 | employee travel to certain meetings organized or
345 | sponsored by a state agency or the judicial branch;
346 | authorizing employees to expend their own funds for
347 | lodging expenses in excess of the monetary caps;
348 | prohibiting state agencies from entering into
349 | contracts containing certain nondisclosure agreements;
350 | amending ch. 2017-88, Laws of Florida; requiring the



351 Department of Management Services to develop and
352 establish specified premiums for the different health
353 insurance plan options; specifying the methodology for
354 calculating premium rates for employees; specifying
355 notice, review, and objection requirements; providing
356 conditions under which the veto of certain
357 appropriations or proviso language in the General
358 Appropriations Act voids language that implements such
359 appropriation; providing for the continued operation
360 of certain provisions notwithstanding a future repeal
361 or expiration provided by the act; providing
362 severability; providing effective dates.

363

364 Be It Enacted by the Legislature of the State of Florida:

365

366 Section 1. It is the intent of the Legislature that the
367 implementing and administering provisions of this act apply to
368 the General Appropriations Act for the 2018-2019 fiscal year.

369 Section 2. In order to implement Specific Appropriations
370 6, 7, 8, 92, and 93 of the 2018-2019 General Appropriations Act,
371 and funds appropriated to the Department of Education in the Aid
372 to Local Governments Grants and Aids-Florida Education Finance
373 Program category in CS/SB 7026 or similar legislation adopted
374 during the 2018 Regular Session of the Legislature or an
375 extension thereof, the calculations of the Florida Education



HB 5003, Engrossed 1

2018

376 Finance Program for the 2018-2019 fiscal year included in the
377 document titled "Public School Funding: The Florida Education
378 Finance Program," dated March 8, 2018, and filed with the Clerk
379 of the House of Representatives, are incorporated by reference
380 for the purpose of displaying the calculations used by the
381 Legislature, consistent with the requirements of state law, in
382 making appropriations for the Florida Education Finance Program.
383 This section expires July 1, 2019.

384 Section 3. In order to implement Specific Appropriations 6
385 and 92 of the 2018-2019 General Appropriations Act, and
386 notwithstanding ss. 1002.20, 1003.02, 1006.28-1006.42,
387 1011.62(6)(b)5., and 1011.67, Florida Statutes, relating to the
388 expenditure of funds provided for instructional materials, for
389 the 2018-2019 fiscal year, funds provided for instructional
390 materials shall be released and expended as required in the
391 proviso language for Specific Appropriation 92 of the 2018-2019
392 General Appropriations Act. This section expires July 1, 2019.

393 Section 4. In order to implement Specific Appropriations 6
394 and 92 of the 2018-2019 General Appropriations Act, subsections
395 (16) and (17) of section 1011.62, Florida Statutes, are
396 renumbered as subsections (17) and (18), respectively, paragraph
397 (a) of subsection (4) and subsection (14) are amended, and a new
398 subsection (16) is added to that section, to read:

399 1011.62 Funds for operation of schools.—If the annual
400 allocation from the Florida Education Finance Program to each



HB 5003, Engrossed 1

2018

401 district for operation of schools is not determined in the
402 annual appropriations act or the substantive bill implementing
403 the annual appropriations act, it shall be determined as
404 follows:

405 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
406 Legislature shall prescribe the aggregate required local effort
407 for all school districts collectively as an item in the General
408 Appropriations Act for each fiscal year. The amount that each
409 district shall provide annually toward the cost of the Florida
410 Education Finance Program for kindergarten through grade 12
411 programs shall be calculated as follows:

412 (a) *Estimated taxable value calculations.*—

413 1.a. Not later than 2 working days before July 19, the
414 Department of Revenue shall certify to the Commissioner of
415 Education its most recent estimate of the taxable value for
416 school purposes in each school district and the total for all
417 school districts in the state for the current calendar year
418 based on the latest available data obtained from the local
419 property appraisers. The value certified shall be the taxable
420 value for school purposes for that year, and no further
421 adjustments shall be made, except those made pursuant to
422 paragraphs (c) and (d), or an assessment roll change required by
423 final judicial decisions as specified in paragraph (17) (b)
424 ~~(16) (b)~~. Not later than July 19, the Commissioner of Education
425 shall compute a millage rate, rounded to the next highest one



HB 5003, Engrossed 1

2018

426 one-thousandth of a mill, which, when applied to 96 percent of
427 the estimated state total taxable value for school purposes,
428 would generate the prescribed aggregate required local effort
429 for that year for all districts. The Commissioner of Education
430 shall certify to each district school board the millage rate,
431 computed as prescribed in this subparagraph, as the minimum
432 millage rate necessary to provide the district required local
433 effort for that year.

434 b. The General Appropriations Act shall direct the
435 computation of the statewide adjusted aggregate amount for
436 required local effort for all school districts collectively from
437 ad valorem taxes to ensure that no school district's revenue
438 from required local effort millage will produce more than 90
439 percent of the district's total Florida Education Finance
440 Program calculation as calculated and adopted by the
441 Legislature, and the adjustment of the required local effort
442 millage rate of each district that produces more than 90 percent
443 of its total Florida Education Finance Program entitlement to a
444 level that will produce only 90 percent of its total Florida
445 Education Finance Program entitlement in the July calculation.

446 2. On the same date as the certification in sub-
447 subparagraph 1.a., the Department of Revenue shall certify to
448 the Commissioner of Education for each district:

449 a. Each year for which the property appraiser has
450 certified the taxable value pursuant to s. 193.122(2) or (3), if



451 applicable, since the prior certification under sub-subparagraph
452 1.a.

453 b. For each year identified in sub-subparagraph a., the
454 taxable value certified by the appraiser pursuant to s.
455 193.122(2) or (3), if applicable, since the prior certification
456 under sub-subparagraph 1.a. This is the certification that
457 reflects all final administrative actions of the value
458 adjustment board.

459 (14) QUALITY ASSURANCE GUARANTEE.—The Legislature may
460 annually in the General Appropriations Act determine a
461 percentage increase in funds per K-12 unweighted FTE as a
462 minimum guarantee to each school district. The guarantee shall
463 be calculated from prior year base funding per unweighted FTE
464 student which shall include the adjusted FTE dollars as provided
465 in subsection (17)~~(16)~~, quality guarantee funds, and actual
466 nonvoted discretionary local effort from taxes. From the base
467 funding per unweighted FTE, the increase shall be calculated for
468 the current year. The current year funds from which the
469 guarantee shall be determined shall include the adjusted FTE
470 dollars as provided in subsection (17)~~(16)~~ and potential
471 nonvoted discretionary local effort from taxes. A comparison of
472 current year funds per unweighted FTE to prior year funds per
473 unweighted FTE shall be computed. For those school districts
474 which have less than the legislatively assigned percentage
475 increase, funds shall be provided to guarantee the assigned



HB 5003, Engrossed 1

2018

476 percentage increase in funds per unweighted FTE student. Should
477 appropriated funds be less than the sum of this calculated
478 amount for all districts, the commissioner shall prorate each
479 district's allocation. This provision shall be implemented to
480 the extent specifically funded.

481 (16) FUNDING COMPRESSION ALLOCATION.—The Legislature may
482 provide an annual funding compression allocation in the General
483 Appropriations Act. The allocation is created to provide
484 additional funding to school districts and developmental
485 research schools whose total funds per FTE in the prior year
486 were less than the statewide average. Using the most recent
487 prior year FEFP calculation for each eligible school district,
488 the total funds per FTE shall be subtracted from the state
489 average funds per FTE, not including any adjustments made
490 pursuant to paragraph (17) (b). The resulting funds per FTE
491 difference, or a portion thereof, as designated in the General
492 Appropriations Act, shall then be multiplied by the school
493 district's total unweighted FTE to provide the allocation. If
494 the calculated funds are greater than the amount included in the
495 General Appropriations Act, they must be prorated to the
496 appropriation amount based on each participating school
497 district's share.

498
499 This subsection expires July 1, 2019.

500 Section 5. In order to implement Specific Appropriation



HB 5003, Engrossed 1

2018

501 121 of the 2018-2019 General Appropriations Act, subsection (1)
502 of section 1001.26, Florida Statutes, is amended to read:

503 1001.26 Public broadcasting program system.—

504 (1) There is created a public broadcasting program system
505 for the state. The department shall provide funds, as
506 specifically appropriated in the General Appropriations Act, to
507 educational television stations qualified by the Corporation for
508 Public Broadcasting or public colleges and universities that are
509 part of the public broadcasting program system. The program
510 system must include:

511 (a) Support for existing Corporation for Public
512 Broadcasting qualified program system educational television
513 stations.

514 (b) Maintenance of quality broadcast capability for
515 educational stations that are part of the program system.

516 (c) Interconnection of all educational stations that are
517 part of the program system for simultaneous broadcast and of
518 such stations with all universities and other institutions as
519 necessary for sharing of resources and delivery of programming.

520 (d) Establishment and maintenance of a capability for
521 statewide program distribution with facilities and staff,
522 provided such facilities and staff complement and strengthen
523 existing educational television stations.

524 (e) Provision of both statewide programming funds and
525 station programming support for educational television to meet



526 statewide priorities. Priorities for station programming need
527 not be the same as priorities for programming to be used
528 statewide. Station programming may include, but shall not be
529 limited to, citizens' participation programs, music and fine
530 arts programs, coverage of public hearings and governmental
531 meetings, equal air time for political candidates, and other
532 public interest programming.

533 Section 6. The amendment made by this act to s.
534 1001.26(1), Florida Statutes, expires July 1, 2019, and the text
535 of that subsection shall revert to that in existence on June 30,
536 2018, except that any amendments to such text enacted other than
537 by this act shall be preserved and continue to operate to the
538 extent that such amendments are not dependent upon the portions
539 of text which expire pursuant to this section.

540 Section 7. In order to implement Specific Appropriation
541 109 of the 2018-2019 General Appropriations Act and
542 notwithstanding s. 212.099, Florida Statutes, as created by
543 CS/HB 7055 during the 2018 Regular Session, for the 2018-2019
544 fiscal year, eligible contributions for the Florida Sales Tax
545 Credit Scholarship Program may not be used to fund the program
546 established under s. 1002.385. This section expires July 1,
547 2019.

548 Section 8. In order to implement Specific Appropriation 70
549 of the 2018-2019 General Appropriations Act, and notwithstanding
550 the expiration date in section 8 of chapter 2017-71, Laws of



551 Florida, paragraph (b) of subsection (4) of section 1009.986,
552 Florida Statutes, is reenacted to read:

553 1009.986 Florida ABLE program.—

554 (4) FLORIDA ABLE PROGRAM.—

555 (b) The participation agreement must include provisions
556 specifying:

557 1. The participation agreement is only a debt or
558 obligation of the Florida ABLE program and the Florida ABLE
559 Program Trust Fund and, as provided under paragraph (f), is not
560 a debt or obligation of the Florida Prepaid College Board or the
561 state.

562 2. Participation in the Florida ABLE program does not
563 guarantee that sufficient funds will be available to cover all
564 qualified disability expenses for any designated beneficiary and
565 does not guarantee the receipt or continuation of any product or
566 service for the designated beneficiary.

567 3. Whether the Florida ABLE program requires a designated
568 beneficiary to be a resident of this state or a resident of a
569 contracting state at the time the ABLE account is established.
570 In determining whether to require residency, the Florida Prepaid
571 College Board shall consider, among other factors:

572 a. Market research; and

573 b. Estimated operating revenues and costs.

574 4. The establishment of an ABLE account in violation of
575 federal law is prohibited.



HB 5003, Engrossed 1

2018

576 5. Contributions in excess of the limitations set forth in
577 s. 529A of the Internal Revenue Code are prohibited.

578 6. The state is a creditor of ABLE accounts as, and to the
579 extent, set forth in s. 529A of the Internal Revenue Code.

580 7. Material misrepresentations by a party to the
581 participation agreement, other than Florida ABLE, Inc., in the
582 application for the participation agreement or in any
583 communication with Florida ABLE, Inc., regarding the Florida
584 ABLE program may result in the involuntary liquidation of the
585 ABLE account. If an account is involuntarily liquidated, the
586 designated beneficiary is entitled to a refund, subject to any
587 fees or penalties provided by the participation agreement and
588 the Internal Revenue Code.

589 Section 9. The text of s. 1009.986(4)(b), Florida
590 Statutes, as carried forward from chapter 2017-71, Laws of
591 Florida, in this act, expires July 1, 2019, and the text of that
592 paragraph shall revert to that in existence on June 30, 2016,
593 except that any amendments to such text enacted other than by
594 this act shall be preserved and continue to operate to the
595 extent that such amendments are not dependent upon the portions
596 of text which expire pursuant to this section.

597 Section 10. In order to implement Specific Appropriation
598 70 of the 2018-2019 General Appropriations Act, subsection (7)
599 of section 1009.986, Florida Statutes, is amended to read:

600 1009.986 Florida ABLE program.—



601 (7) MEDICAID RECOVERY; PRIORITY OF DISTRIBUTIONS.—

602 (a) Unless prohibited by federal law, upon the death of a
603 designated beneficiary, funds in the ABLE account must first be
604 distributed for qualified disability expenses then transferred
605 to the estate of the designated beneficiary or an ABLE account
606 of another eligible individual specified by the designated
607 beneficiary or by the estate of the designated beneficiary. ~~Upon~~
608 ~~the death of the designated beneficiary, the Agency for Health~~
609 ~~Care Administration and the Medicaid program for another state~~
610 ~~may file a claim with the Florida ABLE program for the total~~
611 ~~amount of medical assistance provided for the designated~~
612 ~~beneficiary under the Medicaid program, less any premiums paid~~
613 ~~by or on behalf of the designated beneficiary to a Medicaid buy-~~
614 ~~in program. Funds in the ABLE account of the deceased designated~~
615 ~~beneficiary must first be distributed for qualified disability~~
616 ~~expenses followed by distributions for the Medicaid claim~~
617 ~~authorized under this paragraph. Any remaining amount shall be~~
618 ~~distributed as provided in the participation agreement.~~

619 (b) Except as required by federal law, the state Medicaid
620 program may not file a claim for Medicaid recovery of funds in
621 an ABLE account.

622 (c) ~~(b)~~ Florida ABLE, Inc., shall assist and cooperate with
623 the Agency for Health Care Administration and Medicaid programs
624 in other states by providing the agency and programs with the
625 information needed to accomplish the purpose and objective of



HB 5003, Engrossed 1

2018

626 | this subsection.

627 | Section 11. The text of s. 1009.986(7), Florida Statutes,
628 | expires July 1, 2019, and the text of that subsection shall
629 | revert to that in existence on June 30, 2016, except that any
630 | amendments to such text enacted other than by this act shall be
631 | preserved and continue to operate to the extent that such
632 | amendments are not dependent upon the portions of text which
633 | expire pursuant to this section.

634 | Section 12. In order to implement Specific Appropriations
635 | 4 and 66D of the 2018-2019 General Appropriations Act,
636 | subsection (3) of section 1009.215, Florida Statutes, is amended
637 | to read:

638 | 1009.215 Student enrollment pilot program for the spring
639 | and summer terms.—

640 | (3) Students who are enrolled in the pilot program and who
641 | are eligible to receive Bright Futures Scholarships under ss.
642 | 1009.53-1009.536 shall be eligible to receive the scholarship
643 | award for attendance during the spring and summer terms ~~no more~~
644 | ~~than 2 semesters or the equivalent in any fiscal year, including~~
645 | ~~the summer term.~~ This student cohort shall also be eligible to
646 | receive Bright Futures Scholarships for the fall semester term
647 | to be used for off-campus or online coursework, if Bright
648 | Futures Scholarship funding is provided by the Legislature for
649 | three terms for that academic year for other eligible students.

650 | Section 13. The text of s. 1009.215(3), Florida Statutes,



651 expires July 1, 2019, and the text of that subsection shall
652 revert to that in existence on June 30, 2018, except that any
653 amendments to such text enacted other than by this act shall be
654 preserved and continue to operate to the extent that such
655 amendments are not dependent upon the portions of text which
656 expire pursuant to this section.

657 Section 14. In order to implement Specific Appropriations
658 199, 200, 203, and 207 of the 2018-2019 General Appropriations
659 Act, the calculations for the Medicaid Disproportionate Share
660 Hospital and Hospital Reimbursement programs for the 2018-2019
661 fiscal year contained in the document titled "Medicaid Hospital
662 Funding Programs," dated March 8, 2018, and filed with the Clerk
663 of the House of Representatives, are incorporated by reference
664 for the purpose of displaying the calculations used by the
665 Legislature, consistent with the requirements of state law, in
666 making appropriations for the Medicaid Disproportionate Share
667 Hospital and Hospital Reimbursement programs. This section
668 expires July 1, 2019.

669 Section 15. In order to implement Specific Appropriations
670 193 through 212 and 524 of the 2018-2019 General Appropriations
671 Act, and notwithstanding ss. 216.181 and 216.292, Florida
672 Statutes, the Agency for Health Care Administration, in
673 consultation with the Department of Health, may submit a budget
674 amendment, subject to the notice, review, and objection
675 procedures of s. 216.177, Florida Statutes, to realign funding



676 within and between agencies based on implementation of the
677 Managed Medical Assistance component of the Statewide Medicaid
678 Managed Care program for the Children's Medical Services program
679 of the Department of Health. The funding realignment shall
680 reflect the actual enrollment changes due to the transfer of
681 beneficiaries from fee-for-service to the capitated Children's
682 Medical Services Network. The Agency for Health Care
683 Administration may submit a request for nonoperating budget
684 authority to transfer the federal funds to the Department of
685 Health pursuant to s. 216.181(12), Florida Statutes. This
686 section expires July 1, 2019.

687 Section 16. In order to implement Specific Appropriation
688 242 of the 2018-2019 General Appropriations Act:

689 (1) If during the 2018-2019 fiscal year, the Agency for
690 Persons with Disabilities ceases to have an allocation algorithm
691 and methodology adopted by valid rule pursuant to s. 393.0662,
692 Florida Statutes, the agency shall use the following until it
693 adopts a new allocation algorithm and methodology:

694 (a) Each client's iBudget in effect as of the date the
695 agency ceases to have an allocation algorithm and methodology
696 adopted by valid rule pursuant to s. 393.0662, Florida Statutes,
697 shall remain at that funding level.

698 (b) The Agency for Persons with Disabilities shall
699 determine the iBudget for a client newly enrolled in the home
700 and community-based services waiver program using the same



701 allocation algorithm and methodology used for the iBudgets
702 determined between January 1, 2017, and December 31, 2017.

703 (2) After a new allocation algorithm and methodology is
704 adopted by final rule, a client's new iBudget shall be
705 determined based on the new allocation algorithm and methodology
706 and shall take effect as of the client's next support plan
707 update.

708 (3) Funding allocated under subsections (1) and (2) may be
709 increased pursuant to s. 393.0662(1)(b), Florida Statutes, or as
710 necessary to comply with federal regulations.

711 (4) This section expires July 1, 2019.

712 Section 17. Effective October 1, 2018, in order to
713 implement Specific Appropriations 217 and 218 of the 2018-2019
714 General Appropriations Act, subsection (2) of section 409.908,
715 Florida Statutes, as amended by chapter 2017-129, Laws of
716 Florida, is amended to read:

717 409.908 Reimbursement of Medicaid providers.—Subject to
718 specific appropriations, the agency shall reimburse Medicaid
719 providers, in accordance with state and federal law, according
720 to methodologies set forth in the rules of the agency and in
721 policy manuals and handbooks incorporated by reference therein.
722 These methodologies may include fee schedules, reimbursement
723 methods based on cost reporting, negotiated fees, competitive
724 bidding pursuant to s. 287.057, and other mechanisms the agency
725 considers efficient and effective for purchasing services or



726 goods on behalf of recipients. If a provider is reimbursed based
727 on cost reporting and submits a cost report late and that cost
728 report would have been used to set a lower reimbursement rate
729 for a rate semester, then the provider's rate for that semester
730 shall be retroactively calculated using the new cost report, and
731 full payment at the recalculated rate shall be effected
732 retroactively. Medicare-granted extensions for filing cost
733 reports, if applicable, shall also apply to Medicaid cost
734 reports. Payment for Medicaid compensable services made on
735 behalf of Medicaid eligible persons is subject to the
736 availability of moneys and any limitations or directions
737 provided for in the General Appropriations Act or chapter 216.
738 Further, nothing in this section shall be construed to prevent
739 or limit the agency from adjusting fees, reimbursement rates,
740 lengths of stay, number of visits, or number of services, or
741 making any other adjustments necessary to comply with the
742 availability of moneys and any limitations or directions
743 provided for in the General Appropriations Act, provided the
744 adjustment is consistent with legislative intent.

745 (2)(a)1. Reimbursement to nursing homes licensed under
746 part II of chapter 400 and state-owned-and-operated intermediate
747 care facilities for the developmentally disabled licensed under
748 part VIII of chapter 400 must be made prospectively.

749 2. Unless otherwise limited or directed in the General
750 Appropriations Act, reimbursement to hospitals licensed under



751 part I of chapter 395 for the provision of swing-bed nursing
752 home services must be made on the basis of the average statewide
753 nursing home payment, and reimbursement to a hospital licensed
754 under part I of chapter 395 for the provision of skilled nursing
755 services must be made on the basis of the average nursing home
756 payment for those services in the county in which the hospital
757 is located. When a hospital is located in a county that does not
758 have any community nursing homes, reimbursement shall be
759 determined by averaging the nursing home payments in counties
760 that surround the county in which the hospital is located.
761 Reimbursement to hospitals, including Medicaid payment of
762 Medicare copayments, for skilled nursing services shall be
763 limited to 30 days, unless a prior authorization has been
764 obtained from the agency. Medicaid reimbursement may be extended
765 by the agency beyond 30 days, and approval must be based upon
766 verification by the patient's physician that the patient
767 requires short-term rehabilitative and recuperative services
768 only, in which case an extension of no more than 15 days may be
769 approved. Reimbursement to a hospital licensed under part I of
770 chapter 395 for the temporary provision of skilled nursing
771 services to nursing home residents who have been displaced as
772 the result of a natural disaster or other emergency may not
773 exceed the average county nursing home payment for those
774 services in the county in which the hospital is located and is
775 limited to the period of time which the agency considers



776 necessary for continued placement of the nursing home residents
777 in the hospital.

778 (b) Subject to any limitations or directions in the
779 General Appropriations Act, the agency shall establish and
780 implement a state Title XIX Long-Term Care Reimbursement Plan
781 for nursing home care in order to provide care and services in
782 conformance with the applicable state and federal laws, rules,
783 regulations, and quality and safety standards and to ensure that
784 individuals eligible for medical assistance have reasonable
785 geographic access to such care.

786 1. The agency shall amend the long-term care reimbursement
787 plan and cost reporting system to create direct care and
788 indirect care subcomponents of the patient care component of the
789 per diem rate. These two subcomponents together shall equal the
790 patient care component of the per diem rate. Separate prices
791 shall be calculated for each patient care subcomponent,
792 initially based on the September 2016 rate setting cost reports
793 and subsequently based on the most recently audited cost report
794 used during a rebasing year. The direct care subcomponent of the
795 per diem rate for any providers still being reimbursed on a cost
796 basis shall be limited by the cost-based class ceiling, and the
797 indirect care subcomponent may be limited by the lower of the
798 cost-based class ceiling, the target rate class ceiling, or the
799 individual provider target. The ceilings and targets apply only
800 to providers being reimbursed on a cost-based system. Effective



801 | October 1, 2018, a prospective payment methodology shall be
 802 | implemented for rate setting purposes with the following
 803 | parameters:

804 | a. Peer Groups, including:

805 | (I) North-SMMC Regions 1-9, less Palm Beach and Okeechobee
 806 | Counties; and

807 | (II) South-SMMC Regions 10-11, plus Palm Beach and
 808 | Okeechobee Counties.

809 | b. Percentage of Median Costs based on the cost reports
 810 | used for September 2016 rate setting:

811 | (I) Direct Care Costs.....105 ~~100~~ percent.
 812 | (II) Indirect Care Costs.....92 percent.
 813 | (III) Operating Costs.....86 percent.

814 | c. Floors:

815 | (I) Direct Care Component.....95 percent.
 816 | (II) Indirect Care Component.....92.5 percent.
 817 | (III) Operating Component.....None.

818 | d. Pass-through PaymentsReal Estate and Personal Property
 819 | Taxes and Property Insurance.

820 | e. Quality Incentive Program Payment Pool 8.5 ~~6~~ percent of
 821 | September 2016 non-property related payments of included
 822 | facilities.

823 | f. Quality Score Threshold to Quality for Quality
 824 | Incentive
 825 | Payment.....20th percentile of included facilities.



- 826 g. Fair Rental Value System Payment Parameters:
- 827 (I) Building Value per Square Foot based on 2018 RS Means.
- 828 (II) Land Valuation 10 percent of Gross Building value.
- 829 (III) Facility Square Footage...Actual Square Footage.
- 830 (IV) Moveable Equipment Allowance.....\$8,000 per bed.
- 831 (V) Obsolescence Factor.....1.5 percent.
- 832 (VI) Fair Rental Rate of Return.....8 percent.
- 833 (VII) Minimum Occupancy.....90 percent.
- 834 (VIII) Maximum Facility Age.....40 years.
- 835 (IX) Minimum Square Footage per Bed.....350.
- 836 (X) Maximum Square Footage for Bed.....500.
- 837 (XI) Minimum Cost of a renovation/replacements \$500 per
- 838 bed.

839 h. Ventilator Supplemental payment of \$200 per Medicaid
 840 day of 40,000 ventilator Medicaid days per fiscal year.

841 2. The direct care subcomponent shall include salaries and
 842 benefits of direct care staff providing nursing services
 843 including registered nurses, licensed practical nurses, and
 844 certified nursing assistants who deliver care directly to
 845 residents in the nursing home facility, allowable therapy costs,
 846 and dietary costs. This excludes nursing administration, staff
 847 development, the staffing coordinator, and the administrative
 848 portion of the minimum data set and care plan coordinators. The
 849 direct care subcomponent also includes medically necessary
 850 dental care, vision care, hearing care, and podiatric care.



851 3. All other patient care costs shall be included in the
852 indirect care cost subcomponent of the patient care per diem
853 rate, including complex medical equipment, medical supplies, and
854 other allowable ancillary costs. Costs may not be allocated
855 directly or indirectly to the direct care subcomponent from a
856 home office or management company.

857 4. On July 1 of each year, the agency shall report to the
858 Legislature direct and indirect care costs, including average
859 direct and indirect care costs per resident per facility and
860 direct care and indirect care salaries and benefits per category
861 of staff member per facility.

862 5. Every fourth year, the agency shall rebase nursing home
863 prospective payment rates to reflect changes in cost based on
864 the most recently audited cost report for each participating
865 provider.

866 6. A direct care supplemental payment may be made to
867 providers whose direct care hours per patient day are above the
868 80th percentile and who provide Medicaid services to a larger
869 percentage of Medicaid patients than the state average.

870 7. For the period beginning on October 1, 2018, and ending
871 on September 30, 2021, the agency shall reimburse providers the
872 greater of their September 2016 cost-based rate or their
873 prospective payment rate. Effective October 1, 2021, the agency
874 shall reimburse providers the greater of 95 percent of their
875 cost-based rate or their rebased prospective payment rate, using



HB 5003, Engrossed 1

2018

876 | the most recently audited cost report for each facility. This
877 | subparagraph shall expire September 30, 2023.

878 | 8. Pediatric, Florida Department of Veterans Affairs, and
879 | government-owned facilities are exempt from the pricing model
880 | established in this subsection and shall remain on a cost-based
881 | prospective payment system. Effective October 1, 2018, the
882 | agency shall set rates for all facilities remaining on a cost-
883 | based prospective payment system using each facility's most
884 | recently audited cost report, eliminating retroactive
885 | settlements.

886 |

887 | It is the intent of the Legislature that the reimbursement plan
888 | achieve the goal of providing access to health care for nursing
889 | home residents who require large amounts of care while
890 | encouraging diversion services as an alternative to nursing home
891 | care for residents who can be served within the community. The
892 | agency shall base the establishment of any maximum rate of
893 | payment, whether overall or component, on the available moneys
894 | as provided for in the General Appropriations Act. The agency
895 | may base the maximum rate of payment on the results of
896 | scientifically valid analysis and conclusions derived from
897 | objective statistical data pertinent to the particular maximum
898 | rate of payment.

899 | Section 18. Effective October 1, 2018, in order to
900 | implement Specific Appropriations 217 and 218 of the 2018-2019



901 General Appropriations Act, subsection (23) of section 409.908,
902 Florida Statutes, is amended to read:
903 409.908 Reimbursement of Medicaid providers.—Subject to
904 specific appropriations, the agency shall reimburse Medicaid
905 providers, in accordance with state and federal law, according
906 to methodologies set forth in the rules of the agency and in
907 policy manuals and handbooks incorporated by reference therein.
908 These methodologies may include fee schedules, reimbursement
909 methods based on cost reporting, negotiated fees, competitive
910 bidding pursuant to s. 287.057, and other mechanisms the agency
911 considers efficient and effective for purchasing services or
912 goods on behalf of recipients. If a provider is reimbursed based
913 on cost reporting and submits a cost report late and that cost
914 report would have been used to set a lower reimbursement rate
915 for a rate semester, then the provider's rate for that semester
916 shall be retroactively calculated using the new cost report, and
917 full payment at the recalculated rate shall be effected
918 retroactively. Medicare-granted extensions for filing cost
919 reports, if applicable, shall also apply to Medicaid cost
920 reports. Payment for Medicaid compensable services made on
921 behalf of Medicaid eligible persons is subject to the
922 availability of moneys and any limitations or directions
923 provided for in the General Appropriations Act or chapter 216.
924 Further, nothing in this section shall be construed to prevent
925 or limit the agency from adjusting fees, reimbursement rates,



HB 5003, Engrossed 1

2018

926 | lengths of stay, number of visits, or number of services, or
927 | making any other adjustments necessary to comply with the
928 | availability of moneys and any limitations or directions
929 | provided for in the General Appropriations Act, provided the
930 | adjustment is consistent with legislative intent.

931 | (23) (a) The agency shall establish rates at a level that
932 | ensures no increase in statewide expenditures resulting from a
933 | change in unit costs for county health departments effective
934 | July 1, 2011. Reimbursement rates shall be as provided in the
935 | General Appropriations Act.

936 | (b) 1. Base rate reimbursement for inpatient services under
937 | a diagnosis-related group payment methodology shall be provided
938 | in the General Appropriations Act.

939 | ~~2.(e)~~ Base rate reimbursement for outpatient services
940 | under an enhanced ambulatory payment group methodology shall be
941 | provided in the General Appropriations Act.

942 | 3. Prospective payment system reimbursement for nursing
943 | home services shall be as provided in subsection (2) and in the
944 | General Appropriations Act.

945 | ~~(d) This subsection applies to the following provider~~
946 | ~~types:~~

947 | ~~1. Nursing homes.~~

948 | ~~2. County health departments.~~

949 | ~~(e) The agency shall apply the effect of this subsection~~
950 | ~~to the reimbursement rates for nursing home diversion programs.~~



HB 5003, Engrossed 1

2018

951 Section 19. The amendments made by this act to s.
952 409.908(2) and (23), Florida Statutes, expire July 1, 2019, and
953 the text of those subsections shall revert to that in existence
954 on October 1, 2018, not including any amendments made by this
955 act, except that any amendments to such text enacted other than
956 by this act shall be preserved and continue to operate to the
957 extent that such amendments are not dependent upon the portions
958 of text which expire pursuant to this section.

959 Section 20. In order to implement Specific Appropriations
960 199, 203, 204, 206, 208, and 217 of the 2018-2019 General
961 Appropriations Act, the Agency for Health Care Administration
962 shall seek authorization from the federal Centers for Medicare
963 and Medicaid Services to eliminate the Medicaid retroactive
964 eligibility period for nonpregnant adults in a manner that
965 ensures that the elimination becomes effective on July 1, 2018.
966 Eligibility will continue to begin the first day of the month in
967 which a nonpregnant adult applies for Medicaid. This section
968 expires July 1, 2019.

969 Section 21. In order to implement Specific Appropriations
970 535 through 545 of the 2018-2019 General Appropriations Act,
971 subsection (18) of section 893.055, Florida Statutes, is amended
972 to read:

973 893.055 Prescription drug monitoring program.—

974 (18) For the 2018-2019 ~~2017-2018~~ fiscal year only, neither
975 the Attorney General nor the department may use funds received



HB 5003, Engrossed 1

2018

976 as part of a settlement agreement to administer the prescription
977 drug monitoring program. This subsection expires July 1, 2019
978 ~~2018~~.

979 Section 22. In order to implement Specific Appropriation
980 200 of the 2018-2019 General Appropriations Act, subsections (2)
981 and (10) of section 409.911, Florida Statutes, are amended to
982 read:

983 409.911 Disproportionate share program.—Subject to
984 specific allocations established within the General
985 Appropriations Act and any limitations established pursuant to
986 chapter 216, the agency shall distribute, pursuant to this
987 section, moneys to hospitals providing a disproportionate share
988 of Medicaid or charity care services by making quarterly
989 Medicaid payments as required. Notwithstanding the provisions of
990 s. 409.915, counties are exempt from contributing toward the
991 cost of this special reimbursement for hospitals serving a
992 disproportionate share of low-income patients.

993 (2) The Agency for Health Care Administration shall use
994 the following actual audited data to determine the Medicaid days
995 and charity care to be used in calculating the disproportionate
996 share payment:

997 (a) The average of the 2010, 2011, and 2012 ~~2009, 2010,~~
998 ~~and 2011~~ audited disproportionate share data to determine each
999 hospital's Medicaid days and charity care for the 2018-2019
1000 ~~2017-2018~~ state fiscal year.



HB 5003, Engrossed 1

2018

1001 (b) If the Agency for Health Care Administration does not
1002 have the prescribed 3 years of audited disproportionate share
1003 data as noted in paragraph (a) for a hospital, the agency shall
1004 use the average of the years of the audited disproportionate
1005 share data as noted in paragraph (a) which is available.

1006 (c) In accordance with s. 1923(b) of the Social Security
1007 Act, a hospital with a Medicaid inpatient utilization rate
1008 greater than one standard deviation above the statewide mean or
1009 a hospital with a low-income utilization rate of 25 percent or
1010 greater shall qualify for reimbursement.

1011 (10) Notwithstanding any provision of this section to the
1012 contrary, for the 2018-2019 ~~2017-2018~~ state fiscal year, the
1013 agency shall distribute moneys to hospitals providing a
1014 disproportionate share of Medicaid or charity care services as
1015 provided in the 2018-2019 ~~2017-2018~~ General Appropriations Act.
1016 This subsection expires July 1, 2019 ~~2018~~.

1017 Section 23. In order to implement Specific Appropriation
1018 200 of the 2018-2019 General Appropriations Act, subsection (3)
1019 of section 409.9113, Florida Statutes, is amended to read:

1020 409.9113 Disproportionate share program for teaching
1021 hospitals.—In addition to the payments made under s. 409.911,
1022 the agency shall make disproportionate share payments to
1023 teaching hospitals, as defined in s. 408.07, for their increased
1024 costs associated with medical education programs and for
1025 tertiary health care services provided to the indigent. This



1026 system of payments must conform to federal requirements and
1027 distribute funds in each fiscal year for which an appropriation
1028 is made by making quarterly Medicaid payments. Notwithstanding
1029 s. 409.915, counties are exempt from contributing toward the
1030 cost of this special reimbursement for hospitals serving a
1031 disproportionate share of low-income patients. The agency shall
1032 distribute the moneys provided in the General Appropriations Act
1033 to statutorily defined teaching hospitals and family practice
1034 teaching hospitals, as defined in s. 395.805, pursuant to this
1035 section. The funds provided for statutorily defined teaching
1036 hospitals shall be distributed as provided in the General
1037 Appropriations Act. The funds provided for family practice
1038 teaching hospitals shall be distributed equally among family
1039 practice teaching hospitals.

1040 (3) Notwithstanding any provision of this section to the
1041 contrary, for the 2018-2019 ~~2017-2018~~ state fiscal year, the
1042 agency shall make disproportionate share payments to teaching
1043 hospitals, as defined in s. 408.07, as provided in the 2018-2019
1044 ~~2017-2018~~ General Appropriations Act. This subsection expires
1045 July 1, 2019 ~~2018~~.

1046 Section 24. In order to implement Specific Appropriation
1047 200 of the 2018-2019 General Appropriations Act, subsection (4)
1048 of section 409.9119, Florida Statutes, is amended to read:

1049 409.9119 Disproportionate share program for specialty
1050 hospitals for children.—In addition to the payments made under



HB 5003, Engrossed 1

2018

1051 s. 409.911, the Agency for Health Care Administration shall
1052 develop and implement a system under which disproportionate
1053 share payments are made to those hospitals that are separately
1054 licensed by the state as specialty hospitals for children, have
1055 a federal Centers for Medicare and Medicaid Services
1056 certification number in the 3300-3399 range, have Medicaid days
1057 that exceed 55 percent of their total days and Medicare days
1058 that are less than 5 percent of their total days, and were
1059 licensed on January 1, 2013, as specialty hospitals for
1060 children. This system of payments must conform to federal
1061 requirements and must distribute funds in each fiscal year for
1062 which an appropriation is made by making quarterly Medicaid
1063 payments. Notwithstanding s. 409.915, counties are exempt from
1064 contributing toward the cost of this special reimbursement for
1065 hospitals that serve a disproportionate share of low-income
1066 patients. The agency may make disproportionate share payments to
1067 specialty hospitals for children as provided for in the General
1068 Appropriations Act.

1069 (4) Notwithstanding any provision of this section to the
1070 contrary, for the 2018-2019 ~~2017-2018~~ state fiscal year, for
1071 hospitals achieving full compliance under subsection (3), the
1072 agency shall make disproportionate share payments to specialty
1073 hospitals for children as provided in the 2018-2019 ~~2017-2018~~
1074 General Appropriations Act. This subsection expires July 1, 2019
1075 ~~2018~~.



HB 5003, Engrossed 1

2018

1076 Section 25. In order to implement Specific Appropriations
1077 193 through 220 of the 2018-2019 General Appropriations Act, and
1078 notwithstanding ss. 216.181 and 216.292, Florida Statutes, the
1079 Agency for Health Care Administration may submit a budget
1080 amendment, subject to the notice, review, and objection
1081 procedures of s. 216.177, Florida Statutes, to realign funding
1082 within the Medicaid program appropriation categories to address
1083 projected surpluses and deficits within the program and to
1084 maximize the use of state trust funds. A single budget amendment
1085 shall be submitted in the last quarter of the 2018-2019 fiscal
1086 year only. This section expires July 1, 2019.

1087 Section 26. In order to implement Specific Appropriation
1088 325 of the 2018-2019 General Appropriations Act, paragraph (b)
1089 of subsection (6) and subsection (7) of section 39.6251, Florida
1090 Statutes, are amended to read:

1091 39.6251 Continuing care for young adults.—

1092 (6) A young adult who is between the ages of 18 and 21 and
1093 who has left care may return to care by applying to the
1094 community-based care lead agency for readmission. The community-
1095 based care lead agency shall readmit the young adult if he or
1096 she continues to meet the eligibility requirements in this
1097 section.

1098 (b) Within 30 days after the young adult has been
1099 readmitted to care, the community-based care lead agency shall
1100 assign a case manager to update the case plan and the transition



1101 plan and to arrange for the required services. Updates to the
1102 case plan and the transition plan and arrangements for the
1103 required services ~~Such activities~~ shall be undertaken in
1104 consultation with the young adult. The department shall petition
1105 the court to reinstate jurisdiction over the young adult.
1106 Notwithstanding s. 39.013(2), the court shall resume
1107 jurisdiction over the young adult if the department establishes
1108 that he or she continues to meet the eligibility requirements in
1109 this section.

1110 (7) During each period of time that a young adult is in
1111 care, the community-based lead agency shall provide regular case
1112 management reviews that must include at least monthly face-to-
1113 face meetings ~~contact~~ with the case manager. ~~If a young adult~~
1114 ~~lives outside the service area of his or her community-based~~
1115 ~~care lead agency, monthly contact may occur by telephone.~~

1116 Section 27. In order to implement Specific Appropriation
1117 326 of the 2018-2019 General Appropriations Act, subsections (4)
1118 and (5) of section 409.166, Florida Statutes, are amended to
1119 read:

1120 409.166 Children within the child welfare system; adoption
1121 assistance program.—

1122 (4) ADOPTION ASSISTANCE.—

1123 (a) For purposes of administering payments under paragraph

1124 (d), the term:

1125 1. "Child" means an individual who has not attained 21



1126 | years of age.

1127 | 2. "Young adult" means an individual who has attained 18
1128 | years of age but who has not attained 21 years of age.

1129 | (b)-(a) A maintenance subsidy shall be granted only when
1130 | all other resources available to a child have been thoroughly
1131 | explored and it can be clearly established that this is the most
1132 | acceptable plan for providing permanent placement for the child.
1133 | The maintenance subsidy may not be used as a substitute for
1134 | adoptive parent recruitment or as an inducement to adopt a child
1135 | who might be placed without providing a subsidy. However, it
1136 | shall be the policy of the department that no child be denied
1137 | adoption if providing a maintenance subsidy would make adoption
1138 | possible. The best interest of the child shall be the deciding
1139 | factor in every case. This section does not prohibit foster
1140 | parents from applying to adopt a child placed in their care.
1141 | Foster parents or relative caregivers must be asked if they
1142 | would adopt without a maintenance subsidy.

1143 | (c)-(b) The department shall provide adoption assistance to
1144 | the adoptive parents, subject to specific appropriation, in the
1145 | amount of \$5,000 annually, paid on a monthly basis, for the
1146 | support and maintenance of a child until the 18th birthday of
1147 | such child or in an amount other than \$5,000 annually as
1148 | determined by the adoptive parents and the department and
1149 | memorialized in a written agreement between the adoptive parents
1150 | and the department. The agreement shall take into consideration



1151 the circumstances of the adoptive parents and the needs of the
1152 child being adopted. The amount of subsidy may be adjusted based
1153 upon changes in the needs of the child or circumstances of the
1154 adoptive parents. Changes shall not be made without the
1155 concurrence of the adoptive parents. However, in no case shall
1156 the amount of the monthly payment exceed the foster care
1157 maintenance payment that would have been paid during the same
1158 period if the child had been in a foster family home.

1159 (d) Effective January 1, 2019, adoption assistance
1160 payments may be made for a child whose adoptive parent entered
1161 into an initial adoption assistance agreement after the child
1162 reached 16 years of age but before the child reached 18 years of
1163 age. Such payments may be made until the child reaches age 21 if
1164 the child is:

1165 1. Completing secondary education or a program leading to
1166 an equivalent credential;

1167 2. Enrolled in an institution that provides postsecondary
1168 or vocational education;

1169 3. Participating in a program or activity designed to
1170 promote or eliminate barriers to employment;

1171 4. Employed for at least 80 hours per month; or

1172 5. Unable to participate in programs or activities listed
1173 in subparagraphs 1.-4. full time due to a physical, an
1174 intellectual, an emotional, or a psychiatric condition that
1175 limits participation. Any such barrier to participation must be



1176 supported by documentation in the child's case file or school or
1177 medical records of a physical, an intellectual, an emotional, or
1178 a psychiatric condition that impairs the child's ability to
1179 perform one or more life activities.

1180 (e) A child or young adult receiving benefits through the
1181 adoption assistance program is not eligible to simultaneously
1182 receive relative caregiver benefits under s. 39.5085 or
1183 postsecondary education services and support under s. 409.1451.

1184 (f)~~(e)~~ The department may provide adoption assistance to
1185 the adoptive parents, subject to specific appropriation, for
1186 medical assistance initiated after the adoption of the child for
1187 medical, surgical, hospital, and related services needed as a
1188 result of a physical or mental condition of the child which
1189 existed before the adoption and is not covered by Medicaid,
1190 Children's Medical Services, or Children's Mental Health
1191 Services. Such assistance may be initiated at any time but shall
1192 terminate on or before the child's 18th birthday.

1193 (5) ELIGIBILITY FOR SERVICES.—

1194 (a) As a condition of receiving ~~providing~~ adoption
1195 assistance under this section, the adoptive parents must have an
1196 approved adoption home study before the adoption is finalized
1197 and must enter into an adoption-assistance agreement with the
1198 department before the adoption is finalized which specifies the
1199 financial assistance and other services to be provided.

1200 (b) A child who is handicapped at the time of adoption



1201 shall be eligible for services through the Children's Medical
1202 Services network established under part I of chapter 391 if the
1203 child was eligible for such services prior to the adoption.

1204 Section 28. The amendments to ss. 39.6251 and 409.166,
1205 Florida Statutes, expire July 1, 2019, and the text of those
1206 sections shall revert to that in existence on June 30, 2018,
1207 except that any amendments to such text enacted other than by
1208 this act shall be preserved and continue to operate to the
1209 extent that such amendments are not dependent upon the portions
1210 of text which expire pursuant to this section.

1211 Section 29. In order to implement Specific Appropriations
1212 422 and 424 of the 2018-2019 General Appropriations Act,
1213 subsection (17) is added to section 381.986, Florida Statutes,
1214 to read:

1215 381.986 Medical use of marijuana.—

1216 (17) Rules adopted pursuant to this section before July 1,
1217 2019 are not subject to s. 120.541(3). Notwithstanding s.
1218 381.986(8)(e), a medical marijuana treatment center may use a
1219 laboratory that has not been certified by the department under
1220 s. 381.988 until such time as at least one laboratory holds the
1221 required certification pursuant to s. 381.988, but in no event
1222 later than July 1, 2019. This subsection expires July 1, 2019.

1223 Section 30. In order to implement Specific Appropriations
1224 422 and 424 of the 2018-2019 General Appropriations Act,
1225 subsection (11) is added to section 381.988, Florida Statutes,



1226 to read:

1227 381.988 Medical marijuana testing laboratories; marijuana
1228 tests conducted by a certified laboratory.-

1229 (11) Rules adopted under subsection (9) before July 1,
1230 2019 are not subject to s. 120.541(3). This subsection expires
1231 July 1, 2019.

1232 Section 31. In order to implement Specific Appropriations
1233 554 through 560 and 562 through 563 of the 2018-2019 General
1234 Appropriations Act, subsection (3) of section 296.37, Florida
1235 Statutes, is amended to read:

1236 296.37 Residents; contribution to support.-

1237 (3) Notwithstanding subsection (1), each resident of the
1238 home who receives a pension, compensation, or gratuity from the
1239 United States Government, or income from any other source, of
1240 more than \$130 ~~\$105~~ per month shall contribute to his or her
1241 maintenance and support while a resident of the home in
1242 accordance with a payment schedule determined by the
1243 administrator and approved by the director. The total amount of
1244 such contributions shall be to the fullest extent possible, but,
1245 in no case, shall exceed the actual cost of operating and
1246 maintaining the home. This subsection expires July 1, 2019 ~~2017~~.

1247 Section 32. In order to implement Specific Appropriations
1248 583 through 696 and 711 through 745 of the 2018-2019 General
1249 Appropriations Act, subsection (4) of section 216.262, Florida
1250 Statutes, is amended to read:



HB 5003, Engrossed 1

2018

1251 216.262 Authorized positions.—

1252 (4) Notwithstanding the provisions of this chapter

1253 relating to increasing the number of authorized positions, and

1254 for the 2018-2019 ~~2017-2018~~ fiscal year only, if the actual

1255 inmate population of the Department of Corrections exceeds the

1256 inmate population projections of the December 20, ~~February 23,~~

1257 2017, Criminal Justice Estimating Conference by 1 percent for 2

1258 consecutive months or 2 percent for any month, the Executive

1259 Office of the Governor, with the approval of the Legislative

1260 Budget Commission, shall immediately notify the Criminal Justice

1261 Estimating Conference, which shall convene as soon as possible

1262 to revise the estimates. The Department of Corrections may then

1263 submit a budget amendment requesting the establishment of

1264 positions in excess of the number authorized by the Legislature

1265 and additional appropriations from unallocated general revenue

1266 sufficient to provide for essential staff, fixed capital

1267 improvements, and other resources to provide classification,

1268 security, food services, health services, and other variable

1269 expenses within the institutions to accommodate the estimated

1270 increase in the inmate population. All actions taken pursuant to

1271 this subsection are subject to review and approval by the

1272 Legislative Budget Commission. This subsection expires July 1,

1273 2019 ~~2018~~.

1274 Section 33. In order to implement Specific Appropriations

1275 3127 through 3194 of the 2018-2019 General Appropriations Act,



1276 subsection (2) of section 215.18, Florida Statutes, is amended
1277 to read:

1278 215.18 Transfers between funds; limitation.—

1279 (2) The Chief Justice of the Supreme Court may receive one
1280 or more trust fund loans to ensure that the state court system
1281 has funds sufficient to meet its appropriations in the 2018-2019
1282 ~~2017-2018~~ General Appropriations Act. If the Chief Justice
1283 accesses the loan, he or she must notify the Governor and the
1284 chairs of the legislative appropriations committees in writing.
1285 The loan must come from other funds in the State Treasury which
1286 are for the time being or otherwise in excess of the amounts
1287 necessary to meet the just requirements of such last-mentioned
1288 funds. The Governor shall order the transfer of funds within 5
1289 days after the written notification from the Chief Justice. If
1290 the Governor does not order the transfer, the Chief Financial
1291 Officer shall transfer the requested funds. The loan of funds
1292 from which any money is temporarily transferred must be repaid
1293 by the end of the 2018-2019 ~~2017-2018~~ fiscal year. This
1294 subsection expires July 1, 2019 ~~2018~~.

1295 Section 34. In order to implement Specific Appropriation
1296 716 of the 2018-2019 General Appropriations Act, and
1297 notwithstanding s. 216.292, Florida Statutes, the Department of
1298 Corrections is authorized to submit budget amendments to
1299 transfer funds from categories within the department other than
1300 fixed capital outlay categories into the Inmate Health Services



1301 category in order to continue the current level of care in the
1302 provision of health services. Such transfers are subject to the
1303 notice, review, and objection procedures of s. 216.177, Florida
1304 Statutes. This section expires July 1, 2019.

1305 Section 35. (1) In order to implement Specific
1306 Appropriations 1104 through 1115 of the 2018-2019 General
1307 Appropriations Act, the Department of Juvenile Justice is
1308 required to review county juvenile detention payments to ensure
1309 that counties fulfill their financial responsibilities required
1310 in s. 985.6865, Florida Statutes. If the Department of Juvenile
1311 Justice determines that a county has not met its obligations,
1312 the department shall direct the Department of Revenue to deduct
1313 the amount owed to the Department of Juvenile Justice from the
1314 funds provided to the county under s. 218.23, Florida Statutes.
1315 The Department of Revenue shall transfer the funds withheld to
1316 the Shared County/State Juvenile Detention Trust Fund.

1317 (2) As an assurance to holders of bonds issued by counties
1318 before July 1, 2018, for which distributions made pursuant to s.
1319 218.23, Florida Statutes, are pledged, or bonds issued to refund
1320 such bonds which mature no later than the bonds they refunded
1321 and which result in a reduction of debt service payable in each
1322 fiscal year, the amount available for distribution to a county
1323 shall remain as provided by law and continue to be subject to
1324 any lien or claim on behalf of the bondholders. The Department
1325 of Revenue must ensure, based on information provided by an



HB 5003, Engrossed 1

2018

1326 affected county, that any reduction in amounts distributed
1327 pursuant to subsection (1) does not reduce the amount of
1328 distribution to a county below the amount necessary for the
1329 timely payment of principal and interest when due on the bonds
1330 and the amount necessary to comply with any covenant under the
1331 bond resolution or other documents relating to the issuance of
1332 the bonds. If a reduction to a county's monthly distribution
1333 must be decreased in order to comply with this section, the
1334 Department of Revenue must notify the Department of Juvenile
1335 Justice of the amount of the decrease, and the Department of
1336 Juvenile Justice must send a bill for payment of such amount to
1337 the affected county.

1338 (3) This section expires July 1, 2019.

1339 Section 36. In order to implement Specific Appropriations
1340 1104 through 1115 of the 2018-2019 General Appropriations Act,
1341 the Department of Juvenile Justice may not provide, make, pay,
1342 or deduct, and a nonfiscally constrained county may not apply,
1343 deduct, or receive any reimbursement or any credit for any
1344 previous overpayment of juvenile detention care costs related to
1345 or for any previous state fiscal year, against the juvenile
1346 detention care costs due from the nonfiscally constrained county
1347 in the 2018-2019 fiscal year pursuant to s. 985.686, Florida
1348 Statutes, or any other law. This section expires July 1, 2019.

1349 Section 37. In order to implement Specific Appropriation
1350 772 of the 2018-2019 General Appropriations Act, subsection (13)



HB 5003, Engrossed 1

2018

1351 of s. 27.5304, Florida Statutes, is amended to read:

1352 27.5304 Private court-appointed counsel; compensation;
1353 notice.—

1354 (13) Notwithstanding the limitation set forth in
1355 subsection (5) and for the 2018-2019 ~~2017-2018~~ fiscal year only,
1356 the compensation for representation in a criminal proceeding may
1357 not exceed the following:

1358 (a) For misdemeanors and juveniles represented at the
1359 trial level: \$1,000.

1360 (b) For noncapital, nonlife felonies represented at the
1361 trial level: \$15,000.

1362 (c) For life felonies represented at the trial level:
1363 \$15,000.

1364 (d) For capital cases represented at the trial level:
1365 \$25,000. For purposes of this paragraph, a "capital case" is any
1366 offense for which the potential sentence is death and the state
1367 has not waived seeking the death penalty.

1368 (e) For representation on appeal: \$9,000.

1369 (f) This subsection expires July 1, 2019 ~~2018~~.

1370 Section 38. In order to implement Specific Appropriation
1371 764 of the 2018-2019 General Appropriations Act, and
1372 notwithstanding section 28.35, Florida Statutes, the clerks of
1373 the circuit court are responsible for any costs of compensation
1374 to jurors, for meals or lodging provided to jurors, and for
1375 jury-related personnel costs that exceed the funding provided in



HB 5003, Engrossed 1

2018

1376 | the General Appropriations Act for these purposes. This section
1377 | expires July 1, 2019.

1378 | Section 39. In order to implement Specific Appropriations
1379 | 922 through 1046A of the 2018-2019 General Appropriations Act,
1380 | paragraph (c) of subsection (19) of section 318.18, Florida
1381 | Statutes, is amended to read:

1382 | 318.18 Amount of penalties.—The penalties required for a
1383 | noncriminal disposition pursuant to s. 318.14 or a criminal
1384 | offense listed in s. 318.17 are as follows:

1385 | (19) In addition to any penalties imposed, an Article V
1386 | assessment of \$10 must be paid for all noncriminal moving and
1387 | nonmoving violations under chapters 316, 320, and 322. The
1388 | assessment is not revenue for purposes of s. 28.36 and may not
1389 | be used in establishing the budget of the clerk of the court
1390 | under that section or s. 28.35. Of the funds collected under
1391 | this subsection:

1392 | (c) The sum of \$1.67 shall be deposited in the Indigent
1393 | Criminal Defense ~~Public Defenders Revenue~~ Trust Fund for use by
1394 | the public defenders.

1395 | Section 40. The amendment made by this act to s. 318.18,
1396 | Florida Statutes, expires July 1, 2019, and the text of that
1397 | paragraph shall revert to that in existence on June 30, 2018,
1398 | except that any amendments to such text enacted other than by
1399 | this act shall be preserved and continue to operate to the
1400 | extent that such amendments are not dependent upon the portions



1401 of text which expire pursuant to this section.

1402 Section 41. In order to implement Specific Appropriations
1403 922 through 1046A of the 2018-2019 General Appropriations Act,
1404 paragraph (b) of subsection (12) of section 817.568, Florida
1405 Statutes, is amended to read:

1406 817.568 Criminal use of personal identification
1407 information.—

1408 (12) In addition to any sanction imposed when a person
1409 pleads guilty or nolo contendere to, or is found guilty of,
1410 regardless of adjudication, a violation of this section, the
1411 court shall impose a surcharge of \$1,001.

1412 (b) The sum of \$250 of the surcharge shall be deposited
1413 into the State Attorneys Revenue Trust Fund for the purpose of
1414 funding prosecutions of offenses relating to the criminal use of
1415 personal identification information. The sum of \$250 of the
1416 surcharge shall be deposited into the Indigent Criminal Defense
1417 ~~Public Defenders Revenue~~ Trust Fund for the purposes of indigent
1418 criminal defense related to the criminal use of personal
1419 identification information.

1420 Section 42. The amendment made by this act to s. 817.568,
1421 Florida Statutes, expires July 1, 2019, and the text of that
1422 paragraph shall revert to that in existence on June 30, 2018,
1423 except that any amendments to such text enacted other than by
1424 this act shall be preserved and continue to operate to the
1425 extent that such amendments are not dependent upon the portions



1426 | of text which expire pursuant to this section.

1427 | Section 43. In order to implement Specific Appropriations
1428 | 922 through 1046A of the 2018-2019 General Appropriations Act,
1429 | all current balances remaining in, and all revenues of, the
1430 | Public Defenders Revenue Trust Fund shall be transferred to the
1431 | Indigent Criminal Defense Trust Fund. This section expires July
1432 | 1, 2019.

1433 | Section 44. In order to implement Specific Appropriation
1434 | 732 of the 2018-2019 General Appropriations Act, paragraph (b)
1435 | of subsection (7) of section 1011.80, Florida Statutes, is
1436 | amended to read:

1437 | 1011.80 Funds for operation of workforce education
1438 | programs.—

1439 | (7)

1440 | (b) State funds provided for the operation of
1441 | postsecondary workforce programs may not be expended for the
1442 | education of state or federal inmates, except to the extent that
1443 | such funds are specifically appropriated for such purpose in the
1444 | 2018-2019 General Appropriations Act.

1445 | Section 45. The amendment made by this act to s. 1011.80,
1446 | Florida Statutes, expires July 1, 2019, and the text of that
1447 | subsection shall revert to that in existence on June 30, 2018,
1448 | except that any amendments to such text enacted other than by
1449 | this act shall be preserved and continue to operate to the
1450 | extent that such amendments are not dependent upon the portions



1451 of text which expire pursuant to this section.

1452 Section 46. In order to implement Specific Appropriation
1453 3129 of the 2018-2019 General Appropriations Act, and
1454 notwithstanding s. 112.061(4), Florida Statutes:

1455 (1) (a) A Supreme Court justice who permanently resides
1456 outside Leon County may, if he or she so requests, have a
1457 district court of appeal courthouse, a county courthouse, or
1458 other appropriate facility in his or her district of residence
1459 designated as his or her official headquarters for purposes of
1460 s. 112.061, Florida Statutes. This official headquarters may
1461 serve only as the justice's private chambers.

1462 (b) A justice for whom an official headquarters is
1463 designated in his or her district of residence under this
1464 subsection is eligible for subsistence at a rate to be
1465 established by the Chief Justice for each day or partial day
1466 that the justice is at the headquarters of the Supreme Court to
1467 conduct court business. In addition to the subsistence
1468 allowance, a justice is eligible for reimbursement for
1469 transportation expenses as provided in s. 112.061(7), Florida
1470 Statutes, for travel between the justice's official headquarters
1471 and the headquarters of the Supreme Court to conduct court
1472 business.

1473 (c) Payment of subsistence and reimbursement for
1474 transportation expenses relating to travel between a justice's
1475 official headquarters and the headquarters of the Supreme Court



1476 shall be made to the extent appropriated funds are available, as
1477 determined by the Chief Justice.

1478 (2) The Chief Justice shall coordinate with each affected
1479 justice and other state and local officials as necessary to
1480 implement paragraph (1)(a).

1481 (3)(a) This section does not require a county to provide
1482 space in a county courthouse for a justice. A county may enter
1483 into an agreement with the Supreme Court governing the use of
1484 space in a county courthouse.

1485 (b) The Supreme Court may not use state funds to lease
1486 space in a district court of appeal courthouse, a county
1487 courthouse, or another facility to allow a justice to establish
1488 an official headquarters pursuant to subsection (1).

1489 (4) This section expires July 1, 2019.

1490 Section 47. In order to implement appropriations used to
1491 pay existing lease contracts for private lease space in excess
1492 of 2,000 square feet in the 2018-2019 General Appropriations
1493 Act, the Department of Management Services, with the cooperation
1494 of the agencies having the existing lease contracts for office
1495 or storage space, shall use tenant broker services to
1496 renegotiate or reprocure all private lease agreements for office
1497 or storage space expiring between July 1, 2019, and June 30,
1498 2021, in order to reduce costs in future years. The department
1499 shall incorporate this initiative into its 2018 master leasing
1500 report required under s. 255.249(7), Florida Statutes, and may



1501 use tenant broker services to explore the possibilities of
1502 collocating office or storage space, to review the space needs
1503 of each agency, and to review the length and terms of potential
1504 renewals or renegotiations. The department shall provide a
1505 report to the Executive Office of the Governor, the President of
1506 the Senate, and the Speaker of the House of Representatives by
1507 November 1, 2018, which lists each lease contract for private
1508 office or storage space, the status of renegotiations, and the
1509 savings achieved. This section expires July 1, 2019.

1510 Section 48. In order to implement Specific Appropriations
1511 2758 through 2770 of the 2018-2019 General Appropriations Act,
1512 and notwithstanding rule 60A-1.031, Florida Administrative Code,
1513 the transaction fee collected for use of the online procurement
1514 system, authorized in ss. 287.042(1)(h)1. and 287.057(22)(c),
1515 Florida Statutes, is seven-tenths of 1 percent for the 2018-2019
1516 fiscal year only. This section expires July 1, 2019.

1517 Section 49. In order to implement appropriations
1518 authorized in the 2018-2019 General Appropriations Act for data
1519 center services, and notwithstanding s. 216.292(2)(a), Florida
1520 Statutes, an agency may not transfer funds from a data
1521 processing category to a category other than another data
1522 processing category. This section expires July 1, 2019.

1523 Section 50. In order to implement the appropriation of
1524 funds in the appropriation category "Data Processing Assessment-
1525 Agency for State Technology" in the 2018-2019 General



1526 Appropriations Act, and pursuant to the notice, review, and
1527 objection procedures of s. 216.177, Florida Statutes, the
1528 Executive Office of the Governor may transfer funds appropriated
1529 in that category between departments in order to align the
1530 budget authority granted based on the estimated billing cycle
1531 and methodology used by the Agency for State Technology for data
1532 processing services provided. This section expires July 1, 2019.

1533 Section 51. In order to implement the appropriation of
1534 funds in the appropriation category "Special Categories-Risk
1535 Management Insurance" in the 2018-2019 General Appropriations
1536 Act, and pursuant to the notice, review, and objection
1537 procedures of s. 216.177, Florida Statutes, the Executive Office
1538 of the Governor may transfer funds appropriated in that category
1539 between departments in order to align the budget authority
1540 granted with the premiums paid by each department for risk
1541 management insurance. This section expires July 1, 2019.

1542 Section 52. In order to implement the appropriation of
1543 funds in the appropriation category "Special Categories-Transfer
1544 to Department of Management Services-Human Resources Services
1545 Purchased per Statewide Contract" in the 2018-2019 General
1546 Appropriations Act, and pursuant to the notice, review, and
1547 objection procedures of s. 216.177, Florida Statutes, the
1548 Executive Office of the Governor may transfer funds appropriated
1549 in that category between departments in order to align the
1550 budget authority granted with the assessments that must be paid



1551 by each agency to the Department of Management Services for
1552 human resource management services. This section expires July 1,
1553 2019.

1554 Section 53. In order to implement Specific Appropriations
1555 2332 through 2335 of the 2018-2019 General Appropriations Act:

1556 (1) The Department of Financial Services shall replace the
1557 four main components of the Florida Accounting Information
1558 Resource Subsystem (FLAIR), which include central FLAIR,
1559 departmental FLAIR, payroll, and information warehouse, and
1560 shall replace the cash management and accounting management
1561 components of the Cash Management Subsystem (CMS) with an
1562 integrated enterprise system that allows the state to organize,
1563 define, and standardize its financial management business
1564 processes and that complies with ss. 215.90-215.96, Florida
1565 Statutes. The department may not include in the replacement of
1566 FLAIR and CMS:

1567 (a) Functionality that duplicates any of the other
1568 information subsystems of the Florida Financial Management
1569 Information System; or

1570 (b) Agency business processes related to any of the
1571 functions included in the Personnel Information System, the
1572 Purchasing Subsystem, or the Legislative Appropriations
1573 System/Planning and Budgeting Subsystem.

1574 (2) For purposes of replacing FLAIR and CMS, the
1575 Department of Financial Services shall:



1576 (a) Take into consideration the cost and implementation
1577 data identified for Option 3 as recommended in the March 31,
1578 2014, Florida Department of Financial Services FLAIR Study,
1579 version 031.

1580 (b) Ensure that all business requirements and technical
1581 specifications have been provided to all state agencies for
1582 their review and input and approved by the executive steering
1583 committee established in paragraph (c).

1584 (c) Implement a project governance structure that includes
1585 an executive steering committee composed of:

1586 1. The Chief Financial Officer or the executive sponsor of
1587 the project.

1588 2. A representative of the Division of Treasury of the
1589 Department of Financial Services, appointed by the Chief
1590 Financial Officer.

1591 3. A representative of the Division of Information Systems
1592 of the Department of Financial Services, appointed by the Chief
1593 Financial Officer.

1594 4. Four employees from the Division of Accounting and
1595 Auditing of the Department of Financial Services, appointed by
1596 the Chief Financial Officer. Each employee must have experience
1597 relating to at least one of the four main components that
1598 compose FLAIR.

1599 5. Two employees from the Executive Office of the
1600 Governor, appointed by the Governor. One employee must have



1601 experience relating to the Legislative Appropriations
1602 System/Planning and Budgeting Subsystem.

1603 6. One employee from the Department of Revenue, appointed
1604 by the executive director, who has experience relating to the
1605 department's SUNTAX system.

1606 7. Two employees from the Department of Management
1607 Services, appointed by the Secretary of Management Services. One
1608 employee must have experience relating to the department's
1609 personnel information subsystem and one employee must have
1610 experience relating to the department's purchasing subsystem.

1611 8. Three state agency administrative services directors,
1612 appointed by the Governor. One director must represent a
1613 regulatory and licensing state agency and one director must
1614 represent a health care-related state agency.

1615 (3) The Chief Financial Officer or the executive sponsor
1616 of the project shall serve as chair of the executive steering
1617 committee, and the committee shall take action by a vote of at
1618 least eight affirmative votes with the Chief Financial Officer
1619 or the executive sponsor of the project voting on the prevailing
1620 side. A quorum of the executive steering committee consists of
1621 at least 10 members.

1622 (4) The executive steering committee has the overall
1623 responsibility for ensuring that the project to replace FLAIR
1624 and CMS meets its primary business objectives and shall:

1625 (a) Identify and recommend to the Executive Office of the



HB 5003, Engrossed 1

2018

1626 Governor, the President of the Senate, and the Speaker of the
1627 House of Representatives any statutory changes needed to
1628 implement the replacement subsystem that will standardize, to
1629 the fullest extent possible, the state's financial management
1630 business processes.

1631 (b) Review and approve any changes to the project's scope,
1632 schedule, and budget which do not conflict with the requirements
1633 of subsection (1).

1634 (c) Ensure that adequate resources are provided throughout
1635 all phases of the project.

1636 (d) Approve all major project deliverables.

1637 (e) Approve all solicitation-related documents associated
1638 with the replacement of FLAIR and CMS.

1639 (5) This section expires July 1, 2019.

1640 Section 54. In order to implement Specific Appropriations
1641 2703 through 2714 of the 2018-2019 General Appropriations Act,
1642 all powers, duties, functions, records, personnel, property,
1643 pending issues and existing contracts, administrative authority,
1644 and administrative rules in chapter 74-3, Florida Administrative
1645 Code, of the Budget and Policy Section and the Cost Recovery and
1646 Billing Section within the Agency for State Technology are
1647 transferred by a type two transfer, as defined in s. 20.06(2),
1648 Florida Statutes, to the Department of Management Services. This
1649 section expires July 1, 2019.

1650 Section 55. In order to implement Specific Appropriations



1651 2703 through 2714 of the 2018-2019 General Appropriations Act,
1652 subsection (4) is added to section 20.22, Florida Statutes, to
1653 read:

1654 20.22 Department of Management Services.—There is created
1655 a Department of Management Services.

1656 (4) The Department of Management Services shall provide
1657 the Agency for State Technology with financial management
1658 oversight. The agency shall provide the department all documents
1659 and necessary information, as requested, to meet the
1660 requirements of this section. The department's financial
1661 management oversight includes:

1662 (a) Developing and implementing cost-recovery mechanisms
1663 for the administrative and data center costs of services through
1664 agency assessments of applicable customer entities. Such cost-
1665 recovery mechanisms must comply with applicable state and
1666 federal regulations concerning the distribution and use of funds
1667 and must ensure that, for each fiscal year, no service or
1668 customer entity subsidizes another service or customer entity.

1669 (b) Implementing an annual reconciliation process to
1670 ensure that each customer entity is paying for the full direct
1671 and indirect cost of each service as determined by the customer
1672 entity's use of each service.

1673 (c) Providing rebates that may be credited against future
1674 billings to customer entities when revenues exceed costs.

1675 (d) Requiring each customer entity to transfer sufficient



1676 funds into the appropriate data processing appropriation
1677 category before implementing a customer entity's request for a
1678 change in the type or level of service provided, if such change
1679 results in a net increase to the customer entity's costs for
1680 that fiscal year.

1681 (e) By October 1, 2018, providing to each customer
1682 entity's agency head the estimated agency assessment cost by the
1683 Agency for State Technology for the following fiscal year. The
1684 agency assessment cost of each customer entity includes
1685 administrative and data center services costs of the agency.

1686 (f) Preparing the legislative budget request for the
1687 Agency for State Technology based on the issues requested and
1688 approved by the executive director of the Agency for State
1689 Technology. Upon the approval of the agency's executive
1690 director, the Department of Management Services shall transmit
1691 the agency's legislative budget request to the Governor and the
1692 Legislature pursuant to s. 216.023.

1693 (g) Providing a plan for consideration by the Legislative
1694 Budget Commission if the Agency for State Technology increases
1695 the cost of a service for a reason other than a customer
1696 entity's request made under paragraph (d). Such a plan is
1697 required only if the service cost increase results in a net
1698 increase to a customer entity.

1699 (h) Providing a timely invoicing methodology to recover
1700 the cost of services provided to the customer entity pursuant to



1701 s. 215.422.

1702 (i) Providing an annual reconciliation process of prior
1703 year expenditures completed on a timely basis and overall budget
1704 management pursuant to chapter 216.

1705 (j) This subsection expires July 1, 2019.

1706 Section 56. In order to implement Specific Appropriations
1707 1517 through 1524 of the 2018-2019 General Appropriations Act,
1708 subsection (9) is added to section 20.255, Florida Statutes, to
1709 read:

1710 20.255 Department of Environmental Protection.—There is
1711 created a Department of Environmental Protection.

1712 (9) The department shall act as the lead agency of the
1713 executive branch for the development and review of policies,
1714 practices, and standards related to geospatial data. The
1715 department shall coordinate and promote geospatial data sharing
1716 throughout the state government and serve as the primary point
1717 of contact for statewide geographic information systems
1718 projects, grants, and resources. This subsection expires July 1,
1719 2019.

1720 Section 57. In order to implement Specific Appropriation
1721 2908 of the 2018-2019 General Appropriations Act, section 20.61,
1722 Florida Statutes, is amended to read:

1723 20.61 Agency for State Technology.—The Agency for State
1724 Technology is created within the Department of Management
1725 Services. The agency is a separate budget program and is not



HB 5003, Engrossed 1

2018

1726 subject to control, supervision, or direction by the Department
1727 of Management Services, including, but not limited to,
1728 purchasing, transactions involving real or personal property, or
1729 personnel, with the exception of financial management, which
1730 shall be provided by the Department of Management Services
1731 pursuant to s. 20.22 ~~or budgetary matters.~~

1732 (1) (a) The executive director of the agency shall serve as
1733 the state's chief information officer and shall be appointed by
1734 the Governor, subject to confirmation by the Senate.

1735 (b) The executive director must be a proven, effective
1736 administrator who preferably has executive-level experience in
1737 both the public and private sectors in development and
1738 implementation of information technology strategic planning;
1739 management of enterprise information technology projects,
1740 particularly management of large-scale consolidation projects;
1741 and development and implementation of fiscal and substantive
1742 information technology policy.

1743 ~~(2) The following positions are established within the~~
1744 ~~agency, all of whom shall be appointed by the executive~~
1745 ~~director:~~

1746 ~~(a) Deputy executive director, who shall serve as the~~
1747 ~~deputy chief information officer.~~

1748 ~~(b) Chief planning officer and six strategic planning~~
1749 ~~coordinators. One coordinator shall be assigned to each of the~~
1750 ~~following major program areas: health and human services,~~



HB 5003, Engrossed 1

2018

1751 ~~education, government operations, criminal and civil justice,~~
1752 ~~agriculture and natural resources, and transportation and~~
1753 ~~economic development.~~

1754 ~~(c) Chief operations officer.~~

1755 ~~(d) Chief information security officer.~~

1756 ~~(e) Chief technology officer.~~

1757 (2)~~(3)~~ The Technology Advisory Council, consisting of
1758 seven members, is established within the Agency for State
1759 Technology and shall be maintained pursuant to s. 20.052. Four
1760 members of the council shall be appointed by the Governor, two
1761 of whom must be from the private sector and one of whom must be
1762 a cybersecurity expert. The President of the Senate and the
1763 Speaker of the House of Representatives shall each appoint one
1764 member of the council. The Attorney General, the Commissioner of
1765 Agriculture and Consumer Services, and the Chief Financial
1766 Officer shall jointly appoint one member by agreement of a
1767 majority of these officers. Upon initial establishment of the
1768 council, two of the Governor's appointments shall be for 2-year
1769 terms. Thereafter, all appointments shall be for 4-year terms.

1770 (a) The council shall consider and make recommendations to
1771 the executive director on such matters as enterprise information
1772 technology policies, standards, services, and architecture. The
1773 council may also identify and recommend opportunities for the
1774 establishment of public-private partnerships when considering
1775 technology infrastructure and services in order to accelerate



1776 project delivery and provide a source of new or increased
1777 project funding.

1778 (b) The executive director shall consult with the council
1779 with regard to executing the duties and responsibilities of the
1780 agency related to statewide information technology strategic
1781 planning and policy.

1782 (c) The council shall be governed by the Code of Ethics
1783 for Public Officers and Employees as set forth in part III of
1784 chapter 112, and each member must file a statement of financial
1785 interests pursuant to s. 112.3145.

1786 Section 58. In order to implement Specific Appropriations
1787 2911 through 2930 of the 2018-2019 General Appropriations Act,
1788 subsections (5) and (20) of section 282.0041, Florida Statutes,
1789 are amended and a new subsection (28) is added to that section,
1790 to read:

1791 282.0041 Definitions.—As used in this chapter, the term:

1792 (5) "Customer entity" means an entity that obtains
1793 services from the Agency for State Technology ~~state data center~~.

1794 (20) "Service-level agreement" means a written contract
1795 between the Agency for State Technology ~~state data center~~ and a
1796 customer entity which specifies the scope of services provided,
1797 service level, the duration of the agreement, the responsible
1798 parties, and agency assessment ~~service~~ costs, which include
1799 administrative and data center costs. A service-level agreement
1800 is not a rule pursuant to chapter 120.



HB 5003, Engrossed 1

2018

1801 (28) "Agency assessment" means the amount each customer
1802 entity must pay annually for services from the Agency for State
1803 Technology and includes administrative and data center services
1804 costs.

1805 Section 59. In order to implement Specific Appropriations
1806 2911 through 2930 of the 2018-2019 General Appropriations Act,
1807 subsection (11) of section 282.0051, Florida Statutes, is
1808 amended to read:

1809 282.0051 Agency for State Technology; powers, duties, and
1810 functions.—The Agency for State Technology shall have the
1811 following powers, duties, and functions:

1812 (11) Provide operational management and oversight of the
1813 state data center established pursuant to s. 282.201, which
1814 includes:

1815 (a) Implementing industry standards and best practices for
1816 the state data center's facilities, operations, maintenance,
1817 planning, and management processes.

1818 ~~(b) Developing and implementing cost-recovery mechanisms~~
1819 ~~that recover the full direct and indirect cost of services~~
1820 ~~through charges to applicable customer entities. Such cost-~~
1821 ~~recovery mechanisms must comply with applicable state and~~
1822 ~~federal regulations concerning distribution and use of funds and~~
1823 ~~must ensure that, for any fiscal year, no service or customer~~
1824 ~~entity subsidizes another service or customer entity.~~

1825 (b)(e) Developing and implementing appropriate operating



1826 guidelines and procedures necessary for the state data center to
1827 perform its duties pursuant to s. 282.201. The guidelines and
1828 procedures must comply with applicable state and federal laws,
1829 regulations, and policies and conform to generally accepted
1830 governmental accounting and auditing standards. The guidelines
1831 and procedures must include, but not be limited to:

1832 1. Implementing a consolidated administrative support
1833 structure responsible for providing ~~financial management,~~
1834 procurement, transactions involving real or personal property,
1835 human resources, and operational support.

1836 ~~2. Implementing an annual reconciliation process to ensure~~
1837 ~~that each customer entity is paying for the full direct and~~
1838 ~~indirect cost of each service as determined by the customer~~
1839 ~~entity's use of each service.~~

1840 ~~3. Providing rebates that may be credited against future~~
1841 ~~billings to customer entities when revenues exceed costs.~~

1842 ~~4. Requiring customer entities to validate that sufficient~~
1843 ~~funds exist in the appropriate data processing appropriation~~
1844 ~~category or will be transferred into the appropriate data~~
1845 ~~processing appropriation category before implementation of a~~
1846 ~~customer entity's request for a change in the type or level of~~
1847 ~~service provided, if such change results in a net increase to~~
1848 ~~the customer entity's costs for that fiscal year.~~

1849 ~~5. By September 1 of each year, providing to each customer~~
1850 ~~entity's agency head the projected costs of providing data~~



HB 5003, Engrossed 1

2018

1851 ~~center services for the following fiscal year.~~

1852 ~~6. Providing a plan for consideration by the Legislative~~
1853 ~~Budget Commission if the cost of a service is increased for a~~
1854 ~~reason other than a customer entity's request made pursuant to~~
1855 ~~subparagraph 4. Such a plan is required only if the service cost~~
1856 ~~increase results in a net increase to a customer entity for that~~
1857 ~~fiscal year.~~

1858 2.7. Standardizing and consolidating procurement and
1859 contracting practices.

1860 (c)~~(d)~~ In collaboration with the Department of Law
1861 Enforcement, developing and implementing a process for
1862 detecting, reporting, and responding to information technology
1863 security incidents, breaches, and threats.

1864 (d)~~(e)~~ Adopting rules relating to the operation of the
1865 state data center, ~~including, but not limited to, budgeting and~~
1866 ~~accounting procedures, cost-recovery methodologies, and~~
1867 ~~operating procedures.~~

1868 (e)~~(f)~~ Beginning May 1, 2016, and annually thereafter,
1869 conducting a market analysis to determine whether the state's
1870 approach to the provision of data center services is the most
1871 effective and efficient manner by which its customer entities
1872 can acquire such services, based on federal, state, and local
1873 government trends; best practices in service provision; and the
1874 acquisition of new and emerging technologies. The results of the
1875 market analysis shall assist the state data center in making



HB 5003, Engrossed 1

2018

1876 adjustments to its data center service offerings.

1877 Section 60. In order to implement Specific Appropriations
1878 2908 of the 2018-2019 General Appropriations Act, paragraph (d)
1879 of subsection (2) of section 282.201, Florida Statutes, is
1880 amended to read:

1881 282.201 State data center.—The state data center is
1882 established within the Agency for State Technology and shall
1883 provide data center services that are hosted on premises or
1884 externally through a third-party provider as an enterprise
1885 information technology service. The provision of data center
1886 services must comply with applicable state and federal laws,
1887 regulations, and policies, including all applicable security,
1888 privacy, and auditing requirements.

1889 (2) STATE DATA CENTER DUTIES.—The state data center shall:

1890 (d) Enter into a service-level agreement with each
1891 customer entity to provide the required type and level of
1892 service or services. If a customer entity fails to execute an
1893 agreement within 60 days after commencement of a service, the
1894 state data center may cease service. A service-level agreement
1895 may not have a term exceeding 3 years and at a minimum must:

1896 1. Identify the parties and their roles, duties, and
1897 responsibilities under the agreement.

1898 2. State the duration of the contract term and specify the
1899 conditions for renewal.

1900 3. Identify the scope of work.



HB 5003, Engrossed 1

2018

1901 4. Identify the products or services to be delivered with
1902 sufficient specificity to permit an external financial or
1903 performance audit.

1904 5. Establish the services to be provided, the business
1905 standards that must be met for each service, the cost of each
1906 service, and the metrics and processes by which the business
1907 standards for each service are to be objectively measured and
1908 reported.

1909 ~~6. Provide a timely billing methodology to recover the~~
1910 ~~cost of services provided to the customer entity pursuant to s.~~
1911 ~~215.422.~~

1912 6.7. Provide a procedure for modifying the service-level
1913 agreement based on changes in the type, level, and cost of a
1914 service.

1915 7.8. Include a right-to-audit clause to ensure that the
1916 parties to the agreement have access to records for audit
1917 purposes during the term of the service-level agreement.

1918 8.9. Provide that a service-level agreement may be
1919 terminated by either party for cause only after giving the other
1920 party and the Agency for State Technology notice in writing of
1921 the cause for termination and an opportunity for the other party
1922 to resolve the identified cause within a reasonable period.

1923 9.10. Provide for mediation of disputes by the Division of
1924 Administrative Hearings pursuant to s. 120.573.

1925 Section 61. The amendments made by this act to ss. 20.61,



1926 282.0041, 282.0051, and 282.201, Florida Statutes, expire July
1927 1, 2019, and the text of those sections shall revert to that in
1928 existence on June 30, 2018, except that any amendments to such
1929 text enacted other than by this act shall be preserved and
1930 continue to operate to the extent that such amendments are not
1931 dependent upon the portions of text which expire pursuant to
1932 this section.

1933 Section 62. In order to implement appropriations in the
1934 2018-2019 General Appropriations Act for executive branch and
1935 judicial branch employee travel, the executive branch state
1936 agencies and the judicial branch must collaborate with the
1937 Executive Office of the Governor and the Department of
1938 Management Services to implement the statewide travel management
1939 system funded in Specific Appropriation 2708 in the 2018-2019
1940 General Appropriations Act. For the purpose of complying with s.
1941 112.061, Florida Statutes, all executive branch state agencies
1942 and the judicial branch must use the statewide travel management
1943 system. This section expires July 1, 2019.

1944 Section 63. In order to implement Specific Appropriations
1945 1591 through 1593 of the 2018-2019 General Appropriations Act,
1946 paragraph (d) of subsection (11) of section 216.181, Florida
1947 Statutes, is amended to read:

1948 216.181 Approved budgets for operations and fixed capital
1949 outlay.—

1950 (11)



HB 5003, Engrossed 1

2018

1951 (d) Notwithstanding paragraph (b) and paragraph (2) (b),
1952 and for the 2018-2019 ~~2017-2018~~ fiscal year only, the
1953 Legislative Budget Commission may increase the amounts
1954 appropriated to the Fish and Wildlife Conservation Commission or
1955 the Department of Environmental Protection for fixed capital
1956 outlay projects, including additional fixed capital outlay
1957 projects, using funds provided to the state from the Gulf
1958 Environmental Benefit Fund administered by the National Fish and
1959 Wildlife Foundation; funds provided to the state from the Gulf
1960 Coast Restoration Trust Fund related to the Resources and
1961 Ecosystems Sustainability, Tourist Opportunities, and Revived
1962 Economies of the Gulf Coast Act of 2012 (RESTORE Act); or funds
1963 provided by the British Petroleum Corporation (BP) for natural
1964 resource damage assessment restoration projects. Concurrent with
1965 submission of an amendment to the Legislative Budget Commission
1966 pursuant to this paragraph, any project that carries a
1967 continuing commitment for future appropriations by the
1968 Legislature must be specifically identified, together with the
1969 projected amount of the future commitment associated with the
1970 project and the fiscal years in which the commitment is expected
1971 to commence. This paragraph expires July 1, 2019 ~~2018~~.

1972
1973 The provisions of this subsection are subject to the notice and
1974 objection procedures set forth in s. 216.177.

1975 Section 64. In order to implement specific appropriations



1976 | from the land acquisition trust funds within the Department of
 1977 | Agriculture and Consumer Services, the Department of
 1978 | Environmental Protection, the Department of State, and the Fish
 1979 | and Wildlife Conservation Commission, which are contained in the
 1980 | 2018-2019 General Appropriations Act, subsection (3) of section
 1981 | 215.18, Florida Statutes, is amended to read:

1982 | 215.18 Transfers between funds; limitation.—

1983 | (3) Notwithstanding subsection (1) and only with respect
 1984 | to a land acquisition trust fund in the Department of
 1985 | Agriculture and Consumer Services, the Department of
 1986 | Environmental Protection, the Department of State, or the Fish
 1987 | and Wildlife Conservation Commission, whenever there is a
 1988 | deficiency in a land acquisition trust fund which would render
 1989 | that trust fund temporarily insufficient to meet its just
 1990 | requirements, including the timely payment of appropriations
 1991 | from that trust fund, and other trust funds in the State
 1992 | Treasury have moneys that are for the time being or otherwise in
 1993 | excess of the amounts necessary to meet the just requirements,
 1994 | including appropriated obligations, of those other trust funds,
 1995 | the Governor may order a temporary transfer of moneys from one
 1996 | or more of the other trust funds to a land acquisition trust
 1997 | fund in the Department of Agriculture and Consumer Services, the
 1998 | Department of Environmental Protection, the Department of State,
 1999 | or the Fish and Wildlife Conservation Commission. Any action
 2000 | proposed pursuant to this subsection is subject to the notice,



2001 review, and objection procedures of s. 216.177, and the Governor
 2002 shall provide notice of such action at least 7 days before the
 2003 effective date of the transfer of trust funds, except that
 2004 during July 2018 ~~2017~~, notice of such action shall be provided
 2005 at least 3 days before the effective date of a transfer unless
 2006 such 3-day notice is waived by the chair and vice-chair of the
 2007 Legislative Budget Commission. Any transfer of trust funds to a
 2008 land acquisition trust fund in the Department of Agriculture and
 2009 Consumer Services, the Department of Environmental Protection,
 2010 the Department of State, or the Fish and Wildlife Conservation
 2011 Commission must be repaid to the trust funds from which the
 2012 moneys were loaned by the end of the 2018-2019 ~~2017-2018~~ fiscal
 2013 year. The Legislature has determined that the repayment of the
 2014 other trust fund moneys temporarily loaned to a land acquisition
 2015 trust fund in the Department of Agriculture and Consumer
 2016 Services, the Department of Environmental Protection, the
 2017 Department of State, or the Fish and Wildlife Conservation
 2018 Commission pursuant to this subsection is an allowable use of
 2019 the moneys in a land acquisition trust fund because the moneys
 2020 from other trust funds temporarily loaned to a land acquisition
 2021 trust fund shall be expended solely and exclusively in
 2022 accordance with s. 28, Art. X of the State Constitution. This
 2023 subsection expires July 1, 2019 ~~2018~~.

2024 Section 65. (1) In order to implement specific
 2025 appropriations from the land acquisition trust funds within the



HB 5003, Engrossed 1

2018

2026 Department of Agriculture and Consumer Services, the Department
2027 of Environmental Protection, the Department of State, and the
2028 Fish and Wildlife Conservation Commission, which are contained
2029 in the 2018-2019 General Appropriations Act, the Department of
2030 Environmental Protection shall transfer revenues from the Land
2031 Acquisition Trust Fund within the department to the land
2032 acquisition trust funds within the Department of Agriculture and
2033 Consumer Services, the Department of State, and the Fish and
2034 Wildlife Conservation Commission, as provided in this section.
2035 As used in this section, the term "department" means the
2036 Department of Environmental Protection.

2037 (2) After subtracting any required debt service payments,
2038 the proportionate share of revenues to be transferred to each
2039 land acquisition trust fund shall be calculated by dividing the
2040 appropriations from each of the land acquisition trust funds for
2041 the fiscal year by the total appropriations from the Land
2042 Acquisition Trust Fund within the department and the land
2043 acquisition trust funds within the Department of Agriculture and
2044 Consumer Services, the Department of State, and the Fish and
2045 Wildlife Conservation Commission for the fiscal year. The
2046 department shall transfer the proportionate share of the
2047 revenues in the Land Acquisition Trust Fund within the
2048 department on a monthly basis to the appropriate land
2049 acquisition trust funds within the Department of Agriculture and
2050 Consumer Services, the Department of State, and the Fish and



HB 5003, Engrossed 1

2018

2051 Wildlife Conservation Commission and shall retain its
2052 proportionate share of the revenues in the Land Acquisition
2053 Trust Fund within the department. Total distributions to a land
2054 acquisition trust fund within the Department of Agriculture and
2055 Consumer Services, the Department of State, and the Fish and
2056 Wildlife Conservation Commission may not exceed the total
2057 appropriations from such trust fund for the fiscal year.

2058 (3) In addition, the department shall transfer from the
2059 Land Acquisition Trust Fund to land acquisition trust funds
2060 within the Department of Agriculture and Consumer Services, the
2061 Department of State, and the Fish and Wildlife Conservation
2062 Commission amounts equal to the difference between the amounts
2063 appropriated in chapter 2017-70, Laws of Florida, to the
2064 department's Land Acquisition Trust Fund and the other land
2065 acquisition trust funds, and the amounts actually transferred
2066 between those trust funds during the 2017-2018 fiscal year.

2067 (4) The department may advance funds from the beginning
2068 unobligated fund balance in the Land Acquisition Trust Fund to
2069 the Land Acquisition Trust Fund within the Fish and Wildlife
2070 Conservation Commission needed for cash flow purposes based on a
2071 detailed expenditure plan. The department shall prorate amounts
2072 transferred quarterly to the Fish and Wildlife Conservation
2073 Commission to recoup the amount of funds advanced by June 30,
2074 2019.

2075 (5) This section expires July 1, 2019.



HB 5003, Engrossed 1

2018

2076 Section 66. In order to implement appropriations from the
2077 Land Acquisition Trust Fund within the Department of
2078 Environmental Protection, paragraph (b) of subsection (3) of
2079 section 375.041, Florida Statutes, is amended to read:

2080 375.041 Land Acquisition Trust Fund.—

2081 (3) Funds distributed into the Land Acquisition Trust Fund
2082 pursuant to s. 201.15 shall be applied:

2083 (b) Of the funds remaining after the payments required
2084 under paragraph (a), but before funds may be appropriated,
2085 pledged, or dedicated for other uses:

2086 1. A minimum of the lesser of 25 percent or \$200 million
2087 shall be appropriated annually for Everglades projects that
2088 implement the Comprehensive Everglades Restoration Plan as set
2089 forth in s. 373.470, including the Central Everglades Planning
2090 Project subject to Congressional authorization; the Long-Term
2091 Plan as defined in s. 373.4592(2); and the Northern Everglades
2092 and Estuaries Protection Program as set forth in s. 373.4595.
2093 From these funds, \$32 million shall be distributed each fiscal
2094 year through the 2023-2024 fiscal year to the South Florida
2095 Water Management District for the Long-Term Plan as defined in
2096 s. 373.4592(2). After deducting the \$32 million distributed
2097 under this subparagraph, from the funds remaining, a minimum of
2098 the lesser of 76.5 percent or \$100 million shall be appropriated
2099 each fiscal year through the 2025-2026 fiscal year for the
2100 planning, design, engineering, and construction of the



2101 Comprehensive Everglades Restoration Plan as set forth in s.
2102 373.470, including the Central Everglades Planning Project, the
2103 Everglades Agricultural Area Storage Reservoir Project, the Lake
2104 Okeechobee Watershed Project, the C-43 West Basin Storage
2105 Reservoir Project, the Indian River Lagoon-South Project, the
2106 Western Everglades Restoration Project, and the Picayune Strand
2107 Restoration Project. The Department of Environmental Protection
2108 and the South Florida Water Management District shall give
2109 preference to those Everglades restoration projects that reduce
2110 harmful discharges of water from Lake Okeechobee to the St.
2111 Lucie or Caloosahatchee estuaries in a timely manner. For the
2112 purpose of performing the calculation provided in this
2113 subparagraph, the amount of debt service paid pursuant to
2114 paragraph (a) for bonds issued after July 1, 2016, for the
2115 purposes set forth under paragraph (b) shall be added to the
2116 amount remaining after the payments required under paragraph
2117 (a). The amount of the distribution calculated shall then be
2118 reduced by an amount equal to the debt service paid pursuant to
2119 paragraph (a) on bonds issued after July 1, 2016, for the
2120 purposes set forth under this subparagraph.

2121 2. A minimum of the lesser of 7.6 percent or \$50 million
2122 shall be appropriated annually for spring restoration,
2123 protection, and management projects. For the purpose of
2124 performing the calculation provided in this subparagraph, the
2125 amount of debt service paid pursuant to paragraph (a) for bonds



2126 | issued after July 1, 2016, for the purposes set forth under
2127 | paragraph (b) shall be added to the amount remaining after the
2128 | payments required under paragraph (a). The amount of the
2129 | distribution calculated shall then be reduced by an amount equal
2130 | to the debt service paid pursuant to paragraph (a) on bonds
2131 | issued after July 1, 2016, for the purposes set forth under this
2132 | subparagraph.

2133 | 3. The sum of \$5 million shall be appropriated annually
2134 | each fiscal year through the 2025-2026 fiscal year to the St.
2135 | Johns River Water Management District for projects dedicated to
2136 | the restoration of Lake Apopka. This distribution shall be
2137 | reduced by an amount equal to the debt service paid pursuant to
2138 | paragraph (a) on bonds issued after July 1, 2016, for the
2139 | purposes set forth in this subparagraph.

2140 | 4. The sum of \$64 million is appropriated and shall be
2141 | transferred to the Everglades Trust Fund for the 2018-2019
2142 | fiscal year, and each fiscal year thereafter, for the EAA
2143 | reservoir project pursuant to s. 373.4598. Any funds remaining
2144 | in any fiscal year shall be made available only for Phase II of
2145 | the C-51 reservoir project or projects identified in
2146 | subparagraph 1. and must be used in accordance with laws
2147 | relating to such projects. Any funds made available for such
2148 | purposes in a fiscal year are in addition to the amount
2149 | appropriated under subparagraph 1. This distribution shall be
2150 | reduced by an amount equal to the debt service paid pursuant to



HB 5003, Engrossed 1

2018

2151 paragraph (a) on bonds issued after July 1, 2017, for the
2152 purposes set forth in this subparagraph.

2153 5. Notwithstanding subparagraph 3., for the 2018-2019
2154 ~~2017-2018~~ fiscal year, funds shall be appropriated as provided
2155 in the General Appropriations Act. This subparagraph expires
2156 July 1, 2019 ~~2018~~.

2157 Section 67. In order to implement Specific Appropriation
2158 1581 of the 2018-2019 General Appropriations Act, paragraph (a)
2159 of subsection (6) of section 373.470, Florida Statutes, is
2160 reenacted to read:

2161 373.470 Everglades restoration.—

2162 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.—

2163 (a) Except as provided in paragraphs (d) and (e) and for
2164 funds appropriated for debt service, the department shall
2165 distribute funds in the Save Our Everglades Trust Fund to the
2166 district in accordance with a legislative appropriation and s.
2167 373.026(8)(b). Distribution of funds to the district from the
2168 Save Our Everglades Trust Fund or the Land Acquisition Trust
2169 Fund shall be equally matched by the cumulative contributions
2170 from the district by fiscal year 2019-2020 by providing funding
2171 or credits toward project components. The dollar value of in-
2172 kind project design and construction work by the district in
2173 furtherance of the comprehensive plan and existing interest in
2174 public lands needed for a project component are credits towards
2175 the district's contributions.



HB 5003, Engrossed 1

2018

2176 Section 68. The text of s. 373.470(6)(a), Florida
2177 Statutes, as carried forward from chapter 2017-71, Laws of
2178 Florida, in this act, expires July 1, 2019, and the text of that
2179 paragraph shall revert to that in existence on June 30, 2017,
2180 except that any amendments to such text enacted other than by
2181 this act shall be preserved and continue to operate to the
2182 extent that such amendments are not dependent upon the portions
2183 of text which expire pursuant to this section.

2184 Section 69. In order to implement Specific Appropriation
2185 1719 of the 2018-2019 General Appropriations Act, paragraph (e)
2186 of subsection (11) of section 216.181, Florida Statutes, is
2187 amended to read:

2188 216.181 Approved budgets for operations and fixed capital
2189 outlay.—

2190 (11)

2191 (e) Notwithstanding paragraph (b) and paragraph (2)(b),
2192 and for the 2018-2019 ~~2017-2018~~ fiscal year only, the
2193 Legislative Budget Commission may increase the amounts
2194 appropriated to the Department of Environmental Protection for
2195 fixed capital outlay projects using funds provided to the state
2196 from the environmental mitigation trust administered by a
2197 trustee designated by the United States District Court for the
2198 Northern District of California for eligible mitigation actions
2199 and mitigation action expenditures described in the partial
2200 consent decree entered into between the United States of America



HB 5003, Engrossed 1

2018

2201 and Volkswagen relating to violations of the Clean Air Act.
2202 Concurrent with submission of an amendment to the Legislative
2203 Budget Commission pursuant to this paragraph, any project that
2204 carries a continuing commitment for future appropriations by the
2205 Legislature must be specifically identified, together with the
2206 projected amount of the future commitment associated with the
2207 project and the fiscal years in which the commitment is expected
2208 to commence. This paragraph expires July 1, 2019 ~~2018~~.

2209
2210 The provisions of this subsection are subject to the notice and
2211 objection procedures set forth in s. 216.177.

2212 Section 70. In order to implement Specific Appropriations
2213 1549, 1549A, 1549B, and 1686A of the 2018-2019 General
2214 Appropriations Act, paragraph (m) of subsection (3) of section
2215 259.105, Florida Statutes, is amended to read:

2216 259.105 The Florida Forever Act.—

2217 (3) Less the costs of issuing and the costs of funding
2218 reserve accounts and other costs associated with bonds, the
2219 proceeds of cash payments or bonds issued pursuant to this
2220 section shall be deposited into the Florida Forever Trust Fund
2221 created by s. 259.1051. The proceeds shall be distributed by the
2222 Department of Environmental Protection in the following manner:

2223 (m) Notwithstanding paragraphs (a)-(j) and for the 2018-
2224 2019 ~~2016-2017~~ fiscal year only:

2225 1. The amount of \$77 million ~~\$15,156,206~~ to only the



HB 5003, Engrossed 1

2018

2226 Division of State Lands within the Department of Environmental
2227 Protection for the Board of Trustees Florida Forever Priority
2228 List land acquisition projects.

2229 2. The amount of \$10 million to the Department of
2230 Environmental Protection for use by the Florida Communities
2231 Trust for the purposes of part III of chapter 380, as described
2232 and limited by this subsection, and grants to local governments
2233 or nonprofit environmental organizations that are tax-exempt
2234 under s. 501(c)(3) of the United States Internal Revenue Code
2235 for the acquisition of community-based projects, urban open
2236 spaces, parks, and greenways to implement local government
2237 comprehensive plans. From funds available to the trust and used
2238 for land acquisition, 75 percent shall be matched by local
2239 governments on a dollar-for-dollar basis. The Legislature
2240 intends that the Florida Communities Trust emphasize funding
2241 projects in low-income or otherwise disadvantaged communities
2242 and projects that provide areas for direct water access and
2243 water-dependent facilities that are open to the public and offer
2244 public access by vessels to waters of the state, including boat
2245 ramps and associated parking and other support facilities. At
2246 least 30 percent of the total allocation provided to the trust
2247 shall be used in Standard Metropolitan Statistical Areas, but
2248 one-half of that amount shall be used in localities in which the
2249 project site is located in built-up commercial, industrial, or
2250 mixed-use areas and functions to intersperse open spaces within



2251 congested urban core areas. From funds allocated to the trust,
2252 no less than 5 percent shall be used to acquire lands for
2253 recreational trail systems, provided that in the event these
2254 funds are not needed for such projects, they will be available
2255 for other trust projects. Local governments may use federal
2256 grants or loans, private donations, or environmental mitigation
2257 funds for any part or all of any local match required for
2258 acquisitions funded through the Florida Communities Trust. Any
2259 lands purchased by nonprofit organizations using funds allocated
2260 under this paragraph must provide for such lands to remain
2261 permanently in public use through a reversion of title to local
2262 or state government, conservation easement, or other appropriate
2263 mechanism. Projects funded with funds allocated to the trust
2264 shall be selected in a competitive process measured against
2265 criteria adopted in rule by the trust.

2266 3. The sum of \$2 million to the Department of
2267 Environmental Protection for the acquisition of land and capital
2268 project expenditures necessary to implement the Stan Mayfield
2269 Working Waterfronts Program within the Florida Communities Trust
2270 pursuant to s. 380.5105.

2271 4. The sum of \$2 million to the Department of
2272 Environmental Protection for grants pursuant to s. 375.075(1)-
2273 (4).

2274 ~~2. Thirty-five million dollars to the Department of~~
2275 ~~Agriculture and Consumer Services for the acquisition of~~



HB 5003, Engrossed 1

2018

2276 ~~agricultural lands through perpetual conservation easements and~~
2277 ~~other perpetual less than fee techniques, which will achieve the~~
2278 ~~objectives of Florida Forever and s. 570.71.~~

2279 ~~3.a. Notwithstanding any allocation required pursuant to~~
2280 ~~paragraph (c), \$10 million shall be allocated to the Florida~~
2281 ~~Communities Trust for projects acquiring conservation or~~
2282 ~~recreation lands to enhance recreational opportunities for~~
2283 ~~individuals with unique abilities.~~

2284 ~~b. The Department of Environmental Protection may waive~~
2285 ~~the local government matching fund requirement of paragraph (c)~~
2286 ~~for projects acquiring conservation or recreation lands to~~
2287 ~~enhance recreational opportunities for individuals with unique~~
2288 ~~abilities.~~

2289 ~~e. Notwithstanding sub-subparagraphs a. and b., any funds~~
2290 ~~required to be used to acquire conservation or recreation lands~~
2291 ~~to enhance recreational opportunities for individuals with~~
2292 ~~unique abilities which have not been awarded for those purposes~~
2293 ~~by May 1, 2017, may be awarded to redevelop or renew outdoor~~
2294 ~~recreational facilities on public lands, including recreational~~
2295 ~~trails, parks, and urban open spaces, together with improvements~~
2296 ~~required to enhance recreational enjoyment and public access to~~
2297 ~~public lands, if such redevelopment and renewal is primarily~~
2298 ~~geared toward enhancing recreational opportunities for~~
2299 ~~individuals with unique abilities. The department may waive the~~
2300 ~~local matching requirement of paragraph (c) for such~~



HB 5003, Engrossed 1

2018

2301 ~~redevelopment and renewal projects.~~

2302

2303 This paragraph expires July 1, 2019 ~~2017~~.

2304 Section 71. In order to implement Specific Appropriation
2305 1686A of the 2018-2019 General Appropriations Act, subsection
2306 (5) is added to section 375.075, Florida Statutes, to read:

2307 375.075 Outdoor recreation; financial assistance to local
2308 governments.—

2309 (5) (a) For the 2018-2019 fiscal year:

2310 1. Notwithstanding any other provision of this section, \$4
2311 million of funds for projects must be used exclusively for
2312 projects that provide recreational enhancements and
2313 opportunities for children. The department shall conduct a
2314 separate grant application process exclusively for such
2315 projects. The department shall establish a schedule for the
2316 grant application process for projects that provide publicly
2317 available recreational enhancements and opportunities for
2318 children and shall award the grants for such projects by
2319 December 31, 2018.

2320 2. Notwithstanding subsection (3), a local government may
2321 submit up to three grant applications for projects if at least
2322 one of those projects provides recreational enhancements and
2323 opportunities for children. The maximum project grant for each
2324 project application that provides recreational enhancements and
2325 opportunities for children may not exceed \$250,000 in state



2326 funds, which the local government must match on a dollar-for-
2327 dollar basis.

2328 (b) The selection criteria used by the department for
2329 grant applications submitted pursuant to this subsection must
2330 give priority to projects geared toward children under the age
2331 of 12, but which also provide educational opportunities and have
2332 established safety standards. The department shall give the
2333 highest priority to project applications that further
2334 demonstrate they will serve the needs of children with unique
2335 abilities and will be accessible and usable to those with
2336 physical and developmental disabilities. All projects must have
2337 playground equipment and lighting that is adequate for evening
2338 use.

2339 (c) The playground equipment should be designed to serve
2340 children under the age of 12 with unique abilities, including
2341 those with physical and developmental disabilities. The criteria
2342 must also establish a minimum lot size for such project.

2343 (d) This subsection expires July 1, 2019.

2344 Section 72. In order to implement Specific Appropriation
2345 1581 of the 2018-2019 General Appropriations Act, if during the
2346 2018-2019 fiscal year, leases, reservations of possessory
2347 estates, or other farming property interests expire on lands
2348 owned or controlled by the state or the South Florida Water
2349 Management District which have been identified as being
2350 necessary for an Everglades Agricultural Area reservoir project,



HB 5003, Engrossed 1

2018

2351 the district shall execute, renegotiate, extend, or amend
2352 agreements, including reasonable notice and termination
2353 provisions, so that the land does not sit fallow and provides
2354 the maximum public benefit. Any such agreements shall provide
2355 that agricultural operators shall be permitted to continue to
2356 farm on a field-by-field basis until such time as the
2357 agricultural operations are incompatible with site preparation,
2358 on-site investigation, or construction for an Everglades
2359 Agricultural Area reservoir project, as reasonably determined by
2360 the lessor. This section expires July 1, 2019.

2361 Section 73. In order to implement Specific Appropriation
2362 1855 of the 2018-2019 General Appropriations Act, subsection
2363 (30) of section 427.013, Florida Statutes, is amended to read:
2364 427.013 The Commission for the Transportation
2365 Disadvantaged; purpose and responsibilities.—The purpose of the
2366 commission is to accomplish the coordination of transportation
2367 services provided to the transportation disadvantaged. The goal
2368 of this coordination is to assure the cost-effective provision
2369 of transportation by qualified community transportation
2370 coordinators or transportation operators for the transportation
2371 disadvantaged without any bias or presumption in favor of
2372 multioperator systems or not-for-profit transportation operators
2373 over single operator systems or for-profit transportation
2374 operators. In carrying out this purpose, the commission shall:
2375 (30) For the 2018-2019 ~~2017-2018~~ fiscal year and



HB 5003, Engrossed 1

2018

2376 notwithstanding any other provision of this section:

2377 (a) Allocate, from funds provided in the General
2378 Appropriations Act, to community transportation coordinators who
2379 operate in counties that are not direct recipients of ~~do not~~
2380 ~~receive~~ Urbanized Area Formula funds pursuant to 49 U.S.C. s.
2381 5307 to provide transportation services for persons with
2382 disabilities, older adults, and low-income persons so they may
2383 access health care, employment, education, and other life-
2384 sustaining activities. Funds allocated for this purpose shall be
2385 distributed among community transportation coordinators based
2386 upon the Transportation Disadvantaged Trip and Equipment
2387 allocation methodology established by the commission.

2388 (b) Award, from funds provided in the General
2389 Appropriations Act, competitive grants to community
2390 transportation coordinators to support transportation projects
2391 to:

2392 1. Enhance access to health care, shopping, education,
2393 employment, public services, and recreation;

2394 2. Assist in the development, improvement, and use of
2395 transportation systems in nonurbanized areas;

2396 3. Promote the efficient coordination of services;

2397 4. Support inner-city bus transportation; and

2398 5. Encourage private transportation providers to
2399 participate.

2400 (c) This subsection expires July 1, 2019 ~~2018~~.



2401 Section 74. In order to implement Specific Appropriations
 2402 2225 and 2226 of the 2018-2019 General Appropriations Act,
 2403 subsection (3) is added to section 420.9079, Florida Statutes,
 2404 to read:

2405 420.9079 Local Government Housing Trust Fund.—

2406 (3) For the 2018-2019 fiscal year, funds may be used as
 2407 provided in the General Appropriations Act. This subsection
 2408 expires July 1, 2019.

2409 Section 75. In order to implement Specific Appropriation
 2410 2225 of the 2018-2019 General Appropriations Act, section
 2411 420.0005, Florida Statutes, is amended to read:

2412 420.0005 State Housing Trust Fund; State Housing Fund.—

2413 (1) There is established in the State Treasury a separate
 2414 trust fund to be named the "State Housing Trust Fund." There
 2415 shall be deposited in the fund all moneys appropriated by the
 2416 Legislature, or moneys received from any other source, for the
 2417 purpose of this chapter, and all proceeds derived from the use
 2418 of such moneys. The fund shall be administered by the Florida
 2419 Housing Finance Corporation on behalf of the department, as
 2420 specified in this chapter. Money deposited to the fund and
 2421 appropriated by the Legislature must, notwithstanding the
 2422 provisions of chapter 216 or s. 420.504(3), be transferred
 2423 quarterly in advance, to the extent available, or, if not so
 2424 available, as soon as received into the State Housing Trust
 2425 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)



2426 | by the Chief Financial Officer to the corporation upon
2427 | certification by the executive director of the Department of
2428 | Economic Opportunity that the corporation is in compliance with
2429 | the requirements of s. 420.0006. The certification made by the
2430 | executive director shall also include the split of funds among
2431 | programs administered by the corporation and the department as
2432 | specified in chapter 92-317, Laws of Florida, as amended. Moneys
2433 | advanced by the Chief Financial Officer must be deposited by the
2434 | corporation into a separate fund established with a qualified
2435 | public depository meeting the requirements of chapter 280 to be
2436 | named the "State Housing Fund" and used for the purposes of this
2437 | chapter. Administrative and personnel costs incurred in
2438 | implementing this chapter may be paid from the State Housing
2439 | Fund, but such costs may not exceed 5 percent of the moneys
2440 | deposited into such fund. To the State Housing Fund shall be
2441 | credited all loan repayments, penalties, and other fees and
2442 | charges accruing to such fund under this chapter. It is the
2443 | intent of this chapter that all loan repayments, penalties, and
2444 | other fees and charges collected be credited in full to the
2445 | program account from which the loan originated. Moneys in the
2446 | State Housing Fund which are not currently needed for the
2447 | purposes of this chapter shall be invested in such manner as is
2448 | provided for by statute. The interest received on any such
2449 | investment shall be credited to the State Housing Fund.

2450 | (2) For the 2018-2019 fiscal year, funds may be used as



2451 provided in the General Appropriations Act. This subsection
2452 expires July 1, 2019.

2453 Section 76. In order to implement Specific Appropriation
2454 2600 of the 2018-2019 General Appropriations Act, paragraph (b)
2455 of subsection (3) and subsection (5) of section 321.04, Florida
2456 Statutes, are amended to read:

2457 321.04 Personnel of the highway patrol; rank
2458 classifications; probationary status of new patrol officers;
2459 subsistence; special assignments.—

2460 (3)

2461 (b) For the 2018-2019 ~~2017-2018~~ fiscal year only, the
2462 patrol officer shall be assigned to the Lieutenant Governor.
2463 This paragraph expires July 1, 2019 ~~2018~~.

2464 (5) For the 2018-2019 ~~2017-2018~~ fiscal year only, the
2465 assignment of a patrol officer by the department shall include a
2466 Cabinet member specified in s. 4, Art. IV of the State
2467 Constitution if deemed appropriate by the department or in
2468 response to a threat and upon written request of such Cabinet
2469 member. This subsection expires July 1, 2019 ~~2018~~.

2470 Section 77. In order to implement Specific Appropriations
2471 1856 through 1869, 1875 through 1878, 1891 through 1899, 1901
2472 through 1910, and 1948 through 1959 of the 2018-2019 General
2473 Appropriations Act, paragraphs (d), (e), and (f) of subsection

2474 (5) of section 339.135, Florida Statutes, are amended to read:

2475 339.135 Work program; legislative budget request;



2476 definitions; preparation, adoption, execution, and amendment.—

2477 (5) ADOPTION OF THE WORK PROGRAM.—

2478 (d) It is the intent of the Legislature that the
2479 department maintain fiscal solvency and make prudent use of all
2480 available fiscal resources to minimize any project, or a phase
2481 thereof, from being deferred within the work program. It is
2482 further the intent of the Legislature that the department, to
2483 the maximum extent feasible, reduce financial projects not
2484 programmed for contract letting as identified with a work
2485 program contract class code 8 and the box code RV to add
2486 projects to the 2018-2019 ~~2017-2018~~ work program which are
2487 identified by a specific appropriation in the 2018-2019 ~~2017-~~
2488 ~~2018~~ General Appropriations Act. This paragraph expires July 1,
2489 2019 ~~2018~~.

2490 (e) For the 2018-2019 ~~2017-2018~~ fiscal year only, the
2491 department is authorized to realign budget authority among
2492 appropriation categories to support the implementation of the
2493 2018-2019 ~~2017-2018~~ General Appropriations Act. The notice,
2494 review, and objection procedures under s. 216.177 apply only
2495 when projects, or a phase thereof, are not deferred or deleted
2496 from the work program. The request to realign budget authority
2497 among work program categories must be supported by documented
2498 production and financial goals within the parameters of finance,
2499 available cash, and total authorized budget. This paragraph
2500 expires July 1, 2019 ~~2018~~.



2501 (f) For the 2018-2019 ~~2017-2018~~ fiscal year only, if the
2502 department submits a work program amendment to realign work
2503 program categories to the 2018-2019 ~~2017-2018~~ General
2504 Appropriations Act that defers or deletes any project, or a
2505 phase thereof, the work program amendment is subject to approval
2506 by the Legislative Budget Commission. The department shall
2507 provide to the Legislative Budget Commission the documents
2508 specified in subparagraphs 1.-8. when submitting the
2509 department's work program amendment to request approval to
2510 realign the work program appropriation categories to the 2018-
2511 2019 ~~2017-2018~~ General Appropriations Act. In addition, any work
2512 program amendment submitted to the Legislative Budget Commission
2513 which results in a reduced project commitment level for the
2514 2018-2019 ~~2017-2018~~ fiscal year must include the following
2515 documents:

2516 1. A proposed finance plan, as balanced to the requested
2517 work program amendment to realign the work program categories to
2518 the 2018-2019 ~~2017-2018~~ General Appropriations Act, or any other
2519 amendments that reduce work program commitments;

2520 2. A proposed cash forecast, as balanced to the requested
2521 work program amendment to realign the work program categories to
2522 the 2018-2019 ~~2017-2018~~ General Appropriations Act, or any other
2523 amendments that reduce work program commitments;

2524 3. An adopted finance plan, as of July 1, 2018 ~~2017~~;

2525 4. An adopted cash forecast, as of July 1, 2018 ~~2017~~;



2526 5. A complete list of projects, or phases thereof,
2527 deferred or deleted from the impact of the projects identified
2528 by a specific appropriation in the 2018-2019 ~~2017-2018~~ General
2529 Appropriations Act for the 2018-2019 ~~2017-2018~~ through 2022-2023
2530 ~~2021-2022~~ work program;

2531 6. The department's methodology for identifying projects,
2532 or phases thereof, for deferral or deletion for the 2018-2019
2533 ~~2017-2018~~ through 2022-2023 ~~2021-2022~~ work program;

2534 7. A letter of concurrence or nonconcurrence from the
2535 affected metropolitan planning organization or, for
2536 nonmetropolitan areas, the board of county commissioners with
2537 impacted project selections; and

2538 8. A complete list of financial projects not programmed
2539 for contract letting as identified with a work program contract
2540 class code 8 and the box code RV included in fiscal years 2018-
2541 2019 ~~2017-2018~~ through 2022-2023 ~~2021-2022~~, as of July 1, 2018
2542 ~~2017~~.

2543
2544 This paragraph expires July 1, 2019 ~~2018~~.

2545 Section 78. In order to implement the salaries and
2546 benefits, expenses, other personal services, contracted
2547 services, special categories, and operating capital outlay
2548 categories of the 2018-2019 General Appropriations Act,
2549 paragraph (a) of subsection (2) of section 216.292, Florida
2550 Statutes, is amended to read:



2551 | 216.292 Appropriations nontransferable; exceptions.—

2552 | (2) The following transfers are authorized to be made by
2553 | the head of each department or the Chief Justice of the Supreme
2554 | Court whenever it is deemed necessary by reason of changed
2555 | conditions:

2556 | (a) The transfer of appropriations funded from identical
2557 | funding sources, except appropriations for fixed capital outlay,
2558 | and the transfer of amounts included within the total original
2559 | approved budget and plans of releases of appropriations as
2560 | furnished pursuant to ss. 216.181 and 216.192, as follows:

2561 | 1. Between categories of appropriations within a budget
2562 | entity, if no category of appropriation is increased or
2563 | decreased by more than 5 percent of the original approved budget
2564 | or \$250,000, whichever is greater, by all action taken under
2565 | this subsection.

2566 | 2. Between budget entities within identical categories of
2567 | appropriations, if no category of appropriation is increased or
2568 | decreased by more than 5 percent of the original approved budget
2569 | or \$250,000, whichever is greater, by all action taken under
2570 | this subsection.

2571 | 3. Any agency exceeding salary rate established pursuant
2572 | to s. 216.181(8) on June 30th of any fiscal year shall not be
2573 | authorized to make transfers pursuant to subparagraphs 1. and 2.
2574 | in the subsequent fiscal year.

2575 | 4. Notice of proposed transfers under subparagraphs 1. and



HB 5003, Engrossed 1

2018

2576 2. shall be provided to the Executive Office of the Governor and
2577 the chairs of the legislative appropriations committees at least
2578 3 days prior to agency implementation in order to provide an
2579 opportunity for review. The review shall be limited to ensuring
2580 that the transfer is in compliance with the requirements of this
2581 paragraph.

2582 5. For the 2018-2019 ~~2017-2018~~ fiscal year, the review
2583 shall ensure that transfers proposed pursuant to this paragraph
2584 comply with this chapter, maximize the use of available and
2585 appropriate trust funds, and are not contrary to legislative
2586 policy and intent. This subparagraph expires July 1, 2019 ~~2018~~.

2587 Section 79. In order to implement the appropriation of
2588 funds in the special categories, contracted services, and
2589 expenses categories of the 2018-2019 General Appropriations Act,
2590 a state agency may not initiate a competitive solicitation for a
2591 product or service if the completion of such competitive
2592 solicitation would:

2593 (1) Require a change in law; or

2594 (2) Require a change to the agency's budget other than a
2595 transfer authorized in s. 216.292(2) or (3), Florida Statutes,
2596 unless the initiation of such competitive solicitation is
2597 specifically authorized in law, in the General Appropriations
2598 Act, or by the Legislative Budget Commission.

2599
2600 This section does not apply to a competitive solicitation for



2601 which the agency head certifies that a valid emergency exists.
2602 This section expires July 1, 2019.

2603 Section 80. In order to implement appropriations for
2604 salaries and benefits in the 2018-2019 General Appropriations
2605 Act, subsection (6) of section 112.24, Florida Statutes, is
2606 amended to read:

2607 112.24 Intergovernmental interchange of public employees.—
2608 To encourage economical and effective utilization of public
2609 employees in this state, the temporary assignment of employees
2610 among agencies of government, both state and local, and
2611 including school districts and public institutions of higher
2612 education is authorized under terms and conditions set forth in
2613 this section. State agencies, municipalities, and political
2614 subdivisions are authorized to enter into employee interchange
2615 agreements with other state agencies, the Federal Government,
2616 another state, a municipality, or a political subdivision
2617 including a school district, or with a public institution of
2618 higher education. State agencies are also authorized to enter
2619 into employee interchange agreements with private institutions
2620 of higher education and other nonprofit organizations under the
2621 terms and conditions provided in this section. In addition, the
2622 Governor or the Governor and Cabinet may enter into employee
2623 interchange agreements with a state agency, the Federal
2624 Government, another state, a municipality, or a political
2625 subdivision including a school district, or with a public



HB 5003, Engrossed 1

2018

2626 institution of higher learning to fill, subject to the
2627 requirements of chapter 20, appointive offices which are within
2628 the executive branch of government and which are filled by
2629 appointment by the Governor or the Governor and Cabinet. Under
2630 no circumstances shall employee interchange agreements be
2631 utilized for the purpose of assigning individuals to participate
2632 in political campaigns. Duties and responsibilities of
2633 interchange employees shall be limited to the mission and goals
2634 of the agencies of government.

2635 (6) For the 2018-2019 ~~2017-2018~~ fiscal year only, the
2636 assignment of an employee of a state agency as provided in this
2637 section may be made if recommended by the Governor or Chief
2638 Justice, as appropriate, and approved by the chairs of the
2639 legislative appropriations committees. Such actions shall be
2640 deemed approved if neither chair provides written notice of
2641 objection within 14 days after receiving notice of the action
2642 pursuant to s. 216.177. This subsection expires July 1, 2019
2643 ~~2018~~.

2644 Section 81. In order to implement Specific Appropriations
2645 2670 and 2671 of the 2018-2019 General Appropriations Act, and
2646 notwithstanding s. 11.13(1), Florida Statutes, the authorized
2647 salaries for members of the Legislature for the 2018-2019 fiscal
2648 year shall be set at the same level in effect on July 1, 2010.
2649 This section expires July 1, 2019.

2650 Section 82. In order to implement the transfer of funds to



2651 the General Revenue Fund from trust funds for the 2018-2019
2652 General Appropriations Act, and notwithstanding the expiration
2653 date contained in section 56 of chapter 2017-70, Laws of
2654 Florida, paragraph (b) of subsection (2) of section 215.32,
2655 Florida Statutes, is reenacted to read:

2656 215.32 State funds; segregation.—

2657 (2) The source and use of each of these funds shall be as
2658 follows:

2659 (b)1. The trust funds shall consist of moneys received by
2660 the state which under law or under trust agreement are
2661 segregated for a purpose authorized by law. The state agency or
2662 branch of state government receiving or collecting such moneys
2663 is responsible for their proper expenditure as provided by law.
2664 Upon the request of the state agency or branch of state
2665 government responsible for the administration of the trust fund,
2666 the Chief Financial Officer may establish accounts within the
2667 trust fund at a level considered necessary for proper
2668 accountability. Once an account is established, the Chief
2669 Financial Officer may authorize payment from that account only
2670 upon determining that there is sufficient cash and releases at
2671 the level of the account.

2672 2. In addition to other trust funds created by law, to the
2673 extent possible, each agency shall use the following trust funds
2674 as described in this subparagraph for day-to-day operations:

2675 a. Operations or operating trust fund, for use as a



2676 | depository for funds to be used for program operations funded by
2677 | program revenues, with the exception of administrative
2678 | activities when the operations or operating trust fund is a
2679 | proprietary fund.

2680 | b. Operations and maintenance trust fund, for use as a
2681 | depository for client services funded by third-party payors.

2682 | c. Administrative trust fund, for use as a depository for
2683 | funds to be used for management activities that are departmental
2684 | in nature and funded by indirect cost earnings and assessments
2685 | against trust funds. Proprietary funds are excluded from the
2686 | requirement of using an administrative trust fund.

2687 | d. Grants and donations trust fund, for use as a
2688 | depository for funds to be used for allowable grant or donor
2689 | agreement activities funded by restricted contractual revenue
2690 | from private and public nonfederal sources.

2691 | e. Agency working capital trust fund, for use as a
2692 | depository for funds to be used pursuant to s. 216.272.

2693 | f. Clearing funds trust fund, for use as a depository for
2694 | funds to account for collections pending distribution to lawful
2695 | recipients.

2696 | g. Federal grant trust fund, for use as a depository for
2697 | funds to be used for allowable grant activities funded by
2698 | restricted program revenues from federal sources.

2699 |
2700 | To the extent possible, each agency must adjust its internal



2701 accounting to use existing trust funds consistent with the
2702 requirements of this subparagraph. If an agency does not have
2703 trust funds listed in this subparagraph and cannot make such
2704 adjustment, the agency must recommend the creation of the
2705 necessary trust funds to the Legislature no later than the next
2706 scheduled review of the agency's trust funds pursuant to s.
2707 215.3206.

2708 3. All such moneys are hereby appropriated to be expended
2709 in accordance with the law or trust agreement under which they
2710 were received, subject always to the provisions of chapter 216
2711 relating to the appropriation of funds and to the applicable
2712 laws relating to the deposit or expenditure of moneys in the
2713 State Treasury.

2714 4.a. Notwithstanding any provision of law restricting the
2715 use of trust funds to specific purposes, unappropriated cash
2716 balances from selected trust funds may be authorized by the
2717 Legislature for transfer to the Budget Stabilization Fund and
2718 General Revenue Fund in the General Appropriations Act.

2719 b. This subparagraph does not apply to trust funds
2720 required by federal programs or mandates; trust funds
2721 established for bond covenants, indentures, or resolutions whose
2722 revenues are legally pledged by the state or public body to meet
2723 debt service or other financial requirements of any debt
2724 obligations of the state or any public body; the Division of
2725 Licensing Trust Fund in the Department of Agriculture and



2726 Consumer Services; the State Transportation Trust Fund; the
2727 trust fund containing the net annual proceeds from the Florida
2728 Education Lotteries; the Florida Retirement System Trust Fund;
2729 trust funds under the management of the State Board of Education
2730 or the Board of Governors of the State University System, where
2731 such trust funds are for auxiliary enterprises, self-insurance,
2732 and contracts, grants, and donations, as those terms are defined
2733 by general law; trust funds that serve as clearing funds or
2734 accounts for the Chief Financial Officer or state agencies;
2735 trust funds that account for assets held by the state in a
2736 trustee capacity as an agent or fiduciary for individuals,
2737 private organizations, or other governmental units; and other
2738 trust funds authorized by the State Constitution.

2739 Section 83. The amendment to s. 215.32(2)(b), Florida
2740 Statutes, as carried forward by this act from chapter 2011-47,
2741 Laws of Florida, expires July 1, 2019, and the text of that
2742 paragraph shall revert to that in existence on June 30, 2011,
2743 except that any amendments to such text enacted other than by
2744 this act shall be preserved and continue to operate to the
2745 extent that such amendments are not dependent upon the portions
2746 of text which expire pursuant to this section.

2747 Section 84. In order to implement appropriations in the
2748 2018-2019 General Appropriations Act for state employee travel,
2749 the funds appropriated to each state agency which may be used
2750 for travel by state employees are limited during the 2018-2019



2751 fiscal year to travel for activities that are critical to each
2752 state agency's mission. Funds may not be used for travel by
2753 state employees to foreign countries, other states, conferences,
2754 staff training activities, or other administrative functions
2755 unless the agency head has approved, in writing, that such
2756 activities are critical to the agency's mission. The agency head
2757 shall consider using teleconferencing and other forms of
2758 electronic communication to meet the needs of the proposed
2759 activity before approving mission-critical travel. This section
2760 does not apply to travel for law enforcement purposes, military
2761 purposes, emergency management activities, or public health
2762 activities. This section expires July 1, 2019.

2763 Section 85. In order to implement appropriations in the
2764 2018-2019 General Appropriations Act for state employee travel
2765 and notwithstanding s. 112.061, Florida Statutes, costs for
2766 lodging associated with a meeting, conference, or convention
2767 organized or sponsored in whole or in part by a state agency or
2768 the judicial branch may not exceed \$150 per day. An employee may
2769 expend his or her own funds for any lodging expenses in excess
2770 of \$150 per day. For purposes of this section, a meeting does
2771 not include travel activities for conducting an audit,
2772 examination, inspection, or investigation or travel activities
2773 related to a litigation or emergency response. This section
2774 expires July 1, 2019.

2775 Section 86. In order to implement the appropriation of



2776 funds in the special categories, contracted services, and
2777 expenses categories of the 2018-2019 General Appropriations Act,
2778 a state agency may not enter into a contract containing a
2779 nondisclosure clause that prohibits the contractor from
2780 disclosing information relevant to the performance of the
2781 contract to members or staff of the Senate or the House of
2782 Representatives. This section expires July 1, 2019.

2783 Section 87. In order to implement Specific Appropriation
2784 1966 of the 2018-2019 General Appropriations Act, section 5 of
2785 chapter 2017-88, Laws of Florida, is amended to read:

2786 Section 5. (1) For the 2019 plan year, the Department of
2787 Management Services shall develop and establish ~~determine and~~
2788 ~~recommend~~ premiums for enrollees using the same premium tiers
2789 available during the 2018 plan year. The premiums developed must
2790 ~~that~~ reflect the relative ~~actual~~ differences in costs to the
2791 program for each of the health maintenance organization and the
2792 preferred provider organization plan options offered in the
2793 state group insurance program for both self-insured and fully
2794 insured plans. The premiums for the plan options shall reflect
2795 the costs to the program for both medical and prescription drug
2796 benefits.

2797 (2) The premium rate for employers shall be the same as
2798 those established for the state group insurance program in the
2799 General Appropriations Act for the 2018-2019 fiscal year. The
2800 premium rates for employees must be calculated so that the total



HB 5003, Engrossed 1

2018

2801 premiums contributed by employees do not exceed the amount of
2802 premiums forecasted to be collected from employees in the 2019
2803 plan year in the most recent official information and the
2804 premium rate for an employee with "agency pay-all" status must
2805 remain one-sixth of the premium rate for an employee in the
2806 career service for the same plan option. The premium rates for
2807 Medicare-eligible enrollees must be calculated so that the total
2808 premiums contributed by Medicare-eligible enrollees do not
2809 exceed 106 percent of the amount of premiums forecasted to be
2810 collected from such enrollees in the 2019 plan year in the most
2811 recent official information. For purposes of this subsection,
2812 the term "official information" means the results of the
2813 consensus estimating conference on the financial outlook of the
2814 State Employees' Health Insurance Trust Fund.

2815 (3) By July 1, 2018, the department shall submit ~~report~~ the
2816 proposed premium rates to the Governor, the President of the
2817 Senate, and the Speaker of the House of Representatives.

2818 (4) The department shall establish the enrollee premium
2819 rates subject to the notice, review, and objection provisions of
2820 section 216.177, Florida Statutes, no later than August 15,
2821 2018. The Legislature must submit its written objections to such
2822 rates no later than August 31, 2018. If the Legislature objects
2823 to the premium rates pursuant to section 216.177, Florida
2824 Statutes, the enrollee premiums in effect on June 30, 2018, or
2825 established in the General Appropriations Act for the 2018-2019



2826 fiscal year, whichever are greater, shall remain in effect for
2827 the 2019 plan year.

2828 Section 88. Any section of this act which implements a
2829 specific appropriation or specifically identified proviso
2830 language in the 2018-2019 General Appropriations Act is void if
2831 the specific appropriation or specifically identified proviso
2832 language is vetoed. Any section of this act which implements
2833 more than one specific appropriation or more than one portion of
2834 specifically identified proviso language in the 2018-2019
2835 General Appropriations Act is void if all the specific
2836 appropriations or portions of specifically identified proviso
2837 language are vetoed.

2838 Section 89. If any other act passed during the 2018
2839 Regular Session of the Legislature contains a provision that is
2840 substantively the same as a provision in this act, but that
2841 removes or is otherwise not subject to the future repeal applied
2842 to such provision by this act, the Legislature intends that the
2843 provision in the other act takes precedence and continues to
2844 operate, notwithstanding the future repeal provided by this act.

2845 Section 90. If any provision of this act or its
2846 application to any person or circumstance is held invalid, the
2847 invalidity does not affect other provisions or applications of
2848 the act which can be given effect without the invalid provision
2849 or application, and to this end the provisions of this act are
2850 severable.



HB 5003, Engrossed 1

2018

2851 Section 91. Except as otherwise expressly provided in this
2852 act and except for this section, which shall take effect upon
2853 this act becoming a law, this act shall take effect July 1,
2854 2018; or, if this act fails to become a law until after that
2855 date, it shall take effect upon becoming a law and shall operate
2856 retroactively to July 1, 2018.