

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HB 5003 PCB APC 20-02 Implementing the 2020-2021 General Appropriations Act
SPONSOR(S): Appropriations Committee, Cummings
TIED BILLS: **IDEN./SIM. BILLS:** SB 2502

FINAL HOUSE FLOOR ACTION: 104 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

HB 5003 passed the House and Senate on March 19, 2020, as amended by the conference committee. The bill provides the statutory authority necessary to implement and execute the General Appropriations Act (GAA) for Fiscal Year 2020-2021. The statutory changes are effective for only one year and either expire on July 1, 2020 or revert to the language as it existed before the changes made by the bill.

Because this bill implements provisions of the General Appropriations Act for Fiscal Year 2020-2021, there are no direct fiscal impacts created by this bill.

The bill was approved by the Governor on June 29, 2020, ch. 2020-114, L.O.F., and became effective on July 1, 2020.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background:

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

Provisions of the bill:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act (GAA) for Fiscal Year 2020-2021.

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

Section 3 provides that funds appropriated for instructional materials shall be released and expended as required in the GAA.

Section 4 amends s. 1011.62, F.S., to suspend the Decline in Full-Time Equivalent Students allocation, to reenact the Funding Compression allocation and to add an additional eligibility criteria to include a school district with a decrease in its district cost differential compared to the prior year, and to change the name of the allocation to the Funding Compression and Hold Harmless allocation.

Section 5 amends s. 1013.62, F.S., to provide that for the 2020-2021 fiscal year, charter school capital outlay funding shall consist of state funds appropriated in the General Appropriations Act and not revenue resulting from discretionary millage.

Section 6 provides that the amendments to s. 1013.62(1), F.S., expire July 1, 2021, and the text of those sections revert to that in existence on June 30, 2020.

Section 7 amends s. 1001.26(1), F.S., to allow public colleges or universities that are part of the public broadcasting program system to qualify to receive state funds.

Section 8 provides that the amendments to s. 1001.26(1), F.S., expire July 1, 2021, and the text of those sections revert to that in existence on June 30, 2018.

Section 9 creates s. 1004.6499, F.S., to establish the Florida Institute of Politics at the Florida State University.

Section 10 provides that the calculations of the Medicaid Hospital Funding Program for the 2020-2021 fiscal year, which is contained in the document titled “Medicaid Hospital Funding Programs, Fiscal Year 2020-2021” dated March 15, 2020, and filed with the Clerk of the House of Representatives, are incorporated by reference for the purpose of displaying the calculations used by the Legislature.

Section 11 authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health (DOH) for the Children’s Medical Services (CMS) Network for the implementation of the Statewide Medicaid Managed

Care program, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network.

Section 12 reenacts s. 409.908(23), F.S., relating to Medicaid rate setting for specified provider types for Fiscal Year 2020-2021, to specify the prospective payment system reimbursement for nursing home services will be governed by s. 409.908(2), F.S., and the GAA. Language relating to county health department reimbursement is restructured but not changed substantively.

Section 13 provides that the amendments to s. 409.908(23), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on October 1, 2018.

Section 14 reenacts s. 409.908(26), F.S. for Fiscal Year 2020-2021, to include Low Income Pool (LIP) payments and requires that Letters of Agreement for LIP be received by AHCA by October 1 and the funds outlined in the Letters of Agreement be received by October 31. Also includes eligibility requirements for essential providers to participate in LIP or other forms of supplemental payments funded by intergovernmental transfers.

Section 15 provides that the amendments to s. 409.908(26), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on June 30, 2019.

Section 16 amends s. 409.904(12)(a) and (b), to eliminate the Medicaid retroactive eligibility period for nonpregnant adults in a manner that ensures that the modification provides eligibility will continue to begin the first day of the month in which a nonpregnant adult applies for Medicaid.

Section 17 requires the Agency for Health Care Administration to submit the Medicaid Managed Care waiver independent evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the impact of the waiver on Medicaid retroactive eligibility on beneficiaries and providers.

Section 18 reenacts s. 624.91(5)(b), F.S., for Fiscal Year 2020-2021, to require the Florida Healthy Kids Corporation to validate and calculate a refund amount for Title XXI providers who achieve a Medical Loss Ratio below 85 percent. These refunds shall be deposited into the General Revenue Fund, unallocated.

Section 19 provides that the amendments to s. 624.91(5)(b), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on June 30, 2019.

Section 20 amends s. 381.915(4), F.S., relating to the Florida Consortium of National Cancer Institute (NCI) Centers program to prevent a cancer center from participating as a Tier 3 center beyond July 1, 2021, and to authorize a cancer center that qualifies as a designated Tier 3 center to pursue a NCI designation as a cancer center or a comprehensive cancer center until July 1, 2021.

Section 21 provides that the amendments to s. 381.915(4), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on June 30, 2020.

Section 22 amends s. 893.055(17), F.S., relating to the prescription drug monitoring program to prohibit the use of any settlement agreement funds for the program for Fiscal Year 2020-2021.

Section 23 amends s. 409.911, F.S., to provide that, for the 2020-2021 fiscal year, the AHCA must distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the GAA.

Section 24 amends s. 409.9113, F.S., to provide that, for the 2020-2021 fiscal year, the AHCA must make disproportionate share payments to teaching hospitals, as defined in s. 408.07, F.S., as provided in the GAA.

Section 25 amends s. 409.9119, F.S., to provide that, for the 2020-2021 fiscal year, the AHCA must make disproportionate share payments to specialty hospitals for children as provided in the GAA.

Section 26 authorizes the AHCA to submit a budget amendment to realign funding within the Medicaid program appropriation categories to address any projected surpluses and deficits and maximize the use of state trust funds.

Section 27 authorizes the AHCA to contract with an organization that receives federal approval to be a site for the Program of All-Inclusive Care for the Elderly (PACE). The contract must be with one private health care organization, the sole member of which is a private, not-for-profit corporation that owns and manages health care organizations that provide comprehensive long-term care services. This organization must provide these services to frail and elderly persons who reside in Escambia, Okaloosa, and Santa Rosa Counties. The organization is exempt from the requirements of chapter 641, Florida Statutes. The AHCA, in consultation with the Department of Elderly Affairs and subject to an appropriation, shall approve up to 200 initial enrollees in the PACE established by this organization to serve elderly persons who reside in Escambia, Okaloosa, and Santa Rosa Counties.

Section 28 authorizes the AHCA to contract with an organization that receives federal approval to be a site for the Program of All-inclusive Care for the Elderly (PACE), the Agency for Health Care Administration shall contract with one private, not-for-profit hospital located in Miami-Dade County to provide comprehensive services to frail and elderly persons residing in Northwest Miami-Dade County, as defined by the agency. The organization is exempt from the requirements of chapter 641, Florida Statutes. The agency, in consultation with the Department of Elderly Affairs and subject to appropriation, shall approve up to 100 initial enrollees in the Program of All-inclusive Care for the Elderly established by this organization to serve persons in Northwest Miami-Dade County.

Section 29 authorizes the AHCA to contract with an organization that receives federal approval to be a provider of the Program of All-inclusive Care for the Elderly (PACE), the Agency for Health Care Administration shall contract with a private organization that has demonstrated the ability to operate PACE centers in more than one state and that serves more than 500 eligible PACE participants, to provide PACE services to frail elders who reside in Hillsborough, Hernando or Pasco Counties. The organization is exempt from the requirements of chapter 641, Florida Statutes. The agency, in consultation with the Department of Elderly Affairs and subject to the appropriation of funds by the Legislature, shall approve up to 500 initial enrollees in the PACE program established by the organization to serve frail elders who reside in Hillsborough, Hernando or Pasco Counties.

Section 30 authorizes the AHCA and the DOH to each submit a budget amendment to realign funding within the Florida KidCare program appropriation categories, or to increase budget authority in the Children's Medical Services Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment must be submitted by each agency in the last quarter of the 2020-2021 fiscal year only.

Sections 31 and 32 amend ss. 381.986 and 381.988, F.S., to provide that the DOH is not required to prepare a statement of estimated regulatory costs when promulgating rules relating to medical marijuana testing laboratories, and any such rules adopted prior to July 1, 2021, are exempt from the legislative ratification provision of s. 120.541(3), F.S. Medical marijuana treatment centers are authorized to use a laboratory that has not been certified by the department until rules relating to medical marijuana testing laboratories are adopted by the department, but no later than July 1, 2021.

Section 33 amends s. 14(1) of Chapter 2017-232, L.O.F., to provide limited emergency rulemaking authority to the DOH and applicable boards to adopt emergency rules to implement the Medical Use of Marijuana Act (2017). The department and applicable boards are not required to prepare a statement of estimated regulatory costs when promulgating rules to replace emergency rules, and any such rules are exempt from the legislative ratification provision of s. 120.541(3), F.S., until July 1, 2021.

Section 34 provides that the amendments to s. 14(1) of Chapter 2017-232, L.O.F., expire on July 1, 2021, and the text of that provision reverts back to that in existence on June 30, 2019.

Section 35 authorizes the DCF to establish a formula to distribute funding for the Path Forward initiative due to the expiration of the federal Title IV-E Waiver.

Section 36 allows the Department of Children and Families (DCF) to submit a budget amendment to realign funding within appropriations for the Guardianship Assistance Program.

Section 37 amends s. 296.37, F.S., to allow a resident of a Department of Veterans' Affairs nursing facility to retain \$130 per month as a personal needs allowance rather than \$105 per month.

Section 38 authorizes the DOH to submit budget amendments to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues become available in the 2020-2021 fiscal year.

Section 39 authorizes the DCF to submit a budget amendment to increase budget authority for the Supplemental Nutrition Assistance Program if additional federal revenues become available in the 2020-2021 fiscal year.

Section 40 authorizes the DCF to submit a budget amendment to realign funding within the Family Safety Program to maximize the use of Title IV-E and other federal funds.

Section 41 amends s. 409.968, F.S. to require the AHCA to set aside a portion of the managed care rates from the rate cells for special needs and home health services in the managed medical assistance and managed long term care programs to implement a home health performance incentive program. The agency must direct Medicaid managed care plans to submit to the agency proposals to ensure all covered and authorized home health services are provided to recipients, methods for measuring provider compliance and mechanisms for documenting compliance to the agency. Plans must implement a method for families and caregivers to report provider failures to provide services in real time. The agency may disburse the withheld portion of rate in the last quarter of the fiscal year only upon a documented determination by the agency that the plans ensured all covered and authorized home health services were provided.

Section 42 provides, notwithstanding s. 409.902 (3) – (8), F.S., relating to the Medicaid information technology system for the Medicaid Children's Health Insurance program, the components of the new Medicaid Enterprise System (MES) included in the AHCA's new Florida Health Care Connection (FX) system, the executive steering committee membership for the FX information technology project, and the procedures for executive steering committee meetings and decisions for the FX project.

Section 43 provides the DCF with authority to submit budget amendments should Fiscal Year 2019-2020 appropriations for the domestic violence programs require realignment in light of the department no longer contracting with the Florida Coalition for Domestic Violence pursuant to Chapter 2020-06, Laws of Florida.

Section 44 provides the DCF with authority to submit budget amendments should Fiscal Year 2020-2021 appropriations for the domestic violence programs require realignment in light of the department no longer contracting with the Florida Coalition for Domestic Violence pursuant to Chapter 2020-06, Laws of Florida .

Section 45 amends s. 409.984(1), F.S., related to automatic enrollment process in the Long-Term Care Managed Care Plan for dually eligible recipients.

Section 46 provides that the amendments to s. 409.984(1), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on June 30, 2020.

Section 47 amends s. 409.908 (2)(b), F.S. to provide a methodology to spread the nursing home rate increase across all providers, even if the provider is held to the September 2016 rate.

Section 48 provides that the amendments to s. 409.908 (2)(b), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on June 30, 2020.

Section 49 authorizes the DOH to submit budget amendments to increase budget authority for the response to a public health emergency if additional federal revenues become available.

Section 50 amends s. 400.179(2)(d), F.S., to reduce the Medicaid nursing home lease bond alternative collection threshold from \$25 million to \$10 million.

Section 51 provides that the amendments to s. 400.179(2)(d), F.S., expire July 1, 2021, and the text of that section reverts to that in existence on June 30, 2019.

Section 52 amends s. 216.262, F.S., to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue funds during the 2020-2021 fiscal year for the Department of Corrections (DOC), if the actual inmate population of the DOC exceeds the Criminal Justice Estimating Conference forecasts of December 17, 2019. The additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population, and are subject to Legislative Budget Commission review and approval.

Section 53 amends s. 1011.80(8)(b), F.S., to permit the expenditure of appropriations for the education of state or federal inmates to the extent funds are specifically appropriated for this purpose.

Section 54 provides that the amendments to s. 1011.80(8)(b), F.S., expire on July 1, 2021, and the text of that section reverts back to that in existence on June 30, 2019.

Section 55 amends s. 215.18, F.S., to provide the Chief Justice of the Florida Supreme Court the authority to request a trust fund loan to ensure the state court system has sufficient funds to meet its appropriations contained in the GAA for Fiscal Year 2020-2021.

Section 56 requires the Department of Juvenile Justice to ensure that counties are fulfilling their financial responsibilities required in s. 985.6865, F.S., and to report any deficiencies to the Department of Revenue. If the Department of Juvenile Justice determines that a county has not met its obligations, it must direct the Department of Revenue to deduct the amount owed to the Department of Juvenile Justice from shared revenue funds provided to the county under s. 218.23, F.S. to be deposited into the Shared County/State Juvenile Detention Trust Fund in Department of Juvenile Justice. The section also includes procedures to provide assurance to holders of bonds for which shared revenue fund distributions are pledged.

Section 57 reenacts s. 27.40, F.S., relating to criminal case conflicts to require written certification of conflict by a public defender. If the office of criminal conflict and civil regional counsel cannot accept a case from the public defender due to conflict, the office of civil regional counsel is required to specifically identify and describe the conflict of interest and certify the conflict to the court before a court-appointed counsel may be assigned. Each public defender and regional counsel must report, in the aggregate, the basis of all conflicts of interest certified to the court on a quarterly basis.

In addition, contracts with appointed counsel and forms used in billing by court-appointed counsel are required to be consistent with ss. 27.5304 and 216.311, F.S. A contract with court-appointed counsel

must specify that payment is contingent upon an appropriation by the Legislature. The flat fee established in s. 27.5304, F.S., is required to be presumed to be sufficient compensation.

The Justice Administrative Commission (JAC) also is required to review appointed counsel billings, and objections by the JAC are required to be presumed correct unless a court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption. If an attorney does not permit the JAC or the Auditor General to review billing documentation, the attorney waives the claim for attorney fees. A finding by the JAC that the appointed counsel waived the right to seek compensation above the flat fee is required to be presumed correct, unless a court determines, in written findings, that competent and substantial evidence exists to overcome the presumption.

Section 58 amends s. 27.5304, F.S., to increase, for the 2020-2021 fiscal year, the statutory compensation limits for fees paid to court-appointed attorneys in noncapital, nonlife felony and life felony cases. The Legislature is authorized to establish the actual amounts paid to attorneys in these categories in the GAA for Fiscal Year 2020-2021.

In addition, court-appointed counsel may be compensated only in compliance with ss. 27.40(1), (2)(a), (7), F.S., 27.5304, F.S., and the GAA. The JAC is required to review all billings and must contemporaneously document its review before authorizing payment to an attorney. Objections by the JAC to billings by an attorney are required to be presumed correct by a court unless the court determines, in writing, that competent and substantial evidence supports overcoming the presumption. Motions to exceed the flat fee are required to be served on the JAC at least 20 business days before the hearing date, and the JAC may appear at the hearing in person or telephonically.

Section 59 provides that the amendments to s. 27.40(1), (2)(a), (3)(a), (5), (6), (7), and (11), F.S., and s. 27.5304(1), (3), (7), (11), and (12)(a) – (e) expire on July 1, 2021, and the text of those provisions reverts to that in existence on June 30, 2019.

Section 60 requires clerks to pay costs of compensation to jurors, for meals or lodging provided to jurors, and for jury-related personnel costs that exceed funding in the GAA for these purposes.

Section 61 reenacts s. 318.18(19), F.S., for Fiscal Year 2020-2021, to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

Section 62 reenacts s. 817.568(12)(b), F.S., to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

Section 63 provides that the amendments to ss. 318.18(19) and 817.568(12)(b), F.S., expire July 1, 2021, and the text of those provisions reverts to that in existence on June 30, 2018.

Section 64 amends section 20.316 Florida Statutes, to establish a new program entitled “Accountability and Program Support” within the Department of Juvenile Justice (DJJ).

Section 65 provides that the amendments to s. 20.316 (2) and (3), expire on July 1, 2021, and the text of those provisions revert to that in existence on June 30, 2020.

Section 66 requires the Department of Management Services (DMS) and agencies to utilize a tenant broker to renegotiate private lease agreements, in excess of 2,000 square feet, expiring before June 30, 2023.

Section 67 continues the online procurement system transaction fee authorized in ss. 287.042(1)(h)1. and 287.057(22)(c), F.S., at 0.7 percent for the 2020-2021 fiscal year.

Section 68 prohibits an agency from transferring funds from a data processing category to any category other than another data processing category.

Section 69 authorizes the Executive Office of the Governor (EOG) to transfer funds in the specific appropriation category “Data Processing Assessment – Department of Management Service” between agencies, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS.

Section 70 authorizes the EOG to transfer funds in the appropriation category “Special Categories-Risk Management Insurance” between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance.

Section 71 authorizes the EOG to transfer funds in the appropriation category “Special Categories - Transfer to DMS - Human Resources Services Purchased per Statewide Contract” of the GAA for Fiscal Year 2020-2021 between departments, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS for human resources management services.

Section 72 defines the components of the Florida Accounting Information Resource subsystem (FLAIR) and Cash Management System (CMS) included in the Department of Financial Services Planning Accounting and Ledger Management (PALM) system. This section also provides the executive steering committee membership and the procedures for executive steering committee meetings and decisions.

Section 73 amends section 29 of Chapter 2019-118, Laws of Florida, relating to the Florida Cybersecurity Task Force to extend the expiration date of the task force from January 1, 2021, to May 1, 2021, and the due date of the final report from November 1, 2020, to February 1, 2021.

Section 74 amends s. 216.181(11)(d), F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the Fish and Wildlife Conservation Commission or the Department of Environmental Protection (DEP) for fixed capital outlay projects. The increase in fixed capital outlay budget authority is authorized for funds provided to the state from the Gulf Environmental Benefit Fund administered by the National Fish and Wildlife Foundation, the Gulf Coast Restoration Trust Fund related to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act), or from British Petroleum Corporation (BP) for natural resources damage assessment early restoration projects. Any continuing commitment for future appropriations by the Legislature must be identified specifically.

Section 75 amends s. 215.18, F.S., to authorize the Governor to temporarily transfer moneys, from one or more of the trust funds in the State Treasury, to a land acquisition trust fund (LATF) within the Department of Agriculture and Consumer Services, the DEP, the Department of State, or the Fish and Wildlife Conservation Commission, whenever there is a deficiency that would render the LATF temporarily insufficient to meet its just requirements, including the timely payment of appropriations from that trust fund. These funds must be expended solely and exclusively in accordance with Art. X, s. 28 of the State Constitution. This transfer is a temporary loan, and the funds must be repaid to the trust funds from which the moneys are loaned by the end of the 2020-2021 fiscal year. Any action proposed pursuant to this subsection is subject to the notice, review, and objection procedures of s. 216.177, F.S., and the Governor shall provide notice of such action at least seven days before the effective date of the transfer of trust funds.

Section 76 provides that, in order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the DEP, the Fish and Wildlife Conservation Commission, and the Department of State, the DEP will transfer a proportionate share of revenues in the Land Acquisition Trust Fund within the DEP on a monthly basis, after subtracting required debt service payments, to each agency and retain a proportionate share within the Land Acquisition Trust Fund within the DEP. Total distributions to a land acquisition trust fund within the other

agencies may not exceed the total appropriations for the fiscal year. The section further provides that DEP may advance funds from the beginning unobligated fund balance in the Land Acquisition Trust Fund to LATF within the Fish and Wildlife Conservation Commission for cash flow purposes.

Section 77 amends s. 375.041, F.S., to provide that the distribution from the Land Acquisition Trust Fund for restoration of Lake Apopka for the 2020-2021 fiscal year not occur.

Section 78 amends s. 570.441(4), F.S., to extend the sunset date from June 30, 2020, to July 1, 2021, to authorize the Department of Agriculture and Consumer Services to use money deposited in the Pest Control Trust Fund to carry out any of the powers of the Division of Agricultural Environmental Services.

Section 79 reenacts the amendment to s. 570.93, F.S., for Fiscal Year 2020-2021, to revise the agricultural water conservation program to enable cost-share funds to continue to be used for irrigation system retrofits and mobile irrigation lab evaluations. The revision also permits the funds to be expended on additional water conservation activities pursuant to s. 403.067(7)(c), F.S.

Section 80 provides that the amendment to s. 570.93(1)(a), F.S., expires July 1, 2021, and the text of that paragraph reverts to that in existence on June 30, 2019.

Section 81 amends s. 527.07(1), F.S., to revise requirements for labeling petroleum measuring devices that have been inspected by the Department of Agriculture and Consumer Services and provides for removal of labeling that does not comply with these requirements.

Section 82 amends s. 259.105, F.S., to provide for distribution a specified amount from the Florida Forever Trust to the Florida Recreation Development Assistance Program within the DEP.

Section 83 amends s. 376.3071, F.S., to revise the requirements for the usage of the Inland Protection Trust Fund for ethanol and biodiesel damage to petroleum tanks.

Section 84 provides that the amendment to s. 376.3071, F.S., expires July 1, 2021, and the text of that paragraph reverts to that in existence on June 30, 2020.

Section 85 clarifies that rulemaking regarding water quality monitoring for Everglades restoration purposes is limited to procedures to implement water quality monitoring required in lieu of implementation of best management practices or other measures. The Department of Environmental Protection is to replace existing rule 40E-61, Florida Administrative Code. This section is to expire July 1, 2021.

Section 86 amends s. 321.04, F.S., to provide that for the 2020-2021 fiscal year, the Department of Highway Safety and Motor Vehicles may assign a patrol officer to a Cabinet member if the department deems such assignment appropriate or if requested by such Cabinet member in response to a threat. Additionally, the Governor may request the department to assign one or more highway patrol officers to the Lieutenant Governor for security services.

Section 87 amends s. 420.9079, F.S., relating to the Local Government Housing Trust Fund, to allow funds to be used as provided in the GAA for Fiscal Year 2020-2021.

Section 88 amends s. 420.0005, F.S., relating to the State Housing Trust Fund, to allow funds to be used as provided in the GAA for Fiscal Year 2020-2021.

Section 89 amends s. 288.0655, F.S., relating to the Rural Infrastructure Fund to provide that funds appropriated for the grant program for Florida Panhandle counties shall be distributed pursuant to and for the purposes described in the proviso language associated with Specific Appropriation 2280 of the GAA for Fiscal Year 2020-2021.

Section 90 amends s. 338.2278(8)(g), F.S., to allow funds provided in that subsection to the Transportation Disadvantaged Trust Fund in Fiscal Year 2019-2020 to be used as provided in the GAA for Fiscal Year 2020-2021. The bill also extends the date by which each corridor task force must submit its final report from October 1 to November 15, 2020.

Section 91 provides that these changes to s. 338.2278, F.S., expire on July 1, 2021.

Section 92 amends s. 288.80125, F.S., relating to the Triumph Gulf Coast Trust Fund to provide that funds shall be used for the Rebuild Florida Revolving Loan Fund Program to provide assistance to businesses impacted by Hurricane Michael as provided in the GAA.

Section 93 amends s. 339.135(7)(g) and (h), F.S., to authorize the chair and vice chair of the Legislative Budget Commission to approve, pursuant to s. 216.177, F.S., the following work program amendments if a commission meeting cannot be held within 30 days of submittal of the amendment by the Department of Transportation:

- A work program amendment that transfers fixed capital outlay appropriations between categories or increases appropriation categories.
- A work program amendment that adds a new project, or a phase of a new project, in excess of \$3 million.

Section 94 amends s. 339.63, F.S., to maintain funding for certain projects through the Strategic Intermodal System (SIS) which were included in the SIS prior to the designation change in May 2019 and for which construction has commenced but is not completed.

Section 95 amends s. 112.061, F.S., to authorize a lieutenant governor who permanently resides outside of Leon County to designate an official headquarters in his or her county as his or her official headquarters for purposes of s. 112.061, F.S. A lieutenant governor for whom an official headquarters in his or her county of residence is established may be paid travel and subsistence expenses when travelling between their official headquarters and the State Capitol to conduct state business.

Section 96 amends s. 216.292(2)(a), F.S., to grant broader legislative review of any “five percent” budget transfers. For the 2020-2021 fiscal year, the review must ensure the proposed action maximizes the use of available and appropriate trust funds, does not exceed delegated authority and is not contrary to legislative policy and intent.

Section 97 requires the DMS to maintain and offer during Fiscal Year 2020-2021 for the State Group Health Insurance Program the standard and high deductible PPO and HMO plans which are offered during Fiscal Year 2019-2020, notwithstanding s. 110.123(3)(f) and (j), F.S.

Section 98 provides that no state agency may initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would require a change in law or require a change to the agency's budget other than a transfer authorized in s. 216.292(2) or (3), F.S., unless the initiation of such competitive solicitation is specifically authorized in law or in the GAA or by the Legislative Budget Commission.

Section 99 amends s. 112.24, F.S., to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House of Representatives appropriations committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action, pursuant to s. 216.177, F.S. This requirement applies to state employee reassignments regardless of which agency (sending or receiving) is responsible for pay and benefits of the assigned employee.

Section 100 maintains legislative salaries at the July 1, 2010, level.

Section 101 reenacts s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2020-2021 GAA.

Section 102 reverts the language of s. 215.32(2)(b), F.S., to the text in effect on June 30, 2011.

Section 103 provides that funds appropriated for travel by state employees be limited to travel for activities that are critical to each state agency's mission. The section prohibits funds from being used to travel to foreign countries, other states, conferences, staff training, or other administrative functions unless the agency head approves in writing. The agency head is required to consider the use of teleconferencing and electronic communication to meet needs of activity before approving travel.

Section 104 provides that, notwithstanding s. 112.061, F.S., costs for lodging associated with a meeting, conference or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed \$175 per day. An employee may expend his or her own funds for any lodging expenses in excess of \$175 per day. Exempts travel for conducting an audit, examination, inspection or investigation or travel activities relating to a litigation or emergency response.

Section 105 provides that a state agency may not enter into a contract containing a nondisclosure clause that prohibits a contractor from disclosing to members or staff of the Legislature information relevant to the performance of the contract.

Section 106 requires all new state contracts and amended contracts entered on or after July 1, 2020, to authorize public agencies to inspect: a) financial records and documents directly related to the performance of the contract or public expenditures; and b) programmatic records and documents of the contractor which the public agency determines are necessary to monitor performance of the contract or ensure the contract terms are being met. Contractors are required to provide the requested records and documents within 10 business days after the request by the public agency.

Section 107 creates s. 14.25, F.S., to authorize the Governor to award the "Governor's Medal of Freedom" to any person who has made an especially meritorious contribution to the State of Florida or other significant public or private endeavors.

Section 108 creates Local Government Efficiency Task Force within the Legislature to review the governance structure and function of local government and determine if changes are necessary to make such governments more efficient. Requires report to the Governor, President of the Senate and Speaker of the House of Representatives by June 1, 2021.

Section 109 specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 110 provides that a permanent change made by another law to any of the same statutes amended by this bill will take precedence over the provision in this bill.

Section 111 provides a severability clause.

Section 112 provides effective dates.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.

2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.

2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Because this bill implements provisions of the General Appropriations Act for Fiscal Year 2020-2021, there are no direct fiscal impacts created by this bill.