

## **HB 5003 — Implementing 2010-2011 General Appropriations Act**

by Full Appropriations Council on Education and Economic Development and Rep. Rivera (SB 2702 by Policy and Steering Committee on Ways and Means and Senator Alexander)

The bill, relating to implementing appropriations provides the following substantive modifications for the 2010-2011 fiscal year:

**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** authorizes the transfer of fixed capital outlay appropriations for public schools between appropriation categories upon approval of the Executive Office of the Governor.

**Section 4** authorizes the Department of Corrections and the Department of Juvenile Justice to make expenditures to defray costs incurred by a municipality or county for facilities operated under the authority of each department. The payment may not exceed one percent of the construction costs, less any building impact fees paid to the local government.

**Section 5** allows the Executive Office of the Governor to request additional positions and other resources, including fixed capital outlay, for the Department of Corrections, if the Criminal Justice Estimating Conference projects a certain increase in the inmate population. The additional positions must be approved by the Legislative Budget Commission.

**Section 6** authorizes the Department of Legal Affairs to transfer cash remaining after required disbursements from specified Attorney General cases to the Operating Trust Fund to pay salaries and benefits.

**Section 7** authorizes the Department of Legal Affairs to expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years.

**Section 8** allows a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

**Section 9** requires the Office of the State Courts Administrator to report to the legislature by February 15, 2011, the number of assigned new and reopened cases and the number of cases closed by each judge and each division and circuit for the period of January - December 31, 2010.

**Section 10** exempts counties from the statutory requirement to increase expenditures for county funding responsibilities for the state courts, state attorneys, and public defenders by 1.5 percent each year.

**Section 11** provides a limitation on Department of Juvenile Justice reimbursements for health care services to 110 percent of Medicare allowable rates.

**Section 12** authorizes the Mediation and Arbitration Trust Fund to be used as specified in General Appropriations Act.

**Section 13** authorizes the Department of Children and Families to allocate funds appropriated for forensic mental health treatment services to the areas of the state with the greatest service demand and capacity, and to allocate Community Based Medicaid Administrative Claiming Program funding in proportion to contributed provider earnings.

**Section 14** allows the Department of Health to implement phase 2 of the Florida Onsite Sewage Nitrogen Reduction Strategies Study; provides direction to work with the Department of Environmental Protection; prohibits a state agency from adopting or implementing a rule or policy that mandates or establishes new nitrogen-reduction limits to existing or new onsite sewage treatment systems, and prohibits any rule or policy that has the effect of requiring the use of, for nitrogen reduction, performance-based treatment systems; prohibits any rule or policy that increases the cost of treatment for nitrogen reduction from onsite systems before the study and report required in the proviso following Specific Appropriation 471 is completed.

**Section 15** extends the repeal of ch. 2007-174, L.O.F., to July 1, 2011.

**Section 16** provides authority for the Department of Health to submit a budget amendment to request funds for the Florida Agricultural and Mechanical University (FAMU) Crestview Education Center Project upon submission of required documents.

**Section 17** provides for a study of the factors affecting costs and potential assessments on consumers, and availability, of personal lines property and casualty insurance in Florida to be conducted by the Florida Catastrophic Storm Risk Management Center at Florida State University.

**Sections 18 and 19** clarify the method for calculating impacts on ad valorem tax revenue for fiscally constrained counties resulting from revisions of Article VII of the State Constitution.

**Sections 20 and 21** remove the prohibition of funding reserve payments for debt service from bond proceeds.

**Section 22** requires the Department of Management Services to submit an analysis of the disposition of all state-owned facilities and the effect of disposal.

**Section 23** requires the Department of Management Services to issue by January 1, 2011, a solicitation for office supplies, and subsequently award a multiple-supplier contract with at least three awarded vendors.

**Section 24** authorizes the Department of Citrus to deposit funds derived from the sale of property into the Citrus Advertising Trust Fund.

**Section 25** authorizes the transfer of funds from the Land Acquisition Trust Fund to the Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, the Total Maximum Daily Loads programs and the Marine Spatial Planning programs to be used as provided in the General Appropriations Act.

**Section 26** prioritizes the distribution of funds in the Water Management Lands Trust Fund within the Department of Environmental Protection for Fiscal Year 2010-2011 only.

**Sections 27 and 28** reenact the Ecosystem Management and Restoration Trust Fund to fund activities to preserve and repair the state's beaches.

**Section 29** provides that for the 2010-2011 fiscal year moneys in the Ecosystems Management and Restoration Trust Fund are authorized for transfer to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services for the Farm Share, Food Banks, and Mosquito Control Programs, and the Technological Research and Development Authority.

**Section 30** authorizes monies in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services.

**Section 31** permits the Department of Environmental Protection to award grants equally to certain small counties for solid waste programs.

**Section 32** allows the Department of Agriculture and Consumer Services to extend, revise or renew a contract related to promotion of agriculture.

**Section 33** directs the Department of Transportation to transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$20,300,000 for the purpose of funding economic development transportation projects. This transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2010, in the Department of Transportation's 5-year work program.

**Section 34** provides that funds appropriated from the Economic Development Transportation Trust Fund may be used to fund economic development infrastructure projects and for space and aerospace infrastructure needs.

**Section 35** grants authority to the Governor to recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Government through the American Recovery and Reinvestment Act of 2009 or any other federal economic stimulus grant funding, subject to approval by the Legislative Budget Commission.

**Section 36** grants authority to the Executive Office of the Governor to transfer funds appropriated for the American Recovery and Reinvestment Act of 2009 to specific appropriation categories established to track the expenditure of such funds.

**Section 37** allows funds in the State Transportation Trust Fund to be used for administrative expenses of a multicounty transportation or expressway authority created under chapter 343 or

chapter 348, Florida Statutes, when jurisdiction for the authority includes a portion of the state highway system.

**Section 38** authorizes funds from the State Transportation Trust Fund to be used to pay for county and school district transportation infrastructure improvements.

**Section 39** permits funds to be transferred from the State Transportation Trust Fund to the General Revenue Fund as specified in the 2010-2011 General Appropriations Act.

**Section 40** allows a participant in an adult or youth work experience activity administered by the Agency for Workforce Innovation to be provided workers' compensation insurance coverage through the state's risk management pool.

**Sections 41 and 42** remove authorization for members of the Century Commission to receive per diem and travel expenses while in performance of duties.

**Sections 43 and 44** amend s. 201.15, F.S., to remove distribution of certain taxes to the Century Commission.

**Section 45** allows \$3 million appropriation for hurricane loss mitigation to be used for hurricane shelters.

**Sections 46 and 47** reenact s. 332.007, F.S., relating to administration and funding of aviation and airport programs and projects.

**Section 48** creates the Florida Major Performing Arts Center Task Force to define and evaluate the economic impact of large performing arts centers.

**Section 49** prohibits regional workforce boards from entering into certain contracts.

**Section 50** provides the Department of Transportation with the flexibility necessary to balance the work program to reduced revenues due to the transfer of trust funds to the General Revenue Fund.

**Section 51** provides legislative intent to minimize the impacts of reduced revenues and requires the Department of Transportation to provide certain documentation to the Legislative Budget Commission upon the request for budget/work program amendment approval. Certain funds must be returned to the department.

**Section 52** requires the Tampa-Hillsborough County Expressway Authority (Authority) to transfer funds to the department by a date certain and provides for the transfer of governance and control and the assets and liabilities of the Authority if funds are not transferred by the date certain.

**Section 53** allows the Executive Office of the Governor to transfer funds appropriated for the payment of risk management insurance premiums between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

**Section 54** allows the Executive Office of the Governor to transfer funds appropriated for the payment of human resource management assessments between departments. The amendment to the approved operating budget is subject to the notice and objection procedures of s. 216.177, F.S.

**Section 55** extends the authorization of employer contributions into the state employee health savings accounts.

**Section 56** provides that, notwithstanding the provisions of paragraph 110.123(3)(f), F.S., requiring uniform contributions, and for the 2010-2011 fiscal year only, the state contribution toward the cost of any plan in the state group insurance plan shall be the difference between the overall premium and the employee contribution.

**Section 57** extends the authorization to assign an employee from one agency to another agency if recommended by the Governor and approved by the chairs of the respective legislative appropriations committees.

**Section 58** reduces the salaries of members of the Legislature by 7 percent – adjusting the members' June 30, 2010 salaries. This has the effect of keeping a legislator's salary the same as it is in the 2009-2010 fiscal year.

**Section 59** reenacts s. 215.32, F.S., to authorize the transfer in the General Appropriations Act of unencumbered trust fund balances to the General Revenue Fund or the Budget Stabilization Fund.

**Section 60** reenacts s. 215.5601, F.S., to clarify that certain withdrawals from the Lawton Chiles Endowment Fund are to be treated as reductions in contributed principal to the fund.

**Section 61** provides a legislative determination that the authorization and issuance of state debt is in the best interest of the state and is necessary to address a critical state emergency.

**Section 62** limits the use of state funds for travel by state employees during the 2010-2011 fiscal year.

**Section 63** provides that the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the General Appropriation Act between agencies in order to align the budget authority granted with the utilization rate of each department.

**Section 64** provides that an agency may transfer funds from the data processing appropriation categories to another appropriation category for the purpose of supporting and managing its computer resources until such time as the agency's data processing function is transferred to the

Southwood Shared Resource Center, the Northwood Shared Resource Center, or the Northwest Regional Data Center.

**Section 65** allows agencies that are required to begin planning for data center consolidation to accelerate their consolidation into Fiscal Year 2010-11 with Legislative Budget Commission approval.

**Section 66** provides that the Governor is authorized to transfer funds appropriated in the appropriations category "expenses" between agencies in order to allocate a reduction relating to SUNCOM Services.

**Section 67** prohibits the Department of Environmental Protection from denying any permit application related to rigid coastal armoring structures authorized and constructed between July 1, 2005, and April 30, 2006, as a result of Hurricane Dennis in Walton County. It also prohibits the department from taking enforcement action against property owners for failure to apply for a permit to allow such structures to remain permanently, and provides that property owners who have previously filed an application do not have to reapply.

**Section 68** implements the Florida International University/Miami-Dade County Health Department/Florida Department of Health facility in Section 40 of the General Appropriations Act. This section allows the facility to be included in the Facilities Pool and provides that an appropriation for planning and first year debt service is not needed in advance of the project.

**Section 69** provides that Specific Appropriations 17 through 26 shall constitute authorized fixed capital outlay projects as required by section 9(a) (2), Article XII of the State Constitution and makes clear that PECO projects are subject to budget amendment provisions in Ch 216.

**Section 70** promotes, through state contracting, the employment of state residents, to encourage economic development, and maximize use of products made in Florida.

**Section 71** amends s. 110.12315, F.S., to modify pharmacy copayments for the state employee prescription drug program.

**Section 72** specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed.

**Section 73** provides that a permanent change made by another law to any of the same statutes amended by this bill takes precedence over the provision in this bill.

**Section 74** severability clause.

**Section 75** provides an effective date.

If approved by the Governor, these provisions take effect June 29, 2010.

*Vote: Senate 35-3; House 76-38*