

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SPB 2502

INTRODUCER: For consideration by Appropriations Committee

SUBJECT: Implementing the 2023-2024 General Appropriations Act

DATE: March 27, 2023

REVISED: _____

ANALYST

Urban

STAFF DIRECTOR

Sadberry

REFERENCE

ACTION

Pre-meeting

I. Summary:

SPB 2502 provides the statutory authority necessary to implement and execute the General Appropriations Act (GAA) for Fiscal Year 2023-2024. Statutory changes are temporary and expire on July 1, 2024.

The bill provides an effective date of July 1, 2023, except as otherwise provided.

II. Present Situation:

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

III. Effect of Proposed Changes:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act (GAA) for Fiscal Year 2023-2024.

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 provided for instructional materials shall be released and expended as required in the GAA.

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

Section 4 amends s. 1013.62(1), F.S., to provide that charter school capital outlay funding for Fiscal Year 2023-2024 will consist of state funds appropriated by the Legislature in the GAA. This change does not remove the requirement that districts must share local millage revenues beginning in Fiscal Year 2024-2025.

Section 5 provides that the amendments to s. 1013.62(1), F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2020.

Section 6 amends s. 1011.62(18), F.S., to provide for the Funding Compression and Hold Harmless categorical within the FEFP, which provides additional funding for school districts whose total funds per FTE in the prior year were less than the statewide average or whose district cost differential decreased compared to the prior year.

Section 7 amends s. 1011.62(6), F.S., to provide school districts with more flexibility to shift funds between certain categoricals.

Section 8 provides that the amendments to s. 1011.62(6), F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2023.

Section 9 reenacts s. 1001.26(1), F.S., to allow public colleges or universities that are not part of the public broadcasting program system to qualify to receive state funds.

Section 10 provides that the text of s. 1001.26(1), F.S., expires July 1, 2024, and the text of those sections reverts to that in existence on June 30, 2018.

Section 11 amends s. 1002.45(1)(e), F.S., to revise the cap on out-of-district virtual FTE from the total number of FTE residing within the school district to those which can be funded using state funds.

Section 12 provides that the amendments to s. 1002.45(1)(e), F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2023.

Section 13 amends s. 1011.62(1)(c), F.S., to allow the secondary career education programs to be funded at a higher rate if the expenditure analysis shows that such program costs are higher than that of grades 9 through 12.

Section 14 provides that the amendments to s. 1011.62(1)(c), F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2023.

Section 15 amends s. 1002.995(1)(c), F.S., to expand the eligibility for the micro-credential to include all childcare providers working in a child care or early learning setting.

Section 16 amends s. 1001.42(21), F.S. to allow districts to adopt salary incentives or other strategies for teachers at schools with a turnaround plan. Adopted incentives or strategies are not subject to collective bargaining.

Section 17 provides that the amendments to s. 1001.42(21), F.S., expire July 1, 2024, and the text of that section shall revert to that in existence on June 30, 2023.

Section 18 amends s. 1009.895, F.S., to modify the Open Door Grant Program.

Section 19 provides that the amendments to s. 1008.895, F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2023.

Section 20 amends s. 1011.62(14)(f), F.S., to provide school districts with flexibility in allocating additional teacher salary allocation funds in a manner that best meets the needs of the school district or charter school.

Section 21 creates s. 1011.687, F.S., to create a new allocation within the FEFP "below the line" to fund all of the scholarship FTE and require which are funded with state funds only.

Section 22 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 the CMS Network.

Section 23 authorizes the AHCA to submit a budget amendment to realign funding priorities within the Medicaid program appropriation categories to address any projected surpluses and deficits.

Section 24 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 Fiscal Year 2023-2024.

Section 25 amends s. 381.986(17), F.S., to provide that the DOH is not required to prepare a statement of estimated regulatory costs when adopting rules relating to medical marijuana testing laboratories, and any such rules adopted prior to July 1, 2024, 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, 2024.

Section 26 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, 2024.

Section 27 provides that the amendments to s. 14(1) of Chapter 2017-232, L.O.F., expire on July 1, 2024, and the text of that provision reverts back to that in existence on June 30, 2019.

Section 28 authorizes the AHCA to submit a budget amendment to implement the federally approved Directed Payment Program for hospitals statewide.

Section 29 authorizes the AHCA to submit a budget amendment to implement the federally approved Directed Payment Program for certain cancer hospitals.

Section 30 authorizes the AHCA to submit a budget amendment to implement the federally approved Indirect Medical Education Program.

Section 31 authorizes the AHCA to submit a budget amendment to implement the Low Income Pool Program.

Section 32 allows the DCF to submit a budget amendment to realign funding between guardianship assistance payments, foster care Level 1 board payments, and relative caregiver assistance payments for current caseload.

Section 33 allows the DCF to submit a budget amendment to realign funding within the Family Safety Program to maximize the use of federal funds.

Section 34 authorizes the DCF, DOH and AHCA to submit budget amendments to increase budget authority as necessary to meet caseload requirements for Refugee Programs administered by the federal Office of Refugee Resettlement. Requires the DCF to submit quarterly reports on caseload and expenditures.

Section 35 allows the DCF to submit budget amendments to realign funding within the Family Safety Program to transition child protective investigations from the Broward, Hillsborough, Manatee, Pasco, Pinellas, Seminole, and Walton county sheriffs' offices to the DCF.

Section 36 authorizes the DCF to submit budget amendments to increase budget authority if additional grant revenues become available for the Supplemental Nutrition Assistance Program through the American Rescue Plan, the State Opioid Response Grant, the Substance Abuse Prevention and Treatment Block Grant, or the Mental Health Block Grant.

Section 37 authorizes the DOH to submit a budget amendment to increase budget authority for the Supplemental Nutrition Program for Women, Infants, and Children (WIC) and the Child Care Food Program if additional federal revenues become available.

Section 38 authorizes the DOH to submit a budget amendment to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues become available.

Section 39 authorizes the DOH to submit a budget amendment to increase budget authority for COVID-19 if additional federal revenues become available.

Section 40 requires the AHCA to replace the current Florida Medicaid Management Information System and provides requirements of the system. This section also establishes the executive

steering committee (ESC) membership, duties and the process for the ESC meetings and decisions. Provides requirements for deliverables-based fixed price contracts.

Section 41 requires the AHCA, in consultation with the DOH, APD, DCF, and Department of Corrections (DOC), to competitively procure a contract with a vendor to negotiate prices for prescriptions drugs, including insulin and epinephrine, for all participating agencies. The contract must require that the vendor be compensated on a contingency basis paid from a portion of the savings achieved through the negotiation and purchase of prescription drugs.

Section 42 authorizes the APD to submit budget amendments to transfer funding from salaries and benefits to other contractual services categories in order to support additional staff augmentation at the Developmental Disability Centers.

Section 43 provides that notwithstanding s. 381.915, F.S., the DOH shall exclude \$37,771,257 from the total amount of funds provided in the GAA from the calculation for the allocation formula for the distribution of funds. The excluded funds are to be distributed to the cancer centers participating in the Casey DeSantis Cancer Research Program.

Section 44 amends s. 216.262(4), F.S. to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue during Fiscal Year 2023-2024 for the DOC if the actual inmate population of the DOC exceeds certain Criminal Justice Estimating Conference forecasts. The additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population, and are subject to Legislative Budget Commission (LBC) review and approval.

Section 45 amends s. 215.18(2), F.S. to provide the Chief Justice of the Supreme Court the authority to request a trust fund loan.

Section 46 requires the Department of Juvenile Justice to review county juvenile detention payments to ensure that counties are fulfilling their financial responsibilities. If the department determines that a county has not met its obligations, Department of Revenue must deduct the amount owed to the Department of Juvenile Justice from shared revenue funds provided to the county under s. 218.23, F.S.

Section 47 reenacts s. 27.40(1),(2)(a),(3)(a),(5)-(7), F.S., to continue to require written certification of conflict by the public defender or regional conflict counsel before a court may appoint private conflict counsel.

Section 48 provides that the amendments to s. 27.40(1),(2)(a),(3)(a),(5)-(7), F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2019.

Section 49 amends s. 27.5304(6) and (13), F.S. to create a rebuttable presumption of correctness for objections to billings made by the Justice Administrative Commission and provides requirements for payments to private counsel. Reenacts s. 27.5304(1),(3),(6), (7),(11),(12)(a)-(e),(13), F.S., to increase caps for compensation of court appointed counsel in criminal cases.

Section 50 provides that the amendments to s. 27.5304(1), (3), (6), (7), (11), (12)(a)-(e),(13) F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2019.

Section 51 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 between July 1, 2024 and June 30, 2026, and submit a report by November 1, 2023.

Section 52 provides that, notwithstanding s. 216.292(2)(a), F.S., which authorizes transfers of up to five percent of approved budget between categories, agencies may not transfer funds from a data center appropriation category to a category other than a data center appropriation category.

Section 53 authorizes the Executive Office of the Governor (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 54 authorizes the EOG to transfer funds in the appropriation category “Special Categories - Transfer to the DMS - Human Resources Services Purchased per Statewide Contract” of the GAA for Fiscal Year 2023-2024 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 55 authorizes the DMS to use five percent of facility disposition funds from the Architects Incidental Trust Fund to offset relocation expenses associated with the disposition of state office buildings.

Section 56 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 57 reenacts s. 282.709(3), F.S., to carryforward the DMS's authority to execute a 15-year contract with the SLERS operator.

Section 58 provides that the text of s. 282.709(3), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on June 1, 2021.

Section 59 authorizes state agencies and other eligible users of the SLERS network to utilize the DMS state SLERS contract for the purchase of equipment and services.

Section 60 authorizes a reduction of the MyFloridaMarketPlace (MFMP) transaction fee from one percent to .70 percent for Fiscal Year 2023-2024.

Section 61 amends s. 24.105(9)(i), F.S., to provide that except for Fiscal Year 2023-2024, effective July 1, 2023, the commission for Florida Lottery ticket sales is 5.75 percent of the

purchase price of each ticket sold or issued as a prize by a retailer. Any additional retailer compensation is limited to the Florida Lottery Retailer Bonus Commission.

Section 62 provides that the amendment to s. 24.105(9)(i), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on June 30, 2022.

Section 63 amends s. 717.123(3), F.S., to increase the cap under which the Department of Financial Services is authorized to retain unclaimed property funds that would otherwise be required to be distributed to the State School Fund.

Section 64 authorizes the Department of Revenue to process refunds for the unconstitutionally collected surcharge in Hillsborough County.

Section 65 amends s. 627.351(6)(II), F.S., to authorize Citizen's Property Insurance Corp. to adopt policy forms authorizing disputes regarding claim determinations to come before the Division of Administrative Hearings.

Section 66 amends s. 215.18(3), F.S. to authorize loans to land acquisition trust funds within several agencies.

Section 67 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 68 amends s. 259.105(3), F.S., to notwithstanding the Florida Forever statutory distribution and authorize the use of funds from the trust fund as provided in the GAA.

Section 69 reenacts s. 570.93(1)(a), F.S., 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 70 provides that the amendments to s. 570.93(1)(a), F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2019.

Section 71 amends s. 376.3071(15)(g), F.S., to revise the requirements for the usage of the trust fund for ethanol or biodiesel damage.

Section 72 provides that the amendment to s. 376.3071(15)(g), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on July 1, 2020.

Section 73 provides that in order to expedite the closure of the Piney Point facility located in Manatee County, the Department of Environmental Protection is exempt from the competitive procurement requirements of s. 287.057, Florida Statutes, for any procurement of commodities or contractual services in support of the site closure or to address environmental impacts associated with the system failure.

Section 74 provides that, notwithstanding s. 20.04(7), F.S., the Department of Agriculture and Consumer Services is authorized to reorganize departmental units.

Section 75 provides that, notwithstanding ch. 287, F.S., the Department of Citrus is authorized to enter into agreements to expedite the increased production citrus trees that show tolerance or resistance to citrus greening.

Section 76 amends s. 321.04(3)(b) and (5), F.S., to provide that for Fiscal Year 2023-2024, 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 77 amends s. 288.80125(4), F.S., to allow funds to 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 78 amends s. 288.8013(3), F.S., to no longer require the interest earned on the Triumph funds to be transferred back into the Triumph Gulf Coast Trust Fund, no other deposits are made into this trust fund.

Section 79 provides that the amendment to s. 288.8013(3), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on June 30, 2023.

Section 80 amends s. 339.08(4) F.S., to authorize funds appropriated to the State Transportation Trust Fund from the General Revenue Fund or the Discretionary Sales Surtax Trust Fund to be used on State Highway System or other eligible projects as provided in the GAA.

Section 81 amends s. 339.135(7)(h), F.S., to authorize the chair and vice chair of the LBC to approve, pursuant to s. 216.177, F.S., a Department of Transportation (DOT) work program amendment that adds a new project, or a phase of a new project, in excess of \$3 million, if the LBC does not meet or consider, within 30 days of submittal, the amendment by the DOT.

Section 82 amends s. 338.165(3), F.S., to suspend any toll rate adjustments for inflation for Fiscal Year 2023-2024.

Section 83 creates s. 250.245, F.S., to establish the Florida National Guard Joint Enlistment Enhancement Program (JEEP) within the Department of Military Affairs to provide bonuses to certain guardsmen in an effort to bolster recruitment efforts and increase the force structure of the Florida National Guard.

Section 84 authorizes the Division of Emergency Management to submit budget amendments to increase budget authority for projected expenditures due to federal reimbursements from federally declared disasters.

Section 85 amends s. 112.061(4)(d), F.S., to permit a lieutenant governor who 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 may be paid travel and subsistence expenses when travelling between their official headquarters and the State Capitol to conduct state business.

Section 86 revises the DMS's authority relating to the procurement of HMOs. Authorizes the DMS to enter into contracts that may require the payment of administrative fees in excess of 110 percent of the amount appropriated in the GAA.

Section 87 provides that, notwithstanding s. 11.13, F.S., the salaries of the legislators shall be set at the same level as of July 1, 2010.

Section 88 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 General Appropriations Act.

Section 89 provides that the text of s. 215.32(2)(b), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on June 30, 2011.

Section 90 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 the activity before approving travel.

Section 91 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.

Section 92 provides that, notwithstanding ch. 287, F.S., state agencies are authorized to purchase vehicles from non-State Term Contract vendors.

Section 93 amends s. 112.3144(2)(6)(c)(7)(a)(c)(8), F.S., to revise the date by which full and public disclosure of financial interests must be filed electronically with the Commission on Ethics.

Section 94 provides that the amendments to s. 112.3144(6)(c)(7)(a)(c)(8), F.S., expire July 1, 2024, and that the text of that section reverts to that in existence on June 1, 2022.

Section 95 amends s. 112.3145(2)(d)(e)(4)(a)(c), F.S., to revise the date by which statements of financial interest must be filed electronically with the Commission on Ethics.

Section 96 provides that the amendments to s. 112.3145(2)(d)(e)(4)(a)(c), F.S., expire July 1, 2024, and that the text of that section reverts to that in existence on June 1, 2022.

Section 97 specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 98 provides that if any other act passed during the 2023 Regular Session contains a provision that is substantively the same as a provision in this act, but removes or otherwise is not subject to the future repeal applied by this act, the intent is for the other provision to take precedence and continue to operate.

Section 99 provides for severability.

Section 100 provides for a general effective date of July 1, 2023 (except as otherwise provided).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. **Government Sector Impact:**

Because SPB 2502 implements provisions of SPB 2500, the Senate Proposed GAA for Fiscal Year 2023-2024, no direct fiscal impacts are created by this bill.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 24.105, 27.5304, 112.061, 215.18, 216.262, 259.105, 288.80125, 288.8013, 321.04, 338.165, 339.135, 339.08, 381.986, 576.405, 627.351, 717.123, 1002.45, 1002.995, 1009.895, 1011.42, 1011.62, and 1013.62.

This bill creates the following sections of the Florida Statutes: 250.245 and 1011.687.

This bill and creates undesignated sections of Florida Law.

This bill reenacts the following sections of the Florida Statutes: 27.40, 27.5304, 112.3144, 112.3145, 215.32, 282.709, 376.3071, 570.93, and 1001.26.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

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

None.

B. **Amendments:**

None.