

# THE FLORIDA LEGISLATURE



**Don Gaetz**

*President of the Senate*



**Will Weatherford**

*Speaker of the House of  
Representatives*

April 29, 2013

The Honorable Don Gaetz  
President of the Senate

The Honorable Will Weatherford  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 1502, same being:

An act relating to implementing the General Appropriations  
Act.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 502333.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

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The Honorable Will Weatherford  
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The Conference Committee Amendment for SB 1502, relating to implementing the General Appropriations Act, provides for the following:

**Section 1** provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2013-2014.

**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 proviso language attached to Specific Appropriation 87.

**Section 4** incorporates by reference the document containing the calculations used for district bandwidth support.

**Section 5** amends 1002.32 F.S. to provide that funds appropriated for capital improvement purposes for lab schools will be divided equally between the schools.

**Section 6** incorporates by reference document entitled "Medicaid Hospital Funding Programs" for the purpose of displaying the calculations used by the legislature in making appropriations for the Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs.

**Section 7** requires the Department of Children and Families to amend its contracts with each managing entity, as necessary, to remove any contractual provisions that have the effect of requiring a managing entity to conduct a provider network procurement during the 2013-2014 fiscal year.

**Section 8** provides requirements to govern the completion of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study. Prohibits state agencies from implementing regulations with higher standards than those currently in place until the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study is completed.

**Section 9** provides the order with which the Agency for Persons with Disabilities will transition individuals from the Wait List to the Home and Community Based Services Waiver.

**Section 10** amends s. 216.262, F.S. to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue during the 2013-2014 fiscal year for the Department of Corrections (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 11** authorizes 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.

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**Section 12** amends s. 932.7055, F.S. relating to the disbursement of proceeds from the sale of forfeited property to extend for another year the authorization for 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 13** provides a limitation on the Department of Juvenile Justice's reimbursements for health care services to be 110 percent of Medicare allowable rates.

**Section 14** amends s. 29.008, F.S., to notwithstanding provision requiring counties to spend 1.5% more on county funded court system obligations.

**Section 15** 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, 2016.

**Section 16** provides that notwithstanding the provisions of s. 215.199(2), funds available in the Audit and Warrant Clearing TF for subsequent distribution to the General Revenue Fund shall be available to the tax collection provider, as defined in s. 443.036(42), F.S. who shall make the interest payment required by s. 443.131(5), F.S., to the Federal Government in the amount directed by the Governor or the Governor's designee.

**Sections 17 and 18** require that fee for service of process against the Department of Financial Services or Office of Insurance Regulation be deposited to the Administrative TF rather than the Insurance Regulatory TF.

**Section 19** provides that, notwithstanding s. 161.143, F.S., which requires the Department of Environmental Protection (DEP) to make available at least 10 percent of the total amount appropriated in each fiscal year for statewide beach management for the three highest-ranked projects on the current year's inlet management project list, for the 2013-2014 fiscal year, the amount allocated for inlet management funding is provided in the GAA.

**Section 20** amends s. 253.01 to authorize funds to be transferred from the Internal Improvement TF to the Save Our Everglades TF to be used to support Everglades restoration pursuant to section 216.181(12) F.S..

**Section 21** amends s. 375.041, F.S. to provide for allocation from the Land Acquisition TF to be used for Total Maximum Daily Loads program, and authorizes the transfer of funds to the Save Our Everglades TF for Everglades restoration pursuant to section 216.181(12) F.S.

**Section 22** provides that in order to implement Specific Appropriation 1626 of the 2013-2014 General Appropriations Act and notwithstanding sections 161.041, 161.055 and 373.427, F.S., and any rules implementing those sections, existing joint coastal permits for projects identified in the proviso following Specific Appropriation 1626 which expire during the 2013-2014 fiscal year are extended until the completion of said projects, to take advantage of time-sensitive full federal emergency funding for sand losses and to address 2012 storm damages to the state's

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beaches. No fees shall be charged for the extension of those existing joint coastal permits and no application is required for any such extension.

**Section 23** amends s. 373.472(1), F.S., relating to Save our Everglades TF to authorize funds to be used for the Long-Term Plan defined in s. 373.4592(2)(j), F.S. (Refers to "Everglades Protection Area Tributary Basins Conceptual Plan for Achieving Long-Term Water Quality Goals Final Report).

**Section 24** amends s. 373.59., F.S. to provide for allocation of moneys from the Water Management Lands TF for an amount necessary to pay debt service on bonds issued before 2/1/09, by the South Water Management District and the St. Johns Water Management District; to provide that \$8m be transferred to GR; and to transfer \$3m to the Suwannee River Water Management District for springs protection, \$3m to the Northwest Florida Water Management District for the Apalachicola Bay Water Quality Improvement Projects, \$4m to the South Florida Water Management District for J.W. Corbett Levee System Improvements, \$1m to the Southwest Florida Water Management District for Duck Slough / Thousand Oaks flood mitigation, and specify that remaining funds be distributed to Suwannee River Water Management District. Authorizes the transfer of funds from the Water Management Lands TF to the Save Our Everglades TF for Everglades Restoration pursuant to section 216.181(12) F.S.

**Section 25** clarifies that the \$32 million appropriated to DEP in HB 7065 is transferred to the Save Our Everglades TF.

**Section 26** amends s. 403.709, F.S., to authorize funds to be transferred from the Solid Waste Management TF to the Save Our Everglades TF to be used to support Everglades restoration pursuant to section 216.181(12) F.S.

**Section 27** amends s. 403.7095, F.S., relating to the solid waste management grant program to require DEP to award \$3,000,000 of grant funds equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.

**Section 28** amends s. 259.105, F.S. to provide that the funds appropriated from the Florida Forever TF be distributed to the Division of State Lands of the DEP for less-than-fee interest acquisitions and that \$10m to be used for conservation lands to protect military installations against encroachment.

**Section 29** amends ss. 376.30711, F.S., to require: (1) all contracts for providers under the Petroleum Restoration Program be procured through competitive bidding; (2) a statement under oath from all owners, responsible parties, and cleanup contractors and subcontractors, that no compensation, remuneration, or gift, of any kind, directly or indirectly, has been solicited, offered accepted, paid or received in exchange for designation or employment in connection with the cleanup of an eligible site, except for the compensation paid by the department to the contractor for the cleanup; (3) a statement under oath from all cleanup contractors and subcontractors receiving compensation for cleanup of eligible sites that they have never paid, offered or provided any compensation in exchange for being designated or hired to do cleanup work, except for the compensation for the cleanup work; and (4) any owner, responsible party or

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cleanup contractor or subcontractor who falsely executes either of those statements be prohibited from participating in the Petroleum Restoration Program.

**Section 30** provides that, notwithstanding s. 287.057, F.S. (governing procurement of commodities or contractual services), the Department of Agriculture and Consumer Services (DACS), at its discretion, is authorized to extend, revise, and renew current contracts or agreements created or entered into, pursuant to chapter 2006-25, Laws of Florida (the 2006-2007 GAA), in order to provide consistency and continuity in agriculture promotion throughout the state.

**Section 31** notwithstanding 339.135(4)(a) and (5)(a) F.S., relating to geographic equity requirements for funding transportation projects, to permit funding for multi-use trails and related facilities.

**Section 32** amends 335.065, F.S., authorizing Department of Transportation (DOT) to fund the acquisition and development of multi-use trails intended to establish a statewide integrated connected system of trails.

**Section 33** amends s. 339.08(1)(n), F.S. Allows a portion of the State Transportation TF to be spent on a financial analysis of the cost savings to be achieved by the consolidation of services between the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority. HB 599 (2012) required the study but limited the expenditure for the study to \$100,000. The additional funds in the GAA (\$200,000) would provide enough for a full "desk audit" and a greater depth of analysis.

**Section 34** requires the Department of Highway Safety and Motor Vehicles to continue to utilize the current contract with PRIDE for manufacturing license plates. Requires PRIDE to rebid reflectorization sheeting used on the license plates and return 70% of savings to the department.

**Section 35** provides that no state agency may initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would:

- (1) Require a change in law; or
- (2) 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 General Appropriations Act or by the Legislative Budget Commission.

**Section 36** 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 37** authorizes the EOG to transfer funds in the appropriation category "Special Categories-Transfer to DMS-Human Resources Services Purchased Per Statewide Contract" of the 2013-2014 General Appropriations Act 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 38** amends s. 110.123(12), F.S. to extend for another year the provision that, for health savings accounts for full-time and part-time state employees in association with a health

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insurance plan option authorized by the Legislature, the state's monthly contribution for employees having individual coverage shall be \$41.66 and the monthly contribution for employees having family coverage shall be \$83.33. Rates have remained the same since 2005.

**Section 39** amends s. 112.24, F.S. to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House budget committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after the chair's 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 assigned employee.

**Section 40** maintains legislative salaries at July 1, 2012 level (2010 salary levels).

**Sections 41 and 42** amend 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 2013-2014 General Appropriations Act.

**Sections 43 and 44** reenact s. 215.5601, F.S. relating to investment objectives of the Lawton Chiles Endowment Fund. In 2008 session, language was added to indicate that the investment objective shall be long-term preservation of the real value of the net contributed principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. The following sentence was also added: "Withdrawals other than specified regular cash outflow shall be considered reductions in contributed principal for the purposes of this subsection."

**Section 45** provides that, in order to implement the issuance of new debt authorized in the 2013-2014 General Appropriations Act, and pursuant to the requirements of s. 215.98, F.S., the Legislature determines that the authorization and issuance of debt for the 2013-2014 fiscal year should be implemented and is in the best interest of the state and necessary to address a critical state emergency.

**Section 46** provides that funds appropriated for travel by state employees be limited to travel for activities that are critical to each state agency's mission. Prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training or other administrative functions unless agency head approves in writing. Requires agency head to consider use of teleconferencing and electronic communication to meet needs of activity before approving travel.

**Sections 47 and 48** amend s. 282.401(4), F.S. to align data center consolidation schedule in statute to funding in GAA. Requires Fish and Wildlife Conservation Commission to consolidate into Northwood Shared Resource Center (NSRC) rather than Southwood Shared Resource Center (SSRC). Removes requirement that the Attorney General, DACS and Department of Veterans Affairs consolidate into NSRC during 2013-2014 fiscal year.

**Section 49** provides that, in order to implement the appropriations authorized in the 2013-2014 General Appropriations Act and notwithstanding s. 216.181(1)(c), F.S., an agency may transfer funds between the data processing appropriation categories and 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 SSRC, the NSRC, or the Northwest Regional Data Center.

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**Section 50** provides that the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the GAA between agencies in order to align the budget authority granted with the utilization rate of each department.

**Section 51** notwithstanding s. 216.292(2)(a), F.S. which authorizes transfers of up to 5 percent of approved budget between categories. Agencies are prohibited from transferring funds from a data center appropriation category to a category other than a data center appropriation category.

**Section 52** 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.

**Sections 53 and 54** amend s. 110.12315, F.S., to modify copayments consistent with decisions that have been made in the GAA. Authorize DMS to implement a 90-day supply limit program for certain maintenance drugs as determined by the department at retail pharmacies participating in the program if the department determines it to be in the best financial interest of the state.

**Section 55** specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

**Section 56** provides for 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 57** provides a severability clause.

**Section 58** provides an effective date.