

THE FLORIDA LEGISLATURE



May 5, 2011

The Honorable Mike Haridopolos
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2002, 1st Eng., same being:

An act implementing the 2011-2012 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 1.
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 Mike Haridopolos
The Honorable Dean Cannon
May 5, 2011
Page 5

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May 5, 2011

The Conference Committee Amendment for SB 2002, 1st Eng., implementing the 2011-2012 General Appropriations Act, provides for the following:

- **INTENT.** This section provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2011-12.
- **FEFP.** Incorporates Florida Education Finance Program workpapers by reference for the purpose of displaying the calculations used by the Legislature.
- **EDUCATION FCO.** Amends s. 216.292 to authorize transfer of unused Fixed Capital Outlay appropriations from one public schools category to another.
- **EDUCATION/READY TO WORK.** Authorizes funds from the Workers' Compensation Administration Trust Fund to be used for the Ready to Work Program.
- **EDUCATION/CARRY FORWARD.** Authorizes a university board of trustees to expend reserve or carry-forward balances from prior year operational and programmatic appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.
- **DEPARTMENT OF CHILDREN AND FAMILY SERVICES/FORENSIC MENTAL HEALTH.** Amends s. 394.908, F.S. to authorize 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.
- **DEPARTMENT OF HEALTH/NITROGEN.** Provides requirements to govern the completion of Phases 2 and 3 of the Department of Health's Florida Onsite Sewage Nitrogen Strategies Study. Prohibits state agencies from implementing regulations with higher standards than those currently in place until Phase 2 and Phase 3 of the department's Florida Onsite Sewage Nitrogen Reduction Strategies Study is completed.
- **DEPARTMENT OF CHILDREN AND FAMILY SERVICES/ORGANIZATIONAL FLEXIBILITY.** Amends Section 1, ch. 2007-174, Laws of Florida, to extend for one year the repeal date of language that provides the Department of Children and Families flexibility in its organizational structure.
- **FAMU CRESTVIEW CENTER.** Provides authority for the Department of Health to transfer funding to the Florida Agricultural and Mechanical University for the Crestview Center through the budget amendment process.
- **MEDICAID HOSPITAL REIMBURSEMENT PLAN.** Adopts by reference the document used to display the calculations used by the Legislature in making appropriations for the Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs.
- **MEDICAID PROGRAM HOSPITAL INPATIENT AND OUTPATIENT PROVISO.** Amends the third and tenth paragraphs of proviso in Specific Appropriation 177 and the second paragraph of proviso of Specific Appropriation 182 of the 2011-2012 General Appropriations Act.
- **ONSITE SEWAGE DISPOSAL SYSTEMS.** Prohibits the Department of Health from implementing the onsite sewage treatment and disposal program described in s. 381.0065, Florida Statutes, until the department submits a plan to the Legislative Budget Commission and the plan is approved.
- **DOC / DJJ / IMPACT COSTS PAID TO LOCAL GOVT.** Provides that the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts incurred by a municipality or county and

associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county.

- **DOC / CJIC ESTIMATE. / NEW POSITIONS AND FUNDING.** Amends s. 216.262, F.S. to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue during the 2011-2012 fiscal year for the Department of Corrections if the actual inmate population of the department exceeds the inmate population projections of the February 2011 Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month. The additional positions and appropriations must be approved by the Legislative Budget Commission.
- **DLA / PAY SALARIES WITH EXCESS CASH.** 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.
- **DEPARTMENT OF LEGAL AFFAIRS.** Authorizes DLA 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.
- **MUNICIPALITIES / REPAY GEN. FUND.** Amends s. 932.7055, F.S. 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.
- **DJJ / MEDICARE RATES.** Provides limitation on DJJ reimbursements for health care services to 110 percent of Medicare allowable rates.
- **COURT TRUST FUND REPAYMENT.** Provides that the state court system is relieved of loan repayment obligations made from Mediation and Arbitration and Court Education Trust Fund during 2010-11 FY
- **STATE COURTS REVENUE TF / LOAN REQUEST.** Authorizes Chief Justice to secure a trust fund loan during the 2011-12 FY if revenues are insufficient in the State Courts Revenue Trust Fund to fund appropriations.
- **CLERK TRUST FUND.** Notwithstanding section 28.2455, F.S., to allow funds remaining in the Clerks of Court Trust Fund to be available for clerks of court for fiscal year 2011-2012 expenditures
- **COUNTY COURT FUNDING.** Amends s. 29.008, F.S. to provide that counties are exempt from the requirement to increase expenditures by 1.5 percent for court-related functions.
- **STATE AGENCY LAW ENFORCEMENT RADIO SYSTEM.** Provides that funds from the State Agency Law Enforcement Radio System Trust Fund may be used by the Department of Management Services to fund mutual aid build out maintenance and sustainment.
- **FLORIDA CATASTROPHIC STORM RISK MANAGEMENT CENTER.** Provides for a study of factors affecting costs and availability, of property and casualty insurance in Florida.

- **MYFLORIDA.COM PORTAL.** Authorizes the Department of Management Services to use interest earnings from the Communications Working Capital Trust Fund as the funding source for its responsibilities related to the MyFlorida.com portal.
- **CITRUS ADVERTISING TRUST FUND.** Amends s. 253.034., F.S., to provide that funds derived from the sale of property by the Department of Citrus located in Lakeland, Florida, are authorized to be deposited into the Citrus Advertising Trust Fund.
- **CITRUS BOX TAX RATE.** Limits the tax on grapefruit, tangerines, and fresh oranges at the rate in effect on May 1, 2011; the tax rate on oranges in processed form shall not exceed 25 cents per box.
- **CITRUS COMMISSION EXECUTIVE DIRECTOR TERM.** Provides that the Executive Director of the Citrus Commission shall serve a 4-year term, except for the initial term of the Executive Director shall end on June 30, 2011.
- **LAND ACQUISITION TRUST FUND –** Allows revenues from the trust fund to be used for Total Maximum Daily Loads programs within the Department of Environmental Protection.
- **WATER MANAGEMENT LANDS TRUST FUND -** Provides for the allocation of moneys from the Water Management Lands Trust Fund to pay debt service on bonds issued before 2/1/09, by the South Water Management District and the St. Johns Water Management District; continues to provide for \$8M to be transferred to the General Revenue Fund; and provides the remaining funds be distributed to the Suwannee River Water Management District, of which \$500,000 may be used for minimum flows and levels.
- **ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND/BEACHES -** Authorizes the use of revenues in the Ecosystem Management and Restoration Trust Fund for funding of activities to preserve and repair the state's beaches.
- **DACS / GITF SPENDING FOR CH. 570 PROGRAMS.** Amends s. 570.20, F.S., to extend for another year the authorization for funds in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services to be appropriated for programs operated by the department which are related to the programs authorized by chapter 570, F.S.
- **DEP / WASTE TIRE / LITTER -** Requires the Department of Environmental Protection to award \$2,400,000 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.
- **DACS / AGRICULTURE PROMOTION CONTRACTS.** Provides that, notwithstanding s. 287.057, F.S., (governing procurement of commodities or contractual services), the Department of Agriculture and Consumer Services, 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.
- **STATE OWNED LANDS.** Provides that the acquisition and disposition of state-owned lands are exempt from appraisal requirements if the proceeds of such conveyance will be used to purchase state-owned lands for preservation, conservation, and recreation purposes. Requires agencies to submit a list of state-owned lands to Board of Trustees of the Internal Improvement Trust Fund that are available for lease or are surplus lands. Proceeds from the sale of such lands will be deposited into the Florida Forever Trust

Fund and used to acquire state-owned lands for preservation, conservation, or recreation purposes.

- **FEDERAL GRANTS TRUST FUND.** Amends s. 379.204, F.S. to authorize the Fish and Wildlife Conservation Commission to transfer cash balance originating from hunting and finishing license fees in other trust funds into the Federal Grants Trust Fund for the purpose of supporting cash flow.
- **DOT / ADOPTED WORKPLAN.** Amends s. 339.135(4)(a)(3), F.S. to provide Legislative intent to minimize the impacts of reduced revenues.
- **DOT / OTTED ROAD FUND/WORK PROGRAM/AIRPORT PROJECTS.** Amends s. 339.135(5), F.S. Provides that the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$15,000,000 for the purpose of funding economic development transportation projects. Provides that the transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2011, in the Department of Transportation's 5-year work program. Requires Department of Transportation to fund airport development projects specified in the General Appropriations Act.
- **DOT / STTF / GENERAL REVENUE FUND.** Amends s. 339.08, F.S. to provide that STTF funds may be transferred to General Revenue or the State School Trust Fund.
- **DOT / STTF / ADMIN COSTS.** Amends s. 339.08, F.S. to authorize funds in the Department of Transportation's State Transportation Trust Fund (STTF) to be used to pay administrative expenses incurred in accordance with applicable laws for a multicounty transportation or expressway authority created under chapter 343 or chapter 348, where jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System.
- **VEHICLES.** Provides that the ownership of all vehicles currently used by the Office of Motor Carrier Compliance shall be transferred to DHSMV effective July 1, 2011 without payment of any titling or registration fees.
- **AWI / ONE-STOP DELIVERY SYSTEM.** Amends s. 445.009, F.S. to provide that a participant in an adult or youth work experience activity administered pursuant to chapter 445 shall be deemed an employee of the state for purposes of workers' compensation coverage. Provides that in determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.
- **CENTURY COMMISSION / TRAVEL AND PER DIEM.** Reenacts s. 163.3247, F.S. to carry forward amendment made during 2010 session which removed authorization for members of the commission to receive per diem and travel expenses while in performance of duties.
- **CENTURY COMMISSION / DISTRIBUTION OF TAXES.** Reenacts s. 201.15, F.S. to carry forward amendment made during 2010 session which removed language distributing certain taxes to the Century Commission.
- **STATE COMPREHENSIVE ENHANCED TRANSPORTATION SYSTEM TAX/TRANSFER.** Amends s. 206.608, F.S. to assist the Department of Transportation in adopting a work program balanced to revenues by giving the department the flexibility to use State Comprehensive Enhanced Transportation System Tax proceeds that are

deposited into the State Transportation Trust Fund outside the district in which were collected.

- **HIGHWAY SAFETY OPERATING TRUST FUND TRANSFER.** Notwithstands 320.204 to delay transfer from Highway Safety Operating Trust fund to the FDOT Transportation Disadvantaged Trust Fund
- **PASSENGER RAIL FUNDING.** Notwithstands s. 341.303(6)(a) to provide legislative discretion as to the placement of passenger rail funding with the FDOT budget.
- **TRANSFER OF OMCC EMPLOYEES TO HSMV** – Provides that incumbent employees transferred from the Office of Motor Carrier Compliance to the Department of Highway Safety and Motor Vehicles who are exempt from career service to be placed in career service upon transfer. Legislative intent that incumbent employees retain current status unless otherwise provided in GAA.
- **TOLL FACILITIES REVOLVING TRUST FUND.** Authorizes grants of up to \$3 million from the trust fund for expressway projects.
- **RISK MANAGEMENT TRANSFERS.** Authorizes the Executive Office of the Governor to transfer funds in order to align the budget authority granted to pay each department's risk management insurance.
- **HUMAN RESOURCE SERVICES TRANSFER.** Authorizes the Executive Office of the Governor to transfer funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2010-2011 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 Department of Management Services for human resources management services.
- **HEALTH SAVINGS ACCOUNTS.** Sets rates for health savings accounts at the current levels for FY 2011-2012.
- **STATE EMPLOYEE HEALTH INSURANCE.** Provides that the state contribution to the State Group Insurance Program will be the difference between the costs and the employee contributions.
- **EMPLOYEE ASSIGNMENTS.** 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.
- **LEGISLATIVE SALARIES.** Provides that legislative salaries will remain at the same level in effect on July 1, 2010.
- **CAPITAL COLLATERAL REGISTRY.** Provides that in the event that HB 5011 fails to become law, the Justice Administrative Commission will maintain the registry of attorneys qualified for appointment for capital collateral defense.
- **TRUST FUND SWEEPS TO GENERAL REVENUE.** Amends s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund or State School Trust Fund from trust funds in the 2011-2012 General Appropriations Act.
- **LAWTON CHILES ENDOWMENT FUND.** Reenacts s. 215.5601, F.S. relating to investment objectives of endowment. 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."

- **STATE DEBT / BEST INTEREST OF STATE.** Provides that, in order to implement the issuance of new debt authorized in the 2011-2012 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 2011-2012 fiscal year should be implemented and is in the best interest of the state and necessary to address a critical state emergency.
- **STATE EMPLOYEE TRAVEL.** Provides that funds appropriated for travel by state employees shall 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.
- **DATA CENTERS / TRANSFERS.** Provides that the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the General Appropriations Act between agencies in order to align the budget authority granted with the utilization rate of each department.
- **DATA PROCESSING / TRANSFERS.** 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.
- **SUNCOM.** 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.
- **PHARMACY COPAYMENTS.** Amends s. 110.12315, F.S., to modify copayments consistent with decisions that have been made in the GAA.
- **MULTIPLE AGENCY LEASES.** Requires the Department of Management Services to use the services of a tenant broker to renegotiate all private lease agreements more than 150,000 square feet and authorizes the use of savings to generate additional savings.
- **RENEGOTIATION OF PRIVATE LEASE AGREEMENTS.** Requires the Department of Management Services and state agencies to seek to renegotiate private lease agreements of more than 2,000 square feet expiring before June 30, 2013.
- **STATE TERM CONTRACT / MMCAP.** Requires the DMS to issue a solicitation for the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) agreement as a state term contract.
- **FLORIDA DISCOUNT DRUG CARD PROGRAM.** Requires AHCA to competitively procure a Florida Discount Drug Card Program to provide market competitive discounts and return money to the state on a per prescription basis. Discounts will be available to Florida residents without income restrictions. Revenues deposited into Grants and Donations Trust Fund to reduce cost of Medicaid pharmacy purchases.
- **PRIDE.** Requires agencies to submit report regarding purchases which could have been made from Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE), but were made from another vendor.
- **VETOED ITEMS.** Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

May 5, 2011

- **PRECEDENCE OF SUBSTANTIVE LAW.** 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.
- **SEVERABILITY CLAUSE.**
- **EFFECTIVE DATES.** Provides that, except as otherwise expressly provided in this act, this act shall take effect July 1, 2011; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2011.