

Governor's Budget Recommendation - Implementing Bill

1 A bill to be entitled

2 An act relating to implementing the 2021-2022 General
3 Appropriations Act; providing legislative intent;
4 incorporating by reference certain calculations of the
5 Florida Education Finance Program; specifying the
6 availability of federal funding; providing that funds for
7 instructional materials must be released and expended as
8 required in specified proviso language; amending s.
9 1011.62, F.S.; suspending an allocation related to
10 determining full-time equivalent students for 1 fiscal
11 year; providing a funding compression and hold harmless
12 allocation; specifying purpose and distribution of
13 allocations; providing for the expiration and reversion of
14 specified statutory text; amending s. 1008.34, F.S.;
15 defining learning gains or student learning gains as the
16 degree of student learning growth occurring from the 2018-
17 2019 school year to the 2020-2021 school year for school
18 grade calculation; providing percentage of eligible
19 students to be identified by prior performance; amending s.
20 1008.341, F.S.; defining learning gains or student learning
21 gains as the degree of student learning growth occurring
22 from the 2018-2019 school year to the 2020-2021 school year
23 for alternative school improvement rating; providing for
24 the expiration and reversion of specified statutory text;
25 authorizing the Agency for Health Care Administration to
26 establish a directed payment program and a submit a budget
27 amendment for additional spending authority; authorizing the
28 Agency for Health Care Administration to establish an

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29 indirect medical education program and a submit a budget
30 amendment for additional spending authority for
31 implementation; amending s. 400.179, F.S.; reducing the
32 Medicaid nursing home lease bond; amending s. 409.904,
33 F.S.; providing for retroactive Medicaid-covered payments
34 for eligible children and pregnant women under certain
35 conditions; providing for retroactive payments for
36 Medicaid-covered services for non-pregnant adults under
37 certain conditions; providing an effective date; amending
38 s. 409.908(23) , F.S.; relating to the reimbursement of
39 Medicaid providers; extending for 1 fiscal year provisions
40 regarding reimbursement rates; amending s. 409.911(2),
41 F.S.; updating the average of audited disproportionate
42 share data for purposes of calculating disproportionate
43 share payments; updating the average of audited
44 disproportionate share data for purposes of calculating
45 disproportionate share payments; extending for 1 fiscal
46 year the requirement that the Agency for Health Care
47 Administration distribute moneys to hospitals that provide
48 a disproportionate share of Medicaid or charity care
49 services, as provided in the General Appropriations Act;
50 amending s. 409.9113, F.S.; extending for 1 fiscal year the
51 requirement that the Agency for Health Care Administration
52 make disproportionate share payments to teaching hospitals
53 as provided in the General Appropriations Act; amending s.
54 409.9119, F.S.; extending for 1 fiscal year the requirement
55 that the Agency for Health Care Administration make
56 disproportionate share payments to certain specialty

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57 hospitals for children; amending s. 409.984, F.S.;

58 providing for the automatic enrollment of dually eligible

59 recipients in a long-term care plans under certain

60 circumstances; amending s. 624.91, F.S.; reenacting s.

61 624.91(5)(b), F.S., relating to the Florida Healthy Kids

62 Corporation; extending for 1 fiscal year a provision

63 requiring the corporation to validate the medical loss

64 ratio and calculate a refund amount for insurers and

65 providers of health care services who meet certain

66 criteria; authorizing the Agency for Health Care

67 administration to submit a budget amendment to realign

68 funding within the Medicaid program; authorizing the Agency

69 for Health Care Administration to submit a budget amendment

70 to realign funding within the Florida Kidcare Program;

71 authorizing the Agency for Health Care Administration to

72 submit a budget amendment to realign funds for the

73 Children's Medical Services program; authorizing the

74 Department of Health to submit a budget amendment to

75 increase budget authority for the HIV/AIDS prevention and

76 treatment program under certain conditions; authorizing the

77 Department of Health to submit a budget amendment to

78 increase budget authority for public health emergencies

79 under certain conditions; authorizing the Department of

80 Health to submit a budget amendment to increase budget

81 authority for epidemiological activities; amending s.

82 381.986, F.S.; extending for 1 year exemptions for

83 rulemaking for medical marijuana use; amending s. 381.988,

84 F.S.; extending for 1 year exemptions for rulemaking for

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85 medical marijuana use; amending s. 14(1), chapter 2017-232,
86 Laws of Florida; exempting certain rules pertaining to
87 medical marijuana adopted to replace emergency rules from
88 specified rulemaking requirements; authorizing the
89 Department of Children and Families to establish a formula
90 to distribute the Guardianship Assistance Program;
91 providing expiration date; authorizing the Department of
92 Children and Families to realign funding based on the
93 implementation of the Guardianship Assistance Program;
94 authorizing the Department of Children and Families to
95 realign funding within the Family Safety Program to
96 maximize the use of Title IV-E and other federal funds;
97 authorizing the Department of Children and Families to
98 submit a budget amendment to increase budget authority for
99 the Supplemental Nutrition Assistance Program under certain
100 conditions; authorizing the Department of Children and
101 Families to realign funding based on the implementation of
102 the state's domestic violence program; amending s. 296.37,
103 F.S.; extending for 1 fiscal year a provision specifying
104 the monthly contribution to residents of a state veterans'
105 nursing home; amending s. 216.262, F.S.; delaying the
106 expiration of provisions directing the Department of
107 Corrections to seek a budget amendment for additional
108 positions and appropriations if the inmate population
109 exceeds a certain estimate under certain circumstances;
110 amending s. 27.5304, F.S.; establishing certain limitations
111 on compensation for private court-appointed counsel for the
112 2021-2022 fiscal year; amending s. 215.18, F.S.; extending

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113 for one fiscal year the authority and related repayment
114 requirements for temporary trust fund loans to the state
115 court system which are sufficient to meet the system's
116 appropriation; requiring the Department of Juvenile Justice
117 to review county juvenile detention payments to determine
118 if the county has met specified financial responsibilities;
119 requiring amounts owed by the county for such financial
120 responsibilities to be deducted from certain county funds;
121 amending s. 216.181, F.S.; authorizing the Legislative
122 Budget Commission to increase amounts appropriated to the
123 Fish and Wildlife Conservation Commission or the Department
124 of Environmental Protection for fixed capital outlay
125 projects using specified funds; amending s. 215.18, F.S.;
126 extending for 1 fiscal year the authority of the Governor,
127 if there is a specified temporary deficiency in a land
128 acquisition trust fund in the Department of Agriculture and
129 Consumer Services, the Department of Environmental
130 Protection, the Department of State, or the Fish and
131 Wildlife Conservation Commission, to transfer funds from
132 other trust funds in the State Treasury as a temporary loan
133 to such trust fund; providing a deadline for the repayment
134 of a temporary loan; requiring the Department of
135 Environmental Protection to transfer designated proportions
136 of the revenues deposited in the Land Acquisition Trust
137 Fund within the department to land acquisition trust funds
138 in the Department of Agriculture and Consumer Services, the
139 Department of State, and the Fish and Wildlife Conservation
140 Commission according to specified parameters and

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141 calculations; defining the term "department"; requiring the
142 Department of Environmental Protection to make transfers to
143 land acquisition trust funds monthly; specifying the method
144 of determining transfer amounts; authorizing the Department
145 of Environmental Protection to advance funds from its land
146 acquisition trust fund to the Fish and Wildlife
147 Conservation Commission's land acquisition trust fund for
148 specified purposes; 375.041, F.S.; specifying that certain
149 funds for projects from the Land Acquisition Trust Fund
150 shall be appropriated as provided in the General
151 Appropriations Act; amending s. 259.105, F.S.; providing
152 funding to the Division of State Lands within the
153 Department of Environmental Protection for Florida Forever
154 Priority List land acquisition projects; amending s.
155 376.3071 F.S.; exempting specified costs incurred by
156 certain petroleum storage system owners or operators during
157 a specified period from the prohibition against making
158 payments in excess of amounts approved by the Department of
159 Environmental Protection; providing exemptions for owners
160 or operators that have incurred costs for repair,
161 replacement, or other preventive measures; requiring the
162 Department of Management Services to maintain and offer the
163 same health insurance options for participants of the State
164 Group Health Insurance Program for the 2021-2022 fiscal
165 year as applied in certain previous fiscal year; amending
166 s. 112.061, F.S.; specifying restrictions, limitations,
167 eligibility for the subsistence allowance, reimbursement of
168 transportation expenses, and payment thereof; amending s.

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169 288.8013, F.S.; authorizing interest earned by the Triumph
170 Gulf Coast Trust Fund to be used as provided in the General
171 Appropriations Act; amending s. 420.0005, F.S.; extending
172 for 1 fiscal year the authorization for certain funds
173 related to state housing to be used as provided in the
174 General Appropriations Act; amending s. 420.9079, F.S.;
175 extending for 1 year the authorization for funds in the
176 Local Government Housing Trust Fund to be used as provided
177 in the General Appropriations Act; amending s. 321.04,
178 F.S.; extending for 1 fiscal year the requirement that the
179 Department of Highway Safety and Motor Vehicles assign 1 or
180 more patrol officers to the office of Lieutenant Governor
181 for security purposes, upon request of the Governor;
182 extending for 1 fiscal year the requirement that the
183 Department of Highway Safety and Motor Vehicles assign a
184 patrol officer to a Cabinet member under certain
185 circumstances; amending s. 112.061, F.S.; authorizing the
186 Lieutenant Governor to designate an alternative official
187 headquarters if certain conditions are met; amending s.
188 338.2278, F.S.; extending for 1 year the authorization for
189 certain uncommitted funding for the Transportation
190 Disadvantaged Trust Fund to be used as provided in the
191 General Appropriations Act; amending s. 339.135, F.S.;
192 extending for 1 year the authorization for the chair and
193 vice chair of the Legislative Budget Commission to approve
194 the Department of Transportation's budget amendment under
195 specified circumstances; extending for 1 year the
196 authorization for the chair and vice chair of the

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197 Legislative Budget Commission to approve budget amendments
198 that exceed a specified monetary threshold; authorizing the
199 Executive Office of the Governor to transfer funds between
200 departments for purposes of realigning amounts paid for
201 risk management premiums and for purposes of aligning
202 amounts paid for human resource management services;
203 authorizing agencies to submit budget amendments for public
204 health emergencies; prohibiting funding to entities that
205 are sole-source, public-private partnerships, or engaged in
206 contractual agreements with the state under certain
207 circumstances; limiting the use of travel funds to
208 activities that are critical to an agency's mission;
209 reenacting s. 215.32(2)(b), F.S., relating to the source
210 and use of certain trust funds; providing for the future
211 expiration and reversion of statutory text; amending s.
212 112.24, F.S.; extending for 1 fiscal year the
213 authorization, subject to specified requirements, for the
214 assignment of an employee of a state agency under an
215 employee interchange agreement; authorizing the Executive
216 Office of the Governor to transfer funds appropriated for
217 data processing assessment between departments for a
218 specified purpose; prohibiting an agency from transferring
219 funds from a data processing category to another category
220 that is not a data processing category; requires certain
221 information technology projects be reviewed by the Florida
222 Digital Service prior to a change in scope; providing
223 conditions under which the veto of certain appropriations
224 or proviso language in the General Appropriations Act voids

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225 language that implements such appropriation; providing for
226 the continued operation of certain provisions
227 notwithstanding a future repeal or expiration provided by
228 the act; providing severability; providing effective dates.
229

230 Be it Enacted by the Legislature of the State of Florida:

231 Section 1. It is the intent of the Legislature that the
232 implementing and administering provisions of this act apply to
233 the General Appropriations Act for the 2021-2022 fiscal year.

234 Section 2. In order to implement Specific Appropriations
235 7, 8, 90, 91, and 92 of the 2021-2022 General Appropriations
236 Act, the calculations of the Florida Education Finance Program
237 for the 2021-2022 fiscal year in the document entitled "Public
238 School Funding-The Florida Education Finance Program," dated
239 January 28, 2021, and filed with the Executive Office of the
240 Governor are incorporated by reference for the purpose of
241 displaying the calculations used in making appropriations for
242 the Florida Education Finance Program. This section expires July
243 1, 2022.

244 Section 3. In order to implement Specific Appropriations 7,
245 8, 90, 91, and 92 of the 2021-2022 General Appropriations Act,
246 in the event of a proration to school district's funding
247 allocations in the Florida Education Finance Program as a result
248 of growth in the number of full-time equivalent students,
249 pursuant to s. 1011.62, Florida Statutes, school districts have
250 the ability to utilize federal funding received from the
251 Coronavirus Response and Relief Supplemental Appropriations Act.
252 This section expires July 1, 2022.

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253 Section 4. In order to implement Specific Appropriations 7
254 and 90 of the 2021-2022 General Appropriations Act, and
255 notwithstanding ss. 1002.20, 1003.02, 1006.28-1006.42,
256 1011.62(6)(b)3., and 1011.67, Florida Statutes, relating to the
257 expenditure of funds provided for instructional materials, for
258 the 2021-2022 fiscal year, funds provided for instructional
259 materials shall be released and expended as required in the
260 proviso language for Specific Appropriation 90 of the 2021-2022
261 General Appropriations Act. This section expires July 1, 2022.

262 Section 5. In order to implement Specific Appropriations 7
263 and 90 of the 2021-2022 General Appropriations Act, subsections
264 (8) and (17) of section 1011.62, Florida Statutes, are amended
265 to read:

266 1011.62 Funds for operation of schools.—If the annual
267 allocation from the Florida Education Finance Program to each
268 district for operation of schools is not determined in the
269 annual appropriations act or the substantive bill implementing
270 the annual appropriations act, it shall be determined as
271 follows:

272 (8) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.—

273 (a) In those districts where there is a decline between
274 prior year and current year unweighted FTE students, a
275 percentage of the decline in the unweighted FTE students as
276 determined by the Legislature shall be multiplied by the prior
277 year calculated FEFP per unweighted FTE student and shall be
278 added to the allocation for that district. For this purpose, the
279 calculated FEFP shall be computed by multiplying the weighted
280 FTE students by the base student allocation and then by the

281 district cost differential. If a district transfers a program to
282 another institution not under the authority of the district's
283 school board, including a charter technical career center, the
284 decline is to be multiplied by a factor of 0.15. However, if the
285 funds provided for the Florida Education Finance Program in the
286 General Appropriations Act for any fiscal year are reduced by a
287 subsequent appropriation for that fiscal year, the percent of
288 the decline in the unweighted FTE students to be funded shall be
289 determined by the Legislature and designated in the subsequent
290 appropriation.

291 (b) The allocation authorized in this paragraph(a) is
292 suspended for the 2021-2022 fiscal year and does not apply
293 during such fiscal year. This paragraph expires July 1, 2022.

294 (17)(a) FUNDING COMPRESSION AND HOLD HARMLESS ALLOCATION.-
295 The Legislature may provide an annual funding compression and
296 hold harmless allocation in the General Appropriations Act. The
297 allocation is created to provide additional funding to school
298 districts if the school district's and developmental research
299 schools whose total funds per FTE in the prior year were less
300 than the statewide average or if the school district's district
301 cost differential in the current year is less than the prior
302 year. The total allocation shall be distributed to eligible
303 school districts as follows:

304 (b) Using the most recent prior year FEFP calculation for
305 each eligible school district, subtract the total school
306 district funds per FTE ~~shall be subtracted~~ from the state
307 average funds per FTE, not including any adjustments made
308 pursuant to paragraph (19)(b). The resulting funds per FTE

309 difference, or a portion thereof, as designated in the General
310 Appropriations Act, shall then be multiplied by the school
311 district's total unweighted FTE ~~to provide the allocation.~~

312 (c) Multiply the absolute value of the difference between
313 the eligible school district's current year district cost
314 differential and the prior year district cost differential by a
315 hold harmless factor as designated in the General Appropriations
316 Act. The result is the district cost differential hold harmless
317 index. Multiply the index by the eligible school district's
318 weighted FTE and by the base student allocation as designated in
319 the General Appropriations Act.

320 (d) Add the amounts calculated in paragraphs (b) and (c)
321 and if the amount is calculated funds are greater than the
322 amount included in the General Appropriations Act, the
323 allocation shall they must be prorated to the appropriation
324 amount based on each participating school district's share. This
325 subsection expires July 1, 20222021.

326 Section 6. Paragraph (b) of subsection (1) and paragraph
327 (b) of subsection (3) of section 1008.34, Florida Statutes, is
328 amended to read:

329 1008.34 School grading system; school report cards;
330 district grade.—

331 (1) DEFINITIONS.—For purposes of the statewide,
332 standardized assessment program and school grading system, the
333 following terms are defined:

334 (a) "Achievement level," "student achievement," or
335 "achievement" describes the level of content mastery a student
336 has acquired in a particular subject as measured by a statewide,

337 standardized assessment administered pursuant to
338 s. 1008.22(3)(a) and (b). There are five achievement levels.
339 Level 1 is the lowest achievement level, level 5 is the highest
340 achievement level, and level 3 indicates satisfactory
341 performance. A student passes an assessment if the student
342 achieves a level 3, level 4, or level 5. For purposes of the
343 Florida Alternate Assessment administered pursuant to
344 s. 1008.22(3)(c), the state board shall provide, in rule, the
345 number of achievement levels and identify the achievement levels
346 that are considered passing.

347 (b) "Learning Gains," ~~"annual learning gains,"~~ or "student
348 learning gains" means the degree of student learning growth
349 occurring from one school year to the next as required by state
350 board rule for purposes of calculating school grades under this
351 section. For the 2020-2021 school year, "learning gains" or
352 "student learning gains" means the degree of student learning
353 growth occurring from the 2018-2019 school year to the 2020-2021
354 school year as required by state board rule for the purposes of
355 calculating school grades under this section.

356 (3) DESIGNATION OF SCHOOL GRADES.—

357 (b)1. Beginning with the 2014-2015 school year, a school's
358 grade shall be based on the following components, each worth 100
359 points:

360 a. The percentage of eligible students passing statewide,
361 standardized assessments in English Language Arts under
362 s. 1008.22(3).

363 b. The percentage of eligible students passing statewide,
364 standardized assessments in mathematics under s. 1008.22(3).

365 c. The percentage of eligible students passing statewide,
366 standardized assessments in science under s. 1008.22(3).

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367 d. The percentage of eligible students passing statewide,
368 standardized assessments in social studies under s. 1008.22(3).

369 e. The percentage of eligible students who make Learning
370 Gains in English Language Arts as measured by statewide,
371 standardized assessments administered under s. 1008.22(3).

372 f. The percentage of eligible students who make Learning
373 Gains in mathematics as measured by statewide, standardized
374 assessments administered under s. 1008.22(3).

375 g. The percentage of eligible students in the lowest 25
376 percent in English Language Arts, as identified by prior ~~year~~
377 performance on statewide, standardized assessments, who make
378 Learning Gains as measured by statewide, standardized English
379 Language Arts assessments administered under s. 1008.22(3).

380 h. The percentage of eligible students in the lowest 25
381 percent in mathematics, as identified by prior ~~year~~ performance
382 on statewide, standardized assessments, who make Learning Gains
383 as measured by statewide, standardized Mathematics assessments
384 administered under s. 1008.22(3).

385 i. For schools comprised of middle grades 6 through 8 or
386 grades 7 and 8, the percentage of eligible students passing high
387 school level statewide, standardized end-of-course assessments
388 or attaining national industry certifications identified in the
389 CAPE Industry Certification Funding List pursuant to rules
390 adopted by the State Board of Education.

391 In calculating Learning Gains for the components listed in
392 sub-subparagraphs e.-h., the State Board of Education shall
393 require that learning growth toward achievement levels 3, 4, and
394 5 is demonstrated by students who previously scored below each
395 of those levels ~~in the prior year~~. In calculating the components
396 in sub-subparagraphs a.-d., the state board shall include the

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397 performance of English language learners only if they have been
398 enrolled in a school in the United States for more than 2 years.

399 2. For a school comprised of grades 9, 10, 11, and 12, or
400 grades 10, 11, and 12, the school's grade shall also be based on
401 the following components, each worth 100 points:

402 a. The 4-year high school graduation rate of the school as
403 defined by state board rule.

404 b. The percentage of students who were eligible to earn
405 college and career credit through College Board Advanced
406 Placement examinations, International Baccalaureate
407 examinations, dual enrollment courses, or Advanced International
408 Certificate of Education examinations; who, at any time during
409 high school, earned national industry certification identified
410 in the CAPE Industry Certification Funding List, pursuant to
411 rules adopted by the state board; or beginning with the 2022-
412 2023 school year, who earned an Armed Services Qualification
413 Test score that falls within Category II or higher on the Armed
414 Services Vocational Aptitude Battery and earned a minimum of two
415 credits in Junior Reserve Officers' Training Corps courses from
416 the same branch of the United States Armed Forces.

417 Section 7. Subsection (2), subsection (3), and subsection
418 (5) of section 1008.341, Florida Statutes, are amended to read:

419 1008.341 School improvement rating for alternative
420 schools.—

421 (1) ANNUAL REPORTS.—The Commissioner of Education shall
422 prepare an annual report on the performance of each school
423 receiving a school improvement rating pursuant to this section
424 if the provisions of s. 1002.22 pertaining to student records
425 apply.

426 (2) SCHOOL IMPROVEMENT RATING.—An alternative school is a

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427 school that provides dropout prevention and academic
428 intervention services pursuant to s. 1003.53. An alternative
429 school shall receive a school improvement rating pursuant to
430 this section unless the school earns a school grade pursuant to
431 s. 1008.34. An alternative school that chooses to receive a
432 school improvement rating shall receive a school improvement
433 rating if the number of its eligible students as defined in
434 subsection (3) for whom student performance data on statewide,
435 standardized assessments pursuant to s. 1008.22 ~~is available for~~
436 ~~the current year and previous year or~~ exceeds the minimum sample
437 size of 10. If an alternative school does not have at least 10
438 students with complete data for a component listed in subsection
439 (3), that component may not be used in calculating the school's
440 improvement rating. The calculation of the school improvement
441 rating shall be based on the percentage of points earned from
442 the components listed in subsection (3). An alternative school
443 that tests at least 80 percent of its students may receive a
444 school improvement rating. If an alternative school tests less
445 than 90 percent of its students, the school may not earn a
446 rating higher than "maintaining." Beginning with the 2016-2017
447 school year, if an alternative school does not meet the
448 requirements for the issuance of a school improvement rating in
449 the current year, and has failed to receive a school improvement
450 rating for the prior 2 ~~consecutive years reported~~, the school
451 shall receive a rating for the current year based upon a
452 compilation of all student Learning Gains, for all grade levels,
453 for those 3 years. Likewise, if the school fails to meet the
454 requirements for a rating the following year or any year
455 thereafter, the school's rating shall be based on a compilation
456 of student Learning Gains achieved during the current and prior

457 2 years reported. The school improvement rating shall identify
458 an alternative school as having one of the following ratings
459 defined according to rules of the State Board of Education:

460 (a) "Commendable" means a significant percentage of the
461 students attending the school are making Learning Gains.

462 (b) "Maintaining" means a sufficient percentage of the
463 students attending the school are making Learning Gains.

464 (c) "Unsatisfactory" means an insufficient percentage of
465 the students attending the school are making Learning Gains.

466 Schools that improve at least one level or maintain a
467 "commendable" rating pursuant to this section are eligible for
468 school recognition awards pursuant to s. 1008.36.

469 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student
470 Learning Gains based on statewide, standardized assessments,
471 including retakes, administered under s. 1008.22 for all
472 eligible students who were assigned to and enrolled in the
473 school during the October or February FTE count and who have
474 assessment scores, concordant scores, or comparable scores for
475 the preceding school year be used in determining an alternative
476 school's school improvement rating. For the 2020-2021 school
477 year, an alternative school's school improvement rating's
478 Learning Gains shall be based on assessment scores, concordant
479 scores, or comparable scores from the 2018-2019 school year to
480 the 2020-2021 school year. An alternative school's rating shall
481 be based on the following components:

482 (a) The percentage of eligible students who make Learning
483 Gains in English Language Arts as measured by statewide,
484 standardized assessments under s. 1008.22(3).

485 (b) The percentage of eligible students who make Learning
486 Gains in mathematics as measured by statewide, standardized

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487 assessments under s. 1008.22(3).

488 Student performance results of students who are subject to
489 district school board policies for expulsion for repeated or
490 serious offenses, who are in dropout retrieval programs serving
491 students who have officially been designated as dropouts, or who
492 are in programs operated or contracted by the Department of
493 Juvenile Justice may not be included in an alternative school's
494 school improvement rating.

495 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.—For each
496 alternative school receiving a school improvement rating, the
497 Department of Education shall annually identify the percentage
498 of students making Learning Gains consistent with the provisions
499 in s. 1008.34(3).

500 (5) SCHOOL AND STUDENT REPORT CARDS.—The Department of
501 Education shall annually develop, in collaboration with the
502 school districts, a school report card for alternative schools
503 to be delivered to parents throughout each school district. The
504 report card shall include the school improvement rating,
505 identification of student learning gains, student attendance
506 data, information regarding school improvement, and indicators
507 of return on investment. An alternative school that serves at
508 least 10 eligible students as defined in subsection (3) ~~who are~~
509 ~~tested on the statewide, standardized assessments pursuant to~~
510 ~~s. 1008.22 in the current year and previous year~~ shall
511 distribute an individual student report card to parents which
512 includes the student's learning gains and progress toward
513 meeting high school graduation requirements. The report card
514 must also include the school's industry certification rate,
515 college readiness rate, dropout rate, and graduation rate. This
516 subsection does not abrogate the provisions of

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517 s. 1002.22 relating to student records or the requirements of 20
518 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act.

519 (6) RULES.—The State Board of Education shall adopt rules
520 under ss. 120.536(1) and 120.54 to administer this section.

521 Section 8. The amendments to ss. 1008.34 and 1008.341,
522 Florida Statutes, by this act expire on July 1, 2022, and the
523 text of those subsections shall revert to that in existence on
524 June 30, 2021, except that any amendments to such text enacted
525 other than by this act shall be preserved and continue to
526 operate to the extent that such amendments are not dependent
527 upon the portion of text which expires pursuant to this section.

528 Section 9. In order to implement Specific Appropriations
529 210 of the 2021-2022 General Appropriations Act, the Agency for
530 Health Care Administration, upon approval from the Centers for
531 Medicare and Medicaid Services, may establish a directed payment
532 program, for hospitals providing inpatient and outpatient
533 services to Medicaid managed care enrollees. The Agency for
534 Health Care Administration is authorized to submit a budget
535 amendment pursuant to Chapter 216, Florida Statutes requesting
536 additional spending authority to implement the program.

537 Section 10. In order to implement Specific Appropriations
538 201 of the 2021-2022 General Appropriations Act, the Agency for
539 Health Care Administration, upon approval from the Centers for
540 Medicare and Medicaid Services, may establish an indirect
541 medical education program for institutions participating in a
542 graduate medical education program. The Agency for Health Care
543 Administration is authorized to submit a budget amendment
544 pursuant to Chapter 216, Florida Statutes requesting additional
545 spending authority to implement the program.

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547 Section 11. In order to implement Specific Appropriations
548 220 and 221 of the 2021-2022 General Appropriations Act, upon
549 the expiration and reversion of the amendment made to section
550 400.179, Florida Statutes, pursuant to section 29 of chapter
551 2019-116, Laws of Florida, paragraph (d) of subsection (2) of
552 section 400.179, Florida Statutes, is amended to read:

553 400.179 Liability for Medicaid underpayments and
554 overpayments.—

555 (2) Because any transfer of a nursing facility may expose
556 the fact that Medicaid may have underpaid or overpaid the
557 transferor, and because in most instances, any such underpayment
558 or overpayment can only be determined following a formal field
559 audit, the liabilities for any such underpayments or
560 overpayments shall be as follows:

561 (d) Where the transfer involves a facility that has been
562 leased by the transferor:

563 1. The transferee shall, as a condition to being issued a
564 license by the agency, acquire, maintain, and provide proof to
565 the agency of a bond with a term of 30 months, renewable
566 annually, in an amount not less than the total of 3 months'
567 Medicaid payments to the facility computed on the basis of the
568 preceding 12-month average Medicaid payments to the facility.

569 2. A leasehold licensee may meet the requirements of
570 subparagraph 1. by payment of a nonrefundable fee, paid at
571 initial licensure, paid at the time of any subsequent change of
572 ownership, and paid annually thereafter, in the amount of 1
573 percent of the total of 3 months' Medicaid payments to the
574 facility computed on the basis of the preceding 12-month average

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575 Medicaid payments to the facility. If a preceding 12-month
576 average is not available, projected Medicaid payments may be
577 used. The fee shall be deposited into the Grants and Donations
578 Trust Fund and shall be accounted for separately as a Medicaid
579 nursing home overpayment account. These fees shall be used at
580 the sole discretion of the agency to repay nursing home Medicaid
581 overpayments or for enhanced payments to nursing facilities as
582 specified in the General Appropriations Act or other law.
583 Payment of this fee shall not release the licensee from any
584 liability for any Medicaid overpayments, nor shall payment bar
585 the agency from seeking to recoup overpayments from the licensee
586 and any other liable party. As a condition of exercising this
587 lease bond alternative, licensees paying this fee must maintain
588 an existing lease bond through the end of the 30-month term
589 period of that bond. The agency is herein granted specific
590 authority to promulgate all rules pertaining to the
591 administration and management of this account, including
592 withdrawals from the account, subject to federal review and
593 approval. This provision shall take effect upon becoming law and
594 shall apply to any leasehold license application. The financial
595 viability of the Medicaid nursing home overpayment account shall
596 be determined by the agency through annual review of the account
597 balance and the amount of total outstanding, unpaid Medicaid
598 overpayments owing from leasehold licensees to the agency as
599 determined by final agency audits. By March 31 of each year, the
600 agency shall assess the cumulative fees collected under this
601 subparagraph, minus any amounts used to repay nursing home
602 Medicaid overpayments and amounts transferred to contribute to

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603 the General Revenue Fund pursuant to s. 215.20. If the net
604 cumulative collections, minus amounts utilized to repay nursing
605 home Medicaid overpayments, exceed \$10 ~~\$25~~ million, the
606 provisions of this subparagraph shall not apply for the
607 subsequent fiscal year.

608 3. The leasehold licensee may meet the bond requirement
609 through other arrangements acceptable to the agency. The agency
610 is herein granted specific authority to promulgate rules
611 pertaining to lease bond arrangements.

612 4. All existing nursing facility licensees, operating the
613 facility as a leasehold, shall acquire, maintain, and provide
614 proof to the agency of the 30-month bond required in
615 subparagraph 1., above, on and after July 1, 1993, for each
616 license renewal.

617 5. It shall be the responsibility of all nursing facility
618 operators, operating the facility as a leasehold, to renew the
619 30-month bond and to provide proof of such renewal to the agency
620 annually.

621 6. Any failure of the nursing facility operator to acquire,
622 maintain, renew annually, or provide proof to the agency shall
623 be grounds for the agency to deny, revoke, and suspend the
624 facility license to operate such facility and to take any
625 further action, including, but not limited to, enjoining the
626 facility, asserting a moratorium pursuant to part II of chapter
627 408, or applying for a receiver, deemed necessary to ensure
628 compliance with this section and to safeguard and protect the
629 health, safety, and welfare of the facility's residents. A lease
630 agreement required as a condition of bond financing or

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631 refinancing under s. 154.213 by a health facilities authority or
632 required under s. 159.30 by a county or municipality is not a
633 leasehold for purposes of this paragraph and is not subject to
634 the bond requirement of this paragraph.

635 Section 12. In order to implement Specific Appropriations
636 202, 206, 207, 209, 211 and 220 of the 2021-2022 General
637 Appropriations Act, subsection (12) of section 409.904, Florida
638 Statutes is amended to read:

639 409.904 Optional payments for eligible persons. - The
640 agency may make payments for medical assistance and related
641 services on behalf of the following persons who are determined
642 to be eligible subject to the income, assets, and categorical
643 eligibility tests set forth in federal and state law. Payment on
644 behalf of these Medicaid eligible persons is subject to the
645 availability of moneys and any limitations established by the
646 General Appropriations Act or chapter 216.

647 (12) Effective July 1, 2021, the agency shall make payments
648 for Medicaid-covered services:

649 (a) For eligible children and pregnant women, retroactive
650 for a period of no more than 90 days prior to the month in which
651 an application for Medicaid is submitted.

652 (b) For eligible non-pregnant adults, retroactive to the
653 first day of the month which an application for Medicaid is
654 submitted.

655 This section expires July 1, 2022.

656 Section 13. In order to implement Specific Appropriations
657 220 and 221 of the 2021-2022 General Appropriations Act,
658 subsection (23) of section 409.908, Florida Statutes, is

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659 reenacted to read:

660 409.908 Reimbursement of Medicaid providers.—Subject to
661 specific appropriations, the agency shall reimburse Medicaid
662 providers, in accordance with state and federal law, according
663 to methodologies set forth in the rules of the agency and in
664 policy manuals and handbooks incorporated by reference therein.
665 These methodologies may include fee schedules, reimbursement
666 methods based on cost reporting, negotiated fees, competitive
667 bidding pursuant to s. 287.057, and other mechanisms the agency
668 considers efficient and effective for purchasing services or
669 goods on behalf of recipients. If a provider is reimbursed based
670 on cost reporting and submits a cost report late and that cost
671 report would have been used to set a lower reimbursement rate
672 for a rate semester, then the provider's rate for that semester
673 shall be retroactively calculated using the new cost report, and
674 full payment at the recalculated rate shall be effected
675 retroactively. Medicare-granted extensions for filing cost
676 reports, if applicable, shall also apply to Medicaid cost
677 reports. Payment for Medicaid compensable services made on
678 behalf of Medicaid eligible persons is subject to the
679 availability of moneys and any limitations or directions
680 provided for in the General Appropriations Act or chapter 216.
681 Further, nothing in this section shall be construed to prevent
682 or limit the agency from adjusting fees, reimbursement rates,
683 lengths of stay, number of visits, or number of services, or
684 making any other adjustments necessary to comply with the
685 availability of moneys and any limitations or directions
686 provided for in the General Appropriations Act, provided the

687 adjustment is consistent with legislative intent.

688 (23)(a) The agency shall establish rates at a level that
689 ensures no increase in statewide expenditures resulting from a
690 change in unit costs for county health departments effective
691 July 1, 2011. Reimbursement rates shall be as provided in the
692 General Appropriations Act.

693 (b)1. Base rate reimbursement for inpatient services under
694 a diagnosis-related group payment methodology shall be provided
695 in the General Appropriations Act.

696 2. Base rate reimbursement for outpatient services under an
697 enhanced ambulatory payment group methodology shall be provided
698 in the General Appropriations Act.

699 3. Prospective payment system reimbursement for nursing
700 home services shall be as provided in subsection (2) and in the
701 General Appropriations Act.

702 Section 14. In order to implement Specific Appropriation
703 203 of the 2021-2022 General Appropriations Act, subsections (2)
704 and (10) of section 409.911, Florida Statutes, are amended to
705 read:

706 409.911 Disproportionate share program.—Subject to specific
707 allocations established within the General Appropriations Act
708 and any limitations established pursuant to chapter 216, the
709 agency shall distribute, pursuant to this section, moneys to
710 hospitals providing a disproportionate share of Medicaid or
711 charity care services by making quarterly Medicaid payments as
712 required. Notwithstanding the provisions of s. 409.915, counties
713 are exempt from contributing toward the cost of this special
714 reimbursement for hospitals serving a disproportionate share of

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715 low-income patients.

716 (2) The Agency for Health Care Administration shall use the
717 following actual audited data to determine the Medicaid days and
718 charity care to be used in calculating the disproportionate
719 share payment:

720 (a) The average of the 2013, 2014, and 2015 ~~2012, 2013, and~~
721 ~~2014~~ hospital's Medicaid days and charity care for the 2021-2022
722 ~~2020-2021~~ state fiscal year.

723 (b) If the Agency for Health Care Administration does not
724 have the prescribed 3 years of audited disproportionate share
725 data as noted in paragraph (a) for a hospital, the agency shall
726 use the average of the years of the audited disproportionate
727 share data as noted in paragraph (a) which is available.

728 (c) In accordance with s. 1923(b) of the Social Security
729 Act, a hospital with a Medicaid inpatient utilization rate
730 greater than one standard deviation one above the statewide mean
731 or a hospital with a low-income utilization rate of 25 percent
732 or greater shall qualify for reimbursement.

733 (10) Notwithstanding any provision of this section to the
734 contrary, for the 2021-2022 ~~2020-2021~~ state fiscal year, the
735 agency shall distribute moneys to hospitals providing a
736 disproportionate share of Medicaid or charity care services as
737 provided 2021-2022 ~~2020-2021~~ in the General Appropriations Act.
738 This subsection expires July 1, 2022 ~~2021~~.

739 Section 15. In order to implement Specific Appropriation
740 203 of the 2021-2022 General Appropriations Act, subsection (3)
741 of section 409.9113, Florida Statutes, is amended to read:

742 409.9113 Disproportionate share program for teaching

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743 hospitals.—In addition to the payments made under s. 409.911,
744 the agency shall make disproportionate share payments to
745 teaching hospitals, as defined in s. 408.07, for their increased
746 costs associated with medical education programs and for
747 tertiary health care services provided to the indigent. This
748 system of payments must conform to federal requirements and
749 distribute funds in each fiscal year for which an appropriation
750 is made by making quarterly Medicaid payments. Notwithstanding
751 s. 409.915, counties are exempt from contributing toward the
752 cost of this special reimbursement for hospitals serving a
753 disproportionate share of low-income patients. The agency shall
754 distribute the moneys provided in the General Appropriations Act
755 to statutorily defined teaching hospitals and family practice
756 teaching hospitals, as defined in s. 395.805, pursuant to this
757 section. The funds provided for statutorily defined teaching
758 hospitals shall be distributed as provided in the General
759 Appropriations Act. The funds provided for family practice
760 teaching hospitals shall be distributed equally among family
761 practice teaching hospitals.

762 (3) Notwithstanding any provision of this section to the
763 contrary, for the 2021-2022 ~~2020-2021~~ state fiscal year, the
764 agency shall make disproportionate share payments to teaching
765 hospitals, as defined in s. 408.07, as provided in the 2021-2022
766 ~~2020-2021~~ General Appropriations Act. This subsection expires
767 July 1, 2022 ~~2021~~.

768 Section 16. In order to implement Specific Appropriation
769 203 of the 2021-2022 General Appropriations Act, subsection (4)
770 of section 409.9119, Florida Statutes, is amended to read:

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771 409.9119 Disproportionate share program for specialty
772 hospitals for children.—In addition to the payments made under
773 s. 409.911, the Agency for Health Care Administration shall
774 develop and implement a system under which disproportionate
775 share payments are made to those hospitals that are separately
776 licensed by the state as specialty hospitals for children, have
777 a federal Centers for Medicare and Medicaid Services
778 certification number in the 3300-3399 range, have Medicaid days
779 that exceed 55 percent of their total days and Medicare days
780 that are less than 5 percent of their total days, and were
781 licensed on January 1, 2013, as specialty hospitals for
782 children. This system of payments must conform to federal
783 requirements and must distribute funds in each fiscal year for
784 which an appropriation is made by making quarterly Medicaid
785 payments. Notwithstanding s. 409.915, counties are exempt from
786 contributing toward the cost of this special reimbursement for
787 hospitals that serve a disproportionate share of low-income
788 patients. The agency may make disproportionate share payments to
789 specialty hospitals for children as provided for in the General
790 Appropriations Act.

791 (4) Notwithstanding any provision of this section to the
792 contrary, for the 2021-2022 ~~2020-2021~~ state fiscal year, for
793 hospitals achieving full compliance under subsection (3), the
794 agency shall make disproportionate share payments to specialty
795 hospitals for children as provided in the 2021-2022 ~~2020-2021~~
796 General Appropriations Act. This subsection expires July 1, 2022
797 ~~2021~~.

798 Section 17. In order to implement Specific Appropriation

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799 221 of the 2021-2022 General Appropriations Act, subsection (1)
800 of section 409.984, Florida Statutes, is amended to read:

801 409.984 Enrollment in a long-term care managed care plan.—

802 (1) The agency shall automatically enroll into a long-term
803 care managed care plan those Medicaid recipients who do not
804 voluntarily choose a plan pursuant to s. 409.969. The agency
805 shall automatically enroll recipients in plans that meet or
806 exceed the performance or quality standards established pursuant
807 to s. 409.967 and may not automatically enroll recipients in a
808 plan that is deficient in those performance or quality
809 standards. If a recipient is deemed dually eligible for Medicaid
810 and Medicare services and is currently receiving Medicare
811 services from an entity qualified under 42 C.F.R. part 422 as a
812 Medicare Advantage Preferred Provider Organization, Medicare
813 Advantage Provider-sponsored Organization, or Medicare Advantage
814 Special Needs Plan, the agency shall automatically enroll the
815 recipient in such plan for Medicaid services if the plan is
816 currently participating in the long-term care managed care
817 program. For a dually eligible recipient receiving Medicare
818 services from an entity qualified under 42 C.F.R. part 422 who
819 is not participating in the long-term care managed care program,
820 the agency shall automatically enroll the dually eligible
821 recipient in a long-term care plan that has established a
822 collaboration and coordination agreement with that
823 nonparticipating entity, if the agency determines the agreement
824 is sufficient to ensure provision of all required services in a
825 manner consistent with state and federal requirements. Except as
826 otherwise provided in this part, the agency may not engage in

827 practices that are designed to favor one managed care plan over
828 another.

829 Section 18. In order to implement Specific Appropriations
830 175 through 178 of the 2021-2022 General Appropriations Act, and
831 notwithstanding the expiration date in section 31 of chapter
832 2019-116, Laws of Florida, paragraph (b) of subsection (5) of
833 section 624.91, Florida Statutes, is reenacted to read:

834 624.91 The Florida Healthy Kids Corporation Act. - (5)
835 CORPORATION AUTHORIZATION, DUTIES, POWERS. - (b) The Florida
836 Healthy Kids Corporation shall:

837 1. Arrange for the collection of any family, local
838 contributions, or employer payment or premium, in an amount to
839 be determined by the board of directors, to provide for payment
840 of premiums for comprehensive insurance coverage and for the
841 actual or estimated administrative expenses.

842 2. Arrange for the collection of any voluntary
843 contributions to provide for payment of Florida Kidcare program
844 premiums for children who are not eligible for medical
845 assistance under Title XIX or Title XXI of the Social Security
846 Act.

847 3. Subject to the provisions of s. 409.8134, accept
848 voluntary supplemental local match contributions that comply
849 with the requirements of Title XXI of the Social Security Act
850 for the purpose of providing additional Florida Kidcare coverage
851 in contributing counties under Title XXI.

852 4. Establish the administrative and accounting procedures
853 for the operation of the corporation.

854 5. Establish, with consultation from appropriate

855 professional organizations, standards for preventive health
856 services and providers and comprehensive insurance benefits
857 appropriate to children, provided that such standards for rural
858 areas shall not limit primary care providers to board-certified
859 pediatricians.

860 6. Determine eligibility for children seeking to
861 participate in the Title XXI-funded components of the Florida
862 Kidcare program consistent with the requirements specified in s.
863 409.814, as well as the non-Title-XXI-eligible children as
864 provided in subsection (3).

865 7. Establish procedures under which providers of local
866 match to, applicants to and participants in the program may have
867 grievances reviewed by an impartial body and reported to the
868 board of directors of the corporation.

869 8. Establish participation criteria and, if appropriate,
870 contract with an authorized insurer, health maintenance
871 organization, or third-party administrator to provide
872 administrative services to the corporation.

873 9. Establish enrollment criteria that include penalties or
874 waiting periods of 30 days for reinstatement of coverage upon
875 voluntary cancellation for nonpayment of family premiums.

876 10. Contract with authorized insurers or any provider of
877 health care services, meeting standards established by the
878 corporation, for the provision of comprehensive insurance
879 coverage to participants. Such standards shall include criteria
880 under which the corporation may contract with more than one
881 provider of health care services in program sites. Health plans
882 shall be selected through a competitive bid process. The Florida

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883 Healthy Kids Corporation shall purchase goods and services in
884 the most cost-effective manner consistent with the delivery of
885 quality medical care. The maximum administrative cost for a
886 Florida Healthy Kids Corporation contract shall be 15 percent.
887 For health care contracts, the minimum medical loss ratio for a
888 Florida Healthy Kids Corporation contract shall be 85 percent.
889 For dental contracts, the remaining compensation to be paid to
890 the authorized insurer or provider under a Florida Healthy Kids
891 Corporation contract shall be no less than an amount which is 85
892 percent of premium; to the extent any contract provision does
893 not provide for this minimum compensation, this section shall
894 prevail. For an insurer or any provider of health care services
895 which achieves an annual medical loss ratio below 85 percent,
896 the Florida Healthy Kids Corporation shall validate the medical
897 loss ratio and calculate an amount to be refunded by the insurer
898 or any provider of health care services to the state which shall
899 be deposited into the General Revenue Fund unallocated. The
900 health plan selection criteria and scoring system, and the
901 scoring results, shall be available upon request for inspection
902 after the bids have been awarded.

903 11. Establish disenrollment criteria in the event local
904 matching funds are insufficient to cover enrollments.

905 12. Develop and implement a plan to publicize the Florida
906 Kidcare program, the eligibility requirements of the program,
907 and the procedures for enrollment in the program and to maintain
908 public awareness of the corporation and the program.

909 13. Secure staff necessary to properly administer the
910 corporation. Staff costs shall be funded from state and local

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911 matching funds and such other private or public funds as become
912 available. The board of directors shall determine the number of
913 staff members necessary to administer the corporation.

914 14. In consultation with the partner agencies, provide a
915 report on the Florida Kidcare program annually to the Governor,
916 the Chief Financial Officer, the Commissioner of Education, the
917 President of the Senate, the Speaker of the House of
918 Representatives, and the Minority Leaders of the Senate and the
919 House of Representatives.

920 15. Provide information on a quarterly basis to the
921 Legislature and the Governor which compares the costs and
922 utilization of the full-pay enrolled population and the Title
923 XXI-subsidized enrolled population in the Florida Kidcare
924 program. The information, at a minimum, must include:

925 a. The monthly enrollment and expenditure for full-pay
926 enrollees in the Medikids and Florida Healthy Kids programs
927 compared to the Title XXI-subsidized enrolled population; and

928 b. The costs and utilization by service of the full-pay
929 enrollees in the Medikids and Florida Healthy Kids programs and
930 the Title XXI-subsidized enrolled population.

931 16. Establish benefit packages that conform to the
932 provisions of the Florida Kidcare program, as created in ss.
933 409.810-409.821.

934 Section 19. In order to implement Specific Appropriations
935 196 through 223 of the 2021-2022 General Appropriations Act, and
936 notwithstanding ss. 216.181 and 216.292, Florida Statutes, the
937 Agency for Health Care Administration may submit a budget
938 amendment, subject to the notice, review, and objection

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939 procedures of s. 216.177, Florida Statutes, to realign funding
940 within the Medicaid program appropriation categories to address
941 projected surpluses and deficits within the program and to
942 maximize the use of state trust funds. A single budget amendment
943 shall be submitted in the last quarter of the 2021-2022 fiscal
944 year only. This section expires July 1, 2022.

945 Section 20. In order to implement Specific Appropriations
946 175 through 180 and 515 of the 2021-2022 General Appropriations
947 Act, and notwithstanding ss. 216.181 and 216.292, Florida
948 Statutes, the Agency for Health Care Administration and the
949 Department of Health may each submit a budget amendment, subject
950 to the notice, review, and objection procedures of s. 216.177,
951 Florida Statutes, to realign funding within the Florida Kidcare
952 program appropriation categories, or to increase budget
953 authority in the Children's Medical Services Network category,
954 to address projected surpluses and deficits within the program
955 or to maximize the use of state trust funds. A single budget
956 amendment must be submitted by each agency in the last quarter
957 of the 2021-2022 fiscal year only. This section expires July 1,
958 2022.

959 Section 21. In order to implement Specific Appropriations
960 196 through 215 and 515 of the 2021-2022 General Appropriations
961 Act and notwithstanding ss. 216.181 and 216.292, Florida
962 Statutes, the Agency for Health Care Administration, in
963 consultation with the Department of Health, may submit a budget
964 amendment, subject to the notice, review, and objection
965 procedures of s. 216.177, Florida Statutes, to realign funding
966 within and between agencies based on implementation of the

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967 Managed Medical Assistance component of the Statewide Medicaid
968 Managed Care program for the Children's Medical Services program
969 of the Department of Health. The funding realignment shall
970 reflect the actual enrollment changes due to the transfer of
971 beneficiaries from fee-for-service to the capitated Children's
972 Medical Services Network. The Agency for Health Care
973 Administration may submit a request for nonoperating budget
974 authority to transfer the federal funds to the Department of
975 Health pursuant to s. 216.181(12), Florida Statutes. This
976 section expires July 1, 2022.

977 Section 22. In order to implement Specific Appropriations
978 463 and 500 of the 2021-2022 General Appropriations Act, and
979 notwithstanding ss. 216.181 and 216.292, Florida Statutes, the
980 Department of Health may submit a budget amendment, subject to
981 the notice, review, and objection procedures of s. 216.177,
982 Florida Statutes, to increase budget authority for the HIV/AIDS
983 Prevention and Treatment Program if additional federal revenues
984 specific to HIV/AIDS prevention and treatment program become
985 available in the 2021-2022 fiscal year. This section expires
986 July 1, 2022.

987 Section 23. Effective upon becoming law, in order to
988 implement Specific Appropriations 417 through 536 of the 2021-
989 2022 General Appropriations Act, and notwithstanding ss. 216.181
990 and 216.292, Florida Statutes, the Department of Health may
991 submit a budget amendment, subject to the notice, review, and
992 objection procedures of s. 216.177, Florida Statutes, to
993 increase budget authority for public health emergencies declared
994 pursuant to s. 381.00315, Florida Statutes, if additional

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995 federal revenues specific to respond to a declared public health
996 emergency become available in the 2021-2022 fiscal year. This
997 section expires July 1, 2022.

998 Section 24. Effective upon becoming law, and in order to
999 implement Specific Appropriations 417 through 536 the 2021-2022
1000 General Appropriations Act, and notwithstanding ss. 216.181 and
1001 216.292, Florida Statutes, the Department of Health may submit a
1002 budget amendment to increase budget authority, subject to the
1003 notice, review, and objection procedures of s. 216.177, Florida
1004 Statutes, for epidemiological activities, testing and
1005 vaccinations in response to disease outbreaks, for the
1006 Department of Health and Division of Emergency Management
1007 coordinated activities if additional federal revenues are
1008 received specific for that purpose in the 2020-2021 and 2021-
1009 2022 fiscal years. This section expires July 1, 2022.

1010 Section 25. In order to implement Specific Appropriations
1011 460 through 462, 467, and 474 of the 2021-2022 General
1012 Appropriations Act, subsection (17) of section 381.986, Florida
1013 Statutes, is amended to read:

1014 381.986 Medical use of marijuana.—

1015 (17) Rules adopted pursuant to this section before July 1,
1016 2022 ~~2021~~, are not subject to ss. 120.54(3)(b) and 120.541.
1017 ~~Notwithstanding paragraph (8)(c), a medical marijuana treatment~~
1018 ~~center may use a laboratory that has not been certified by the~~
1019 ~~department under s. 381.988 until such time as at least one~~
1020 ~~laboratory holds the required certification pursuant to s.~~
1021 ~~381.988, but in no event later than July 1, 2020. This~~
1022 subsection expires July 1, 2022 ~~2021~~.

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1023 Section 26. In order to implement Specific Appropriations
1024 460 through 462, 467, and 474 of the 2021-2022 General
1025 Appropriations Act, subsection (11) of section 381.988, Florida
1026 Statutes, is amended to read:

1027 381.988 Medical marijuana testing laboratories; marijuana
1028 tests conducted by a certified laboratory.—

1029 (11) Rules adopted under subsection (9) before July 1, 2022
1030 ~~2021~~, are not subject to ss. 120.54(3)(b) and 120.541. This
1031 subsection expires July 1, 2022 ~~2021~~.

1032 Section 27. Effective July 1, 2021, upon the expiration
1033 and reversion of the amendments made to subsection (1) of
1034 section 14 of chapter 2017-232, Laws of Florida, pursuant to
1035 section 33 of chapter 2020-114, Laws of Florida, and in order to
1036 implement Specific Appropriations 460 through 462, 467, and 474
1037 of the 2021-2022 General Appropriations Act, subsection (1) of
1038 section 14 of chapter 2017-232, Laws of Florida, is amended to
1039 read:

1040 Department of Health; authority to adopt rules; cause of
1041 action.—

1042 (1) EMERGENCY RULEMAKING.—

1043 (a) The Department of Health and the applicable boards
1044 shall adopt emergency rules pursuant to s. 120.54(4), Florida
1045 Statutes, and this section necessary to implement ss. 381.986
1046 and 381.988, Florida Statutes. If an emergency rule adopted
1047 under this section is held to be unconstitutional or an invalid
1048 exercise of delegated legislative authority, and becomes void,
1049 the department or the applicable boards may adopt an emergency
1050 rule pursuant to this section to replace the rule that has

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1051 become void. If the emergency rule adopted to replace the void
1052 emergency rule is also held to be unconstitutional or an invalid
1053 exercise of delegated legislative authority and becomes void,
1054 the department and the applicable boards must follow the
1055 nonemergency rulemaking procedures of the Administrative
1056 procedures Act to replace the rule that has become void.

1057 (b) For emergency rules adopted under this section, the
1058 department and the applicable boards need not make the findings
1059 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
1060 adopted under this section are exempt from ss. 120.54(3)(b) and
1061 120.541, Florida Statutes. The department and the applicable
1062 boards shall meet the procedural requirements in s. 120.54(4)(a)
1063 s. 120.54(a), Florida Statutes, if the department or the
1064 applicable boards have, before July 1, 2019 ~~the effective date~~
1065 ~~of this act~~, held any public workshops or hearings on the
1066 subject matter of the emergency rules adopted under this
1067 subsection. Challenges to emergency rules adopted under this
1068 subsection are subject to the time schedules provided in s.
1069 120.56(5), Florida Statutes.

1070 (c) Emergency rules adopted under this section are exempt
1071 from s. 120.54(4)(c), Florida Statutes, and shall remain in
1072 effect until replaced by rules adopted under the nonemergency
1073 rulemaking procedures of the Administrative Procedures Act.
1074 Rules adopted under the nonemergency rulemaking procedures of
1075 the Administrative Procedures Act to replace emergency rules
1076 adopted under this section are exempt from ss. 120.54(3)(b) and
1077 120.541, Florida Statutes. By July 1, 2022 ~~January 1, 2018~~, the
1078 department and the applicable boards shall initiate nonemergency

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1079 rulemaking pursuant to the Administrative Procedures Act to
1080 replace all emergency rules adopted under this section by
1081 publishing a notice of rule development in the Florida
1082 Administrative Register. Except as provided in paragraph (a),
1083 after July 1, 2022 ~~January 1, 2018~~, the department and
1084 applicable boards may not adopt rules pursuant to the emergency
1085 rulemaking procedures provided in this section.

1086 Section 28. In order to implement Specific Appropriations
1087 321 and 323 of the 2021-2022 General Appropriations Act, the
1088 Department of Children and Families shall establish a formula to
1089 distribute the recurring sums of \$15,616,971 from the General
1090 Revenue Fund and \$17,907,709 from the Federal Grants Trust Fund
1091 for actual and direct costs to implement the Guardianship
1092 Assistance Program, including Level 1 foster care board
1093 payments, licensing staff for community-based care lead
1094 agencies, and guardianship assistance payments. This section
1095 expires July 1, 2022.

1096 Section 29. In order to implement Specific Appropriations
1097 321, 323, 352, and 353 of the 2021-2022 General Appropriations
1098 Act, and notwithstanding ss. 216.181 and 216.292, Florida
1099 Statutes, the Department of Children and Families may submit a
1100 budget amendment, subject to the notice, review, and objection
1101 procedures of s. 216.177, Florida Statutes, to realign funding
1102 within the department based on the implementation of the
1103 Guardianship Assistance Program, between and among the specific
1104 appropriations for guardianship assistance payments, foster care
1105 Level 1 room and board payments, relative caregiver payments,
1106 and nonrelative caregiver payments. This section expires July 1,

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1107 2022.

1108 Section 30. In order to implement Specific Appropriations
1109 303 through 306, 310, 311, 314, 319 through 321, and 323 of the
1110 2021-2022 General Appropriations Act, and notwithstanding ss.
1111 216.181 and 216.292, Florida Statutes, the Department of
1112 Children and Families may submit a budget amendment, subject to
1113 the notice, review, and objection procedures of s. 216.177,
1114 Florida Statutes, to realign funding within the Family Safety
1115 Program to maximize the use of Title IV-E and other federal
1116 funds. This section expires July 1, 2022.

1117 Section 31. In order to implement Specific Appropriations
1118 339, 344, and 345 of the 2021-2022 General Appropriations Act,
1119 and notwithstanding ss. 216.181 and 216.292, Florida Statutes,
1120 the Department of Children and Families may submit a budget
1121 amendment, subject to the notice, review, and objection
1122 procedures of s. 216.177, Florida Statutes, to increase budget
1123 authority for the Supplemental Nutrition Assistance Program if
1124 additional federal revenue specific to the program becomes
1125 available for the program in the 2021-2022 fiscal year. This
1126 section expires July 1, 2022.

1127 Section 32. Effective upon this act becoming a law, in
1128 order to implement Specific Appropriation 316, and
1129 notwithstanding ss. 216.181 and 216.292, Florida Statutes, the
1130 Department of Children and Families may submit a budget
1131 amendment, subject to the notice, review, and objection
1132 procedures of s. 216.177, Florida Statutes, to realign use of
1133 the funds appropriated in Specific Appropriation 312 to
1134 implement programs and to manage and deliver services for the

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1135 state's domestic violence program, including implementing
1136 statutory directives contained in chapter 39, Florida Statutes,
1137 as amended by chapter 2020-6, Laws of Florida, implementing
1138 special projects, coordinating a strong families and domestic
1139 violence campaign, implementing the child welfare and domestic
1140 violence co-location projects, and conducting training and
1141 providing technical assistance to certified domestic violence
1142 centers and allied professionals. This section expires July 1,
1143 2022.

1144 Section 33. In order to implement Specific Appropriations
1145 545 through 551 and 553 of the 2021-2022 General Appropriations
1146 Act, subsection (3) of section 296.37, Florida Statutes, is
1147 amended to read:

1148 296.37 Residents; contribution to support.— (3)
1149 Notwithstanding subsection (1), each resident of the home who
1150 receives a pension, compensation, or gratuity from the United
1151 States Government, or income from any other source, of more
1152 than \$130 per month shall contribute to his or her maintenance
1153 and support while a resident of the home in accordance with a
1154 payment schedule determined by the administrator and approved
1155 by the director. The total amount of such contributions shall be
1156 to the fullest extent possible, but, in no case, shall exceed
1157 the actual cost of operating and maintaining the home. This
1158 subsection expires July 1, ~~2021~~ 2022.

1159 Section 34. In order to implement Specific Appropriations
1160 572 through 680 and 692 through 726 of the 2021-2022 General
1161 Appropriations Act, subsection (4) of section 216.262, Florida
1162 Statutes, is amended to read:

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1163 216.262 Authorized Positions. -

1164 (4) Notwithstanding the provisions of this chapter relating
1165 to increasing the number of authorized positions, and for the
1166 2021-2022 ~~2020-2021~~ fiscal year only, if the actual inmate
1167 population of the Department of Corrections exceeds the inmate
1168 population projections of the November 20, 2020 ~~February 22,~~
1169 ~~2019~~, Criminal Justice Estimating Conference by 1 percent for 2
1170 consecutive months or 2 percent for any month, the Executive
1171 Office of the Governor, with the approval of the Legislative
1172 Budget Commission, shall immediately notify the Criminal Justice
1173 Estimating Conference, which shall convene as soon as possible
1174 to revise the estimates. The Department of Corrections may then
1175 submit a budget amendment requesting the establishment of
1176 positions in excess of the number authorized by the Legislature
1177 and additional appropriations from unallocated general revenue
1178 sufficient to provide for essential staff, fixed capital
1179 improvements, and other resources to provide classification,
1180 security, food services, health services, and other variable
1181 expenses within the institutions to accommodate the estimated
1182 increase in the inmate population. All actions taken pursuant to
1183 this subsection are subject to review and approval by the
1184 Legislative Budget Commission. This subsection expires July 1,
1185 2022 ~~2021~~.

1186 Section 35. In order to implement Specific Appropriations
1187 736 through 757, 905 through 1048, and 1069 through 1104 of the
1188 2021-2022 General Appropriations Act, subsection (13) of s.
1189 27.5304, Florida Statutes, is amended to read:

1190 27.5304 Private court-appointed counsel; compensation;

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1191 notice.-

1192 (13) Notwithstanding the limitation set forth in subsection
1193 (5) and for the 2021-2022 ~~2020-2021~~ fiscal year only, the
1194 compensation for representation in a criminal proceeding may not
1195 exceed the following:

1196 (a) For misdemeanors and juveniles represented at the trial
1197 level: \$1,000.

1198 (b) For noncapital, nonlife felonies represented at the
1199 trial level: \$15,000.

1200 (c) For life felonies represented at the trial level:
1201 \$15,000.

1202 (d) For capital cases represented at the trial level:
1203 \$25,000. For purposes of this paragraph, a "capital case" is any
1204 offense for which the potential sentence is death and the state
1205 has not waived seeking the death penalty.

1206 (e) For representation on appeal: \$9,000.

1207 (f) This subsection expires July 1, 2022 ~~2021~~.

1208 Section 36. In order to implement Specific Appropriations
1209 3113 through 3179 of the 2021-2022 General Appropriations Act,
1210 subsection (2) of section 215.18, Florida Statutes, is amended
1211 to read:

1212 215.18 Transfers between funds; limitation.-

1213 (2) The Chief Justice of the Supreme Court may receive one
1214 or more trust fund loans to ensure that the state court system
1215 has funds sufficient to meet its appropriations in the 2021-2022
1216 ~~2020-2021~~ General Appropriations Act. If the Chief Justice
1217 accesses the loan, he or she must notify the Governor and the
1218 chairs of the legislative appropriations committees in writing.

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1219 The loan must come from other funds in the State Treasury which
1220 are for the time being or otherwise in excess of the amounts
1221 necessary to meet the just requirements of such last-mentioned
1222 funds. The Governor shall order the transfer of funds within 5
1223 days after the written notification from the Chief Justice. If
1224 the Governor does not order the transfer, the Chief Financial
1225 Officer shall transfer the requested funds. The loan of funds
1226 from which any money is temporarily transferred must be repaid
1227 by the end of the 2021-2022 ~~2020-2021~~ fiscal year. This
1228 subsection expires July 1, 2022 ~~2021~~.

1229 Section 37. (1) In order to implement Specific
1230 Appropriations 1120 through 1131 of the 2021-2022 General
1231 Appropriations Act, the Department of Juvenile Justice is
1232 required to review county juvenile detention payments to ensure
1233 that counties fulfill their financial responsibilities required
1234 in s. 985.6865, Florida Statutes. If the Department of Juvenile
1235 Justice determines that a county has not met its obligations,
1236 the department shall direct the Department of Revenue to deduct
1237 the amount owed to the Department of Juvenile Justice from the
1238 funds provided to the county under s. 218.23, Florida Statutes.
1239 The Department of Revenue shall transfer the funds withheld to
1240 the Shared County/State Juvenile Detention Trust Fund.

1241 (2) As an assurance to holders of bonds issued by counties
1242 before July 1, 2021, for which distributions made pursuant to s.
1243 218.23, Florida Statutes, are pledged, or bonds issued to refund
1244 such bonds which mature no later than the bonds they refunded
1245 and which result in a reduction of debt service payable in each
1246 fiscal year, the amount available for distribution to a county

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1247 shall remain as provided by law and continue to be subject to
1248 any lien or claim on behalf of the bondholders. The Department
1249 of Revenue must ensure, based on information provided by an
1250 affected county, that any reduction in amounts distributed
1251 pursuant to subsection (1) does not reduce the amount of
1252 distribution to a county below the amount necessary for the
1253 timely payment of principal and interest when due on the bonds
1254 and the amount necessary to comply with any covenant under the
1255 bond resolution or other documents relating to the issuance of
1256 the bonds. If a reduction to a county's monthly distribution
1257 must be decreased in order to comply with this section, the
1258 Department of Revenue must notify the Department of Juvenile
1259 Justice of the amount of the decrease, and the Department of
1260 Juvenile Justice must send a bill for payment of such amount to
1261 the affected county.

1262 (3) This section expires July 1, 2022.

1263 Section 38. In order to implement Specific Appropriation
1264 1603 and 1856 of the 2021-2022 General Appropriations Act,
1265 paragraph (d) of subsection (11) of section 216.181, Florida
1266 Statutes, is amended to read:

1267 216.181 Approved budgets for operations and fixed capital
1268 outlay.—

1269 (11)

1270 (d) Notwithstanding paragraph (b) and paragraph (2)(b), and for
1271 the 2021-2022 ~~2020-2021~~ fiscal year only, the Legislative Budget
1272 Commission may increase the amounts appropriated to the Fish and
1273 Wildlife Conservation Commission or the Department of
1274 Environmental Protection for fixed capital outlay projects,

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1275 including additional fixed capital outlay projects, using funds
1276 provided to the state from the Gulf Environmental Benefit Fund
1277 administered by the National Fish and Wildlife Foundation; funds
1278 provided to the state from the Gulf Coast Restoration Trust Fund
1279 related to the Resources and Ecosystems Sustainability, Tourist
1280 Opportunities, and Revived Economies of the Gulf Coast Act of
1281 2012 (RESTORE Act); or funds provided by the British Petroleum
1282 Corporation (BP) for natural resource damage assessment
1283 restoration projects. Concurrent with submission of an amendment
1284 to the Legislative Budget Commission pursuant to this paragraph,
1285 any project that carries a continuing commitment for future
1286 appropriations by the Legislature must be specifically
1287 identified, together with the projected amount of the future
1288 commitment associated with the project and the fiscal years in
1289 which the commitment is expected to commence. This paragraph
1290 expires July 1, 2022 ~~2021~~.

1291 Section 39. In order to implement specific appropriations
1292 from the land acquisition trust funds within the Department of
1293 Agriculture and Consumer Services, the Department of
1294 Environmental Protection, the Department of State, and the Fish
1295 and Wildlife Conservation Commission which are contained in the
1296 2021-2022 General Appropriations Act, subsection (3) of section
1297 215.18, Florida Statutes, is amended to read:

1298 215.18 Transfers between funds; limitation.—

1299 (3) Notwithstanding subsection (1) and only with respect to
1300 a land acquisition trust fund in the Department of Agriculture
1301 and Consumer Services, the Department of Environmental
1302 Protection, the Department of State, or the Fish and Wildlife

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1303 Conservation Commission, whenever there is a deficiency in a
1304 land acquisition trust fund which would render that trust fund
1305 temporarily insufficient to meet its just requirements,
1306 including the timely payment of appropriations from that trust
1307 fund, and other trust funds in the State Treasury have moneys
1308 that are for the time being or otherwise in excess of the
1309 amounts necessary to meet the just requirements, including
1310 appropriated obligations, of those other trust funds, the
1311 Governor may order a temporary transfer of moneys from one or
1312 more of the other trust funds to a land acquisition trust fund
1313 in the Department of Agriculture and Consumer Services, the
1314 Department of Environmental Protection, the Department of State,
1315 or the Fish and Wildlife Conservation Commission. Any action
1316 proposed pursuant to this subsection is subject to the notice,
1317 review, and objection procedures of s. 216.177, and the Governor
1318 shall provide notice of such action at least 7 days before the
1319 effective date of the transfer of trust funds, except that
1320 during July 2021 ~~2020~~, notice of such action shall be provided
1321 at least 3 days before the effective date of a transfer unless
1322 such 3-day notice is waived by the chair and vice-chair of the
1323 Legislative Budget Commission. Any transfer of trust funds to a
1324 land acquisition trust fund in the Department of Agriculture and
1325 Consumer Services, the Department of Environmental Protection,
1326 the Department of State, or the Fish and Wildlife Conservation
1327 Commission must be repaid to the trust funds from which the
1328 moneys were loaned by the end of the 2021-2022 ~~2020-2021~~ fiscal
1329 year. The Legislature has determined that the repayment of the
1330 other trust fund moneys temporarily loaned to a land acquisition

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1331 trust fund in the Department of Agriculture and Consumer
1332 Services, the Department of Environmental Protection, the
1333 Department of State, or the Fish and Wildlife Conservation
1334 Commission pursuant to this subsection is an allowable use of
1335 the moneys in a land acquisition trust fund because the moneys
1336 from other trust funds temporarily loaned to a land acquisition
1337 trust fund shall be expended solely and exclusively in
1338 accordance with s. 28, Art. X of the State Constitution. This
1339 subsection expires July 1, 2022 ~~2021~~.

1340 Section 40. (1) In order to implement specific
1341 appropriations from the land acquisition trust funds within the
1342 Department of Agriculture and Consumer Services, the Department
1343 of Environmental Protection, the Department of State, and the
1344 Fish and Wildlife Conservation Commission which are contained in
1345 the 2021-2022 ~~2020-2021~~ General Appropriations Act, the
1346 Department of Environmental Protection shall transfer revenues
1347 from the Land Acquisition Trust Fund within the department to
1348 the land acquisition trust funds within the Department of
1349 Agriculture and Consumer Services, the Department of State, and
1350 the Fish and Wildlife Conservation Commission, as provided in
1351 this section. As used in this section, the term "department"
1352 means the Department of Environmental Protection.

1353 (2) After subtracting any required debt service payments,
1354 the proportionate share of revenues to be transferred to each
1355 land acquisition trust fund shall be calculated by dividing the
1356 appropriations from each of the land acquisition trust funds for
1357 the fiscal year by the total appropriations from the Land
1358 Acquisition Trust Fund within the department and the land

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1359 acquisition trust funds within the Department of Agriculture and
1360 Consumer Services, the Department of State, and the Fish and
1361 Wildlife Commission for the fiscal year. The department shall
1362 transfer the proportionate share of the revenues in the Land
1363 Acquisition Trust Fund within the department on a monthly basis
1364 to the appropriate land acquisition trust funds within the
1365 Department of Agriculture and Consumer Services, the Department
1366 of State, and the Fish and Wildlife Commission and shall retain
1367 its proportionate share of the revenues in the Land Acquisition
1368 Trust Fund within the department. Total distributions to a land
1369 acquisition trust fund within the Department of Agriculture and
1370 Consumer Services, the Department of State, and the Fish and
1371 Wildlife Commission may not exceed the total appropriations from
1372 such trust fund for the fiscal year.

1373 (3) In addition, the department shall transfer from the
1374 Land Acquisition Trust Fund to land acquisition trust funds
1375 within the Department of Agriculture and Consumer Services, the
1376 Department of State, and the Fish and Wildlife Conservation
1377 Commission amounts equal to the difference between the amounts
1378 appropriated in chapter 2020-111, Laws of Florida, to the
1379 department's Land Acquisition Trust Fund and the other land
1380 acquisition trust funds, and the amounts actually transferred
1381 between those trust funds during the 2020-2021 fiscal year.

1382 (4) The department may advance funds from the beginning
1383 unobligated fund balance in the Land Acquisition Trust Fund to
1384 the Land Acquisition Trust Fund within the Fish and Wildlife
1385 Conservation Commission needed for cash flow purposes based on a
1386 detailed expenditure plan. The department shall prorate amounts

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1387 transferred quarterly to the Fish and Wildlife Conservation
1388 Commission to recoup the amount of funds advanced by June 30,
1389 2022.

1390 (5) This section expires July 1, 2022 ~~2021~~.

1391 Section 41. In order to implement specific appropriations
1392 of the 2021-2022 General Appropriations Act associated with the
1393 Land Acquisition Trust Fund, paragraph (b) of subsection (3) of
1394 section 375.041, Florida Statutes, is amended to read:

1395 375.041 Land Acquisition Trust Fund.—

1396 (3) Funds distributed into the Land Acquisition Trust Fund
1397 pursuant to s. 201.15 shall be applied:

1398 (b) Of the funds remaining after the payments required
1399 under paragraph (a), but before funds may be appropriated,
1400 pledged, or dedicated for other uses:

1401 1. A minimum of the lesser of 25 percent or \$200 million
1402 shall be appropriated annually for Everglades projects that
1403 implement the Comprehensive Everglades Restoration Plan as set
1404 forth in s. 373.470, including the Central Everglades Planning
1405 Project subject to Congressional authorization; the Long-Term
1406 Plan as defined in s. 373.4592(2); and the Northern Everglades
1407 and Estuaries Protection Program as set forth in s. 373.4595.
1408 From these funds, \$32 million shall be distributed each fiscal
1409 year through the 2023-2024 fiscal year to the South Florida
1410 Water Management District for the Long-Term Plan as defined in
1411 s. 373.4592(2). After deducting the \$32 million distributed
1412 under this subparagraph, from the funds remaining, a minimum of
1413 the lesser of 76.5 percent or \$100 million shall be appropriated
1414 each fiscal year through the 2025-2026 fiscal year for the

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1415 planning, design, engineering, and construction of the
1416 Comprehensive Everglades Restoration Plan as set forth in s.
1417 373.470, including the Central Everglades Planning Project, the
1418 Everglades Agricultural Area Storage Reservoir Project, the Lake
1419 Okeechobee Watershed Project, the C-43 West Basin Storage
1420 Reservoir Project, the Indian River Lagoon-South Project, the
1421 Western Everglades Restoration Project, and the Picayune Strand
1422 Restoration Project. The Department of Environmental Protection
1423 and the South Florida Water Management District shall give
1424 preference to those Everglades restoration projects that reduce
1425 harmful discharges of water from Lake Okeechobee to the St.
1426 Lucie or Caloosahatchee estuaries in a timely manner. For the
1427 purpose of performing the calculation provided in this
1428 subparagraph, the amount of debt service paid pursuant to
1429 paragraph (a) for bonds issued after July 1, 2016, for the
1430 purposes set forth under paragraph (b) shall be added to the
1431 amount remaining after the payments required under paragraph
1432 (a). The amount of the distribution calculated shall then be
1433 reduced by an amount equal to the debt service paid pursuant to
1434 paragraph (a) on bonds issued after July 1, 2016, for the
1435 purposes set forth under this subparagraph.

1436 2. A minimum of the lesser of 7.6 percent or \$50 million
1437 shall be appropriated annually for spring restoration,
1438 protection, and management projects. For the purpose of
1439 performing the calculation provided in this subparagraph, the
1440 amount of debt service paid pursuant to paragraph (a) for bonds
1441 issued after July 1, 2016, for the purposes set forth under
1442 paragraph (b) shall be added to the amount remaining after the

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1443 payments required under paragraph (a). The amount of the
1444 distribution calculated shall then be reduced by an amount equal
1445 to the debt service paid pursuant to paragraph (a) on bonds
1446 issued after July 1, 2016, for the purposes set forth under this
1447 subparagraph.

1448 3. The sum of \$5 million shall be appropriated annually
1449 each fiscal year through the 2025-2026 fiscal year to the St.
1450 Johns River Water Management District for projects dedicated to
1451 the restoration of Lake Apopka. This distribution shall be
1452 reduced by an amount equal to the debt service paid pursuant to
1453 paragraph (a) on bonds issued after July 1, 2016, for the
1454 purposes set forth in this subparagraph.

1455 4. The sum of \$64 million is appropriated and shall be
1456 transferred to the Everglades Trust Fund for the 2018-2019
1457 fiscal year, and each fiscal year thereafter, for the EAA
1458 reservoir project pursuant to s. 373.4598. Any funds remaining
1459 in any fiscal year shall be made available only for Phase II of
1460 the C-51 reservoir project or projects identified in
1461 subparagraph 1. and must be used in accordance with laws
1462 relating to such projects. Any funds made available for such
1463 purposes in a fiscal year are in addition to the amount
1464 appropriated under subparagraph 1. This distribution shall be
1465 reduced by an amount equal to the debt service paid pursuant to
1466 paragraph (a) on bonds issued after July 1, 2017, for the
1467 purposes set forth in this subparagraph.

1468 5. Notwithstanding subparagraph 3, for the 2021-2022 ~~2020-~~
1469 ~~2021~~ fiscal year, funds shall be appropriated as provided in the
1470 General Appropriations Act. This subparagraph expires July 1,

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1471 2022 ~~2021~~.

1472 Section 42. In order to implement Specific Appropriation
1473 1557 of the 2021 -2022 General Appropriations Act, paragraph (m)
1474 is added to subsection

1475 (3) of section 259.105, Florida Statutes, to read:

1476 259.105 The Florida Forever Act.-

1477 (3) Less the costs of issuing and the costs of funding
1478 reserve accounts and other costs associated with bonds, the
1479 proceeds of cash payments or bonds issued pursuant to this
1480 section shall be deposited into the Florida Forever Trust Fund
1481 created by s. 259.1051. The proceeds shall be distributed by the
1482 Department of Environmental Protection in the following manner:

1483 (m) Notwithstanding paragraphs (a)-(j) and for the 2021-
1484 2022 fiscal year only; The amount of \$50,000,000 to only the
1485 Division of State Lands within the Department of Environmental
1486 Protection for the Board of Trustees Florida Forever Priority
1487 List land acquisition projects. This paragraph expires July 1,
1488 2022.

1489 Section 43. In order to implement Specific Appropriation
1490 1670 of the 2021-2022 General Appropriations Act, paragraph (g)
1491 of subsection (15) of section 376.3071, Florida Statutes, as
1492 created by chapter 2020-056, Laws of Florida, is amended to
1493 read:

1494 376.3071 Inland Protection Trust Fund; creation; purposes;
1495 funding.-

1496 (15) ETHANOL OR BIODIESEL DAMAGE; PREVENTIVE MEASURES.-The
1497 department shall pay, pursuant to this subsection, up to \$10
1498 million each fiscal year from the fund for the costs of labor

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1499 and equipment to repair or replace petroleum storage systems
1500 that may have been damaged due to the storage of fuels blended
1501 with ethanol or biodiesel, or for preventive measures to reduce
1502 the potential for such damage.

1503 (g) Payments may not be made for the following:

- 1504 1. Proposal costs or costs related to preparation of the
1505 application and required documentation;
- 1506 2. Certified public accountant costs;
- 1507 3. Except as provided in paragraph (j) ~~subsection (k)~~, any
1508 costs in excess of the amount approved by the department under
1509 paragraph (b) or which are not in substantial compliance with
1510 the purchase order;
- 1511 4. Costs associated with storage tanks, piping, or
1512 ancillary equipment that has previously been repaired or
1513 replaced for which costs have been paid under this section;
- 1514 5. Facilities that are not in compliance with department
1515 storage tank rules, until the noncompliance issues have been
1516 resolved; or
- 1517 6. Costs associated with damage to petroleum storage
1518 systems caused in whole or in part by causes other than the
1519 storage of fuels blended with ethanol or biodiesel.

1520 The amendment to s. 376.3071(15)(g), Florida Statutes, by
1521 this act expires July 1, 2022 ~~2021~~, and the text of that
1522 paragraph shall revert to that in existence on June 30, 2021
1523 ~~2020~~, except that any amendments to such text enacted other than
1524 this act shall be preserved and continue to operate to the
1525 extent that such amendments are not dependent upon the portion
1526 of text which expire pursuant to this section.

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1527 Section 44. In order to implement Section 8 of the Fiscal
1528 Year 2021-2022 General Appropriations Act, notwithstanding
1529 sections 110.123(3)(f) and (j), Florida Statutes, the Department
1530 of Management Services shall maintain and offer the same PPO and
1531 HMO health plan alternatives to the participants of the State
1532 Group Health Insurance Program during the 2021-2022 fiscal year
1533 that were in effect for the 2020-2021 fiscal year. This section
1534 expires July 1, 2022.

1535 Section 45. In order to implement appropriations in the
1536 Fiscal Year 2021-2022 General Appropriations Act for state
1537 employee travel and notwithstanding s. 112.061, Florida
1538 Statutes, costs for lodging associated with a meeting,
1539 conference, or convention organized or sponsored in whole or in
1540 part by a state agency or the judicial branch may not exceed
1541 \$175 per day. An employee may expend his or her own funds for
1542 any lodging expenses in excess of \$175 per day. For purposes of
1543 this section, a meeting does not include travel activities for
1544 conducting an audit, examination, inspection, or investigation
1545 or travel activities related to a litigation or emergency
1546 response. This section expires July 1, 2022.

1547 Section 46. In order to implement Specific Appropriations
1548 2225, 2229 and 2248 of the 2021-2022 General Appropriations Act,
1549 subsection (6) is added to section 288.8013, Florida Statutes,
1550 to read:

1551 288.8013 Triumph Gulf Coast, Inc.; creation; funding;
1552 investment.—

1553 (6) For the 2021-2022 fiscal year, interest earned by the
1554 Triumph Gulf Coast Trust Fund may be used as provided in the

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1555 General Appropriations Act. This subsection expires July 1,
1556 2022.

1557 Section 47. In order to implement Specific Appropriation
1558 2238 of the 2021-2022 General Appropriations Act, subsection (2)
1559 of section 420.0005, Florida Statutes, is amended to read:

1560 420.0005 State Housing Trust Fund; State Housing Fund.—

1561 (2) For the 2021-2022 ~~2020-2021~~ fiscal year, funds may be
1562 used as provided in the General Appropriations Act. This
1563 subsection expires July 1, 2022 ~~2021~~.

1564 Section 48. In order to implement Specific Appropriation
1565 2239 of the 2021-2022 General Appropriations Act, subsection (3)
1566 of section 420.9079, Florida Statutes, is amended to read:

1567 420.9079 Local Government Housing Trust Fund.—

1568 (3) For the 2021-2022 ~~2020-2021~~ fiscal year, funds may be
1569 used as provided in the General Appropriations Act. This
1570 subsection expires July 1, 2022 ~~2021~~.

1571 Section 49. In order to implement Specific Appropriation
1572 2604 of the 2021-2022 General Appropriations Act, paragraph (b)
1573 of subsection (3) and subsection (5) of section 321.04, Florida
1574 Statutes, are amended to read:

1575 321.04 Personnel of the highway patrol; rank
1576 classifications; probationary status of new patrol officers;
1577 subsistence; special assignments.—

1578 (3)(b) For the 2021-2022 ~~2020-2021~~ fiscal year only, upon
1579 the request of the Governor, the Department of Highway Safety
1580 and Motor Vehicles shall assign one or more patrol officers to
1581 the office of the Lieutenant Governor for security services.
1582 This paragraph expires July 1, 2022 ~~2021~~.

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1583 (5) For the 2021-2022 ~~2020-2021~~ fiscal year only, the
1584 assignment of a patrol officer by the department shall include a
1585 Cabinet member specified in s. 4, Art. IV of the State
1586 Constitution if deemed appropriate by the department or in
1587 response to a threat and upon written request of such Cabinet
1588 member. This subsection expires July 1, 2022 ~~2021~~.

1589 Section 50. In order to implement Specific Appropriation
1590 2544 of the 2021-2022 General Appropriations Act, paragraph (d)
1591 of subsection (4) of section 112.061, Florida Statutes, is
1592 amended to read:

1593 112.061 Per diem and travel expenses of public officers,
1594 employees, and authorized persons.—

1595 (4) OFFICIAL HEADQUARTERS.—The official headquarters of an
1596 officer or employee assigned to an office shall be the city or
1597 town in which the office is located except that:

1598 (d) A Lieutenant Governor who permanently resides outside
1599 of Leon County, may, if he or she so requests, have an
1600 appropriate facility in his or her county designated as his or
1601 her official headquarters for purposes of this section. This
1602 official headquarters may only serve as the Lieutenant
1603 Governor's personal office. The Lieutenant Governor may not use
1604 state funds to lease space in any facility for his or her
1605 official headquarters.

1606 1. A Lieutenant Governor for whom an official headquarters
1607 is established in his or her county of residence pursuant to
1608 this paragraph is eligible for subsistence at a rate to be
1609 established by the Governor for each day or partial day that the
1610 Lieutenant Governor is at the State Capitol to conduct official

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1611 state business. In addition to the subsistence allowance, a
1612 Lieutenant Governor is eligible for reimbursement for
1613 transportation expenses as provided in subsection (7) for travel
1614 between the Lieutenant Governor's official headquarters and the
1615 State Capitol to conduct state business.

1616 2. Payment of subsistence and reimbursement for
1617 transportation between a Lieutenant Governor's official
1618 headquarters and the State Capitol shall be made to the extent
1619 appropriated funds are available, as determined by the Governor.

1620 3. This paragraph expires July 1, ~~2021~~ 2022.

1621 Section 51. In order to implement Specific Appropriations
1622 1865 through 1878, 1884 through 1887, 1899 through 1908, 1910
1623 through 1919, and 1953 through 1966 of the 2021-2022 General
1624 Appropriations Act, paragraph (g) of subsection (8) of section
1625 338.2278, Florida Statutes, is amended to read:

1626 338.2278 Multi-use Corridors of Regional Economic
1627 Significance Program.—

1628 (8) The amounts identified in subsection (7) by fiscal year
1629 shall be allocated as follows:

1630 (g)1. Except as provided in subparagraph 2., in each fiscal
1631 year in which funding provided under this subsection for the
1632 Small County Road Assistance Program, the Small County Outreach
1633 Program, the Transportation Disadvantaged Trust Fund, or the
1634 workforce development program is not committed by the end of
1635 each fiscal year, such uncommitted funds shall be used by the
1636 department to fund Multi-use Corridors of Regional Economic
1637 Significance Program projects. As provided in s. 339.135(7), the
1638 adopted work program may be amended to transfer funds between

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1639 appropriations categories or to increase an appropriation
1640 category to implement this paragraph.

1641 2. For the 2021-2022 ~~2020-2021~~ fiscal year, funding
1642 provided under this subsection for the Transportation
1643 Disadvantaged Trust Fund under paragraph (a) which is
1644 uncommitted at the end of the 2020-2021 fiscal year may be used
1645 as provided in the General Appropriations Act.

1646 Section 52. The amendment ~~amendments~~ to s. 338.2278~~(3)(e)~~
1647 ~~and~~(8)(g), Florida Statutes, by this act expires ~~expire~~ July 1,
1648 2022 ~~2021~~, and the texts of that ~~those~~ paragraph ~~paragraphs~~
1649 shall revert to that in existence on June 30, 2020, except that
1650 any amendments to such text enacted other than by this act shall
1651 be preserved and continue to operate to the extent that such
1652 amendments are not dependent upon the portions of text which
1653 expire pursuant to this section.

1654 Section 53. In order to implement Specific Appropriations
1655 1865 through 1878, 1884 through 1887, 1899 through 1908, 1910
1656 through 1919, and 1953 through 1966 of the 2021-2022 General
1657 Appropriations Act, paragraphs (g) and (h) of subsection (7) of
1658 section 339.135, Florida Statutes, are amended to read:

1659 339.135 Work program; legislative budget request;
1660 definitions; preparation, adoption, execution, and amendment.—

1661 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1662 (g)1. Any work program amendment which also requires the
1663 transfer of fixed capital outlay appropriations between
1664 categories within the department or the increase of an
1665 appropriation category is subject to the approval of the
1666 Legislative Budget Commission.

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1667 2. If a meeting of the Legislative Budget Commission cannot
1668 be held within 30 days after the department submits an amendment
1669 to the Legislative Budget Commission, the chair and vice chair
1670 of the Legislative Budget Commission may authorize such
1671 amendment to be approved pursuant to s. 216.177. This
1672 subparagraph expires July 1, 2022 ~~2021~~.

1673 (h)1. Any work program amendment that also adds a new
1674 project, or phase thereof, to the adopted work program in excess
1675 of \$3 million is subject to approval by the Legislative Budget
1676 Commission. Any work program amendment submitted under this
1677 paragraph must include, as supplemental information, a list of
1678 projects, or phases thereof, in the current 5-year adopted work
1679 program which are eligible for the funds within the
1680 appropriation category being used for the proposed amendment.
1681 The department shall provide a narrative with the rationale for
1682 not advancing an existing project, or phase thereof, in lieu of
1683 the proposed amendment.

1684 2. If a meeting of the Legislative Budget Commission cannot
1685 be held within 30 days after the department submits an amendment
1686 to the commission, the chair and vice chair of the commission
1687 may authorize the amendment to be approved pursuant to s.
1688 216.177. This subparagraph expires July 1, 2022 ~~2021~~.

1689 Section 54. In order to implement the appropriation of
1690 funds in appropriation category "Special Categories-Risk
1691 Management Insurance" in the Fiscal Year 2021-2022 General
1692 Appropriations Act, and pursuant to the notice, review, and
1693 objection procedures of s. 216.177, Florida Statutes, the
1694 Executive Office of the Governor may transfer funds appropriated

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1695 in that category between state agencies in order to align the
1696 budget authority granted with the premiums paid by each
1697 department for risk management insurance. This section expires
1698 July 1, 2022.

1699 Section 55. In order to implement the appropriation of
1700 funds in the appropriation category "Special Categories-Transfer
1701 to Department of Management Services-Human Resources Services
1702 Purchased Per Statewide Contract" in the Fiscal Year 2021-2022
1703 General Appropriations Act, and pursuant to the notice, review,
1704 and objection procedures of s. 216.177, Florida Statutes, the
1705 Executive Office of the Governor may transfer funds appropriated
1706 in that category between state agencies in order to align the
1707 budget authority granted with the assessments that must be paid
1708 by each agency to the Department of Management Services for
1709 human resource management services. This section expires July 1,
1710 2022.

1711 Section 56. Effective upon becoming law, in order to
1712 implement specific appropriations of the 2020-2021 and 2021-2022
1713 General Appropriations Acts used for public health emergencies,
1714 and notwithstanding ss. 216.181 and 216.292, Florida Statutes,
1715 agencies may submit budget amendments, subject to the notice,
1716 review and objection procedures of s. 216.177, Florida Statutes,
1717 to increase budget authority if additional federal funds become
1718 available for continued pandemic relief due to public health
1719 emergencies in the 2020-2021 or 2021-2022 fiscal year. This
1720 section expires July 1, 2022.

1721 Section 57. In order to implement specific appropriations
1722 of the 2021-2022 General Appropriations Act that provide funding

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1723 to entities that are sole-source providers, public-private
1724 partnerships, or that through a contractual agreement with the
1725 state receive more than half of their funding from the State or
1726 a combination of State and Federal funds, and that were subject
1727 to compliance with Executive Order No. 20-44, no funding may be
1728 distributed to such entities that are in non-compliance with
1729 Executive Order No. 20-44 or have otherwise failed to cooperate
1730 with the Executive Office of the Governor or the Chief Inspector
1731 General in an ongoing investigation related to Executive Order
1732 No. 20-44.

1733 Section 58. In order to implement the funds appropriated in
1734 the Fiscal Year 2021-2022 General Appropriations Act for state
1735 employee travel, the funds appropriated to each state agency,
1736 which may be used for travel by state employees, are limited
1737 during the 2021-2022 fiscal year to travel for activities that
1738 are critical to each state agency's mission. Funds may not be
1739 used to pay for travel by state employees to foreign countries,
1740 other states, conferences, staff-training activities, or other
1741 administrative functions unless the agency head has approved, in
1742 writing, that such activities are critical to the agency's
1743 mission. The agency head shall consider using teleconferencing
1744 and other forms of electronic communication to meet the needs of
1745 the proposed activity before approving mission-critical travel.
1746 This section does not apply to travel for law enforcement
1747 purposes, military purposes, emergency management activities, or
1748 public health activities. This section expires July 1, 2022.

1749 Section 59. In order to implement the transfer of moneys to
1750 the General Revenue Fund from trust funds in the Fiscal Year

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1751 2021-2022 General Appropriations Act, paragraph (b) of
1752 subsection (2) of section 215.32, Florida Statutes, is reenacted
1753 to read:

1754 215.32 State funds; segregation.—

1755 (2) The source and use of each of these funds shall be as
1756 follows:

1757 (b)1. The trust funds shall consist of moneys received by
1758 the state which under law or under trust agreement are
1759 segregated for a purpose authorized by law. The state agency or
1760 branch of state government receiving or collecting such moneys
1761 is responsible for their proper expenditure as provided by law.
1762 Upon the request of the state agency or branch of state
1763 government responsible for the administration of the trust fund,
1764 the Chief Financial Officer may establish accounts within the
1765 trust fund at a level considered necessary for proper
1766 accountability. Once an account is established, the Chief
1767 Financial Officer may authorize payment from that account only
1768 upon determining that there is sufficient cash and releases at
1769 the level of the account.

1770 2. In addition to other trust funds created by law, to the
1771 extent possible, each agency shall use the following trust funds
1772 as described in this subparagraph for day-to-day operations:

1773 a. Operations or operating trust fund, for use as a
1774 depository for funds to be used for program operations funded by
1775 program revenues, with the exception of administrative
1776 activities when the operations or operating trust fund is a
1777 proprietary fund.

1778 b. Operations and maintenance trust fund, for use as a

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1779 depository for client services funded by third-party payors.

1780 c. Administrative trust fund, for use as a depository for
1781 funds to be used for management activities that are departmental
1782 in nature and funded by indirect cost earnings and assessments
1783 against trust funds. Proprietary funds are excluded from the
1784 requirement of using an administrative trust fund.

1785 d. Grants and donations trust fund, for use as a depository
1786 for funds to be used for allowable grant or donor agreement
1787 activities funded by restricted contractual revenue from private
1788 and public nonfederal sources.

1789 e. Agency working capital trust fund, for use as a
1790 depository for funds to be used pursuant to s. 216.272.

1791 f. Clearing funds trust fund, for use as a depository for
1792 funds to account for collections pending distribution to lawful
1793 recipients.

1794 g. Federal grant trust fund, for use as a depository for
1795 funds to be used for allowable grant activities funded by
1796 restricted program revenues from federal sources.

1797 To the extent possible, each agency must adjust its
1798 internal accounting to use existing trust funds consistent with
1799 the requirements of this subparagraph. If an agency does not
1800 have trust funds listed in this subparagraph and cannot make
1801 such adjustment, the agency must recommend the creation of the
1802 necessary trust funds to the Legislature no later than the next
1803 scheduled review of the agency's trust funds pursuant to s.
1804 215.3206.

1805 3. All such moneys are hereby appropriated to be expended
1806 in accordance with the law or trust agreement under which they

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1807 were received, subject always to the provisions of chapter 216
1808 relating to the appropriation of funds and to the applicable
1809 laws relating to the deposit or expenditure of moneys in the
1810 State Treasury.

1811 4.a. Notwithstanding any provision of law restricting the
1812 use of trust funds to specific purposes, unappropriated cash
1813 balances from selected trust funds may be authorized by the
1814 Legislature for transfer to the State School Trust Fund, Budget
1815 Stabilization Fund, and General Revenue Fund in the General
1816 Appropriations Act.

1817 b. This subparagraph does not apply to trust funds required
1818 by federal programs or mandates; trust funds established for
1819 bond covenants, indentures, or resolutions whose revenues are
1820 legally pledged by the state or public body to meet debt service
1821 or other financial requirements of any debt obligations of the
1822 state or any public body; the Division of Licensing Trust Fund
1823 in the Department of Agriculture and Consumer Services; the
1824 State Transportation Trust Fund; the trust fund containing the
1825 net annual proceeds from the Florida Education Lotteries; the
1826 Florida Retirement System Trust Fund; trust funds under the
1827 management of the State Board of Education or the Board of
1828 Governors of the State University System, where such trust funds
1829 are for auxiliary enterprises, self-insurance, and contracts,
1830 grants, and donations, as those terms are defined by general
1831 law; trust funds that serve as clearing funds or accounts for
1832 the Chief Financial Officer or state agencies; trust funds that
1833 account for assets held by the state in a trustee capacity as an
1834 agent or fiduciary for individuals, private organizations, or

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1835 other governmental units; and other trust funds authorized by
1836 the State Constitution.

1837 Section 60. The amendment to s. 215.32(2)(b), Florida
1838 Statutes, as carried forward by this act from chapter 2011-47,
1839 Laws of Florida, expires July 1, 2022, and the text of that
1840 paragraph shall revert to that in existence on June 30, 2011,
1841 except that any amendments to such text enacted other than by
1842 this act shall be preserved and continue to operate to the
1843 extent that such amendments are not dependent upon the portions
1844 of text which expire pursuant to this section.

1845 Section 61. In order to implement appropriations for
1846 salaries and benefits in the 2021-2022 General Appropriations
1847 Act, subsection (6) of section 112.24, Florida Statutes, is
1848 amended to read:

1849 112.24 Intergovernmental interchange of public employees.-
1850 To encourage economical and effective utilization of public
1851 employees in this state, the temporary assignment of employees
1852 among agencies of government, both state and local, and
1853 including school districts and public institutions of higher
1854 education is authorized under terms and conditions set forth in
1855 this section. State agencies, municipalities, and political
1856 subdivisions are authorized to enter into employee interchange
1857 agreements with other state agencies, the Federal Government,
1858 another state, a municipality, or a political subdivision
1859 including a school district, or with a public institution of
1860 higher education. State agencies are also authorized to enter
1861 into employee interchange agreements with private institutions
1862 of higher education and other nonprofit organizations under the

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1863 terms and conditions provided in this section. In addition, the
1864 Governor or the Governor and Cabinet may enter into employee
1865 interchange agreements with a state agency, the Federal
1866 Government, another state, a municipality, or a political
1867 subdivision including a school district, or with a public
1868 institution of higher learning to fill, subject to the
1869 requirements of chapter 20, appointive offices which are within
1870 the executive branch of government and which are filled by
1871 appointment by the Governor or the Governor and Cabinet. Under
1872 no circumstances shall employee interchange agreements be
1873 utilized for the purpose of assigning individuals to participate
1874 in political campaigns. Duties and responsibilities of
1875 interchange employees shall be limited to the mission and goals
1876 of the agencies of government.

1877 (6) For the 2021-2022 ~~2020-2021~~ fiscal year only, the
1878 assignment of an employee of a state agency as provided in this
1879 section may be made if recommended by the Governor or Chief
1880 Justice, as appropriate, and approved by the chairs of the
1881 legislative appropriations committees. Such actions shall be
1882 deemed approved if neither chair provides written notice of
1883 objection within 14 days after receiving notice of the action
1884 pursuant to s. 216.177. This subsection expires July 1, 2022
1885 ~~2021~~.

1886 Section 62. In order to implement the appropriation of funds
1887 in a data processing category in the Fiscal Year 2021-2022
1888 General Appropriations Act, and pursuant to the notice, review,
1889 and objection procedures of s. 216.177, Florida Statutes, the
1890 Executive Office of the Governor may transfer funds appropriated

1891 in a data processing category between departments in order to
1892 align the budget authority granted based on the estimated
1893 billing cycle and methodology used by the Department of
1894 Management Services. This section expires July 1, 2022.

1895 Section 63. In order to implement appropriations
1896 authorized in the Fiscal Year 2021-2022 General Appropriations
1897 Act for data center services, and notwithstanding s.
1898 216.292(2)(a), Florida Statutes, an agency may not transfer
1899 funds from a data processing category to a category other than
1900 another data processing category. This section expires July 1,
1901 2022.

1902 Section 64. In order to implement appropriations in the
1903 Fiscal Year 2021-2022 General Appropriations Act:

1904 (1) Each agency shall receive approval from the Department
1905 of Management Service's Florida Digital Service prior to the
1906 implementation of a change in scope of any existing or new
1907 information technology project with a total project cost of
1908 \$1,000,000 or more over the lifetime of the project. Each agency
1909 shall coordinate with the Florida Digital Service to provide all
1910 necessary documentation detailing the impact of the change in
1911 scope. This section does not apply to any information technology
1912 project with the following scope(s):

1913 (a) Continue existing hardware and software maintenance
1914 agreements, not including hardware renewals or extensions.

1915 (b) Renew existing software licensing agreements that are
1916 similar to the service-level agreements currently in use.

1917 (c) Replace desktop workstations with new technology that
1918 is similar to the technology currently in use.

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1919 (d) A contract only for the completion of a business case
1920 or feasibility study for the replacement or remediation of an
1921 existing information technology system or the development of a
1922 new information technology system.

1923 (2) Each agency shall provide the Florida Digital Service a
1924 list of all applicable projects pursuant to this section by
1925 September 30, 2021. The list shall include the project's title,
1926 purpose, Fiscal Year 2021-2022 appropriation, total projected
1927 project cost, and timeline for completion.

1928 (3) The Florida Digital Service shall develop a process and
1929 guidelines to be used in the review of each applicable project's
1930 change in scope, including, but not limited to, project
1931 alignment with the provisions included in s. 282.206, Florida
1932 Statutes, consideration of whether the agency is utilizing best
1933 practices with respect to information technology, information
1934 services, and the acquisition of emerging technologies and
1935 information services.

1936 Section 65. Any section of this act which implements a
1937 specific appropriation or specifically identified proviso
1938 language in the 2021-2022 General Appropriations Act is void if
1939 the specific appropriation or specifically identified proviso
1940 language is vetoed. Any section of this act which implements
1941 more than one specific appropriation or more than one portion of
1942 specifically identified proviso language in the 2021-2022
1943 General Appropriations Act is void if all the specific
1944 appropriations or portions of specifically identified proviso
1945 language are vetoed.

1946 Section 66. If any other act passed during the 2021 Regular

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1947 Session contains a provision that is substantively the same as a
1948 provision in this act, but that removes or is otherwise not
1949 subject to the future repeal applied to such provision by this
1950 act, the Legislature intends that the provision in the other act
1951 takes precedence and continues to operate, notwithstanding the
1952 future repeal provided by this act.

1953 Section 67. If any provision of this act or its application
1954 to any person or circumstance is held invalid, the invalidity
1955 does not affect other provisions or applications of the act
1956 which can be given effect without the invalid provision or
1957 application, and to this end the provisions of this act are
1958 severable.

1959 Section 68. Except as otherwise expressly provided in this
1960 act and except for this section, which shall take effect upon
1961 this act becoming a law, this act shall take effect July 1,
1962 2021; or, if this act fails to become a law until after that
1963 date, it shall take effect upon becoming a law and shall operate
1964 retroactively to July 1, 2021.

Governor's Budget Recommendation Conforming Bill
Department of Education -
Florida Education Finance Program (FEFP) and the Title I School
Recognition Program

A bill to be entitled

An act relating to the Florida Education Finance Program (FEFP); amending s. 1011.62, F.S.; conforming cross-references; clarifying calculation requirements; creating s. 1008.365, F.S.; creating the Title I School Recognition Program; providing purpose and eligibility criteria; specifying authorized uses for appropriated funds; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) of subsection (7) and paragraph (a) of subsection (18), and paragraph (f) of (21) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(7) DETERMINATION OF SPARSITY SUPPLEMENT.—

(d) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count.

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Department of Education -
Florida Education Finance Program (FEFP) and the Title I School
Recognition Program

27 2. A state average discretionary levy value per FTE shall
28 be calculated by dividing the total maximum discretionary levy
29 value for all districts by the state total FTE student count.

30 3. A total potential funds per FTE for each district shall
31 be calculated by dividing the total potential funds, not
32 including Florida School Recognition Program or the Title I
33 School Recognition Program funds and the minimum guarantee
34 funds, for each district by its FTE student count.

35 4. A state average total potential funds per FTE shall be
36 calculated by dividing the total potential funds, not including
37 Florida School Recognition Program or the Title I School
38 Recognition Program funds and the minimum guarantee funds, for
39 all districts by the state total FTE student count.

40 5. For districts that have a levy value per FTE as
41 calculated in subparagraph 1. higher than the state average
42 calculated in subparagraph 2., a sparsity wealth adjustment
43 shall be calculated as the product of the difference between the
44 state average levy value per FTE calculated in subparagraph 2.
45 and the district's levy value per FTE calculated in subparagraph
46 1. and the district's FTE student count and -1. However, no
47 district shall have a sparsity wealth adjustment that, when
48 applied to the total potential funds calculated in subparagraph
49 3., would cause the district's total potential funds per FTE to
50 be less than the state average calculated in subparagraph 4.

51 6. Each district's sparsity supplement allocation shall be
52 calculated by adding the amount calculated as specified in

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Department of Education -
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Recognition Program

53 paragraphs (a) and (b) and the wealth adjustment amount
54 calculated in this paragraph.

55 (18) TEACHER SALARY INCREASE ALLOCATION.—The Legislature
56 may annually provide in the Florida Education Finance Program a
57 teacher salary increase allocation to assist school districts in
58 their recruitment and retention of classroom teachers and other
59 instructional personnel. The amount of the allocation shall be
60 specified in the General Appropriations Act.

61 (a) Each school district shall receive an allocation based
62 on the school district's proportionate share of the base FEFP
63 allocation. Each school district shall provide each charter
64 school within its district its proportionate share calculated
65 pursuant to s. 1002.33(17)(b). The amount appropriated for each
66 school district shall be the funding allocated to a school
67 district as of the July FEFP calculation.

68 (21) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION.—
69 The turnaround school supplemental services allocation is
70 created to provide district-managed turnaround schools, as
71 identified in s. 1008.33(4)(a), schools that earn three
72 consecutive grades below a "C," as identified in s.
73 1008.33(4)(b)3., and schools that have improved to a "C" and are
74 no longer in turnaround status, as identified in s.
75 1008.33(4)(c), with funds to offer services designed to improve
76 the overall academic and community welfare of the schools'
77 students and their families.

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Department of Education -
Florida Education Finance Program (FEFP) and the Title I School
Recognition Program

78 (f) Subject to legislative appropriation, each school shall
79 remain eligible for the allocation for a maximum of 4 continuous
80 fiscal years while implementing a turnaround option pursuant to
81 s. 1008.33(4). In addition, a school that improves to a grade of
82 "C" or higher shall remain eligible to receive the allocation
83 for a maximum of 2 continuous fiscal years after exiting
84 turnaround status. The amount allocated for each school district
85 shall be recalculated once during the year, based on full-time
86 equivalent student membership from the October full-time
87 equivalent student membership survey.

88 Section 2. Section 1008.365, Florida Statutes, is created
89 to read:

90 1008.365 Title I School Recognition Program

91 (1) The Title I School Recognition Program is created to
92 provide financial awards to Title I public schools that:

93 (a) Sustain high performance by receiving a school grade of
94 "A;" ; or

95 (b) Improves at least one letter grade or by improving more
96 than one letter grade and sustaining the improvement the
97 following school year.

98 (3) All Title I public schools, including Title I charter
99 schools, that receive a school grade pursuant to s. 1008.34, are
100 eligible to participate in the program.

101 (4) All selected schools shall receive financial awards
102 depending on the availability of funds appropriated and the
103 number and size of schools selected to receive an award. Funds

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Recognition Program

104 must be used for purposes listed in subsection (5). If a Title I
105 school selected to receive a school recognition award is no
106 longer in existence at the time the award is paid, the district
107 school superintendent shall distribute the funds to teachers who
108 taught at the school in the previous year in the form of a
109 bonus.

110 (5) Title I School Recognition Program awards must be used
111 for the following:

112 (a) At a minimum, ten percent of a school district's or a
113 charter school's allocation must be used to support literacy
114 initiatives designed to improve student performance;

115 (b) Nonrecurring bonuses to the faculty and staff;

116 (c) Nonrecurring expenditures for educational equipment or
117 materials to assist in maintaining and improving student
118 performance, only if such expenditures are done to provide
119 direct services to a student in a literacy program; or

120 (d) Temporary personnel for the school to assist in
121 maintaining and improving student performance, only if such
122 expenditures are done to provide direct services to a student in
123 a literacy program.

124
125 Notwithstanding statutory provisions to the contrary, incentive
126 awards are not subject to collective bargaining.

127 Section 3. This act shall take effect July 1, 2021.

Governor's Budget Recommendation Conforming Bill
Department of Education -
Florida Postsecondary Academic Library Network

1
2 A bill to be entitled
3 An act establishing the Florida Postsecondary Academic
4 Library Network; amending s. 1004.013, F.S.; conforming
5 provisions to changes made by this act; amending s.
6 1006.73, F.S.; consolidating postsecondary library and
7 student services initiatives; specifying purpose and
8 program requirements; requiring a report and
9 recommendations; amending s. 1007.01, F.S; s. 1009.24,
10 F.S.; s. 1009.23; s. 295.22, F.S.; conforming provisions to
11 changes made by this act; repeals s. 1006.735, F.S.;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraph (a) of subsection (2) of section
17 1004.013, Florida Statutes, is amended to read:

18 1004.013 SAIL to 60 Initiative.—

19 (2) The State Board of Education and the Board of Governors
20 shall work collaboratively to, at a minimum:

21 (a) Increase the awareness and use of:

22 1. The student advising system established under
23 ~~s. 1006.735(4)(b)~~s. 1006.73.

24 2. ~~The Complete Florida Degree Initiative established under~~
25 ~~s. 1006.735(2) that facilitates degree completion for the~~
26 ~~state's adult learners. The Chancellor of the State University~~
27 ~~System and the Chancellor of the Florida College System shall~~
28 ~~consult with the Complete Florida Degree Initiative to identify~~

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29 ~~barriers to program expansion and develop recommendations to~~
30 ~~increase the number of participating institutions and students~~
31 ~~served by the program. The recommendations must consider, at a~~
32 ~~minimum, methods for increasing outreach efforts to help~~
33 ~~students complete the "last mile" by providing financial~~
34 ~~assistance to students who are within 12 credit hours of~~
35 ~~completing their first associate or baccalaureate degree, but~~
36 ~~have separated from their institution of enrollment for more~~
37 ~~than one semester. Recommendations must be submitted to the~~
38 ~~Board of Governors, the State Board of Education, and the~~
39 ~~Governor no later than October 1, 2019.~~

40 2.3. Summer bridge programs at state universities and
41 Florida College System institutions that help students
42 transition to postsecondary education.

43 Section 2. section 1006.73, Florida Statutes, is amended to
44 read:

45 1006.73 Florida Postsecondary Academic Library Network,
46 ~~Services Cooperative.~~

47 (1) PURPOSE.—The Office of the Board of Governors and the
48 Department of Education will jointly oversee the host entity in
49 accordance with subsection (5) that will deliver the following
50 services to public postsecondary education institutions in this
51 state, which, for purposes of this section, means all Florida
52 College System and State University System institutions:

53 (a) Provide information regarding and access to distance
54 learning courses and degree programs offered by public
55 postsecondary education institutions within the state.

56 (b) Coordinate with the Florida College System and the

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57 State University System to identify and provide online academic
58 support services and resources when the multi-institutional
59 provision of such services and resources is more cost effective
60 or operationally effective.

61 (c) Administer a single library automation system and
62 associated resources and services that all public postsecondary
63 institutions shall use to support learning, teaching, and
64 research needs, and develop automated library management tools
65 that shall include, but are not limited to, the following
66 services and functions:

67 1. A shared Internet-based catalog and discovery tool that
68 allows a user to search and, if authorized, access the aggregate
69 library holdings of the state's public postsecondary education
70 institutions. The catalog and discovery tool shall allow a user
71 to search the library holdings of one institution, selected
72 institutions, or all institutions and, to the extent feasible,
73 shall include an interlibrary loan function that ensures an
74 authorized user can access the required library holding.

75 2. An Internet-based searchable collection of electronic
76 resources which shall include, but not be limited to, full-text
77 journals, articles, databases, and electronic books licensed
78 pursuant to paragraph (d).

79 3. An integrated library management system and its
80 associated services that all public postsecondary education
81 institution academic libraries shall use for purposes of
82 acquiring, cataloging, circulating, and tracking library
83 material.

84 4. A statewide searchable database that includes an

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85 inventory of digital archives and collections held by public
86 postsecondary education institutions.

87 (d) In collaboration with library staff from Florida
88 College System institutions and state universities, coordinate
89 the negotiation of statewide licensing of electronic library
90 resources and preferred pricing agreements, issue purchase
91 orders, and enter into contracts for the acquisition of library
92 support services, electronic resources, and other goods and
93 services necessary to carry out its duties under this section.

94 (e) Promote and provide recommendations concerning the use
95 and distribution of open-access textbooks and education
96 resources as a method for reducing costs.

97 (f) Provide appropriate help desk support and training and
98 consultation services to institutions and students.

99 (2) STATEWIDE INTERNET-BASED CATALOG OF DISTANCE LEARNING
100 COURSES.- There is established a statewide Internet-based
101 catalog of distance learning courses, degree programs, and
102 resources offered by public postsecondary education institutions
103 which is intended to assist in the coordination and
104 collaboration of articulation and access pursuant to parts II
105 and III of chapter 1007. The host entity is responsible for
106 developing and disseminating operational procedures and
107 technical guidelines for the catalog, to be followed by all
108 participating institutions. Operating procedures and technical
109 guidelines will address the following:

110 (a) Specific information concerning the distance learning
111 course or degree program, including, but not limited to, course
112 number, classification of instructional programs number, and

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113 information on the availability of the course or degree program;
114 any prerequisite course or technology competency or skill; the
115 availability of academic support services and financial aid
116 resources; and course costs, fees, and payment policies.

117 (b) Define and describe the catalog's search and retrieval
118 options that, at a minimum, will allow users to search by
119 academic term or course start date; institution, multiple
120 institutions, or all institutions; and course or program
121 delivery methods, course type, course availability, subject or
122 discipline, and course number or classification of instructional
123 programs number.

124 (c) An Internet-based analytic tool that allows for the
125 collection and analysis of data as to usage of resources
126 accessed or interaction with constituent institutions whose
127 courses and programs are listed in the catalog.

128 (d) Frequent review and updates to institution catalogs to
129 ensure that distance learning courses and degree programs comply
130 with operational procedures.

131 (3) STATEWIDE ONLINE STUDENT ADVISING SERVICES AND
132 SUPPORT.—The following online services and support shall be made
133 available on a statewide basis:

134 (a) A streamlined online admissions application process,
135 which shall be used by all public postsecondary institutions,
136 for undergraduate transient students currently enrolled and
137 pursuing a degree at a public postsecondary education
138 institution who enroll in a course offered by a public
139 postsecondary education institution that is not the student's
140 degree-granting institution, which shall:

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141 1. Use the transient student admissions application
142 available through the statewide computer-assisted student
143 advising system established pursuant to paragraph (b). This
144 admissions application is the only application required for
145 enrollment of a transient student as described in this
146 paragraph.

147 2. Implement the financial aid procedures required by the
148 transient student admissions application process.

149 3. Transfer credit awarded by the institution offering the
150 course to the transient student's degree-granting institution.

151 4. Provide an interface between the institutional advising
152 system and the statewide computer-assisted student advising
153 system established pursuant to paragraph (b) in order to
154 electronically send, receive, and process the transient student
155 admissions application.

156 (b) A statewide computer-assisted student advising system
157 which shall support the process of advising, registering, and
158 capturing student progression toward a degree and career and
159 which shall include a degree audit and an articulation
160 component. Florida College System institutions and state
161 universities shall interface institutional advising systems with
162 the statewide computer-assisted student advising system. At a
163 minimum, the statewide computer-assisted student advising system
164 shall:

165 1. Allow a student to access the system at any time.

166 2. Allow a student to search public postsecondary education
167 institutions and identify course options that will meet the
168 requirements of a selected path toward a degree.

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169 3. Audit transcripts of students enrolled in a public
170 postsecondary education institution to assess current academic
171 standing, the requirements for a student to transfer to another
172 institution, and all requirements necessary for graduation.

173 4. Serve as the official statewide repository for the
174 common prerequisite manual, admissions information for
175 transferring programs, foreign language requirements, residency
176 requirements, and statewide articulation agreements.

177 5. Provide information relating to career descriptions and
178 corresponding educational requirements, admissions requirements,
179 and available sources of student financial assistance.

180 6. Provide the admissions application for transient
181 students pursuant to paragraph (a) which must include the
182 electronic transfer and receipt of information and records for:

183 a. Admissions and readmissions.

184 b. Financial aid.

185 c. Transfer of credit awarded by the institution offering
186 the course to the transient student's degree-granting
187 institution using the Florida Automated System for Transferring
188 Educational Records (the "FASTER System").

189 (c) A method for identifying and evaluating new
190 technologies and instructional methods for improving distance
191 learning instruction and development for faculty, student
192 learning outcomes, student access, the efficient delivery of
193 student support services, and the overall quality of
194 postsecondary distance learning courses and degree programs.

195 (d) Negotiation of statewide licensing resources and
196 preferred pricing agreements, issuing purchase orders, and

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197 entering into contracts for the acquisition of distance learning
198 resources, student and support services, electronic resources,
199 and other goods and services necessary to carry out duties under
200 this section.

201 (4) REPORTING.—Beginning December 31, 2021, and each year
202 thereafter, the host entity shall submit a report to the
203 Chancellors of the State University System and the Florida
204 College System regarding the implementation and operation of all
205 components described in this section, including, but not limited
206 to, usage information collected under paragraph (2)(c),
207 information and associated costs relating to the services and
208 functions of the program, and the implementation and operation
209 of the automated library services. The Chancellors will provide
210 an annual report on the performance of the host entity in
211 delivering the services and any recommendations for changes
212 needed to this section to the Governor, the President of the
213 Senate, the Speaker of the House of Representatives, the Board
214 of Governors, and the State Board of Education.

215 (5) GOVERNANCE AND ADMINISTRATION.—The Office of the Board
216 of Governors and the Department of Education shall have joint
217 responsibility for determining the host entity for the services
218 described in this section and shall share in the receipt and
219 administration of an associated appropriation as described in
220 the General Appropriations Act. The Chancellors of the Florida
221 College System and the Board of Governors shall provide
222 oversight for successful delivery by the host entity of the
223 services described in this section.

224 (6) RECOMMENDATION ON OTHER EDUCATIONAL INSTITUTIONS TO BE

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225 INCLUDED WITHIN THE FLORIDA POSTSECONDARY ACADEMIC LIBRARY
226 NETWORK.—By June 1, 2022, the Commissioner of Education and the
227 Chancellor of the Board of Governors shall provide a joint
228 recommendation for a process by which school district career
229 centers operated under s. 1001.44 and charter technical career
230 centers under s. 1002.34 would access appropriate postsecondary
231 distance learning, student support services and library assets
232 described in this section. The recommendation must include an
233 analysis of the resources necessary to expand access and assets
234 to centers and their students.

235 ~~(1) The Florida Academic Library Services Cooperative is~~
236 ~~established to provide a single library automation system and~~
237 ~~associated resources and services that all public postsecondary~~
238 ~~institutions shall use to support learning, teaching, and~~
239 ~~research needs.~~

240 ~~(2) The Florida Academic Library Services Cooperative~~
241 ~~shall:~~

242 ~~(a) Develop and manage a library information portal and~~
243 ~~automated library management tools for use by Florida College~~
244 ~~System institutions and state universities. The library~~
245 ~~information portal and automated library management tools shall~~
246 ~~include, but are not limited to, the following services and~~
247 ~~functions:~~

248 ~~1. A shared Internet based catalog and discovery tool that~~
249 ~~allows a user to search and, if authorized, access the aggregate~~
250 ~~library holdings of the state's public postsecondary education~~
251 ~~institutions. The catalog and discovery tool shall allow a user~~
252 ~~to search the library holdings of one institution, selected~~

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253 ~~institutions, or all institutions and, to the extent feasible,~~
254 ~~shall include an interlibrary loan function that ensures an~~
255 ~~authorized user can access the required library holding.~~

256 ~~2. An Internet-based searchable collection of electronic~~
257 ~~resources which shall include, but not be limited to, full text~~
258 ~~journals, articles, databases, and electronic books licensed~~
259 ~~pursuant to paragraph (b).~~

260 ~~3. An integrated library management system and its~~
261 ~~associated services that all public postsecondary education~~
262 ~~institution academic libraries shall use for purposes of~~
263 ~~acquiring, cataloging, circulating, and tracking library~~
264 ~~material.~~

265 ~~4. A statewide searchable database that includes an~~
266 ~~inventory of digital archives and collections held by public~~
267 ~~postsecondary education institutions.~~

268 ~~(b) In collaboration with library staff from Florida~~
269 ~~College System institutions and state universities, coordinate~~
270 ~~the negotiation of statewide licensing of electronic library~~
271 ~~resources and preferred pricing agreements, issue purchase~~
272 ~~orders, and enter into contracts for the acquisition of library~~
273 ~~support services, electronic resources, and other goods and~~
274 ~~services necessary to carry out its duties under this section.~~
275 ~~For purposes of licensing electronic library resources from~~
276 ~~funds appropriated to the Complete Florida Plus Program, those~~
277 ~~resources licensed for 4-year degree-seeking students shall be~~
278 ~~made available to all 4-year degree-seeking students in the~~
279 ~~Florida College System and the State University System.~~

280 ~~(c) Promote and provide recommendations concerning the use~~

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281 ~~and distribution of open access textbooks and education~~
282 ~~resources as a method for reducing costs and work with public~~
283 ~~postsecondary education institutions in developing a~~
284 ~~standardized process for the review and approval of open access~~
285 ~~textbooks and education resources.~~

286 ~~(d) Provide appropriate help desk support and training and~~
287 ~~consultation services to institutions and students using the~~
288 ~~services of the Florida Academic Library Services Cooperative.~~

289 ~~(e) Receive all data center services from the Northwest~~
290 ~~Regional Data Center established pursuant to s. 1004.649.~~

291 ~~(3) The University of West Florida shall hire a director~~
292 ~~for the Florida Academic Library Services Cooperative who shall~~
293 ~~report to and is under the supervision and direction of the~~
294 ~~director of the Complete Florida Plus Program established~~
295 ~~pursuant to s. 1006.735. The director of the Florida Academic~~
296 ~~Library Services Cooperative shall:~~

297 ~~(a) Exercise all powers, duties, and functions of the~~
298 ~~cooperative prescribed by law.~~

299 ~~(b) Administer the operational requirements of the~~
300 ~~cooperative.~~

301 ~~(c) Hire professional and administrative staff necessary to~~
302 ~~carry out the duties of the cooperative. The director shall hire~~
303 ~~the minimum administrative staff necessary to administer the~~
304 ~~duties of the cooperative.~~

305 ~~(4) BEGINNING December 31, 2014, and each year thereafter,~~
306 ~~the University of West Florida shall submit a report to the~~
307 ~~President of the Senate and the Speaker of the House of~~
308 ~~Representatives describing the implementation and operation of~~

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309 ~~the Florida Academic Library Services Cooperative to include,~~
310 ~~but not be limited to, information and associated costs relating~~
311 ~~to the services and functions identified in subsection (2).~~

312 Section 3. Paragraph (h) of subsection (3) of section
313 1007.01, Florida Statutes, is amended to read:

314 1007.01 Articulation; legislative intent; purpose; role of
315 the State Board of Education and the Board of Governors;
316 Articulation Coordinating Committee.—

317 (3) The Commissioner of Education, in consultation with the
318 Chancellor of the State University System, shall establish the
319 Articulation Coordinating Committee, which shall make
320 recommendations related to statewide articulation policies and
321 issues regarding access, quality, and reporting of data
322 maintained by the K-20 data warehouse, established pursuant to
323 ss. 1001.10 and 1008.31, to the Higher Education Coordination
324 Council, the State Board of Education, and the Board of
325 Governors. The committee shall consist of two members each
326 representing the State University System, the Florida College
327 System, public career and technical education, K-12 education,
328 and nonpublic postsecondary education and one member
329 representing students. The chair shall be elected from the
330 membership. The Office of K-20 Articulation shall provide
331 administrative support for the committee. The committee shall:

332 (h) Recommend roles and responsibilities of public
333 education entities in interfacing with the single, statewide
334 computer-assisted student advising system established pursuant
335 to ~~s. 1006.735~~ s. 1006.73.

336 Section 4. Subsection (17) of section 1009.24, Florida

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337 Statutes, is amended to read:

338 1009.24 State university student fees.—

339 (17)(a) A state university may assess a student who enrolls
340 in a course listed in the distance learning catalog, established
341 pursuant to ~~s. 1006.735~~ s. 1006.73, a per-credit-hour distance
342 learning course fee. For purposes of assessing this fee, a
343 distance learning course is a course in which at least 80
344 percent of the direct instruction of the course is delivered
345 using some form of technology when the student and instructor
346 are separated by time or space, or both.

347 (b) The amount of the distance learning course fee may not
348 exceed the additional costs of the services provided which are
349 attributable to the development and delivery of the distance
350 learning course. If the distance learning course fee is assessed
351 by a state university, the institution may not assess
352 duplicative fees to cover the additional costs.

353 (c) If an institution assesses the distance learning fee,
354 the institution must provide a link to the catalog within the
355 advising and distance learning sections of the institution's
356 website, ~~using a graphic and description provided by the~~
357 ~~Complete Florida Plus Program, informing students of the~~
358 ~~catalog.~~

359 Section 5. Subsection (16) of section 1009.23, Florida
360 Statutes, is amended to read:

361 1009.23 Florida College System institution student fees.—

362 (16)(a) Each Florida College System institution may assess
363 a student who enrolls in a course listed in the distance
364 learning catalog, established pursuant to ~~s. 1006.735~~ s.

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365 1006.73, a per-credit-hour distance learning course user fee.
366 For purposes of assessing this fee, a distance learning course
367 is a course in which at least 80 percent of the direct
368 instruction of the course is delivered using some form of
369 technology when the student and instructor are separated by time
370 or space, or both.

371 (b) The amount of the distance learning course user fee may
372 not exceed the additional costs of the services provided which
373 are attributable to the development and delivery of the distance
374 learning course. If a Florida College System institution
375 assesses the distance learning course user fee, the institution
376 may not assess any other fees to cover the additional costs. By
377 September 1 of each year, each board of trustees shall report to
378 the Division of Florida Colleges the total amount of revenue
379 generated by the distance learning course user fee for the prior
380 fiscal year and how the revenue was expended.

381 (c) If an institution assesses the distance learning fee,
382 the institution must provide a link to the catalog within the
383 advising and distance learning sections of the institution's
384 website, ~~using a graphic and description provided by the~~
385 ~~Complete Florida Plus Program, to inform students of the~~
386 ~~catalog.~~

387 Section 6. Paragraph (b) of subsection (3) of section
388 295.22, Florida Statutes, is amended to read:

389 295.22 Veterans Employment and Training Services Program.—

390 (3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall
391 administer the Veterans Employment and Training Services Program
392 and perform all of the following functions:

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393 (b) Assist veterans who reside in or relocate to this state
394 and who are seeking employment. The corporation shall offer
395 skills assessments to veterans and assist them in establishing
396 employment goals and applying for and achieving gainful
397 employment.

398 1. Assessment may include skill match information, skill
399 gap analysis, resume creation, translation of military skills
400 into civilian workforce skills, and translation of military
401 achievements and experience into generally understood civilian
402 workforce skills.

403 2. Assistance may include providing the veteran with
404 information on current workforce demand by industry or
405 geographic region, creating employment goals, and aiding or
406 teaching general knowledge related to completing applications.
407 The corporation may provide information related to industry
408 certifications approved by the Department of Education under s.
409 1008.44 as well as information related to earning academic
410 college credit at public postsecondary educational institutions
411 for college-level training and education acquired in the
412 military under s. 1004.096.

413 3. The corporation shall encourage veterans to register
414 with the state's job bank system and may refer veterans to local
415 one-stop career centers for further services. The corporation
416 shall provide each veteran with information about state
417 workforce programs and shall consolidate information about all
418 available resources on one website that, if possible, includes a
419 hyperlink to each resource's website and contact information, if
420 available. ~~If appropriate, a veteran shall be encouraged to~~

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421 ~~participate in the Complete Florida Degree Program established~~
422 ~~under s. 1006.735.~~

423 4. Assessment and assistance may be in person or by
424 electronic means, as determined by the corporation to be most
425 efficient and best meet the needs of veterans.

426 Section 7. Section 1006.735, Florida Statutes, is repealed.

427 Section 8. This bill shall take effect July 1, 2021.

Governor's Budget Recommendation Conforming Bill
Sales Tax Holidays

1 A bill to be entitled

2 An act relating to sales tax holidays; providing a sales
3 and use tax exemption for certain tangible personal
4 property related to disaster preparedness during a
5 specified period; providing exceptions to the exemption;
6 providing an appropriation; authorizing the Department of
7 Revenue to adopt rules to implement the exemption;
8 providing an exemption from the sales and use tax for the
9 retail sale of certain clothing, school supplies, and
10 personal computers and personal computer-related
11 accessories during a specified period; providing
12 exceptions to the exemption; authorizing the Department of
13 Revenue to adopt emergency rules; providing an
14 appropriation; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Disaster preparedness supplies; sales tax
19 holiday.—

20 (1) The tax levied under chapter 212, Florida Statutes, may
21 not be collected during the period from 12:01 a.m. on May 28,
22 2021, through 11:59 p.m. on June 6, 2021, on the sale of:

23 (a) A portable self-powered light source selling for \$20 or
24 less.

25 (b) A portable self-powered radio, two-way radio, or
26 weather-band radio selling for \$50 or less.

27 (c) A tarpaulin or other flexible waterproof sheeting
28 selling for \$50 or less.

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Sales Tax Holidays

29 (d) An item normally sold as, or generally advertised as, a
30 ground anchor system or tie-down kit selling for \$50 or less.

31 (e) A gas or diesel fuel tank selling for \$25 or less.

32 (f) A package of AA-cell, AAA-cell, C-cell, D-cell, 6-volt,
33 or 9-volt batteries, excluding automobile and boat batteries,
34 selling for \$30 or less.

35 (g) A nonelectric food storage cooler selling for \$30 or
36 less.

37 (h) A portable generator used to provide light or
38 communications or preserve food in the event of a power outage
39 selling for \$750 or less.

40 (i) Reusable ice selling for \$10 or less.

41 (2) The tax exemptions provided in this section do not
42 apply to sales within a theme park or entertainment complex as
43 defined in s. 509.013(9), Florida Statutes, within a public
44 lodging establishment as defined in s. 509.013(4), Florida
45 Statutes, or within an airport as defined in s. 330.27(2),
46 Florida Statutes.

47 (3) The Department of Revenue is authorized, and all
48 conditions are deemed met, to adopt emergency rules pursuant to
49 s. 120.54(4), Florida Statutes, for the purpose of implementing
50 this section. Notwithstanding any other provision of law,
51 emergency rules adopted pursuant to this subsection are
52 effective for 6 months after adoption and may be renewed during
53 the pendency of procedures to adopt permanent rules addressing
54 the subject of the emergency rules.

55 (4) For the 2020-2021 fiscal year, the sum of \$70,000 in
56 nonrecurring funds is appropriated from the General Revenue Fund

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Sales Tax Holidays

57 to the Department of Revenue for the purpose of implementing
58 this section. Funds remaining unexpended or unencumbered from
59 this appropriation as of June 30, 2021, shall revert and be
60 reappropriated for the same purpose in the 2021-2022 fiscal
61 year.

62 Section 2. Clothing, school supplies, personal computers,
63 and personal computer-related accessories; sales tax holiday.-

64 (1) The tax levied under chapter 212, Florida Statutes, may
65 not be collected during the period from 12:01 a.m. on July 31,
66 2021, through 11:59 p.m. on August 7, 2021, on the retail sale
67 of:

68 (a) Clothing, wallets, or bags, including handbags,
69 backpacks, fanny packs, and diaper bags, but excluding
70 briefcases, suitcases, and other garment bags, having a sales
71 price of \$60 or less per item. As used in this paragraph, the
72 term "clothing" means:

73 1. Any article of wearing apparel intended to be worn on or
74 about the human body, excluding watches, watchbands, jewelry,
75 umbrellas, and handkerchiefs; and

76 2. All footwear, excluding skis, swim fins, roller blades,
77 and skates.

78 (b) School supplies having a sales price of \$15 or less per
79 item. As used in this paragraph, the term "school supplies"
80 means pens, pencils, erasers, crayons, notebooks, notebook
81 filler paper, legal pads, binders, lunch boxes, construction
82 paper, markers, folders, poster board, composition books, poster
83 paper, scissors, cellophane tape, glue or paste, rulers,

Governor's Budget Recommendation Conforming Bill
Sales Tax Holidays

84 computer disks, staplers and staples used to secure paper
85 products, protractors, compasses, and calculators.

86 (2) The tax levied under chapter 212, Florida Statutes, may
87 not be collected during the period from 12:01 a.m. on July 31,
88 2021, through 11:59 p.m. on August 7, 2021, on the retail sale
89 of personal computers or personal computer-related accessories
90 having a sales price of \$1,000 or less per item and purchased
91 for noncommercial home or personal use. As used in this
92 subsection, the term:

93 (a) "Personal computers" includes electronic book readers,
94 laptops, desktops, handhelds, tablets, or tower computers. The
95 term does not include cellular telephones, video game consoles,
96 digital media receivers, or devices that are not primarily
97 designed to process data.

98 (b) "Personal computer-related accessories" includes
99 keyboards, mice, personal digital assistants, monitors, other
100 peripheral devices, modems, routers, and nonrecreational
101 software, regardless of whether the accessories are used in
102 association with a personal computer base unit. The term does
103 not include furniture or systems, devices, software, monitors
104 with a television tuner or peripherals that are designed or
105 intended primarily for recreational use.

106 (3) The tax exemptions provided in this section do not
107 apply to sales within a theme park or entertainment complex as
108 defined in s. 509.013(9), Florida Statutes, within a public
109 lodging establishment as defined in s. 509.013(4), Florida
110 Statutes, or within an airport as defined in s. 330.27(2),
111 Florida Statutes.

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Sales Tax Holidays

112
113 (4) The tax exemptions provided in this section may apply
114 at the option of a dealer if less than 5 percent of the dealer's
115 gross sales of tangible personal property in the prior calendar
116 year are comprised of items that would be exempt under this
117 section. If a qualifying dealer chooses not to participate in
118 the tax holiday, by July 24, 2021, the dealer must notify the
119 Department of Revenue in writing of its election to collect
120 sales tax during the holiday and must post a copy of that notice
121 in a conspicuous location at its place of business.

122 (5) The Department of Revenue is authorized, and all
123 conditions are deemed met, to adopt emergency rules pursuant to
124 s. 120.54(4), Florida Statutes, for the purpose of implementing
125 this section. Notwithstanding any other provision of law,
126 emergency rules adopted pursuant to this subsection are
127 effective for 6 months after adoption and may be renewed during
128 the pendency of procedures to adopt permanent rules addressing
129 the subject of the emergency rules.

130 (6) For the 2020-2021 fiscal year, the sum of \$240,000 in
131 nonrecurring funds is appropriated from the General Revenue Fund
132 to the Department of Revenue for the purpose of implementing
133 this section. Funds remaining unexpended or unencumbered from
134 this appropriation as of June 30, 2021, shall revert and be
135 reappropriated for the same purpose in the 2021-2022 fiscal
136 year.

137 Section 3. This act shall take effect upon becoming law.

Governor's Budget Recommendation Conforming Bill
Retirement Contribution Rates

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A bill to be entitled
An act relating to state-administered retirement systems; amending s. 121.71, F.S.; revising required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (4) and (5) of section 121.71, Florida Statutes, are amended to read:

121.71 Uniform rates; process; calculations; levy.--
(4) Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

| Membership Class | Percentage of Gross Compensation, Effective July 1, 2020 | Percentage of Gross Compensation, Effective July 1, 2021 |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Regular Class | 4.84% | <u>4.91%</u> |
| Special Risk Class | 15.13% | <u>15.27%</u> |
| Special Risk Administrative Support Class | 9.89% | <u>9.73%</u> |
| Elected Officers' Class-- Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders | 8.38% | <u>8.49%</u> |

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Retirement Contribution Rates

| Membership Class | Percentage of Gross Compensation, Effective July 1, 2020 | Percentage of Gross Compensation, Effective July 1, 2021 |
|-----------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Elected Officers' Class— Justices, Judges | 13.31% | <u>13.38%</u> |
| Elected Officers' Class— County Elected Officers | 10.07% | <u>10.28%</u> |
| Senior Management Class | 6.39% | <u>6.49%</u> |
| DROP | 7.03% | <u>7.23%</u> |

17
18 (5) In order to address unfunded actuarial liabilities of
19 the system, the required employer retirement contribution rates
20 for each membership class and subclass of the Florida Retirement
21 System for both retirement plans are as follows:
22

| Membership Class | Percentage of Gross Compensation, Effective July 1, 2020 | Percentage of Gross Compensation, Effective July 1, 2021 |
|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Regular Class | 3.44% | <u>4.19%</u> |
| Special Risk Class | 7.60% | <u>8.9%</u> |
| Special Risk Administrative Support Class | 24.23% | <u>26.31%</u> |
| Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders | 48.81% | <u>53.52%</u> |
| Elected Officers' Class— Justices, Judges | 24.70% | <u>25.81%</u> |

Governor's Budget Recommendation Conforming Bill
Retirement Contribution Rates

| Membership Class | Percentage of Gross Compensation, Effective July 1, 2020 | Percentage of Gross Compensation, Effective July 1, 2021 |
|-----------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Elected Officers' Class— County Elected Officers | 37.39% | <u>39.42%</u> |
| Senior Management Service Class | 19.18% | <u>20.80%</u> |
| DROP | 8.29% | <u>9.45%</u> |

23

24

Section 2. This act shall take effect July 1, 2021.

Governor's Budget Recommendation Conforming Bill
County contributions to Medicaid

1 A bill to be entitled

2 An act relating to county contributions to Medicaid;
3 amending s. 409.915, F.S.; revising the timing of the
4 required transfer from the General Revenue Funds to the
5 Lawton Chiles Endowment Fund; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Subsection (8) of section 409.915, Florida
10 Statutes, is amended to read:

11 409.915 County contribution to Medicaid.—

12 (8) Beginning in the 2013-2014 fiscal year and each year
13 thereafter through the 2020-2021 fiscal year, the Chief
14 Financial Officer shall transfer from the General Revenue Fund
15 to the Lawton Chiles Endowment Fund an amount equal to the
16 amounts transferred to the General Revenue Fund in the previous
17 fiscal year pursuant to subsections (4) and (7) which are in
18 excess of the official estimate for medical hospital fees for
19 such previous fiscal year adopted by the Revenue Estimating
20 Conference on January 12, 2012, as reflected in the conference's
21 workpapers. By July 20 of each year, the Office of Economic and
22 Demographic Research shall certify the amount to be transferred
23 to the Chief Financial Officer. Such transfers must be made
24 before July 31 of each year until the total transfers for all
25 years equal \$350 million. If such transfers do not total \$350
26 million by July 1, 2021, the Legislature shall provide for the
27 transfer of the amounts necessary to total \$350 million by

Governor's Budget Recommendation Conforming Bill
County contributions to Medicaid

28 transferring four equal installments on or before July 31 of
29 2022, 2023, 2024, and 2025.

30 The Office of Economic and Demographic Research shall publish
31 the official estimates reflected in the conference's workpapers
32 on its website.

33 Section 2. This act shall take effect upon becoming law.

Governor's Budget Recommendation Conforming Bill
Relating to the Elimination of Pre-licensing Requirements

1 A bill to be entitled

2 An act relating to the elimination of pre-licensing
3 requirements in the Department of Financial Services;
4 amending s. 626.171, F.S, repealing s. 626.221, F.S.,
5 amending s. 626.231, F.S., repealing s. 626.2817,
6 F.S., amending s. 626.292, F.S., repealing s. 626.681,
7 F.S., amending s. 626.731, F.S., repealing s.
8 626.7351, F.S., amending s.626.785, F.S., repealing s.
9 626.7851, F.S., amending s. 626.831, F.S., repealing s.
10 626.8311, F.S., amending s. 626.8417, F.S., repealing
11 s. 626.865, F.S., repealing s. 626.927, F.S., amending
12 s. 648.385, F.S., and amending s. 648.386, F.S. ;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16 Section 1. Subsection (2) or section 626.171, Florida Statutes,
17 is amended to read:

18 Section 626.171 Application for license as an agent, customer
19 representative, adjuster, service representative, managing general
20 agent, or reinsurance intermediary.—

21 (2)In the application, the applicant shall set forth:

22 (a) His or her full name, age, social security number, residence
23 address, business address, mailing address, contact telephone numbers,
24 including a business telephone number, and e-mail address.

Governor's Budget Recommendation Conforming Bill
Relating to the Elimination of Pre-licensing Requirements

25 (b) A statement indicating the method the applicant used or is using
26 to meet any required prelicensing education, knowledge, experience, or
27 instructional requirements for the type of license applied for.

28 (c) Whether he or she has been refused or has voluntarily surrendered
29 or has had suspended or revoked a license to solicit insurance by the
30 department or by the supervising officials of any state.

31 (d) Whether any insurer or any managing general agent claims the
32 applicant is indebted under any agency contract or otherwise and, if
33 so, the name of the claimant, the nature of the claim, and the
34 applicant's defense thereto, if any.

35 ~~(e) Proof that the applicant meets the requirements for the type of~~
36 ~~license for which he or she is applying.~~

37 ~~(e)(f)~~—The applicant's gender (male or female).

38 ~~(f)(g)~~—The applicant's native language.

39 ~~(g)(h)~~—The highest level of education achieved by the applicant.

40 ~~(h)(i)~~—The applicant's race or ethnicity (African American, white,
41 American Indian, Asian, Hispanic, or other).

42 ~~(i)(j)~~—Such other or additional information as the department may deem
43 proper to enable it to determine the character, experience, ability,
44 and other qualifications of the applicant to hold himself or herself
45 out to the public as an insurance representative.

46 However, the application must contain a statement that an applicant is
47 not required to disclose his or her race or ethnicity, gender, or
48 native language, that he or she will not be penalized for not doing

Governor's Budget Recommendation Conforming Bill
Relating to the Elimination of Pre-licensing Requirements

49 so, and that the department will use this information exclusively for
50 research and statistical purposes and to improve the quality and
51 fairness of the examinations.

52 Section 2. Section 626.221, Florida Statutes, is repealed.

53 Section 3. Section 626.231, Florida Statutes, is amended to read:

54 626.231 Eligibility; application for examination.—

55 (1) No person shall be permitted to take an examination for
56 license until his or her application for examination or application
57 for the license has been approved and the required fees have been
58 received by the department or a person designated by the department to
59 administer the examination.

60 (2) A person required to take an examination for a license may take an
61 examination before submitting an application for licensure pursuant to
62 s. 626.171 by submitting an application for examination through the
63 department's Internet website or the website of a person designated by
64 the department to administer the examination. The department may
65 require the applicant to provide the following information as part of
66 the application:

67 (a) His or her full name, date of birth, social security number, e-
68 mail address, residence address, business address, and mailing
69 address.

70 (b) The type of license which the applicant intends to apply for.

Governor's Budget Recommendation Conforming Bill
Relating to the Elimination of Pre-licensing Requirements

71 ~~(e) The name of any required prelicensing course he or she has~~
72 ~~completed or is in the process of completing.~~

73 ~~(d) The method by which the applicant intends to qualify for the type~~
74 ~~of license if other than by completing a prelicensing course.~~

75 (c)~~(e)~~ The applicant's gender.

76 (d)~~(f)~~ The applicant's native language.

77 (e)~~(g)~~ The highest level of education achieved by the applicant.

78 (f)~~(h)~~ The applicant's race or ethnicity.

79 However, the application form must contain a statement that an
80 applicant is not required to disclose his or her race or ethnicity,
81 gender, or native language, that he or she will not be penalized for
82 not doing so, and that the department will use this information
83 exclusively for research and statistical purposes and to improve the
84 quality and fairness of the examinations.

85 (3) Each application shall be accompanied by payment of the applicable
86 examination fee.

87 Section 4. Section 626.2817, Florida Statutes, is repealed.

88 ~~626.2817 Regulation of course providers, instructors, school~~
89 ~~officials, and monitor groups involved in prelicensure education for~~
90 ~~insurance agents and other licensees.~~

Governor's Budget Recommendation Conforming Bill
Relating to the Elimination of Pre-licensing Requirements

91 ~~(1) Any course provider, instructor, school official, or monitor group~~
92 ~~must be approved by and registered with the department before offering~~
93 ~~prelicensure education courses for insurance agents and other~~
94 ~~licensees.~~

95 ~~(2) The department shall adopt rules establishing standards for the~~
96 ~~approval, registration, discipline, or removal from registration of~~
97 ~~course providers, instructors, school officials, and monitor groups.~~

98 ~~The standards must be designed to ensure that such persons have the~~
99 ~~knowledge, competence, and integrity to fulfill the educational~~
100 ~~objectives of the prelicensure requirements of this chapter and~~
101 ~~chapter 648 and to assure that insurance agents and licensees are~~
102 ~~competent to engage in the activities authorized under the license.~~

103 ~~(3) The department shall adopt rules to establish a process for~~
104 ~~determining compliance with the prelicensure requirements of this~~
105 ~~chapter and chapter 648. The department shall adopt rules prescribing~~
106 ~~the forms necessary to administer the prelicensure requirements.~~

107 Section 5. Section 626.292, Florida Statutes, is amended to read:

108 626.292 Transfer of license from another state.—

109 (1) An individual licensed in good standing in another state may apply
110 to the department to have the license transferred to this state to
111 obtain a resident agent or all-lines adjuster license for the same
112 lines of authority covered by the license in the other state.

113 (2) To qualify for a license transfer, an individual applicant must
114 meet the following requirements:

Governor's Budget Recommendation Conforming Bill
Relating to the Elimination of Pre-licensing Requirements

115 (a) The individual must become a resident of this state.

116 (b) The individual must have been licensed in another state for a
117 minimum of 1 year immediately preceding the date the individual became
118 a resident of this state.

119 (c) The individual must submit a completed application for this state
120 which is received by the department within 90 days after the date the
121 individual became a resident of this state, along with payment of the
122 applicable fees set forth in s. 624.501 and submission of the
123 following documents:

124 1. A certification issued by the appropriate official of the
125 applicant's home state identifying the type of license and lines of
126 authority under the license and stating that, at the time the license
127 from the home state was canceled, the applicant was in good standing
128 in that state or that the state's Producer Database records,
129 maintained by the National Association of Insurance Commissioners, its
130 affiliates, or subsidiaries, indicate that the agent or all-lines
131 adjuster is or was licensed in good standing for the line of authority
132 requested.

133 2. A set of the applicant's fingerprints in accordance with s.
134 626.171(4).

135 ~~(d) The individual must satisfy prelicensing education requirements in~~
136 ~~this state, unless the completion of prelicensing education~~
137 ~~requirements was a prerequisite for licensure in the other state and~~
138 ~~the prelicensing education requirements in the other state are~~

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139 ~~substantially equivalent to the prelicensing requirements of this~~
140 ~~state as determined by the department. This paragraph does not apply~~
141 ~~to all lines adjusters.~~

142 (d)~~(e)~~ The individual must satisfy the examination requirement under
143 s. 626.221, unless exempted.

144 (3) An applicant satisfying the requirements for a license transfer
145 under subsection (2) shall be approved for licensure in this state
146 unless the department finds that grounds exist under s. 626.611 or s.
147 626.621 for refusal, suspension, or revocation of a license.

148 Section 6. Section 626.681, Florida Statutes, is repealed.

149 Section 7. Section 626.731, Florida Statutes, is amended to read:
150 626.731 Qualifications for general lines agent's license.—

151 (1) The department shall not grant or issue a license as general lines
152 agent to any individual found by it to be untrustworthy or incompetent
153 or who does not meet each of the following qualifications:

154 (a) The applicant is a natural person at least 18 years of age.

155 (b) The applicant is a United States citizen or legal alien who
156 possesses work authorization from the United States Bureau of
157 Citizenship and Immigration Services and is a bona fide resident of
158 this state. An individual who is a bona fide resident of this state
159 shall be deemed to meet the residence requirement of this paragraph,
160 notwithstanding the existence at the time of application for license
161 of a license in his or her name on the records of another state as a
162 resident licensee of such other state, if the applicant furnishes a

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163 letter of clearance satisfactory to the department that the resident
164 licenses have been canceled or changed to a nonresident basis and that
165 he or she is in good standing.

166 (c) The applicant's place of business will be located in this state
167 and he or she will be actively engaged in the business of insurance
168 and will maintain a place of business, the location of which is
169 identifiable by and accessible to the public.

170 (d) The license is not being sought for the purpose of writing or
171 handling controlled business, in violation of s. 626.730.

172 ~~(e) The applicant is qualified as to knowledge, experience, or~~
173 ~~instruction in the business of insurance and meets the requirements~~
174 ~~provided in s. 626.732.~~

175 (e)(f) The applicant is not a service representative, a managing
176 general agent in this state, or a special agent or similar service
177 representative of a health insurer which also transacts property,
178 casualty, or surety insurance; except that the president, vice
179 president, secretary, or treasurer, including a member of the board of
180 directors, of a corporate insurer, if otherwise qualified under and
181 meeting the requirements of this part, may be licensed and appointed
182 as a local resident agent.

183 (f)(g) The applicant has passed any required examination for license
184 required under s. 626.221.

185 (2) The department shall not grant, continue, renew, or permit to
186 exist the license or appointment of a general lines agent unless the

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187 agent meets the requirements of subsection (1).

188 Section 8. Section 626.7351, Florida Statutes, is amended to
189 read:

190 626.7351 Qualifications for customer representative's license.—The
191 department shall not grant or issue a license as customer
192 representative to any individual found by it to be untrustworthy or
193 incompetent, or who does not meet each of the following
194 qualifications:

195 (1) The applicant is a natural person at least 18 years of age.

196 (2)(a) The applicant is a United States citizen or legal alien who
197 possesses work authorization from the United States Bureau of
198 Citizenship and Immigration Services and is a bona fide resident of
199 this state and will actually reside in the state at least 6 months out
200 of the year. An individual who is a bona fide resident of this state
201 shall be deemed to meet the residence requirements of this subsection,
202 notwithstanding the existence at the time of application for license
203 of a license in his or her name on the records of another state as a
204 resident licensee of the other state, if the applicant furnishes a
205 letter of clearance satisfactory to the department that the resident
206 licenses have been canceled or changed to a nonresident basis and that
207 he or she is in good standing.

208 (b) The applicant is a resident of another state sharing a common
209 boundary with this state and has been employed in this state for a
210 period of not less than 6 months by a Florida resident general lines

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211 agent licensed and appointed under this chapter. The applicant
212 licensed under this subsection must meet all other requirements as
213 described in this chapter and must, under the direct supervision of a
214 licensed and appointed Florida resident general lines agent, conduct
215 business solely within the confines of the office of the agent or
216 agency whom he or she represents in this state.

217 ~~(3) Within the 2 years next preceding the date the application for~~
218 ~~license was filed with the department, the applicant has completed a~~
219 ~~course in insurance, 3 hours of which shall be on the subject matter~~
220 ~~of ethics, approved by the department or has had at least 6 months'~~
221 ~~experience in responsible insurance duties as a substantially full-~~
222 ~~time employee. Courses must include instruction on the subject matter~~
223 ~~of unauthorized entities engaging in the business of insurance. The~~
224 ~~scope of the topic of unauthorized entities shall include the Florida~~
225 ~~Nonprofit Multiple Employer Welfare Arrangement Act and the Employee~~
226 ~~Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as such~~
227 ~~acts relate to the provision of health insurance by employers and the~~
228 ~~regulation of such insurance.~~

229 (3)~~(4)~~ The license is not being sought for the purpose of writing or
230 handling controlled business in violation of s. 626.730.

231 (4)~~(5)~~ The applicant will be employed by only one agent or agency and
232 the agency will appoint one designated agent within the agency who
233 will supervise the work of the applicant and his or her conduct in the
234 insurance business, and the applicant will spend all of his or her

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235 business time in the employment of the agent or agency and will be
236 domiciled in the office of the appointing agent or agency as provided
237 in s. 626.7352.

238 ~~(5)(6)~~ Upon the issuance of the license applied for, the applicant is
239 not an agent, a service representative, or a managing general agent.

240 ~~(6)(7)~~ The applicant has passed any required examination for license
241 required under s. 626.221.

242 Section 9. Section 626.785, Florida Statutes, is amended to read:

243 626.785 Qualifications for license.—

244 (1) The department shall not grant or issue a license as life agent to
245 any individual found by it to be untrustworthy or incompetent, or who
246 does not meet the following qualifications:

247 (a) Must be a natural person of at least 18 years of age.

248 (b) Must be a United States citizen or legal alien who possesses work
249 authorization from the United States Bureau of Citizenship and
250 Immigration Services and a bona fide resident of this state.

251 (c) Must not be an employee of the United States Department of
252 Veterans Affairs or state service office, as referred to in s.
253 626.788.

254 (d) Must not be a funeral director or direct disposer, or an employee
255 or representative thereof, or have an office in, or in connection
256 with, a funeral establishment, except that a funeral establishment may
257 contract with a life insurance agent to sell a preneed contract as
258 defined in s. 497.005. Notwithstanding other provisions of this

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259 chapter, such insurance agent may sell limited policies of insurance
260 covering the expense of final disposition or burial of an insured in
261 the amount of \$12,500, plus an annual percentage increase based on the
262 Annual Consumer Price Index compiled by the United States Department
263 of Labor, beginning with the Annual Consumer Price Index announced by
264 the United States Department of Labor for the year 2003.

265 (e) Must take and pass any examination for license required under s.
266 626.221.

267 ~~(f) Must be qualified as to knowledge, experience, or instruction in~~
268 ~~the business of insurance and meet the requirements relative thereto~~
269 ~~provided in s. 626.7851.~~

270 (2) An individual who is a bona fide resident of this state shall be
271 deemed to meet the residence requirement of paragraph (1)(b),
272 notwithstanding the existence at the time of application for license
273 of a license in his or her name on the records of another state as a
274 resident licensee of such other state, if the applicant furnishes a
275 letter of clearance satisfactory to the department that the resident
276 licenses have been canceled or changed to a nonresident basis and that
277 he or she is in good standing.

278 (3) Notwithstanding any other provisions of this chapter, a funeral
279 director, a direct disposer, or an employee of a funeral establishment
280 that holds a certificate of authority pursuant to s. 497.452 may
281 obtain an agent's license to sell only policies of life insurance
282 covering the expense of a prearrangement for funeral services or

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283 merchandise so as to provide funds at the time the services and
284 merchandise are needed. The face amount of insurance covered by any
285 such policy shall not exceed \$12,500, plus an annual percentage
286 increase based on the Annual Consumer Price Index compiled by the
287 United States Department of Labor, beginning with the Annual Consumer
288 Price Index announced by the United States Department of Labor for
289 2003.

290 Section 10. Section 626.7851, Florida Statutes, is repealed.

291 ~~626.7851 Requirement as to knowledge, experience, or instruction. No~~
292 ~~applicant for a license as a life agent, except for a chartered life~~
293 ~~underwriter (CLU), shall be qualified or licensed unless within the 4~~
294 ~~years immediately preceding the date the application for a license is~~
295 ~~filed with the department he or she has:~~

296 ~~(1) Successfully completed 40 hours of classroom courses in insurance,~~
297 ~~3 hours of which shall be on the subject matter of ethics,~~
298 ~~satisfactory to the department at a school or college, or extension~~
299 ~~division thereof, or other authorized course of study, approved by the~~
300 ~~department. Courses must include instruction on the subject matter of~~
301 ~~unauthorized entities engaging in the business of insurance, to~~
302 ~~include the Florida Nonprofit Multiple-Employer Welfare Arrangement~~
303 ~~Act and the Employee Retirement Income Security Act, 29 U.S.C. ss.~~
304 ~~1001 et seq., as it relates to the provision of life insurance by~~
305 ~~employers to their employees and the regulation thereof;~~

306 ~~(2) Successfully completed a correspondence course in insurance, 3~~

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307 ~~hours of which shall be on the subject matter of ethics, satisfactory~~
308 ~~to the department and regularly offered by accredited institutions of~~
309 ~~higher learning in this state or by independent programs of study,~~
310 ~~approved by the department. Courses must include instruction on the~~
311 ~~subject matter of unauthorized entities engaging in the business of~~
312 ~~insurance, to include the Florida Nonprofit Multiple Employer Welfare~~
313 ~~Arrangement Act and the Employee Retirement Income Security Act, 29~~
314 ~~U.S.C. ss. 1001 et seq., as it relates to the provision of life~~
315 ~~insurance by employers to their employees and the regulation thereof;~~
316 ~~(3) Held an active license in life, or life and health, insurance in~~
317 ~~another state. This provision may not be utilized unless the other~~
318 ~~state grants reciprocal treatment to licensees formerly licensed in~~
319 ~~Florida; or~~
320 ~~(4) Been employed by the department or office for at least 1 year,~~
321 ~~full time in life or life and health insurance regulatory matters and~~
322 ~~who was not terminated for cause, and application for examination is~~
323 ~~made within 90 days after the date of termination of his or her~~
324 ~~employment with the department or office.~~

325 Section 11. Section 626.831, Florida Statutes, is amended to
326 read:

327 626.831 Qualifications for license.-

328 (1) The department shall not grant or issue a license as health
329 agent as to any individual found by it to be untrustworthy or
330 incompetent, or who does not meet the following qualifications:

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331 (a) Must be a natural person of at least 18 years of age.

332 (b) Must be a United States citizen or legal alien who possesses
333 work authorization from the United States Bureau of Citizenship and
334 Immigration Services and a bona fide resident of this state.

335 (c) Must not be an employee of the United States Department of
336 Veterans Affairs or state service office, as referred to in s.
337 626.833.

338 (d) Must take and pass any examination for license required under
339 s. 626.221.

340 ~~(e) Must be qualified as to knowledge, experience, or instruction~~
341 ~~in the business of insurance and meet the requirements relative~~
342 ~~thereto provided in s. 626.8311.~~

343 (2) An individual who is a bona fide resident of this state shall
344 be deemed to meet the residence requirement of paragraph (1)(b),
345 notwithstanding the existence at the time of application for license
346 of a license in his or her name on the records of another state as a
347 resident licensee of such other state, if the applicant furnishes a
348 letter of clearance satisfactory to the department that the resident
349 licenses have been canceled or changed to a nonresident basis and that
350 he or she is in good standing.

351 Section 12. Section 626.8311, Florida Statutes, is repealed.

352 ~~626.8311 Requirement as to knowledge, experience, or~~
353 ~~instruction. No applicant for a license as a health agent, except for~~
354 ~~a chartered life underwriter (CLU), shall be qualified or licensed~~

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355 ~~unless within the 4 years immediately preceding the date the~~
356 ~~application for license is filed with the department he or she has:~~

357 ~~(1) Successfully completed 40 hours of classroom courses in~~
358 ~~insurance, 3 hours of which shall be on the subject matter of ethics,~~
359 ~~satisfactory to the department at a school or college, or extension~~
360 ~~division thereof, or other authorized course of study, approved by the~~
361 ~~department. Courses must include instruction on the subject matter of~~
362 ~~unauthorized entities engaging in the business of insurance, to~~
363 ~~include the Florida Nonprofit Multiple Employer Welfare Arrangement~~
364 ~~Act and the Employee Retirement Income Security Act, 29 U.S.C. ss.~~
365 ~~1001 et seq., as it relates to the provision of health insurance by~~
366 ~~employers to their employees and the regulation thereof;~~

367 ~~(2) Successfully completed a correspondence course in insurance,~~
368 ~~3 hours of which shall be on the subject matter of ethics,~~
369 ~~satisfactory to the department and regularly offered by accredited~~
370 ~~institutions of higher learning in this state or by independent~~
371 ~~programs of study, approved by the department. Courses must include~~
372 ~~instruction on the subject matter of unauthorized entities engaging in~~
373 ~~the business of insurance, to include the Florida Nonprofit Multiple-~~
374 ~~Employer Welfare Arrangement Act and the Employee Retirement Income~~
375 ~~Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the~~
376 ~~provision of health insurance by employers to their employees and the~~
377 ~~regulation thereof;~~

378 ~~(3) Held an active license in health, or life and health,~~

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379 ~~insurance in another state. This provision may not be utilized unless~~
380 ~~the other state grants reciprocal treatment to licensees formerly~~
381 ~~licensed in Florida; or~~

382 ~~(4) Been employed by the department or office for at least 1~~
383 ~~year, full time in health insurance regulatory matters and who was not~~
384 ~~terminated for cause, and application for examination is made within~~
385 ~~90 days after the date of termination of his or her employment with~~
386 ~~the department or office.~~

387 Section 13. Section 626.8417, Florida Statutes, is amended to
388 read:

389 626.8417 Title insurance agent licensure; exemptions.—

390 (1) A person may not act as a title insurance agent as defined in
391 s. [626.841](#) until a valid title insurance agent's license has been
392 issued to that person by the department.

393 (2) An application for license as a title insurance agent shall
394 be filed with the department on printed forms furnished by the
395 department.

396 (3) The department shall not grant or issue a license as title
397 agent to any individual found by it to be untrustworthy or
398 incompetent, who does not meet the qualifications for examination
399 specified in s. [626.8414](#), or who does not meet the following
400 qualifications:

401 ~~(a) Within the 4 years immediately preceding the date of the~~
402 ~~application for license, the applicant must have completed a 40-hour~~

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403 ~~classroom course in title insurance, 3 hours of which shall be on the~~
404 ~~subject matter of ethics, as approved by the department, or must have~~
405 ~~had at least 12 months of experience in responsible title insurance~~
406 ~~duties, while working in the title insurance business as a~~
407 ~~substantially full time, bona fide employee of a title agency, title~~
408 ~~agent, title insurer, or attorney who conducts real estate closing~~
409 ~~transactions and issues title insurance policies but who is exempt~~
410 ~~from licensure pursuant to paragraph (4)(a). If an applicant's~~
411 ~~qualifications are based upon the periods of employment at responsible~~
412 ~~title insurance duties, the applicant must submit, with the~~
413 ~~application for license on a form prescribed by the department, the~~
414 ~~affidavit of the applicant and of the employer setting forth the~~
415 ~~period of such employment, that the employment was substantially full~~
416 ~~time, and giving a brief abstract of the nature of the duties~~
417 ~~performed by the applicant.~~

418 (a)~~(b)~~ The applicant must have passed any examination for
419 licensure required under s. [626.221](#).

420 (4)(a) Title insurers or attorneys duly admitted to practice law
421 in this state and in good standing with The Florida Bar are exempt
422 from the provisions of this chapter with regard to title insurance
423 licensing and appointment requirements.

424 (b) An insurer may designate a corporate officer of the insurer
425 to occasionally issue and countersign binders, commitments, title
426 insurance policies, or guarantees of title. A designated officer is

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427 exempt from the provisions of this chapter with regard to title
428 insurance licensing and appointment requirements while the officer is
429 acting within the scope of the designation.

430 (c) If an attorney or attorneys own a corporation or other legal
431 entity which is doing business as a title insurance agency other than
432 an entity engaged in the active practice of law, the agency must be
433 licensed and appointed as a title insurance agent.

434 Section 14. Sections 626.865, 626.927, and 648.385 Florida
435 Statutes, are repealed.

436 Section 15. Section 648.386, Florida Statutes, is amended to
437 read:

438 648.386 Qualifications for ~~prelicensing and~~ continuing education
439 schools and instructors.-

440 ~~(1) SCHOOLS AND CURRICULUM FOR PRELICENSING SCHOOLS. In order to be~~
441 ~~considered for approval and certification as an approved limited~~
442 ~~surety agent and professional bail bond agent prelicensing school,~~
443 ~~such entity must:~~

444 ~~(a)1. Offer a minimum of two 120-hour classroom instruction basic~~
445 ~~certification courses in the criminal justice system per calendar year~~
446 ~~unless a reduced number of course offerings per calendar year is~~
447 ~~warranted in accordance with rules promulgated by the department; or~~

448 ~~2. Offer a department approved correspondence course pursuant to~~
449 ~~department rules.~~

450 ~~(b) Submit a prelicensing course curriculum to the department for~~

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451 ~~approval.~~

452 ~~(c) If applicable, offer prelicensing classes which are taught by~~
453 ~~instructors approved by the department.~~

454 (1)~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION SCHOOLS.—In
455 order to be considered for approval and certification as an approved
456 limited surety agent and professional bail bond agent continuing
457 education school, such entity must:

458 (a) Provide a minimum of three continuing education classes per
459 calendar year.

460 (b) Submit a course curriculum to the department for approval.

461 (c) Offer continuing education classes which are comprised of a
462 minimum of 2 hours of approved coursework and are taught by an
463 approved supervising instructor or guest lecturer approved by the
464 entity or the supervising instructor.

465 (2)~~(3)~~ GEOGRAPHIC REQUIREMENTS.—Any provider approved under this
466 section by the department to offer ~~prelicensing courses or~~ continuing
467 education courses shall be required to offer such courses in at least
468 two geographic areas of the state until such time that the department
469 determines that there are adequate providers statewide to provide
470 these courses to applicants and licensees.

471 (3)~~(4)~~ INSTRUCTOR'S DUTIES AND QUALIFICATIONS.—

472 (a) Each course must have a supervising instructor who is approved by
473 the department. The supervising instructor shall be present at all
474 classes. The supervising instructor is responsible for:

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- 475 1. All course instructors.
- 476 2. All guest lecturers.
- 477 3. The course outlines and curriculum.
- 478 4. Certification of each attending limited surety agent or
- 479 professional bail bond agent.
- 480 5. Completion of all required forms.
- 481 6. Assuring that the course is approved.

482 Either the entity or the supervising instructor may approve guest

483 lecturers.

484 (b) In order to obtain department approval as a supervising

485 instructor, the following qualifications must be met:

- 486 1. During the past 15 years, the person must have had at least 10
- 487 years' experience as a manager or officer of a managing general agent
- 488 in this state as prescribed in s. 648.388;
- 489 2. During the past 15 years, the person must have had at least 10
- 490 years' experience as a manager or officer of an insurance company
- 491 authorized to and actively engaged in underwriting bail in this state,
- 492 provided there is a showing that the manager's or officer's experience
- 493 is directly related to the bail bond industry; or
- 494 3. The person has been a licensed bail bond agent in this state for at
- 495 least 10 years.

496 (c) In order to obtain department approval as an instructor or guest

497 lecturer, the person must be qualified by education or experience in

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498 the specific area of instruction as prescribed by department rules.

499 (d) A person teaching any approved course of instruction or lecturing

500 at any approved seminar and attending the entire course or seminar

501 shall qualify for the same number of classroom hours as would be

502 granted to a person taking and successfully completing such course,

503 seminar, or program. Credit shall be limited to the number of hours

504 actually taught unless a person attends the entire course or seminar.

505 (e) The department shall adopt rules necessary to carry out the duties

506 conferred upon it under this section.

507 Section 16. This act shall take effect on July 1, 2021.

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Relating to the Department of Revenue

1 A bill to be entitled

2 An act relating to the Department of Revenue; amending
3 s. 213.755, F.S.; Filing of returns and payment of
4 taxes by electronic means; amends s. 202.30, F.S.
5 Payment of taxes by electronic funds transfer; filing
6 of returns by electronic data interchange; reducing
7 the electronic filing (e-filing) threshold for
8 taxpayers from \$20,000 to \$5,000; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12 Section 1. Subsection (1) of section 213.755, Florida
13 Statutes, is amended to read:

14 213.755 Filing of returns and payment of taxes by
15 electronic means.-

16 (1) The executive director of the Department of Revenue shall
17 have authority to require a taxpayer to file returns and remit
18 payments by electronic means where the taxpayer is subject to
19 tax and has paid that tax in the prior state fiscal year in an
20 amount of \$5,000 ~~\$20,000~~ or more. Any taxpayer who operates two
21 or more places of business for which returns are required to be
22 filed with the department shall combine the tax payments for all
23 such locations in order to determine whether they are obligated
24 under this section. This subsection does not override additional
25 requirements in any provision of a revenue law which the

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26 | department has the responsibility for regulating, controlling,
27 | and administering.

28 | Section 2. Subsection (1) of section 202.30, Florida
29 | Statutes, is amended to read:

30 | 202.30 Payment of taxes by electronic funds transfer; filing of
31 | returns by electronic data interchange.-

32 | (1) A dealer of communications services is required to remit
33 | taxes by electronic funds transfer, in the manner prescribed by
34 | the department, when the amount of tax paid by the dealer under
35 | this chapter, chapter 203, or chapter 212 in the previous state
36 | fiscal year was greater than or equal to the amount provided in
37 | s. 213.755(1) \$20,000 ~~or more.~~

38 |
39 | Section 3. This act shall take effect January 1, 2022.

Governor's Budget Recommendation Conforming Bill
Relating to the Department of Revenue

1 A bill to be entitled

2 An act relating to the Department of Revenue; amending
3 s. 213.67, F.S., allowing delivery of a notice of levy
4 to levy by regular mail; amending ss. 61.1301 and
5 409.2574, F.S.; providing for the use of regular mail
6 relating to income deduction orders in alimony or
7 child support cases; providing for the use of regular
8 mail relating to income deduction enforcement in Title
9 IV-D cases; amending ss. 409.256 and 409.2563, F.S.;
10 revising serving notice requirements for genetic
11 testing; revising serving notice requirements for
12 establishing administrative support orders; amending
13 ss. 409.25656, F.S.; revising serving notice
14 requirements for notice of levy issued; amending s.
15 409.2567(1), F.S., allowing the Department of Revenue
16 to pay the annual fee related to child support for
17 certain individuals as required under 42 U.S.C. s.
18 654(6) ~~B~~; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21 Section 1. Subsections (1) and (3) of section 213.67,
22 Florida Statutes are amended to read:

23 213.67 Garnishment.-

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Relating to the Department of Revenue

24 (1) If a person is delinquent in the payment of any taxes,
25 penalties, and interest owed to the department, the executive
26 director or his designee may give notice of the amount of such
27 delinquency by regular ~~registered~~ mail, by personal service, or
28 by electronic means, including but not limited to facsimilie
29 transmissions, electronic data interchange, or use of the
30 Internet, to all persons having possession or under their
31 control any credits or personal property, exclusive of wages,
32 belonging to the delinquent taxpayer, or owing any debts to such
33 delinquent taxpayer at the time of receipt by them of such
34 notice. Thereafter, any person who has been notified may not
35 transfer or make any other disposition of such credits, other
36 personal property, or debts until the executive director or his
37 or her designee consents to the transfer or disposition or until
38 60 days after the receipt of such notice. However, the credits,
39 other personal property, or debts that exceed the delinquent
40 amount stipulated in the notice are not subject to this section,
41 wherever held, if the taxpayer does not have a prior history of
42 tax delinquencies. If during the effective period of the notice
43 to withhold, any person so notified makes any transfer or
44 disposition of the property or debts required to be withheld
45 under this section, he or she is liable to the state for any
46 indebtedness owed to the department by the person with respect

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47 to whose obligation the notice was given to the extent of the
48 value of the property or the amount of the debts thus
49 transferred or paid if, solely by reason of such transfer or
50 disposition, the state is unable to recover the indebtedness of
51 the person with respect to whose obligation the notice was
52 given. If the delinquent taxpayer contests the intended levy in
53 circuit court or under Chapter 120, the notice under this
54 section remains effective until that final resolution of the
55 contest. Any financial institution receiving such notice will
56 maintain a right of setoff for any transaction involving a debit
57 card occurring on or before the date of receipt of such notice.

58 (3) During the last 30 days of the 60-day period set forth
59 in subsection (1), the executive director or his or her designee
60 may levy upon such credits, other personal property, or debts.
61 The levy must be accomplished by delivery of a notice of levy by
62 regular ~~registered~~ mail, upon receipt of which the person
63 possessing the credits, other personal property, or debts shall
64 transfer them to the department or pay to the department the
65 amount owed to the delinquent taxpayer.

66 Section 2. Subsections (1), (2), and (3) of section
67 61.1301, Florida Statutes, are amended to read:

68 61.1301 Income deduction orders. -

69 (1) ISSUANCE IN CONJUNCTION WITH AN ORDER ESTABLISHING,

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70 ENFORCING, OR MODIFYING AN OBLIGATION FOR ALIMONY OR CHILD
71 SUPPORT.--

72 (a) Upon the entry of an order establishing, enforcing, or
73 modifying an obligation for alimony, for child support, or for
74 alimony and child support, other than a temporary order, the
75 court shall enter a separate order for income deduction if one
76 has not been entered. Upon the entry of a temporary order
77 establishing support or the entry of a temporary order enforcing
78 or modifying a temporary order of support, the court may enter a
79 separate order of income deduction. Copies of the orders shall
80 be furnished to ~~served on~~ the obligee and obligor by regular
81 mail. If the order establishing, enforcing, or modifying the
82 obligation directs that payments be made through the depository,
83 the court shall provide to the depository a copy of the order
84 establishing, enforcing, or modifying the obligation. If the
85 obligee is a recipient of Title IV-D services, the court shall
86 furnish to the Title IV-D agency a copy of the income deduction
87 order and the order establishing, enforcing, or modifying the
88 obligation.

89 1. In Title IV-D cases, the Title IV-D agency may implement
90 income deduction after receiving a copy of an order from the
91 court under this paragraph or a forwarding agency under UIFSA,
92 URESA, or RURESА by issuing an income deduction notice to the

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93 payor.

94 2. The income deduction notice must state that it is based
95 upon a valid support order and that it contains an income
96 deduction requirement or upon a separate income deduction order.
97 The income deduction notice must contain the notice to payor
98 provisions specified by paragraph (2) (e). The income deduction
99 notice must contain the following information from the income
100 deduction order upon which the notice is based: the case number,
101 the court that entered the order, and the date entered.

102 3. Payors shall deduct support payments from income, as
103 specified in the income deduction notice, in the manner provided
104 under paragraph (2) (e).

105 4. In non-Title IV-D cases, the income deduction notice
106 must be accompanied by a copy of the support order upon which
107 the notice is based. In Title IV-D cases, upon request of a
108 payor, the Title IV-D agency shall furnish the payor a copy of
109 the income deduction order.

110 5. If a support order entered before January 1, 1994, in a
111 non-Title IV-D case does not specify income deduction, income
112 deduction may be initiated upon a delinquency without the need
113 for any amendment to the support order or any further action by
114 the court. In such case the obligee may implement income
115 deduction by serving a notice of delinquency on the obligor as

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116 provided for under paragraph (f).

117 (b) The income deduction order shall:

118 1. Direct a payor to deduct from all income due and payable
119 to an obligor the amount required by the court to meet the
120 obligor's support obligation including any attorney's fees or
121 costs owed and forward the deducted amount pursuant to the
122 order.

123 2. State the amount of arrearage owed, if any, and direct a
124 payor to withhold an additional 20 percent or more of the
125 periodic amount specified in the order establishing, enforcing,
126 or modifying the obligation, until full payment is made of any
127 arrearage, attorney's fees and costs owed, provided no deduction
128 shall be applied to attorney's fees and costs until the full
129 amount of any arrearage is paid.

130 3. Provide that if a delinquency accrues after the order
131 establishing, modifying, or enforcing the obligation has been
132 entered and there is no order for repayment of the delinquency
133 or a preexisting arrearage, a payor shall deduct an additional
134 20 percent of the current support obligation or other amount
135 agreed to by the parties until the delinquency and any
136 attorney's fees and costs are paid in full. No deduction may be
137 applied to attorney's fees and costs until the delinquency is
138 paid in full.

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139 4. Direct a payor not to deduct in excess of the amounts
140 allowed under s. 303(b) of the Consumer Credit Protection Act,
141 15 U.S.C. s. 1673(b), as amended.

142 5. Direct whether a payor shall deduct all, a specified
143 portion, or no income which is paid in the form of a bonus or
144 other similar one-time payment, up to the amount of arrearage
145 reported in the income deduction notice or the remaining balance
146 thereof, and forward the payment to the governmental depository.
147 For purposes of this subparagraph, "bonus" means a payment in
148 addition to an obligor's usual compensation and which is in
149 addition to any amounts contracted for or otherwise legally due
150 and shall not include any commission payments due an obligor.

151 6. In Title IV-D cases, direct a payor to provide to the
152 court depository the date on which each deduction is made.

153 7. In Title IV-D cases, if an obligation to pay current
154 support is reduced or terminated due to emancipation of a child
155 and the obligor owes an arrearage, retroactive support,
156 delinquency, or costs, direct the payor to continue the income
157 deduction at the rate in effect immediately prior to
158 emancipation until all arrearages, retroactive support,
159 delinquencies, and costs are paid in full or until the amount of
160 withholding is modified.

161 8. Direct that, ~~at such time as the State Disbursement Unit~~

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162 ~~becomes operational~~, all payments in those cases in which the
163 obligee is receiving Title IV-D services and in those cases in
164 which the obligee is not receiving Title IV-D services in which
165 the initial support order was issued in this state on or after
166 January 1, 1994, and in which the obligor's child support
167 obligation is being paid through income deduction, be made
168 payable to and delivered to the State Disbursement Unit.
169 Notwithstanding any other statutory provision to the contrary,
170 funds received by the State Disbursement Unit shall be held,
171 administered, and disbursed by the State Disbursement Unit
172 pursuant to the provisions of this chapter.

173 (c) The income deduction order is effective immediately
174 unless the court upon good cause shown finds that the income
175 deduction order shall be effective upon a delinquency in an
176 amount specified by the court but not to exceed 1 month's
177 payment, pursuant to the order establishing, enforcing, or
178 modifying the obligation. In order to find good cause, the court
179 must at a minimum make written findings that:

180 1. Explain why implementing immediate income deduction
181 would not be in the child's best interest;

182 2. There is proof of timely payment of the previously
183 ordered obligation without an income deduction order in cases of
184 modification; and

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185 3. a. There is an agreement by the obligor to advise the
186 IV-D agency and court depository of any change in payor and
187 health insurance; or

188 b. There is a signed written agreement providing an
189 alternative arrangement between the obligor and the obligee and,
190 at the option of the IV-D agency, by the IV-D agency in IV-D
191 cases in which there is an assignment of support rights to the
192 state, reviewed and entered in the record by the court.

193 (d) The income deduction order shall be effective as long
194 as the order upon which it is based is effective or until
195 further order of the court. Notwithstanding the foregoing,
196 however, ~~at such time as the State Disbursement Unit becomes~~
197 ~~operational~~, in those cases in which the obligee is receiving
198 Title IV-D services and in those cases in which the obligee is
199 not receiving Title IV-D services in which the initial support
200 order was issued in this state on or after January 1, 1994, and
201 in which the obligor's child support obligation is being paid
202 through income deduction, such payments shall be made payable to
203 and delivered to the State Disbursement Unit.

204 (e) When the court orders the income deduction to be
205 effective immediately, the court shall furnish to the obligor a
206 statement of his or her rights, remedies, and duties in regard
207 to the income deduction order. The statement shall state:

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208 1. All fees or interest which shall be imposed.

209 2. The total amount of income to be deducted for each pay
210 period until the arrearage, if any, is paid in full and shall
211 state the total amount of income to be deducted for each pay
212 period thereafter. The amounts deducted may not be in excess of
213 that allowed under s. 303(b) of the Consumer Credit Protection
214 Act, 15 U.S.C. s. 1673 (b), as amended.

215 3. That the income deduction order applies to current and
216 subsequent payors and periods of employment.

217 4. That a copy of the income deduction order or, in Title
218 IV-D cases, the income deduction notice will be provided to
219 ~~served on~~ the obligor's payor or payors by regular mail.

220 5. That enforcement of the income deduction order may only
221 be contested on the ground of mistake of fact regarding the
222 amount owed pursuant to the order establishing, enforcing, or
223 modifying the obligation, the arrearages, or the identity of the
224 obligor, the payor, or the obligee.

225 6. That the obligor is required to notify the obligee and,
226 when the obligee is receiving IV-D services, the IV-D agency
227 within 7 days of changes in the obligor's address, payors, and
228 the addresses of his or her payors.

229 7. That in a Title IV-D case, if an obligation to pay
230 current support is reduced or terminated due to emancipation of

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231 a child and the obligor owes an arrearage, retroactive support,
232 delinquency, or costs, income deduction continues at the rate in
233 effect immediately prior to emancipation until all arrearages,
234 retroactive support, delinquencies, and costs are paid in full
235 or until the amount of withholding is modified.

236 (f) If a support order was entered before January 1, 1994,
237 the court orders the income deduction to be effective upon a
238 delinquency as provided in paragraph (c), or a delinquency has
239 accrued under an order entered before July 1, 2006, that
240 established, modified, or enforced the obligation and there is
241 no order for repayment of the delinquency or a preexisting
242 arrearage, the obligee or, in Title IV-D cases, the Title IV-D
243 agency may enforce the income deduction by serving a notice of
244 delinquency by regular mail on the obligor under this paragraph.
245 Service of the notice is complete upon mailing.

246 1. The notice of delinquency shall state:

247 a. The terms of the order establishing, enforcing, or
248 modifying the obligation.

249 b. The period of delinquency and the total amount of the
250 delinquency as of the date the notice is mailed.

251 c. All fees or interest which may be imposed.

252 d. The total amount of income to be deducted for each pay
253 period until the arrearage, and all applicable fees and

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254 interest, is paid in full and shall state the total amount of
255 income to be deducted for each pay period thereafter. The
256 amounts deducted may not be in excess of that allowed under s.
257 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.
258 1673(b), as amended.

259 e. That the income deduction order applies to current and
260 subsequent payors and periods of employment.

261 f. That a copy of the notice of delinquency will be provided
262 by regular mail to ~~served on~~ the obligor¹ s payor or payors,
263 together with a copy of the income deduction order or, in Title
264 IV-D cases, the income deduction notice, unless the obligor
265 applies to the court to contest enforcement of the income
266 deduction. If the income deduction order being enforced was
267 rendered by the Title IV-D agency pursuant to s. 409.2563 and
268 the obligor contests the deduction, the obligor shall file a
269 petition for an administrative hearing with the Title IV-D
270 agency. The application or petition shall be filed within 15
271 days after the date the notice of delinquency was mailed ~~served~~.

272 g. That enforcement of the income deduction order may only
273 be contested on the ground of mistake of fact regarding the
274 amount owed pursuant to the order establishing, enforcing, or
275 modifying the obligation, the amount of arrearages, or the
276 identity of the obligor, the payor, or the obligee.

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277 h. That the obligor is required to notify the obligee of
278 the obligor's current address and current payors and of the
279 address of current payors. All changes shall be reported by the
280 obligor within 7 days. If the IV-D agency is enforcing the
281 order, the obligor shall make these notifications to the agency
282 instead of to the obligee.

283 2. The failure of the obligor to receive the notice of
284 delinquency does not preclude subsequent service by regular mail
285 of the income deduction order or, in Title IV-D cases, the
286 income deduction notice on the obligor's payor. A notice of
287 delinquency which fails to state an arrearage does not mean that
288 an arrearage is not owed.

289 (g) At any time, any party, including the IV-D agency, may
290 apply to the court to:

291 1. Modify, suspend, or terminate the income deduction order
292 in accordance with a modification, suspension, or termination of
293 the support provisions in the underlying order; or

294 2. Modify the amount of income deducted when the arrearage
295 has been paid.

296 (2) Enforcement of income deduction orders.--

297 (a) The obligee or his or her agent shall serve an income
298 deduction order and notice to payor, or, in Title IV-D cases,
299 the Title IV-D agency shall issue an income deduction notice,

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300 and in the case of a delinquency a notice of delinquency, on the
301 obligor's payor by regular mail unless the obligor has applied
302 for a hearing to contest the enforcement of the income deduction
303 pursuant to paragraph (c).

304 (b)1. Unless otherwise provided, service by or upon any
305 person who is a party to a proceeding under this section shall
306 be made in the manner prescribed in the Florida Rules of Civil
307 Procedure for service upon parties.

308 2. Service upon an obligor's payor or successor payor under
309 this section shall be made by regular ~~prepaid certified~~ mail,
310 ~~return receipt requested, or in the manner prescribed in chapter~~
311 ~~48.~~

312 (c)1. The obligor, within 15 days after service of a notice
313 of delinquency, may apply for a hearing to contest the
314 enforcement of the income deduction on the ground of mistake of
315 fact regarding the amount owed pursuant to an order
316 establishing, enforcing, or modifying an obligation for alimony,
317 for child support, or for alimony and child support, the amount
318 of the arrearage, or the identity of the obligor, the payor, or
319 the obligee. The obligor shall send a copy of the pleading to
320 the obligee and, if the obligee is receiving IV-D services, to
321 the IV-D agency. The timely filing of the pleading shall stay
322 service by regular mail of an income deduction order or, in

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323 Title IV-D cases, income deduction notice on all payors of the
324 obligor until a hearing is held and a determination is made as
325 to whether enforcement of the income deduction order is proper.
326 The payment of a delinquent obligation by an obligor upon entry
327 of an income deduction order shall not preclude service by
328 regular mail of the income deduction order or, in Title IV-D
329 cases, an income deduction notice on the obligor's payor.

330 2. When an obligor timely requests a hearing to contest
331 enforcement of an income deduction order, the court, after due
332 notice to all parties and the IV-D agency if the obligee is
333 receiving IV-D services, shall hear the matter within 20 days
334 after the application is filed. The court shall enter an order
335 resolving the matter within 10 days after the hearing. A copy of
336 this order shall be provided by regular mail to ~~served on~~ the
337 parties and the IV-D agency if the obligee is receiving IV-D
338 services. If the court determines that income deduction is
339 proper, it shall specify the date the income deduction order
340 must be served by regular mail on the obligor's payor.

341 (d) When a court determines that an income deduction order
342 is proper pursuant to paragraph (c), the obligee or his or her
343 agent shall furnish cause a copy of the notice of delinquency to
344 ~~be served on~~ the obligor's payors by regular mail. A copy of
345 the income deduction order or, in Title IV-D cases, income

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346 deduction notice, and in the case of a delinquency a notice of
347 delinquency, shall also be furnished to the obligor.

348 (e) Notice to payor and income deduction notice. The notice
349 to payor or, in Title IV-D cases, income deduction notice shall
350 contain only information necessary for the payor to comply with
351 the order providing for income deduction. The notice shall:

352 1. Provide the obligor's social security number.

353 2. Require the payor to deduct from the obligor¹'s income
354 the amount specified in the income deduction order, and in the
355 case of a delinquency the amount specified in the notice of
356 delinquency, and to pay that amount to the obligee or to the
357 depository, as appropriate. The amount actually deducted plus
358 all administrative charges shall not be in excess of the amount
359 allowed under s. 303(b) of the Consumer Credit Protection Act,
360 15 u .s .c. s. 1673(b);

361 3. Instruct the payor to implement income deduction no
362 later than the first payment date which occurs more than 14 days
363 after the date the income deduction notice was served on the
364 payor, and the payor shall conform the amount specified in the
365 income deduction order or, in Title IV-D cases, income deduction
366 notice to the obligor's pay cycle. The court should request at
367 the time of the order that the payment cycle reflect that of the
368 payor;

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369 4. Instruct the payor to forward, within 2 days after each
370 date the obligor is entitled to payment from the payor, to the
371 obligee or to the depository the amount deducted from the
372 obligor's income, a statement as to whether the amount totally
373 or partially satisfies the periodic amount specified in the
374 income deduction order or, in Title IV-D cases, income deduction
375 notice, and the specific date each deduction is made. If the IV-
376 D agency is enforcing the order, the payor shall make these
377 notifications to the agency instead of the obligee;

378 5. Specify that if a payor fails to deduct the proper
379 amount from the obligor's income, the payor is liable for the
380 amount the payor should have deducted, plus costs, interest, and
381 reasonable attorney's fees;

382 6. Provide that the payor may collect up to \$5 against the
383 obligor's income to reimburse the payor for administrative costs
384 for the first income deduction and up to \$2 for each deduction
385 thereafter;

386 7. State that the notice to payor or, in Title IV-D cases,
387 income deduction notice, and in the case of a delinquency the
388 notice of delinquency, are binding on the payor until further
389 notice by the obligee, IV-D agency, or the court or until the
390 payor no longer provides income to the obligor;

391 8. Instruct the payor that, when he or she no longer

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392 provides income to the obligor, he or she shall notify the
393 obligee and shall also provide the obligor's last known address
394 and the name and address of the obligor's new payor, if known;
395 and that, if the payor violates this provision, the payor is
396 subject to a civil penalty not to exceed \$250 for the first
397 violation or \$500 for any subsequent violation. If the IV-D
398 agency is enforcing the order, the payor shall make these
399 notifications to the agency instead of to the obligee. Penalties
400 shall be paid to the obligee or the IV-D agency, whichever is
401 enforcing the income deduction order;

402 9. State that the payor shall not discharge, refuse to
403 employ, or take disciplinary action against an obligor because
404 of the requirement for income deduction and shall state that a
405 violation of this provision subjects the payor to a civil
406 penalty not to exceed \$250 for the first violation or \$500 for
407 any subsequent violation. Penalties shall be paid to the obligee
408 or the IV-D agency, whichever is enforcing the income deduction,
409 if any alimony or child support obligation is owing. If no
410 alimony or child support obligation is owing, the penalty shall
411 be paid to the obligor;

412 10. State that an obligor may bring a civil action in the
413 courts of this state against a payor who refuses to employ,
414 discharges, or otherwise disciplines an obligor because of

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415 income deduction. The obligor is entitled to reinstatement and
416 all wages and benefits lost, plus reasonable attorney's fees and
417 costs incurred;

418 11. Inform the payor that the requirement for income
419 deduction has priority over all other legal processes under
420 state law pertaining to the same income and that payment, as
421 required by the notice to payor or income deduction notice, is a
422 complete defense by the payor against any claims of the obligor
423 or his or her creditors as to the sum paid;

424 12. Inform the payor that, when the payor receives notices
425 to payor or income deduction notices requiring that the income
426 of two or more obligors be deducted and sent to the same
427 depository, the payor may combine the amounts that are to be
428 paid to the depository in a single payment as long as the
429 payments attributable to each obligor are clearly identified;

430 13. Inform the payor that if the payor receives more than
431 one notice to payor or income deduction notice against the same
432 obligor, the payor shall contact the court or, in Title IV-0
433 cases, the Title IV-D agency for further instructions. Upon
434 being so contacted, the court or, in Title IV-0 cases when all
435 the cases upon which the notices are based are Title IV-D cases,
436 the Title IV-D agency shall allocate amounts available for
437 income deduction as provided in subsection (4); and

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438 14. State that in a Title IV-D case, if an obligation to
439 pay current support is reduced or terminated due to the
440 emancipation of a child and the obligor owes an arrearage,
441 retroactive support, delinquency, or costs, income deduction
442 continues at the rate in effect immediately prior to
443 emancipation until all arrearages, retroactive support,
444 delinquencies, and costs are paid in full or until the amount of
445 withholding is modified.

446 (f) At any time an income deduction order is being
447 enforced, the obligor may apply to the court for a hearing to
448 contest the continued enforcement of the income deduction on the
449 same grounds set out in paragraph (c), with a copy to the
450 obligee and, in IV-D cases, to the IV-D agency. If the income
451 deduction order being enforced was rendered by the IV-D agency
452 pursuant to s. 409.2563 and the obligor contests the
453 withholding, the obligor shall file a petition for an
454 administrative hearing with the IV-D agency. The application or
455 petition does not affect the continued enforcement of the income
456 deduction until the court or IV-D agency, if applicable, enters
457 an order granting relief to the obligor. The obligee or the IV-D
458 agency is released from liability for improper receipt of moneys
459 pursuant to an income deduction order upon return to the
460 appropriate party of any moneys received.

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461 (g) An obligee or his or her agent shall enforce an income
462 deduction order against an obligor's successor payor who is
463 located in this state in the same manner prescribed in this
464 section for the enforcement of an income deduction order against
465 a payor.

466 (h)1. When an income deduction order is to be enforced
467 against a payor located outside the state, the obligee who is
468 receiving IV-D services or his or her agent shall promptly
469 request the agency responsible for income deduction in the other
470 state to enforce the income deduction order. The request shall
471 contain all information necessary to enforce the income
472 deduction order, including the amount to be periodically
473 deducted, a copy of the order establishing, enforcing, or
474 modifying the obligation, and a statement of arrearages, if
475 applicable.

476 2. When the IV-D agency is requested by the agency
477 responsible for income deduction in another state to enforce an
478 income deduction order against a payor located in this state for
479 the benefit of an obligee who is being provided IV-D services by
480 the agency in the other state, the IV-D agency shall act
481 promptly pursuant to the applicable provisions of this section.

482 3. When an obligor who is subject to an income deduction
483 order enforced against a payor located in this state for the

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484 benefit of an obligee who is being provided IV-D services by the
485 agency responsible for income deduction in another state
486 terminates his or her relationship with his or her payor, the
487 IV-D agency shall notify the agency in the other state and
488 provide it with the name and address of the obligor and the
489 address of any new payor of the obligor, if known.

490 4. a. The procedural rules and laws of this state govern
491 the procedural aspects of income deduction whenever the agency
492 responsible for income deduction in another state requests the
493 enforcement of an income deduction order in this state.

494 b. Except with respect to when withholding must be
495 implemented, which is controlled by the state where the order
496 establishing, enforcing, or modifying the obligation was
497 entered, the substantive law of this state shall apply whenever
498 the agency responsible for income deduction in another state
499 requests the enforcement of an income deduction in this state.

500 c. When the IV-D agency is requested by an agency
501 responsible for income deduction in another state to implement
502 income deduction against a payor located in this state for the
503 benefit of an obligee who is being provided IV-D services by the
504 agency in the other state or when the IV-D agency in this state
505 initiates an income deduction request on behalf of an obligee
506 receiving IV-D services in this state against a payor in another

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507 state, pursuant to this section or the Uniform Interstate Family
508 Support Act, the IV-D agency shall file the interstate income
509 deduction documents, or an affidavit of such request when the
510 income deduction documents are not available, with the
511 depository and if the IV-D agency in this state is responding to
512 a request from another state, provide copies to the payor and
513 obligor in accordance with subsection (1). The depository
514 created pursuant to s. 61.181 shall accept the interstate income
515 deduction documents or affidavit and shall establish an account
516 for the receipt and disbursement of child support or child
517 support and alimony payments and advise the IV-D agency of the
518 account number in writing within 2 days after receipt of the
519 documents or affidavit.

520 (i) Certified copies of payment records maintained by a
521 depository shall, without further proof, be admitted into
522 evidence in any legal proceeding in this state.

523 (j)1. A person may not discharge, refuse to employ, or take
524 disciplinary action against an employee because of the
525 enforcement of an income deduction order. An employer who
526 violates this subsection is subject to a civil penalty not to
527 exceed \$250 for the first violation or \$500 for any subsequent
528 violation. Penalties shall be paid to the obligee or the IV-D
529 agency, whichever is enforcing the income deduction, if any

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530 alimony or child support is owing. If no alimony or child
531 support is owing, the penalty shall be paid to the obligor.

532 2. An employee may bring a civil action in the courts of
533 this state against an employer who refuses to employ,
534 discharges, or otherwise disciplines an employee because of an
535 income deduction order. The employee is entitled to
536 reinstatement and all wages and benefits lost plus reasonable
537 attorney's fees and costs incurred.

538 (k) When a payor no longer provides income to an obligor,
539 he or she shall notify the obligee and, if the obligee is a IV-D
540 applicant, the IV-D agency and shall also provide the obligor¹'s
541 last known address and the name and address of the obligor's new
542 payor, if known. A payor who violates this subsection is subject
543 to a civil penalty not to exceed \$250 for the first violation or
544 \$500 for a subsequent violation. Penalties shall be paid to the
545 obligee or the IV-D agency, whichever is enforcing the income
546 deduction order.

547 (3) (a) It is the intent of the Legislature that this
548 section may be used to collect arrearages in child support or in
549 alimony payments.

550 (b) In a Title IV-D case, if an obligation to pay current
551 support is reduced or terminated due to the emancipation of a
552 child and the obligor owes an arrearage, retroactive support,

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553 delinquency, or costs, income deduction continues at the rate in
554 effect immediately prior to emancipation until all arrearages,
555 retroactive support, delinquencies, and costs are paid in full
556 or until the amount of withholding is modified. Any income-
557 deducted amount that is in excess of the obligation to pay
558 current support shall be credited against the arrearages,
559 retroactive support, delinquency, and costs owed by the obligor.
560 The department shall send notice of this requirement by regular
561 mail to the payor and the depository operated pursuant to s.
562 61.181, and the notice shall state the amount of the obligation
563 to pay current support, if any, and the amount owed for
564 arrearages, retroactive support, delinquency, and costs. For
565 income deduction orders entered before July 1, 2004, which do
566 not include this requirement, the department shall send by
567 regular certified mail, ~~restricted delivery, return receipt~~
568 ~~requested~~, to the obligor at the most recent address provided by
569 the obligor to the tribunal that issued the order or a more
570 recent address if known, notice of this requirement, that the
571 obligor may contest the withholding as provided by paragraph
572 (2) (f), and that the obligor may request the tribunal that
573 issued the income deduction to modify the amount of the
574 withholding. This paragraph provides an additional remedy for
575 collection of unpaid support and applies to cases in which a

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576 support order or income deduction order was entered before, on,
577 or after July 1, 2004.

578 (c) If a delinquency accrues after an order establishing,
579 modifying, or enforcing a support obligation has been entered,
580 an income deduction order entered after July 1, 2006, is in
581 effect, and there is no order for repayment of the delinquency
582 or a preexisting arrearage, a payor who receives ~~is served with~~
583 an income deduction order or, in a Title IV-D case, an income
584 deduction notice shall deduct an additional 20 percent of the
585 current support obligation or other amount agreed to by the
586 parties until the delinquency and any attorney's fees and costs
587 are paid in full. No deduction may be applied to attorney¹'s fees
588 and costs until the delinquency is paid in full.

589 Section 3. Subsection (2) of section 409.2574, Florida
590 Statutes, is amended to read:

591 409.2574 Income deduction enforcement in Title IV-D cases.-

592 (2) (a) In a support order being enforced under Title IV-D
593 of the Social Security Act and which order does not specify
594 income deduction, income deduction shall be enforced by the
595 department or its designee without the need for any amendment to
596 the support order or any further action by the court.

597 (b) The department shall serve a notice on the obligor that
598 the income deduction notice has been served on the employers.

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599 Service upon an obligor under this section shall be made by
600 regular mail to the obligor's last known address of record with 601
the local depository or a more recent address if known ~~in the~~ 602
~~manner prescribed in chapter 48.~~ The department shall furnish 603
to the obligor a statement of the obligor's rights, remedies, 604
and duties in regard to the income deduction.

605 (c) The obligor has 15 days from the mailing ~~servicing~~ of the
606 notice to file a request for a hearing with the department to
607 contest enforcement of income deduction.

608 (d) The department shall adopt rules to ensure that
609 applicable provisions of s. 61.1301 are followed.

610 Section 4. Subsection (4) of section 409.256, Florida
611 Statutes, is amended to read:

612 409.256 Administrative proceeding to establish paternity or
613 paternity and child support; order to appear for genetic
614 testing.-

615 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR PATERNITY
616 AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC TESTING; MANNER
617 OF SERVICE; CONTENTS.-The Department of Revenue shall commence a
618 proceeding to determine paternity, or a proceeding to determine 619
both paternity and child support, by serving the respondent with
620 a notice as provided in this section. An order to appear for
621 genetic testing may be served at the same time as a notice of

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622 | the proceeding or may be served separately. A copy of the
623 | affidavit or written declaration upon which the proceeding is 624
| based shall be provided to the respondent when notice is served.
625 | A notice or order to appear for genetic testing shall be served
626 | by certified mail, ~~restricted delivery~~, return receipt
627 | requested, or in accordance with the requirements for service of
628 | process in a civil action. Service by certified mail is
629 | completed when the certified mail is received or refused by the
630 | addressee or by an authorized agent as designated by the
631 | addressee in writing. If a person other than the addressee signs
632 | the return receipt, the department shall attempt to reach the
633 | addressee by telephone to confirm whether the notice was 634
| received, and the department shall document any telephonic
635 | communications. If someone other than the addressee signs the
636 | return receipt, the addressee does not respond to the notice,
637 | and the department is unable to confirm that the addressee has
638 | received the notice, service is not completed and the department
639 | shall attempt to have the addressee served personally. For
640 | purposes of this section, an employee or an authorized agent of
641 | the department may serve the notice or order to appear for
642 | genetic testing and execute an affidavit of service. The
643 | department may serve an order to appear for genetic testing on a
644 | caregiver. The department shall provide a copy of the notice or

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645 order to appear by regular mail to the mother and caregiver, if
646 they are not respondents.

647 Section 5. Subsection (4) of section 409.2563 is amended to
648 read:

649 409.2563 Administrative establishment of child support
650 obligations.—

651 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT
652 ORDER.—To commence a proceeding under this section, the
653 department shall provide to the parent from whom support is not
654 being sought and serve the parent from whom support is being 655
sought with a notice of proceeding to establish administrative
656 support order and a blank financial affidavit form. The notice
657 must state:

658 (a)The names of both parents, the name of the caregiver, if
659 any, and the name and date of birth of the child or children;

660 (b)That the department intends to establish an
661 administrative support order as defined in this section;

662 (c) That both parents must submit a completed financial 663
affidavit to the department within 20 days after receiving the
664 notice, as provided by paragraph (13) (a);

665 (d) That both parents, or parent and caregiver if
666 applicable, are required to furnish to the department
667 information regarding their identities and locations, as

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668 provided by paragraph (13) (b) ;

669 (e) That both parents, or parent and caregiver if
670 applicable, are required to promptly notify the department of
671 any change in their mailing addresses to ensure receipt of all
672 subsequent pleadings, notices, and orders, as provided by
673 paragraph (13) (c) ;

674 (f) That the department will calculate support obligations
675 based on the child support guidelines schedule in s. 61.30 and
676 using all available information, as provided by paragraph
677 (5) (a) , and will incorporate such obligations into a proposed
678 administrative support order ;

679 (g) That the department will send by regular mail to both
680 parents, or parent and caregiver if applicable, a copy of the
681 proposed administrative support order, the department's child 682
support worksheet, and any financial affidavits submitted by a
683 parent or prepared by the department ;

684 (h) That the parent from whom support is being sought may 685
file a request for a hearing in writing within 20 days after the
686 date of mailing or other service of the proposed administrative
687 support order or will be deemed to have waived the right to
688 request a hearing ;

689 (i) That if the parent from whom support is being sought 690
does not file a timely request for hearing after service of the

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691 proposed administrative support order, the department will issue
692 an administrative support order that incorporates the findings 693
of the proposed administrative support order, and will send by 694
regular mail a copy of the administrative support order to both
695 parents, or parent and caregiver if applicable;

696 (j) That after an administrative support order is rendered,
697 the department will file a copy of the order with the clerk of 698
the circuit court;

699 (k) That after an administrative support order is rendered,
700 the department may enforce the administrative support order by 701
any lawful means;

702 (l) That either parent, or caregiver if applicable, may file at
703 any time a civil action in a circuit court having jurisdiction 704
and proper venue to determine parental support obligations, if 705
any, and that a support order issued by a circuit court
706 supersedes an administrative support order rendered by the
707 department;

708 (m) That neither the department nor the Division of
709 Administrative Hearings has jurisdiction to award or change
710 child custody or rights of parental contact or time-sharing, and
711 these issues may be addressed only in circuit court.

712 1. The parent from whom support is being sought may request in
713 writing that the department proceed in circuit court to

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714 determine his or her support obligations.

715 2. The parent from whom support is being sought may state in 716
writing to the department his or her intention to address issues
717 concerning custody or rights to parental contact in circuit
718 court.

719 3. If the parent from whom support is being sought submits the
720 request authorized in subparagraph 1., or the statement
721 authorized in subparagraph 2. to the department within 20 days 722
after the receipt of the initial notice, the department shall 723
file a petition in circuit court for the determination of the 724
parent's child support obligations, and shall send to the parent
725 from whom support is being sought a copy of its petition, a
726 notice of commencement of action, and a request for waiver of
727 service of process as provided in the Florida Rules of Civil
728 Procedure.

729 4. If, within 10 days after receipt of the department's
730 petition and waiver of service, the parent from whom support is
731 being sought signs and returns the waiver of service form to the
732 department, the department shall terminate the administrative
733 proceeding without prejudice and proceed in circuit court.

734 5. In any circuit court action filed by the department pursuant
735 to this paragraph or filed by a parent from whom support is
736 being sought or other person pursuant to paragraph (1) or

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737 paragraph (n), the department shall be a party only with respect
738 to those issues of support allowed and reimbursable under Title
739 IV-D of the Social Security Act. It is the responsibility of the
740 parent from whom support is being sought or other person to take
741 the necessary steps to present other issues for the court to
742 consider.

743 (n) That if the parent from whom support is being sought 744
files an action in circuit court and serves the department with
745 a copy of the petition within 20 days after being served notice
746 under this subsection, the administrative process ends without
747 prejudice and the action must proceed in circuit court;

748 (o) Information provided by the Office of State Courts
749 Administrator concerning the availability and location of self-
750 help programs for those who wish to file an action in circuit 751
court but who cannot afford an attorney.

752 The department may serve the notice of proceeding to establish
753 administrative support order by certified mail, ~~restricted~~
754 ~~delivery~~, return receipt requested. Alternatively, the
755 department may serve the notice by any means permitted for
756 service of process in a civil action. For purposes of this
757 section, an authorized employee of the department may serve the
758 notice and execute an affidavit of service. Service by certified
759 mail is completed when the certified mail is received or refused

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760 by the addressee or by an authorized agent as designated by the
761 addressee in writing. If a person other than the addressee signs
762 the return receipt, the department shall attempt to reach the 763
addressee by telephone to confirm whether the notice was
764 received, and the department shall document any telephonic
765 communications. If someone other than the addressee signs the
766 return receipt, the addressee does not respond to the notice,
767 and the department is unable to confirm that the addressee has
768 received the notice, service is not completed and the department
769 shall attempt to have the addressee served personally. The
770 department shall provide the parent from whom support is not
771 being sought or the caregiver with a copy of the notice by
772 regular mail to the last known address of the parent from whom
773 support is not being sought or caregiver

774 Section 6. Subsection (1), (3) and (7) of section
775 409.25656, Florida Statutes, is amended to read:

776 (1) If a person has a support obligation which is subject
777 to enforcement by the department as the state Title IV-D
778 program, the executive director or his or her designee may give
779 notice of past due and/or overdue support by regular ~~registered~~
780 mail to all persons who have in their possession or under their
781 control any credits or personal property, including wages,
782 belonging to the support obligor, or owing any debts to the

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783 support obligor at the time of receipt by them of such notice. 784
784 Thereafter, any person who has been notified may not transfer or
785 make any other disposition, up to the amount provided for in the
786 notice, of such credits, other personal property, or debts until
787 the executive director or his or her designee consents to a
788 transfer or disposition, or until 60 days after the receipt of
789 such notice. If the obligor contests the intended levy in the
790 circuit court or under chapter 120, the notice under this
791 section shall remain in effect until final disposition of that
792 circuit court or chapter 120 action. Any financial institution
793 receiving such notice will maintain a right of setoff for any
794 transaction involving a debit card occurring on or before the
795 date of receipt of such notice.

796 (2) Each person who is notified under this section must,
797 within 5 days after receipt of the notice, advise the executive
798 director or his or her designee of the credits, other personal
799 property, or debts in their possession, under their control, or
800 owed by them and must advise the executive director or designee
801 within 5 days of coming into possession or control of any
802 subsequent credits, personal property, or debts owed during the
803 time prescribed by the notice. Any such person coming into
804 possession or control of such subsequent credits, personal
805 property, or debts shall not transfer or dispose of them during

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806 the time prescribed by the notice or until the department
807 consents to a transfer.

808 (3) During the last 30 days of the 60-day period set forth
809 in subsection (1), the executive director or his or her designee
810 may levy upon such credits, personal property, or debts. The
811 levy must be accomplished by delivery of a notice of levy by
812 regular ~~registered~~ mail, upon receipt of which the person
813 possessing the credits, other personal property, or debts shall
814 transfer them to the department or pay to the department the 815
amount owed by the obligor. If the department levies upon
816 securities and the value of the securities is less than the
817 total amount of past due or overdue support, the person who
818 possesses or controls the securities shall liquidate the 819
securities in a commercially reasonable manner. After
820 liquidation, the person shall transfer to the department the
821 proceeds, less any applicable commissions or fees, or both,
822 which are charged in the normal course of business. If the value
823 of the securities exceeds the total amount of past due or
824 overdue support, the obligor may, within 7 days after receipt of
825 the department's notice of levy, instruct the person who
826 possesses or controls the securities which securities are to be
827 sold to satisfy the obligation for past due or overdue support. 828
If the obligor does not provide instructions for liquidation,

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829 | the person who possesses or controls the securities shall
830 | liquidate the securities in a commercially reasonable manner in
831 | an amount sufficient to cover the obligation for past due or
832 | overdue support and any applicable commissions or fees, or both,
833 | which are charged in the normal course of business, beginning 834
835 | with the securities purchased most recently. After liquidation,
836 | the person who possesses or controls the securities shall
837 | transfer to the department the total amount of past due or
838 | overdue support.

838 | (4) A notice that is delivered under this section is 839
839 | effective at the time of delivery against all credits, other
840 | personal property, or debts of the obligor which are not at the
841 | time of such notice subject to an attachment, garnishment, or 842
842 | execution issued through a judicial process.

843 | (5) The department is authorized to bring an action in
844 | circuit court for an order compelling compliance with any notice
845 | issued under this section.

846 | (6) Any person acting in accordance with the terms of the
847 | notice or levy issued by the executive director or his or her
848 | designee is expressly discharged from any obligation or
849 | liability to the obligor with respect to such credits, other
850 | personal property, or debts of the obligor affected by
851 | compliance with the notice of freeze or levy.

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852 (7) (a) Levy may be made under subsection (3) upon credits,
853 other personal property, or debt of any person with respect to
854 any past due or overdue support obligation only after the
855 executive director or his or her designee has notified such
856 person in writing of the intention to make such levy.

857 (b) Not less than 30 days before the day of the levy, the notice
858 of intent to levy required under paragraph (a) must be given in
859 person or sent by regular ~~certified or registered~~ mail to the 860
person's last known address.

861
862 (c) The notice required in paragraph (a) must include a
863 brief statement that sets forth:

864 1. The provisions of this section relating to levy and sale
865 of property;

866 2. The procedures applicable to the levy under this
867 section;

868 3. The administrative and judicial appeals available to the
869 obligor with respect to such levy and sale, and the procedures 870
relating to such appeals; and

871 4. The alternatives, if any, available to the obligor which
872 could prevent levy on the property.

873 (d) The obligor may consent in writing to the levy at any
874 time after receipt of a notice of intent to levy.

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889

Section 7. This act shall take effect on July 1, 2021.

Governor's Budget Recommendation Conforming Bill
Economic Development Transportation Projects

1 A bill to be entitled

2 An act relating to economic development transportation
3 projects; amending 339.2821, F.S., making economic
4 development transportation project approvals contingent on
5 recommendations received from the Department of Economic
6 Opportunity and Enterprise Florida, Inc.; specifying
7 categories of eligible projects; providing for mandatory
8 agency review and comment on proposed projects; amending
9 definitions; providing intent for use of project funds;
10 specifying department project review criteria; specifying
11 project contract requirements; providing for carry forward
12 of appropriated project funds undisbursed by the end of
13 the fiscal year; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsections (1) through (4) of section 339.2821,
18 Florida Statutes are amended, and new subsection (8) is created,
19 to read:

20 339.2821 Economic development transportation projects.—

21 (1)(a) The department, based on recommendations received
22 from ~~in consultation with~~ the Department of Economic Opportunity
23 and Enterprise Florida, Inc., may make and approve expenditures
24 and contract with the appropriate governmental body for the
25 direct costs of transportation projects, based on available
26 funds as appropriated by the Legislature. Projects shall be
27 eligible for funding within two broad categories:

Governor's Budget Recommendation Conforming Bill
Economic Development Transportation Projects

28 1. Projects not already contained within, or eligible for,
29 the department's approved work program as defined in s. 339.135.

30 2. Phases of projects contained within the department's
31 adopted work program that are not currently funded.

32 The Department of Economic Opportunity and the Department
33 of Environmental Protection shall ~~may~~ formally review and
34 comment on recommended transportation projects, although the
35 department has final approval authority for any project
36 authorized under this section. Funds provided under this section
37 are intended to provide support for transportation projects
38 whose primary purpose is to directly contribute to additional
39 economic development and growth within the state, and should not
40 be used to supplant funding already provided for phases of
41 projects under the department's adopted work program.

42 (b) As used in this section, the term:

43 1. "Governmental body" means an instrumentality of the
44 state or a county, municipality, district, authority, board, or
45 commission, or an agency thereof, within which jurisdiction the
46 transportation project is located and which is responsible to
47 the department for the transportation project.

48 2. "Transportation project" means a transportation
49 facility, as defined in s. 334.03, which the department, based
50 on recommendations received from ~~in consultation with~~ the
51 Department of Economic Opportunity, and Enterprise Florida,
52 Inc., determines will directly contribute ~~deems necessary to~~
53 ~~facilitate the~~ economic development and growth within ~~of~~ the
54 state, contains a component or components that will make the
55 transportation facility available for public use, and will not

Governor's Budget Recommendation Conforming Bill
Economic Development Transportation Projects

56 be constructed on private property or for the exclusive use of a
57 single business.

58 (2) A governmental body wishing to receive funding for a
59 transportation project under this section shall submit a project
60 proposal to the Department of Economic Opportunity and
61 Enterprise Florida, Inc. for evaluation. The Department of
62 Economic Opportunity and Enterprise Florida, Inc. shall evaluate
63 the submitted project proposal, and inform the department and
64 the governmental body as to whether the project should be
65 considered for funding under this section. If recommended for
66 consideration, a governmental body may submit an application to
67 the department for project approval and funding. Upon receipt of
68 an application for funding from a governmental body, ~~the~~
69 department, ~~in consultation with the Department of Economic~~
70 ~~Opportunity,~~ shall review each transportation project for
71 approval and funding. In the review, the department must
72 consider:

73 ~~(a) The cost per job created or retained considering the~~
74 ~~amount of transportation funds requested;~~

75 ~~(b) The average hourly rate of wages for jobs created;~~

76 ~~(ae)~~ (ae) The reliance on any program as an inducement for
77 determining the transportation project's location;

78 ~~(bd)~~ (bd) The amount of capital investment to be made ~~by a~~
79 business;

80 ~~(ce)~~ (ce) The demonstrated local commitment, although a local
81 match is not required to receive funds;

Governor's Budget Recommendation Conforming Bill
Economic Development Transportation Projects

82 (~~d~~f) The location of the transportation project in an
83 Florida Qualified Opportunity enterprise zone as designated by
84 the U.S. Department of the Treasury in s. 290.0055;

85 (~~e~~g) The location of the transportation project in a
86 spaceport territory as defined in s. 331.304;

87 (~~f~~h) The unemployment rate of the surrounding area; and

88 (~~g~~i) The poverty rate of the community.

89
90 The department may contact any agency it deems appropriate
91 for additional information regarding the approval of a
92 transportation project. A transportation project must be
93 approved by the department to be eligible for funding.

94 (3)(a) When making its determination as to whether to
95 approve a transportation project for funding under this section,
96 the department shall give priority consideration ~~The department~~
97 ~~must approve a transportation project~~ if it determines that the
98 transportation project will:

99 1. Attract new employment opportunities to the state or
100 expand or retain employment in existing companies operating
101 within the state.

102 2. Allow for the construction or expansion of a state or
103 federal correctional facility in a county having a population of
104 75,000 or fewer which creates new employment opportunities or
105 expands or retains employment in the county.

106 (b) The department must ensure that small and minority
107 businesses have equal access to participate in transportation
108 projects funded pursuant to this section.

Governor's Budget Recommendation Conforming Bill
Economic Development Transportation Projects

109 (c) In addition to administrative costs and equipment
110 purchases specified in the contract, funds for approved
111 transportation projects may be used for expenses that are
112 necessary for building new, or improving existing,
113 transportation facilities. Funds made available pursuant to this
114 section may not be expended for the relocation of a business
115 from one community to another community in this state ~~unless the~~
116 ~~department determines that, without the relocation, the business~~
117 ~~will move outside the state or determines that the business has~~
118 ~~a compelling economic reason for the relocation, such as~~
119 ~~creating additional jobs.~~

120 (4) A contract between the department and a governmental
121 body for a transportation project must:

122 ~~(a) Specify that the transportation project is for the~~
123 ~~construction of a new or expanding business and specify the~~
124 ~~number of full-time permanent jobs that will result from the~~
125 ~~project.~~

126 (a) Identify the governmental body and require that the
127 governmental body award the construction of the particular
128 transportation project to the lowest and best bidder in
129 accordance with applicable state and federal statutes or rules
130 unless the transportation project can be constructed using
131 existing local governmental employees within the contract period
132 specified by the department.

133 (b) Require that the governmental body provide the
134 department with progress reports. Each progress report must
135 contain:

Governor's Budget Recommendation Conforming Bill
Economic Development Transportation Projects

136 1. A narrative description of the work completed and
137 whether the work is proceeding according to the transportation
138 project schedule;

139 2. A description of each change order executed by the
140 governmental body;

141 3. A budget summary detailing planned expenditures compared
142 to actual expenditures; and

143 4. The identity of each small or minority business used as
144 a contractor or subcontractor.

145 (d) Require that the governmental body make and maintain
146 records in accordance with accepted governmental accounting
147 principles and practices for each progress payment made for work
148 performed in connection with the transportation project, each
149 change order executed by the governmental body, and each payment
150 made pursuant to a change order. The records are subject to
151 financial audit as required by law.

152 (e) Require that the governmental body, upon completion and
153 acceptance of the transportation project, certify to the
154 department that the transportation project has been completed in
155 compliance with the terms and conditions of the contract between
156 the department and the governmental body and meets the minimum
157 construction standards established in accordance with s.
158 336.045.

159 (f) Specify that ~~funds will not be transferred to the~~
160 ~~governmental body unless construction has begun on the facility~~
161 ~~of the business on whose behalf the award was made. The grant~~
162 award shall be terminated if construction of the transportation

Governor's Budget Recommendation Conforming Bill
Economic Development Transportation Projects

163 project does not begin within 54 years after the date of the
164 initial grant award.

165 (g) Require that funds be used only on a transportation
166 project that has been properly reviewed and approved in
167 accordance with the criteria provided in this section.

168 (h) Require that the governing board of the governmental
169 body adopt a resolution accepting future maintenance and other
170 attendant costs occurring after completion of the transportation
171 project if the transportation project is constructed on a county
172 or municipal system.

173 (5) For purposes of this section, Space Florida may serve
174 as the governmental body or as the contracting agency for a
175 project within a spaceport territory as defined by s. 331.304.

176 (6) Each governmental body receiving funds under this
177 section shall submit to the department a financial audit of the
178 governmental body conducted by an independent certified public
179 accountant. The department, in consultation with the Department
180 of Economic Opportunity, shall develop procedures to ensure that
181 audits are received and reviewed in a timely manner and that
182 deficiencies or questioned costs noted in the audit are
183 resolved.

184 (7) The department shall monitor the construction or
185 building site for each transportation project that receives
186 funding under this section, ~~including, but not limited to, the~~
187 ~~construction of the business facility,~~ to ensure compliance with
188 contractual requirements.

189 (8) Notwithstanding s. 216.301, Florida Statutes, and
190 pursuant to s. 216.351, Florida Statutes, the balance of any

Governor's Budget Recommendation Conforming Bill
Economic Development Transportation Projects

191 appropriation for transportation projects under this section
192 which is not disbursed by June 30 of the fiscal year in which
193 the funds are appropriated may be carried forward for up to 5
194 years after the effective date of the original appropriation.

195 Section 2. This act shall take effect July 1, 2021.

Governor's Budget Recommendation Conforming Bill
Department of Economic Opportunity -
Recreate Triumph Gulf Coast Trust Fund

1 A bill to be entitled
2 An act relating to trust funds of the Department
3 of Economic Opportunity; recreating the Triumph
4 Gulf Coast Trust Fund; amending s. 288.80125(3),
5 F.S.; providing an effective date.

6

7 Be It Enacted by the Legislature of the State of Florida:

8

9 Section 1. (1) The Triumph Gulf Coast Trust Fund
10 within the Department of Economic Opportunity, FLAIR number
11 40-2-043, which is to be terminated pursuant to Section
12 19(f), Article III of the State Constitution on July 1,
13 2021, is re-created.

14 Section 2. Subsection (3) of section 288.80125,
15 Florida Statutes, is repealed.

16 Section 3. This act shall take effect July 1, 2021.

Governor's Budget Recommendation Conforming Bill
Department of Military Affairs -
Terminate Welfare Transition Trust Fund

1 A bill to be entitled
2 An act relating to trust funds of the Department
3 of Military Affairs; terminating the Welfare
4 Transition Trust Fund; repealing s. 250.175(5),
5 F.S.; providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. (1) The Welfare Transition Trust Fund
10 within the Department of Military Affairs, FLAIR number 62-
11 2-401, is terminated.

12 (2) All current balances remaining in, and all
13 revenues of, the trust fund, shall be transferred to the
14 Federal Grants Trust Fund, FLAIR number 62-2-261.

15 (3) The Department of Military Affairs shall pay any
16 outstanding debts and obligations of the terminated fund as
17 soon as practicable, and the Chief Financial Officer shall
18 close out and remove the terminated fund from the various
19 state accounting systems using generally accepted
20 accounting principles concerning warrants outstanding,
21 assets, and liabilities.

22 Section 2. Subsection (5) of Section 250.175, Florida
23 Statutes, is repealed.

24 Section 3. This act shall take effect July 1, 2021.

Governor's Budget Recommendation Conforming Bill
Department of Law Enforcement -
Terminate Revolving Trust Fund

1 A bill to be entitled
2 An act relating to trust funds of the Department
3 of Law Enforcement; terminating the Revolving
4 Trust Fund; providing for the transfer of
5 balances in and revenues of the trust fund;
6 requiring that the Chief Financial Officer close
7 out and remove the terminated fund from the state
8 accounting systems; repealing chapter 2002-113,
9 Laws of Florida; providing an effective date.

10

11 Be It Enacted by the Legislature of the State of Florida:

12

13 Section 1. (1) The Revolving Trust Fund within the
14 Department of Law Enforcement, FLAIR number 71-2-600, is
15 terminated.

16 (2) All current balances remaining in, and all
17 revenues of, the trust fund, shall be transferred to the
18 General Revenue Fund.

19 (3) The department shall pay any outstanding debts
20 and obligations of the terminated fund as soon as
21 practicable, and the Chief Financial Officer shall close
22 out and remove the terminated fund from the various state
23 accounting systems using generally accepted accounting
24 principles concerning warrants outstanding, assets, and
25 liabilities.

26

Governor's Budget Recommendation Conforming Bill
Department of Law Enforcement -
Terminate Revolving Trust Fund

27 Section 2. Chapter 2002-113, Laws of Florida, is
28 repealed.
29 Section 3. This act shall take effect July 1, 2021.

Governor's Budget Recommendation Conforming Bill
Justice Administrative Commission -
Terminate Public Defenders Revenue Trust Fund

1 A bill to be entitled
2 An act relating to trust funds; terminating the
3 Public Defenders Revenue Trust Fund within the
4 Justice Administrative Commission; providing for
5 the disposition of balances in and revenues of
6 such trust fund; providing procedures for the
7 termination of the trust fund; repealing s.
8 27.61, F.S., relating to the Public Defenders
9 Revenue Trust Fund; providing an effective date.

10

11 Be It Enacted by the Legislature of the State of Florida:

12

13 Section 1. (1) The Public Defenders Revenue Trust
14 Fund within the Justice Administrative Commission, FLAIR
15 number 21-2-059, is terminated.

16 (2) All current balances remaining in, and all
17 revenues of, the trust fund shall be transferred to the
18 Indigent Criminal Defense Trust Fund within the Justice
19 Administrative Commission.

20 (3) The Justice Administrative Commission shall pay
21 any outstanding debts and obligations of the terminated
22 fund as soon as practicable, and the Chief Financial
23 Officer shall close out and remove the terminated fund from
24 various state accounting systems using generally accepted
25 accounting principles concerning warrants outstanding,
26 assets, and liabilities.

Governor's Budget Recommendation Conforming Bill
Justice Administrative Commission -
Terminate Public Defenders Revenue Trust Fund

27 Section 2. Section 27.61, Florida Statutes, is
28 repealed.

29 Section 3. This act shall be effective upon becoming
30 law.

Governor's Budget Recommendation Conforming Bill
Fish and Wildlife Conservation Commission Trust Funds

1 A bill to be entitled

2 An act relating to Fish and Wildlife Conservation
3 Commission trust funds; amending s. 379.205, F.S.;
4 revising the sources of funds that may be used for
5 specified purposes for the Florida Panther Research
6 and Management Trust Fund; authorizing the funds to be
7 used for commission administrative costs; amending ss.
8 379.208 and 379.209, F.S.; authorizing the commission
9 to invest and reinvest funds and the interest thereof
10 of the Marine Resources Conservation Trust Fund and
11 the Nongame Wildlife Trust Fund, respectively;
12 amending s. 379.211, F.S.; authorizing the commission
13 to invest and reinvest funds and the interest thereof
14 of the State Game Trust Fund; deleting a provision
15 limiting the use of such funds; amending s. 379.213,
16 F.S.; authorizing the commission to invest and
17 reinvest funds and the interest thereof of the Save
18 the Manatee Trust Fund; amending s. 320.08058, F.S.;
19 revising the authorized uses for funds of the Save the
20 Manatee Trust Fund collected from sales of the manatee
21 license plates to include administrative costs;
22 revising the use of such funds for the marketing of
23 the license plates; amending s. 379.214, F.S.;
24 authorizing the commission to invest and reinvest the
25 funds and the interest thereof of the Invasive Plant
26 Control Trust Fund; authorizing such funds to be used
27 for commission administrative costs; providing an
28 effective date.
29

Governor's Budget Recommendation Conforming Bill
Fish and Wildlife Conservation Commission Trust Funds

30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Subsection (2) of section 379.205, Florida
33 Statutes is amended to read:

34 379.205 Florida Panther Research and Management Trust
35 Fund.-

36 2) The commission shall spend money from the fund and all
37 interest derived from its investments and reinvestments ~~shall be~~
38 ~~spent~~ only for the following purposes:

39 (a) To manage and protect existing Florida panther
40 populations by increasing panther food sources where food is a
41 limiting factor, determining conflicts between public use and
42 panther survival, maintaining sufficient genetic variability in
43 existing populations, and undertaking management and enforcement
44 activities that protect panther habitat.

45 (b) To educate the public concerning the value of the
46 panther and the necessity for panther management.

47 (c) To reestablish Florida panthers into areas of suitable
48 habitat, where feasible, by assessing the necessity of a captive
49 breeding program for purposes of reintroduction of the panthers
50 into the suitable habitat; selecting potential sites for
51 reintroduction and investigating associated human sociological
52 aspects; and assessing the potential for panther habitat
53 acquisition.

54 (d) For Fish and Wildlife Conservation Commission
55 administrative costs and for the promotion ~~to promote~~ and
56 marketing of ~~market~~ the Florida panther license plate as
57 authorized under s. 320.08058.

Governor's Budget Recommendation Conforming Bill
Fish and Wildlife Conservation Commission Trust Funds

58 Section 2. Subsection (1) of section 379.208, Florida
59 Statutes, is amended to read:

60 379.208 Marine Resources Conservation Trust Fund; purposes.

61 (1) The Marine Resources Conservation Trust Fund within the
62 Fish and Wildlife Conservation Commission shall serve as a
63 broad-based depository for funds from various marine-related and
64 boating-related activities. The commission may invest and
65 reinvest the funds and the interest thereof of the trust fund
66 and shall administer the trust fund ~~be administered by the~~
67 ~~commission~~ for the purposes of:

68 (a) Funding for marine research.

69 (b) Funding for fishery enhancement, including, but not
70 limited to, fishery statistics development, artificial reefs,
71 and fish hatcheries.

72 (c) Funding for marine law enforcement.

73 (d) Funding for administration of licensing programs for
74 recreational fishing, saltwater products sales, and related
75 information and education activities.

76 (e) Funding for the operations of the Fish and Wildlife
77 Conservation Commission.

78 (f) Funding for titling and registration of vessels.

79 (g) Funding for marine turtle protection, research, and
80 recovery activities from revenues that are specifically credited
81 to the trust fund for these purposes.

82 (h) Funding activities for rehabilitation of oyster
83 harvesting areas from which special oyster surcharge fees are
84 collected, including relaying and transplanting live oysters.

85 (i) Funding for boating research, boating-related programs
86 and activities, and for law enforcement on state waters.

Governor's Budget Recommendation Conforming Bill
Fish and Wildlife Conservation Commission Trust Funds

87 (j) Funding for the stone crab trap reduction program
88 under s. 379.365, the blue crab effort management program under
89 s. 379.366, the spiny lobster trap certificate program under s.
90 379.3671, and the trap retrieval program under s. 379.2424.

91 Section 3. Paragraph (a) of subsection (2) of section
92 379.209, Florida Statutes, is amended to read:

93 379.209 Nongame Wildlife Trust Fund.

94 (2)(a) There is established within the Fish and Wildlife
95 Conservation Commission the Nongame Wildlife Trust Fund. The
96 fund shall be credited with moneys collected pursuant to ss.
97 319.32(3) and 320.02(8). Additional funds may be provided from
98 legislative appropriations and by donations from interested
99 individuals and organizations. The commission may invest and
100 reinvest the funds and the interest thereof of the Nongame
101 Wildlife Trust Fund. The commission shall designate an
102 identifiable unit to administer the trust fund.

103 Section 4. Section 379.211, Florida Statutes, is amended to
104 read:

105 379.211 State Game Trust Fund. The funds resulting from the
106 operation of the commission and from the administration of the
107 laws and regulations pertaining to birds, game, fur-bearing
108 animals, freshwater fish, reptiles, and amphibians, together
109 with any other funds specifically provided for such purposes
110 shall constitute the State Game Trust Fund and shall be used by
111 the commission as it shall deem fit, including the investment
112 and reinvestment of the funds and the interest thereof, for the
113 purpose of ~~in~~ carrying out this section. The ~~provisions hereof~~
114 ~~and for no other purposes, except that~~ annual use fees deposited
115 into the trust fund from the sale of the Largemouth Bass license

Governor's Budget Recommendation Conforming Bill
Fish and Wildlife Conservation Commission Trust Funds

116 plate may be expended for the purposes provided under s.
117 320.08058(17). The commission may not obligate itself beyond the
118 current resources of the State Game Trust Fund unless
119 specifically so authorized by the Legislature.

120 Section 5. Subsection (2) of section 379.213, Florida
121 Statutes, is amended to read:

122 379.213 Save the Manatee Trust Fund.

123 (2) The commission may invest and reinvest the funds and
124 the interest thereof of the Save the Manatee Trust Fund. Funds
125 to be credited to and uses of the trust fund shall be
126 administered in accordance with ~~the provisions of~~ ss. 320.08058,
127 328.66, 328.72, 328.74, 328.76, and 379.2431. The Fish and
128 Wildlife Conservation Commission may receive donations for
129 deposit into the Save the Manatee Trust Fund.

130 Section 6. Paragraphs (b) and (c) of subsection (1) of
131 section 320.08058, Florida Statutes, are amended to read:

132 320.08058 Specialty license plates.

133 (1) MANATEE LICENSE PLATES.

134 (b) The manatee license plate annual use fee must be
135 deposited into the Save the Manatee Trust Fund, created within
136 the Fish and Wildlife Conservation Commission, and may ~~shall~~ be
137 used only for commission administrative costs and the purposes
138 specified in s. 379.2431(4).

139 (c) Notwithstanding paragraph (b), up to 10 percent of the
140 annual use fee deposited in the Save the Manatee Trust Fund from
141 the sale of the manatee license plate may be used to promote and
142 market the license plate ~~issued by the Department of Highway~~
143 ~~Safety and Motor Vehicles after June 30, 2007.~~

Governor's Budget Recommendation Conforming Bill
Fish and Wildlife Conservation Commission Trust Funds

144 Section 7. Subsection (2) of section 379.214, Florida
145 Statutes, is amended to read:

146 379.214 Invasive Plant Control Trust Fund.

147 (2) The commission may invest and reinvest the funds and
148 the interest thereof of the Invasive Plant Control Trust Fund.

149 Funds to be credited to and uses of the trust fund shall be
150 administered in accordance with ~~the provisions of~~ ss. 206.606,
151 328.76, 369.20, 369.22, 369.252, and 379.502 and may also be
152 used for commission administrative costs.

153 Section 8. This act shall take effect July 1, 2021.

Governor's Budget Recommendation Conforming Bill
Everglades Restoration

1 A bill to be entitled

2 An act relating to Everglades restoration; amending s.
3 215.619, F.S.; extending authorization for the issuance of
4 Everglades restoration bonds; providing an effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Subsection (1) of section 215.619, Florida
9 Statutes, is amended to read:

10 215.619 Bonds for Everglades restoration.—

11 (1) The issuance of Everglades restoration bonds to finance
12 or refinance the cost of the acquisition and improvement of
13 land, water areas, and related property interests and resources
14 for the purpose of implementing the Comprehensive Everglades
15 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed
16 Protection Plan under s. 373.4595, the Caloosahatchee River
17 Watershed Protection Plan under s. 373.4595, the St. Lucie River
18 Watershed Protection Plan under s. 373.4595, the City of Key
19 West Area of Critical State Concern as designated by the
20 Administration Commission under s. 380.05, and the Florida Keys
21 Area of Critical State Concern protection program under ss.
22 380.05 and 380.0552 in order to restore and conserve natural
23 systems through implementation of water management projects,
24 including projects that protect, restore, or enhance nearshore
25 water quality and fisheries, such as stormwater or canal
26 restoration projects, projects to protect water resources
27 available to the Florida Keys, including wastewater management
28 projects identified in the Keys Wastewater Plan, dated November

Governor's Budget Recommendation Conforming Bill
Everglades Restoration

2007, and submitted to the Florida House of Representatives on December 4, 2007, is authorized in accordance with s. 11(e), Art. VII of the State Constitution.

(a) Everglades restoration bonds, except refunding bonds, may be issued only in fiscal years 2002-2003 through ~~2019-2020~~ 2029-2030 and may not be issued in an amount exceeding \$100 million per fiscal year unless:

1. The Department of Environmental Protection has requested additional amounts in order to achieve cost savings or accelerate the purchase of land; or

2. The Legislature authorizes an additional amount of bonds not to exceed \$200 million, and limited to \$50 million per fiscal year, specifically for the purpose of funding the Florida Keys Area of Critical State Concern protection program and the City of Key West Area of Critical State Concern. Proceeds from the bonds shall be managed by the Department of Environmental Protection for the purpose of entering into financial assistance agreements with local governments located in the Florida Keys Area of Critical State Concern or the City of Key West Area of Critical State Concern to finance or refinance the cost of constructing sewage collection, treatment, and disposal facilities or building projects that protect, restore, or enhance nearshore water quality and fisheries, such as stormwater or canal restoration projects and projects to protect water resources available to the Florida Keys.

(b) The duration of Everglades restoration bonds may not exceed 20 annual maturities and must mature by December 31, ~~2047~~ 2050. Except for refunding bonds, a series of bonds may not be

Governor's Budget Recommendation Conforming Bill
Everglades Restoration

57 | issued unless an amount equal to the debt service coming due in
58 | the year of issuance has been appropriated by the Legislature.
59 | Not more than 58.25 percent of documentary stamp taxes collected
60 | may be taken into account for the purpose of satisfying an
61 | additional bonds test set forth in any authorizing resolution
62 | for bonds issued on or after July 1, 2015. Beginning July 1,
63 | 2010, the Legislature shall analyze the ratio of the state's
64 | debt to projected revenues before authorizing the issuance of
65 | bonds under this section.

66 | Section 2. This act shall take effect July 1, 2021.

Governor's Budget Recommendation Conforming Bill
Resilient Florida Program

1 A bill to be entitled

2 An act relating to the Resilient Florida Program; amending
3 s. 201.15, F.S.; modifying the distribution of taxes
4 collected; creating s. 380.801; providing legislative
5 findings and intent; authorizing the Department of
6 Environmental Protection to enter into service contracts
7 with the Resilient Florida Financing Corporation;
8 establishing the Resilient Florida Grant Program;
9 providing for project eligibility; authorizing the
10 Department of Environmental Protection to adopt rules to
11 implement the program; providing project prioritization
12 criteria; establishing the Resilient Florida Financing
13 Corporation; providing membership of corporation board of
14 directors; providing powers of corporation; authorizing
15 the corporation to enter into service contracts with the
16 Department of Environmental Protection; authorizing the
17 corporation to issue and incur notes, bonds, certificates
18 of indebtedness, or other obligations; providing purposes
19 of the corporation; providing exemption from taxation and
20 assessment for the corporation; authorizing the
21 corporation to validate obligations to be incurred;
22 authorizing the corporation to contract with the State
23 Board of Administration to serve as trustee with respect
24 to debt obligations issued by the corporation; providing
25 an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

Governor's Budget Recommendation Conforming Bill
Resilient Florida Program

28 Section 1. Section 201.15, Florida Statutes, is amended to
29 read:

30 201.15 Distribution of taxes collected.— All taxes
31 collected under this chapter are hereby pledged and shall be
32 first made available to make payments when due on bonds issued
33 pursuant to s. 215.618 or s. 215.619, or any other bonds
34 authorized to be issued on a parity basis with such bonds. Such
35 pledge and availability for the payment of these bonds shall
36 have priority over any requirement for the payment of service
37 charges or costs of collection and enforcement under this
38 section. All taxes collected under this chapter, except taxes
39 distributed to the Land Acquisition Trust Fund pursuant to
40 subsections (1) and (2) and taxes distributed to the Resilient
41 Florida Trust Fund pursuant to subsection (4), are subject to
42 the service charge imposed in s. 215.20(1). Before distribution
43 pursuant to this section, the Department of Revenue shall deduct
44 amounts necessary to pay the costs of the collection and
45 enforcement of the tax levied by this chapter. However, the
46 ~~costs and service charge of collection~~ may not be levied against
47 any portion of taxes pledged to debt service on bonds to the
48 extent that ~~the~~ such ~~costs and service charge~~ are required to
49 pay any amounts relating to the bonds. ~~All of the costs of the~~
50 ~~collection and enforcement of the tax levied by this chapter and~~
51 ~~the service charge shall be available and transferred to the~~
52 ~~extent necessary to pay debt service and any other amounts~~
53 ~~payable with respect to bonds authorized before January 1, 2017,~~
54 ~~secured by revenues distributed pursuant to this section. All~~

Governor's Budget Recommendation Conforming Bill
Resilient Florida Program

55 taxes remaining after deduction of costs shall be distributed as
56 follows:

57 (1) Amounts necessary to make payments on bonds issued
58 pursuant to s. [215.618](#) or s. [215.619](#), as provided under
59 paragraphs (3)(a) and (b), or on any other bonds authorized to
60 be issued on a parity basis with such bonds shall be deposited
61 into the Land Acquisition Trust Fund.

62 (2) If the amounts deposited pursuant to subsection (1) are
63 less than 33 percent of all taxes collected after first
64 deducting the costs of collection, an amount equal to 33 percent
65 of all taxes collected after first deducting the costs of
66 collection, minus the amounts deposited pursuant to subsection
67 (1), shall be deposited into the Land Acquisition Trust Fund.

68 (3) Amounts on deposit in the Land Acquisition Trust Fund
69 shall be used in the following order:

70 (a) Payment of debt service or funding of debt service
71 reserve funds, rebate obligations, or other amounts payable with
72 respect to Florida Forever bonds issued pursuant to s. [215.618](#).
73 The amount used for such purposes may not exceed \$300 million in
74 each fiscal year. It is the intent of the Legislature that all
75 bonds issued to fund the Florida Forever Act be retired by
76 December 31, 2040. Except for bonds issued to refund previously
77 issued bonds, no series of bonds may be issued pursuant to this
78 paragraph unless such bonds are approved and the debt service
79 for the remainder of the fiscal year in which the bonds are
80 issued is specifically appropriated in the General
81 Appropriations Act or other law with respect to bonds issued for
82 the purposes of s. [373.4598](#).

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83 (b) Payment of debt service or funding of debt service
84 reserve funds, rebate obligations, or other amounts due with
85 respect to Everglades restoration bonds issued pursuant to s.
86 [215.619](#). Taxes distributed under paragraph (a) and this
87 paragraph must be collectively distributed on a pro rata basis
88 when the available moneys under this subsection are not
89 sufficient to cover the amounts required under paragraph (a) and
90 this paragraph.

91
92 Bonds issued pursuant to s. [215.618](#) or s. [215.619](#) are equally
93 and ratably secured by moneys distributable to the Land
94 Acquisition Trust Fund.

95 (4) After the required distributions pursuant to
96 subsections (1) and (2), from the remainder, \$25 million in
97 Fiscal Year 2021-22, \$50 million in Fiscal Year 2022-23, \$75
98 million in Fiscal Year 2023-24, and \$100 million in each fiscal
99 year thereafter shall be paid into the State Treasury to the
100 credit of the Resilient Florida Trust Fund to be used to fund
101 the Resilient Florida Grant Program as provided in s.
102 [380.801\(3\)](#).

103 (5)~~(4)~~ After the required distributions ~~to the Land~~
104 ~~Acquisition Trust Fund~~ pursuant to subsections (1), ~~and~~ (2), and
105 (4) and deduction of the service charge imposed pursuant to s.
106 [215.20](#)(1), the remainder shall be distributed as follows:

107 (a) The lesser of 24.18442 percent of the remainder or
108 \$541.75 million in each fiscal year shall be paid into the State
109 Treasury to the credit of the State Transportation Trust Fund.
110 Of such funds, \$75 million for each fiscal year shall be

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111 transferred to the General Revenue Fund. Notwithstanding any
112 other law, the remaining amount credited to the State
113 Transportation Trust Fund shall be used for:

114 1. Capital funding for the New Starts Transit Program,
115 authorized by Title 49, U.S.C. s. 5309 and specified in s.
116 341.051, in the amount of 10 percent of the funds;

117 2. The Small County Outreach Program specified in s.
118 339.2818, in the amount of 10 percent of the funds;

119 3. The Strategic Intermodal System specified in ss. 339.61,
120 339.62, 339.63, and 339.64, in the amount of 75 percent of the
121 funds after deduction of the payments required pursuant to
122 subparagraphs 1. and 2.; and

123 4. The Transportation Regional Incentive Program specified
124 in s. 339.2819, in the amount of 25 percent of the funds after
125 deduction of the payments required pursuant to subparagraphs 1.
126 and 2. The first \$60 million of the funds allocated pursuant to
127 this subparagraph shall be allocated annually to the Florida
128 Rail Enterprise for the purposes established in s. 341.303(5).

129 (b) The lesser of 0.1456 percent of the remainder or \$3.25
130 million in each fiscal year shall be paid into the State
131 Treasury to the credit of the Grants and Donations Trust Fund in
132 the Department of Economic Opportunity to fund technical
133 assistance to local governments.

134 Moneys distributed pursuant to paragraphs (a) and (b) may not be
135 pledged for debt service unless such pledge is approved by
136 referendum of the voters.

137 (c) Eleven and twenty-four hundredths percent of the
138 remainder in each fiscal year shall be paid into the State

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139 Treasury to the credit of the State Housing Trust Fund. Of such
140 funds, the first \$35 million shall be transferred annually,
141 subject to any distribution required under subsection (6) ~~(5)~~,
142 to the State Economic Enhancement and Development Trust Fund
143 within the Department of Economic Opportunity. The remainder
144 shall be used as follows:

145 1. Half of that amount shall be used for the purposes for
146 which the State Housing Trust Fund was created and exists by
147 law.

148 2. Half of that amount shall be paid into the State
149 Treasury to the credit of the Local Government Housing Trust
150 Fund and used for the purposes for which the Local Government
151 Housing Trust Fund was created and exists by law.

152 (d) Twelve and ninety-three hundredths percent of the
153 remainder in each fiscal year shall be paid into the State
154 Treasury to the credit of the State Housing Trust Fund. Of such
155 funds, the first \$40 million shall be transferred annually,
156 subject to any distribution required under subsection (6) ~~(5)~~,
157 to the State Economic Enhancement and Development Trust Fund
158 within the Department of Economic Opportunity. The remainder
159 shall be used as follows:

160 1. Twelve and one-half percent of that amount shall be
161 deposited into the State Housing Trust Fund and expended by the
162 Department of Economic Opportunity and the Florida Housing
163 Finance Corporation for the purposes for which the State Housing
164 Trust Fund was created and exists by law.

165 2. Eighty-seven and one-half percent of that amount shall
166 be distributed to the Local Government Housing Trust Fund and

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167 used for the purposes for which the Local Government Housing
168 Trust Fund was created and exists by law. Funds from this
169 category may also be used to provide for state and local
170 services to assist the homeless.

171 (e) The lesser of 0.017 percent of the remainder or
172 \$300,000 in each fiscal year shall be paid into the State
173 Treasury to the credit of the General Inspection Trust Fund to
174 be used to fund oyster management and restoration programs as
175 provided in s. [379.362\(3\)](#).

176 ~~(6)(5)~~ Distributions to the State Housing Trust Fund
177 pursuant to paragraphs (4)(c) and (d) must be sufficient to
178 cover amounts required to be transferred to the Florida
179 Affordable Housing Guarantee Program's annual debt service
180 reserve and guarantee fund pursuant to s. [420.5092\(6\)\(a\)](#) and (b)
181 up to the amount required to be transferred to such reserve and
182 fund based on the percentage distribution of documentary stamp
183 tax revenues to the State Housing Trust Fund which is in effect
184 in the 2004-2005 fiscal year.

185 ~~(7)(6)~~ After the distributions provided in the preceding
186 subsections, any remaining taxes shall be paid into the State
187 Treasury to the credit of the General Revenue Fund.

188
189 Section 2. Section 380.801, Florida Statutes, is created to
190 read:

191 (1) Findings, Intent, and Purposes - The Legislature finds
192 and declares that:

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193 (a) The adverse effects of sea level rise, hurricanes,
194 inland and coastal flooding and other extreme weather events
195 pose a significant threat to the State.

196 (b) Adequate financial resources must be readily available
197 to provide for the protection of and enhancement to the State's
198 land, water areas and infrastructure.

199 (c) It is in the best interest of, and necessary for the
200 protection of the public health, safety, and welfare of the
201 residents of this state, and therefore a paramount public
202 purpose, to provide for the creation of a nonprofit public
203 benefit corporation as an instrumentality of the state to assist
204 in financing capital outlay projects provided in this section
205 and to authorize the Department of Environmental Protection to
206 enter into one or more service contracts with such corporation
207 for the purpose of financing services and infrastructure related
208 to such capital outlay projects and to make payments thereunder
209 from the amount on deposit in the Resilient Florida Trust Fund,
210 subject to annual appropriation by the Legislature.

211 (d) To achieve the purposes of this section, it is in the
212 best interests of the residents of this state to authorize such
213 corporation to issue evidences of indebtedness payable from
214 amounts paid by the department under any such service contract
215 entered into between the department and such corporation.

216 (e) It is the intent of the Legislature to establish the
217 Resilient Florida Trust Fund to serve as a repository for funds
218 which will enable the department to respond adverse effects of
219 sea level rise, hurricanes and other extreme weather events on

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220 the State's infrastructure to protect the public health, safety,
221 and welfare and to minimize environmental damage.

222 (f) It is the intent of the Legislature that the
223 department implement rules and procedures to administer the
224 Resilient Florida Grant Program. The department is directed to
225 adopt and implement uniform and standardized forms for the
226 Resilient Florida Grant Program and for the submittal of reports
227 to ensure that information is submitted to the department in a
228 concise, standardized uniform format seeking only information
229 that is necessary.

230 (2) Legislative Approval and Authorization - The
231 Legislature hereby authorizes the Department of Environmental
232 Protection to enter into one or more service contracts with the
233 Resilient Florida Financing Corporation which includes payments
234 by the department to support any existing or planned note, bond,
235 certificate of indebtedness, or other obligation or evidence of
236 indebtedness of the corporation pursuant to this section. The
237 corporation may issue notes, bonds, certificates of
238 indebtedness, or other obligations or evidences of indebtedness
239 of the corporation pursuant to this section, including refunding
240 bonds. The Legislature hereby approves the projects,
241 infrastructure, facilities and improvements financed with
242 revenue bonds issued under this section.

243 (3) Resilient Florida Grant Program.

244 (a) There is hereby created the Resilient Florida Grant
245 Program.

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246 (b) Subject to appropriations from the Legislature, the
247 Department may provide grants to state and local government
248 entities to fund:

249 1. The costs for community resilience planning including
250 compliance with the "peril of flood" statute s. 163.3178(2)(f),
251 analysis of vulnerabilities and risks, and the development of
252 plans and policies that allow communities to better weather
253 changing coastal conditions and recover faster following
254 disasters; and

255 2. The additional incremental costs required to adapt
256 regionally significant assets to address the effects of sea
257 level rise. Such assets may include, but not be limited to,
258 wastewater treatment, water supply, stormwater management,
259 public facilities used for emergency response and management,
260 transportation infrastructure including ports, health care,
261 state infrastructure that supports military bases, affordable
262 public housing, and public education facilities.

263 (c) Until all counties and municipalities have complied
264 with the Peril of Flood statute and adopted a sea level rise
265 vulnerability analysis, the department may provide funding under
266 this section to fund community resilience planning. Once all
267 counties and municipalities have complied with the Peril of
268 Flood statute and adopted a vulnerability analysis, the
269 department may only fund regionally significant assets.

270 (d) The department shall adopt rules to prioritize eligible
271 projects. In developing the priority system, the department
272 shall consider:

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273 1. For the cost of community resilience planning projects,
274 projects that gain compliance with the peril of flood
275 requirements in s. 163.3178(2)(f); develop vulnerability or risk
276 assessments other than that necessary for peril of flood; create
277 adaptation plans; develop adaptation action areas; analyze
278 social vulnerability over and above what is typically included
279 in peril of flood analysis; analyze natural resource
280 vulnerability over and above what is typically included in peril
281 of flood analysis; develop regional collaboration and solutions;
282 address an area with an overall higher potential threat to
283 existing regionally significant infrastructure, based on the
284 percentage of vulnerable infrastructure in the project area; and
285 assist financially disadvantaged communities.

286 2. For additional incremental costs required to adapt
287 regionally significant assets, projects that eliminate or reduce
288 coastal flooding hazards; have secured federal matching dollars;
289 address project areas that have experienced recent storm
290 impacts; address an area with an overall higher potential threat
291 to existing regionally significant assets, based on the
292 percentage of vulnerable assets in the project area; develop
293 regional collaboration and solutions; promote cost effective
294 solutions; promote innovative technologies; promote
295 environmental habitat enhancement or include nature-based
296 options for resilience; exceed the flood-resistant construction
297 requirements in the Florida Building Code and applicable flood
298 plain management regulations; employ practices that may reduce
299 losses due to flooding and claims made under flood insurance
300 policies issued in this state; assist financially disadvantaged

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301 communities; and are ready to proceed in a timely manner,
302 considering the project's readiness for the construction phase
303 of development, the status of required permits, the status of
304 any needed easement acquisition, and the availability of local
305 funding sources.

306 (e) The department may adopt rules regarding program
307 administration; project eligibilities and priorities, including
308 the development and management of project priority lists;
309 financial assistance application requirements associated with
310 planning, design, construction, and implementation activities,
311 including environmental and engineering requirements; financial
312 assistance agreement conditions; program exceptions; and other
313 provisions consistent with the purposes of this section.

314 (4) Resilient Florida Financing Corporation.

315 (a) There is hereby created a nonprofit public benefit
316 corporation to be known as the "Resilient Florida Financing
317 Corporation" for the purpose of financing Resilient Florida
318 Grant Program projects for the Department of Environmental
319 Protection pursuant to this section.

320 (b) The corporation shall be governed by a board of
321 directors consisting of the Governor or the Governor's designee,
322 the Secretary of Environmental Protection, and the director of
323 the Division of Bond Finance of the State Board of
324 Administration of Florida. The director of the Division of Bond
325 Finance shall be the chief executive officer of the corporation
326 and shall direct and supervise the administrative affairs of the
327 corporation and shall control, direct, and supervise the

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328 operation of the corporation. The corporation shall have such
329 other officers as may be determined by the board of directors.

330 (c) The corporation shall have all the powers of a
331 corporate body under the laws of the state to the extent not
332 inconsistent with or restricted by the provisions of this
333 section, including, but not limited to, the power to:

334 1. Adopt, amend, and repeal bylaws not inconsistent with
335 this section.

336 2. Sue and be sued.

337 3. Adopt and use a common seal.

338 4. Acquire, purchase, hold, lease, and convey such real
339 and personal property as may be proper or expedient to carry out
340 the purposes of the corporation and this section, and to sell,
341 lease, or otherwise dispose of such property.

342 5. Elect or appoint and employ such officers, agents, and
343 employees as the corporation deems advisable to operate and
344 manage the affairs of the corporation, which officers, agents,
345 and employees may be officers or employees of the department and
346 the state agencies represented on the board of directors of the
347 corporation.

348 6. Borrow money and issue notes, bonds, certificates of
349 indebtedness, or other obligations or evidences of indebtedness
350 necessary to finance capital outlay projects pursuant to this
351 section, including refunding bonds.

352 7. Make and execute any and all contracts, trust
353 agreements, and other instruments and agreements necessary or
354 convenient to accomplish the purposes of the corporation and
355 this section.

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356 8. Select, retain, and employ professionals, contractors,
357 or agents, which may include the Division of Bond Finance of the
358 State Board of Administration, as necessary or convenient to
359 enable or assist the corporation in carrying out the purposes of
360 the corporation and this section.

361 9. Do any act or thing necessary or convenient to carry
362 out the purposes of the corporation and this section and the
363 powers provided in this section.

364 (d) The corporation may enter into one or more service
365 contracts with the department to provide services to the
366 department in connection with financing capital outlay projects
367 and activities provided in this section. The department may
368 enter into one or more such service contracts with the
369 corporation and provide for payments under such contracts
370 pursuant to this section, subject to annual appropriation by the
371 Legislature. The proceeds from such service contracts may be
372 used for the corporation's administrative costs and expenses
373 after payments as set forth in paragraph (e) of this subsection.
374 Each service contract may have a term of up to 35 years. In
375 compliance with s. 287.0641 and other applicable provisions of
376 law, the obligations of the department under such service
377 contracts do not constitute a general obligation of the state or
378 a pledge of the faith and credit or taxing power of the state
379 and such obligations are not an obligation of the State Board of
380 Administration or entities for which it invests funds, other
381 than the department as provided in this section, but are payable
382 solely from amounts available in the Resilient Florida Trust
383 Fund, subject to annual appropriation. In compliance with this

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384 subsection and s. 287.0582, the service contract must expressly
385 include the following statement: "The State of Florida's
386 performance and obligation to pay under this contract is
387 contingent upon an annual appropriation by the Legislature."

388 (e) The corporation may issue and incur notes, bonds,
389 certificates of indebtedness, or other obligations or evidences
390 of indebtedness payable from and secured by amounts payable to
391 the corporation by the department under a service contract
392 entered into pursuant to section for the purpose of financing
393 capital outlay projects pursuant to this section. The term of
394 any such note, bond, certificate of indebtedness, or other
395 obligation or evidence of indebtedness may not have a financing
396 term that exceeds 20 years. The corporation may select its
397 financing team and issue its obligations through competitive
398 bidding or negotiated contracts, whichever is most cost-
399 effective. Indebtedness of the corporation does not constitute a
400 debt or obligation of the state or a pledge of the faith and
401 credit or taxing power of the state but is payable from and
402 secured by payments made by the department under the service
403 contract pursuant to this section.

404 (f) The fulfillment of the purposes of the corporation
405 promotes the health, safety, and general welfare of the people
406 of the state and serves as essential governmental functions and
407 a paramount public purpose.

408 (g) The corporation is exempt from taxation and assessments
409 of any nature upon its income and any property, assets, or
410 revenues acquired, received, or used in the furtherance of the
411 purposes provided in this chapter. The obligations of the

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412 corporation incurred pursuant to this section and the interest
413 and income thereon and all security agreements, letters of
414 credit, liquidity facilities, or other obligations or
415 instruments arising out of, entered into in connection
416 therewith, or given to secure payment thereof are exempt from
417 all taxation, provided such exemption does not apply to any tax
418 imposed by chapter 220 on the interest, income, or profits on
419 debt obligations owned by corporations.

420 (h) The corporation may validate obligations to be incurred
421 pursuant to this section and the validity and enforceability of
422 any service contracts providing for payments pledged to the
423 payment thereof by proceedings under chapter 75. The validation
424 complaint shall be filed only in the Circuit Court for Leon
425 County. The notice required to be published by s. 75.06 must be
426 published in Leon County, and the complaint and order of the
427 circuit court shall be served only on the State Attorney for the
428 Second Judicial Circuit. Sections 75.04(2) and 75.06(2) do not
429 apply to a complaint for validation filed under this subsection.

430 (i) The corporation is not a special district for the
431 purposes of chapter 189 or a unit of local government for the
432 purposes of part III of chapter 218. The provisions of chapters
433 120 and 215, except the limitation on interest rates provided by
434 s. 215.84 which applies to obligations of the corporation issued
435 pursuant to this section, and part I of chapter 287, except ss.
436 287.0582 and 287.0641, do not apply to this section, the
437 corporation, the service contracts entered into pursuant to this
438 section, or debt obligations issued by the corporation as
439 contemplated in this section.

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440 (j) The benefits or earnings of the corporation may not
441 inure to the benefit of any private person.

442 (k) Upon dissolution of the corporation, title to all
443 property owned by the corporation shall revert to the state.

444 (l) The corporation may contract with the State Board of
445 Administration to serve as trustee with respect to debt
446 obligations issued by the corporation as contemplated by this
447 section and to hold, administer, and invest proceeds of such
448 debt obligations and other funds of the corporation and to
449 perform other services required by the corporation. The state
450 board may perform such services and may contract with others to
451 provide all or a part of such services and to recover its and
452 such other costs and expenses thereof.

453 Section 3. This act shall take effect July 1, 2021.

Governor's Budget Recommendation Conforming Bill
Resilient Florida Trust Fund

1 A bill to be entitled

2 An act relating to trust funds; creating s. 380.802, F.S.;
3 creating the Resilient Florida Trust Fund within the
4 Department of Environmental Protection; providing sources
5 of moneys; providing the purpose of the trust fund;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Section 380.802, Florida Statutes, is created to
11 read:

12 380.802 Resilient Florida Trust Fund. -

13 (1) There is created the Resilient Florida Trust Fund,
14 hereinafter referred to as the "trust fund," to be administered
15 by the Department of Environmental Protection. This trust fund
16 shall be used by the department as a non-lapsing revolving fund
17 for carrying out the purposes of s. 380.801. The trust fund
18 shall be funded with the tax revenues levied, collected, and
19 credited to the trust fund in accordance with s. 201.15. Charges
20 against the trust fund shall be made pursuant to this section.

21 (2) The department may obligate moneys available in the
22 trust fund for:

23 (a) Payment of amounts payable under any service contracts
24 entered into by the department with the Resilient Florida
25 Financing Corporation pursuant to s. 380.801, subject to annual
26 appropriation by the Legislature. Amounts on deposit in the
27 trust fund in each fiscal year must first be applied or
28 allocated for the payment of amounts payable by the department

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29 pursuant to this paragraph before making or providing for other
30 disbursements from the trust fund.

31 (b) Funding of grants to local governments to finance
32 Resilient Florida Grant Program projects pursuant to s. 380.801.

33 (c) Payment of any reasonable costs of the department for
34 administration of the Resilient Florida Grant Program.

35 (d) Payment for identifying, prioritizing, planning and
36 designing for Resilient Florida Grant Program projects
37 including, but not limited to, vulnerability assessments.

38 (3) Moneys in the trust fund which are not needed
39 currently to meet the obligations of the department in the
40 exercise of its responsibilities under s. 380.801 shall be
41 deposited with the Chief Financial Officer to the credit of the
42 trust fund and may be invested in such manner as provided by
43 law. The interest received on such investment shall be credited
44 to the trust fund.

45 Section 2. This act shall take effect July 1, 2021.