

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB APC 24-02 Implementing the 2024-2025 General Appropriations Act

SPONSOR(S): Appropriations Committee

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Appropriations Committee	26 Y, 0 N	Willson	Pridgeon

SUMMARY ANALYSIS

The bill provides the statutory authority necessary to implement and execute the General Appropriations Act (GAA) for Fiscal Year 2024-2025. The statutory changes are effective for only one year and either expire on July 1, 2025, or revert to the language as it existed before the changes made by the bill.

Because this bill implements provisions of the General Appropriations Act for Fiscal Year 2024-2025, there are no direct fiscal impacts created by this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Article III, section 12 of the Florida Constitution states that “[l]aws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject.” This language has been interpreted to defeat proviso language attached to appropriations that have the effect of amending general law. For this reason, when general law changes are required to effectuate appropriations, those changes are placed in a general bill implementing the appropriations act instead of in the General Appropriations Act (GAA). The changes made in the “implementing bill” are effective for only one year and either expire on July 1 of the next fiscal year or revert to the language as it existed before the changes made by the bill.

Effect of the Bill

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the GAA for Fiscal Year 2024-2025.

Section 2 incorporates the Florida Education Finance Program (FEFP) work papers by reference for the purpose of displaying the calculations used by the Legislature.

Section 3 specifies that the 2023 taxable value for the Wakulla County School District as provided by the Department of Revenue will be utilized for the remaining calculations of the Fiscal Year 2023-2024 Florida Education Finance Program and for use in the Prior Period Funding Adjustment Millage calculation.

Section 4 authorizes the Agency for Health Care Administration (AHCA) and the Department of Health (DOH) to submit a budget amendment to realign funding within and between agencies based on the implementation of the Managed Medical Assistance component of the Statewide Medicaid Managed Care program for the Children's Medical Services program within DOH.

Section 5 authorizes AHCA to submit a budget amendment, pursuant to s. 216.177, F.S., to realign funding in the Medicaid program appropriation categories to address projected surpluses and deficits and to maximize use of state trust funds.

Section 6. authorizes AHCA to submit a budget amendment, pursuant to s. 216.177, F.S., to realign funding within the Medicaid program appropriation categories to address projected surpluses and deficits within the program for Fiscal Year 2023-2024. AHCA may not realign funds to provide Medicaid reimbursements at rates above the amounts adopted at the Social Services Estimating Conference held on January 8, 2024.

Section 7 authorizes AHCA and DOH to each submit a budget amendment to realign funding within the Florida KidCare program appropriation categories, or to increase budget authority in the Children's Medical Services Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds.

Section 8 amends s. 381.986, F.S., to provide that DOH is not required to prepare a statement of estimated regulatory costs when promulgating rules relating to medical marijuana testing laboratories, and any such rules adopted prior to July 1, 2025, are exempt from the legislative ratification provision of ss. 120.54(3)(b) and 120.541, F.S.

Section 9 & 10 amends s. 14(1) of ch. 2017-232, Laws of Fla., to provide emergency rulemaking authority to DOH to adopt rules necessary to implement provisions of s. 381.986, F.S., and to provide that rules adopted under the nonemergency rulemaking procedures of the APA to replace emergency

rules adopted under s. 14 of ch. 2017-232, Laws of Fla., are exempt from the legislative ratification provisions of ss. 120.54(3)(b) and 120.541, F.S.

Section 11 authorizes AHCA to submit a budget amendment to implement the federally approved Directed Payment Program for hospitals statewide, the Indirect Medical Education Program, and a nursing workforce expansion and education program.

Section 12 authorizes AHCA to submit a budget amendment, that includes certain information, to implement the federally approved Directed Payment Program and fee-for-service supplemental payments for cancer hospitals that meet certain federal criteria.

Section 13 authorizes AHCA to submit a budget amendment, that includes certain information, to implement the Low Income Pool Program.

Section 14 authorizes AHCA to submit a budget amendment, that includes certain information, to implement fee-for-service supplemental payments and a directed payment program for physicians and subordinate licensed health care practitioners employed by or under contract with a Florida medical or dental school or a public hospital.

Section 15 authorizes AHCA to submit a budget amendment to establish budget authority for public emergency transportation services.

Section 16 authorizes AHCA to submit a budget amendment, that includes certain information, requesting additional spending authority to implement the Disproportionate Share Hospital Program.

Section 17 authorizes the Department of Children and Families (DCF) to submit a budget amendment, pursuant to s. 216.177, F.S., to realign funding within DCF based on the implementation of the Guardianship Assistance Program, between the specific appropriations for guardianship assistance payments, foster care Level 1 room and board payments, relative caregiver payments, and nonrelative caregiver payments.

Section 18 authorizes DCF, DOH, & AHCA to submit budget amendments to increase budget authority to support Refugee Programs administered by the federal Office of Refugee Resettlement based on programmatic need, and requires DCF to submit quarterly reports containing certain information.

Section 19 authorizes DCF to submit a budget amendment, pursuant to s. 216.177, F.S., to increase budget authority to support the following federal grant programs: the Supplemental Nutrition Assistance Grant Program, Pandemic Electronic Benefit Transfer (P-EBT), the American Rescue Plan Grant, the State Opioid Response Grant, the Substance Abuse Prevention and Treatment Block Grant, and the Mental Health Block Grant.

Section 20 authorizes DOH to submit a budget amendment, pursuant to s. 216.177, F.S., to increase budget authority for the department if additional federal grant revenues specific to the Women, Infants, and Children (WIC) program and the Child Care Food program become available.

Section 21 authorizes DOH to submit a budget amendment, subject to s. 216.177, F.S., to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues specific to the program become available.

Section 22 authorizes DOH to submit a budget amendment, pursuant to s. 216.177, F.S., to increase budget authority for the department if additional federal revenues specific to COVID-19 relief funds become available.

Section 23 requires AHCA to replace the current Florida Medicaid Management Information System and provides requirements of the system (FX). This section establishes the executive steering committee membership, including updated titles to reflect AHCA reorganization, duties and the process

for steering committee meetings and decisions. Provides requirements for deliverables-based fixed price contracts.

Section 24 requires ACHA, in consultation with DOH, APD, DCF, and DOC, to competitively procure a contract with a vendor to negotiate prices for prescription drugs, including insulin and epinephrine, for all participating agencies. The contract must require the vendor be compensated on a contingency basis paid from a portion of the savings achieved through the negotiation and purchase of prescription drugs.

Section 25 provides that the Agency for Persons with Disabilities (APD), notwithstanding ss. 216.181 and 216.292, F.S., may submit budget amendments, pursuant to s. 216.177, F.S., to transfer funding from the Salaries and Benefits appropriation categories to categories used for contractual services in order to support additional staff augmentation resources needed at the Developmental Disability Centers.

Section 26 authorizes APD, in consultation with AHCA, notwithstanding ss. 216.181 and 216.292, F.S., to submit a budget amendment, pursuant to s. 216.177, F.S., to realign funding between the agencies based on the implementation of APD's Medicaid Home and Community-Based Services Program.

Section 27 amends s. 216.262, F.S. to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue during the fiscal year for the Department of Corrections (DOC) if the actual inmate population of DOC exceeds certain Criminal Justice Estimating Conference forecasts.

Section 28 amends s. 215.18, F.S. to provide chief justice the authority to request a trust fund loan.

Section 29 requires the Department of Juvenile Justice to review county juvenile detention payments to ensure that counties are fulfilling their financial responsibilities. If the department determines that a county has not met its obligations, Department of Revenue must deduct the amount owed to the Department of Juvenile Justice from shared revenue funds provided to the county under s. 218.23, F.S.

Section 30 & 31 reenacts s. 27.40, F.S., to require written certification of conflict by a public defender. If the office of criminal conflict and civil regional counsel cannot accept a case from the public defender due to conflict, the office of civil regional counsel is required to specifically identify and describe the conflict of interest and certify the conflict to the court before a court-appointed counsel may be assigned.

Contracts with appointed counsel and forms for use in billing must be consistent with ss. 27.5304 and 216.311, F.S. The contract must specify that payment is contingent upon an appropriation by the Legislature. The flat fee established in s. 27.5304, F.S. is required to be presumed to be sufficient compensation.

The Justice Administrative Commission (JAC) is required to review appointed counsel billings, and objections by the JAC are required to be presumed correct unless a court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption. If an attorney does not permit the JAC or the Auditor General to review billing documentation, the attorney waives the claim for attorney fees. A finding by the JAC that the appointed counsel waived the right to seek compensation above the flat fee is required to be presumed correct, unless a court determines, in written findings, that competent and substantial evidence exists to overcome the presumption.

Section 32 & 33 reenacts and amends portions of s. 27.5304, F.S. to increase caps for compensation of court appointed counsel in criminal cases. Court-appointed counsel may be compensated only in compliance with ss. 27.40(1), (2)(a), (6), (7), 27.5304, F.S., and the GAA. The JAC is required to review all billings and must contemporaneously document its review before authorizing payment to an attorney. Objections by the JAC to billings by an attorney are required to be presumed correct by a court unless the court determines, in writing, that competent and substantial evidence supports overcoming the presumption. Motions to exceed the flat fee are required to be served on the JAC at

least 20 business days before the hearing date, and the JAC may appear at the hearing in person or telephonically.

Section 34 requires the Department of Management Services (DMS) and agencies to utilize a tenant broker to renegotiate private lease agreements for office or storage space, in excess of 2,000 square feet, expiring between July 1, 2025 and June 30, 2027.

Section 35 notwithstanding s. 216.292(2)(a), F.S., which authorizes transfers of up to 5 percent of approved budget between categories. Agencies will be prohibited from transferring funds from a data center appropriation category to a category other than a data center appropriation category.

Section 36 authorizes the EOG to transfer funds in the appropriation category "Special Categories-Risk Management Insurance" between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance.

Section 37 authorizes the EOG to transfer funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the GAA between departments in order to align the budget authority granted with the assessments that must be paid by each agency to DMS for human resources management services.

Section 38 authorizes DMS to use 5 percent of facility disposition funds after selling a state office building to offset relocation expenses associated with the disposition of state office buildings.

Section 39 notwithstanding s. 253.025(4), F.S., relating to the purchase of lands by the state, to authorize DMS to acquire additional state-owned office buildings, as defined in s. 255.248, F.S., for inclusion in the Florida Facilities Pool as created in s. 255.505, F.S.

Section 40 provides scope of FLAIR replacement project and specifies governance structure.

Section 41 & 42 reenacts s. 282.709, F.S., to carryforward the authority for DMS to execute a 15-year contract with the SLERs operator.

Section 43 authorizes state agencies and other eligible users to use the DMS SLERS contract to purchase equipment and services.

Section 44 specifies that the transaction fee as identified in s. 287.057(24)(c), F.S., collected for use of the online procurement system, will be 0.7 percent.

Section 45 & 46 amends s. 24.105(9)(i), F.S., to provide that lottery ticket sale commissions will be 6.0 percent.

Section 47 amends s. 627.351(6)(II), F.S., to authorize Citizen's Property Insurance Corp. to adopt policy forms authorizing claim determination disputes to come before the Division of Administrative Hearings.

Section 48 amends s. 110.116, F.S., specifying that, in order to maintain continuity of operations and to ensure the successful completion of the PALM System, DMS must enter into a 5-year contract extension, pursuant to s. 287.057(11), F.S., with the entity currently operating the People First System.

Section 49 provides that, in order to implement the appropriation of funds in the appropriation category "Northwest Regional Data Center" in the 2024-2025 GAA, and pursuant to s. 216.177, F.S., EOG may transfer funds appropriated in that category between departments in order to align the budget authority granted based on the estimated costs for data processing services for the 2024-2025 fiscal year.

Section 50 provides that, in order to implement appropriations authorized in the 2024-2025 GAA for state data center services, auxiliary assessments charged to state agencies related to contract management services provided to Northwest Regional Data Center shall not exceed three percent.

Section 51 creates s. 284.50, F.S., directing the Division of Risk Management at the Department of Financial Services to select a provider to establish a statewide pilot program to make electroencephalogram combined transcranial magnetic stimulation (eTMS) treatment available for veterans, first responders, and immediate family members with certain conditions.

Section 52 amends s. 215.18, F.S. to authorize loans to land acquisition trust funds.

Section 53 provides that, in order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the DEP, the Fish and Wildlife Conservation Commission, and the Department of State, the DEP will transfer a proportionate share of revenues in the LATF within the DEP on a monthly basis, after subtracting required debt service payments, to each agency and retain a proportionate share within the LATF within the DEP. Total distributions to a land acquisition trust fund within the other agencies may not exceed the total appropriations for the fiscal year. The section further provides that DEP may advance funds from the beginning unobligated fund balance in the LATF to LATF within FWC for cash flow purposes.

Section 54 & 55 reenacts s. 376.3071(15)(g), F.S., relating to the requirements for the usage of the trust fund for ethanol or biodiesel damage.

Section 56 amends s. 259.105(3), F.S. to notwithstanding the distribution of Florida Forever Trust Funds and direct proceeds as provided in GAA.

Section 57 amends ch. 2022-272(10), Laws of Fla., as amended by ch. 2023-240(61), Laws of Fla., to expand funding and project eligibility under the Hurricane Restoration Reimbursement Grant Program.

Section 58 authorizes FWC, notwithstanding s. 823.11(4)(c), F.S., to use funds appropriated for the derelict vessel removal program for grants to local governments or to remove, store, destroy, and dispose of, or to pay private contractors to remove, store, destroy, and dispose of, derelict vessels or vessels declared a public nuisance pursuant to s. 327.73(1)(aa), F.S.

Section 59 amends s. 321.04, F.S. to provide that upon request of Governor, the Department of Highway Safety & Motor Vehicles shall assign one or more patrol officers to the office of the Lieutenant Governor for security services. Also allows assignment of a patrol officer to Cabinet Members if deemed appropriate by DHSMV or in response to a threat.

Section 60 amends s. 288.80125(3), F.S. relating to the Triumph Gulf Coast Trust Fund to provide that funds shall be used for the Rebuild Florida Revolving Loan Fund Program to aid businesses impacted by Hurricane Michael as provided in the GAA.

Section 61 & 62 amends s. 288.8013(3), F.S., to allow certain interest earnings to be used for awards under program or administrative costs, instead of being transferred to the Triumph Gulf Coast Trust Fund.

Section 63 amends s. 339.08, F.S., to authorize the transfer of funds from General Revenue to the State Transportation Trust Fund as provided in the GAA.

Section 64 amends s. 339.135(7)(h), F.S., to authorize the chair and vice chair of the Legislative Budget Commission to approve certain work program amendments under specified circumstances, pursuant to s. 216.177, F.S. Specifically, the bill authorizes the Department of Transportation to adopt an amendment if a commission meeting cannot be held within 30 days of submittal of the amendment that adds a new project, or a phase of a new project, in excess of \$3 million.

Section 65 establishes the Florida National Guard (FNG) Joint Enlistment Enhancement Program (JEEP) program within the Department of Military Affairs, authorizing certain current and former Guardsmen to act as recruiting assistants and receive \$1000 upon enlistment of each new member referred by them to the FNG. Requires DMA, in cooperation with the FNG, to adopt rules to administer program.

Section 66 amends s. 288.0655, F.S. to specify grant funds for Florida Panhandle counties shall be distributed pursuant to and for the purposes described in the GAA.

Section 67 authorizes the Division of Emergency Management to submit budget amendments to increase budget authority for projected expenditures due to federal reimbursements from federally declared disasters.

Section 68 amends s. 112.061, F.S. to authorize a Lieutenant Governor who permanently resides outside Leon County to have an appropriate facility as an official headquarters. The Lieutenant Governor will be eligible for subsistence allowance for days spent at the State Capitol and transportation expenses between Capitol and official headquarters.

Section 69 requires DMS to collect an administrative health insurance assessment from each state agency equal to the employer's cost of individual employee health care coverage for each vacant position within such agency eligible for coverage through the Division of State Group Insurance. The administrative health insurance assessment will apply to all vacant positions funded with state funds whether fully or partially funded with state funds. Vacant positions partially funded with state funds must pay a percentage of the assessment equal to the percentage share of state funds provided for such vacant positions. No assessment shall apply to vacant positions fully funded with federal funds

Section 70 notwithstanding s. 11.13, F.S., to specify that legislator salaries will be set in the GAA.

Section 71 & 72 amends s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the GAA.

Section 73 provides that funds appropriated for travel by state employees shall be limited to travel for activities that are critical to each state agency's mission. Funds may not be used to travel to foreign countries, other states, conferences, staff-training or other administrative functions unless agency head approves in writing. Agency heads must consider use of teleconferencing and electronic communication to meet needs of activity before approving travel.

Section 74 provides that, notwithstanding s. 112.061, F.S., costs for lodging associated with a meeting, conference or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed \$225 per day. An employee may expend his or her own funds for any lodging expenses in excess of \$225 per day. Exempts travel for conducting an audit, examination, inspection or investigation or travel activities relating to a litigation or emergency response.

Section 75 authorizes the Legislative Budget Commission (LBC) to increase amounts appropriated to state agencies for new fixed capital outlay projects using general revenue funds.

Section 76 amends s. 216.292(2), F.S. to broaden legislative review of "5 percent" budget transfers. Legislature would be able to object that the proposed action exceeds delegated authority or is contrary to legislative policy and intent would apply. Also, requires that review ensure that transfer maximizes the use of available and appropriate trust funds.

Section 77 provides that, in order to implement appropriations in the GAA for the acquisitions of motor vehicles, and notwithstanding ch. 287, F.S., relating to the purchase of motor vehicles from a state term contract, authorizes state agencies may purchase vehicles from nonstate term contract vendors without prior approval from DMS, provided the cost of the motor vehicle is equal to or less than the cost of a similar class of vehicle found on a state term contract and provided the funds for the purchase have been specifically appropriated.

Section 78 provides that, notwithstanding s. 255.25(3)(a), F.S., the Department of Management Services, the Executive Office of the Governor, the Commissioner of Agriculture, the Chief Financial Officer, the Legislature, and the Attorney General are authorized to enter into a lease as a lessee for the use of space in a privately owned building, even if such space is 5,000 square feet or more, without having to advertise or receive competitive solicitations.

Section 79 & 80 amends s. 110.12315, F.S., to require DMS to implement formulary management for prescription drugs and supplies beginning with the 2025 plan year.

Section 81 authorizes the EOG to submit, no later than August 1, 2024, a budget amendment to the LBC to realign funding, within and between agencies, in appropriation categories specifically authorized for the implementation of the state's award from the federal Coronavirus State Fiscal Recovery Fund (Public Law 117-2). Realignments must address projected surpluses and deficits in existing programs and maximize the state's utilization of federal funds, which must be fully obligated by December 31, 2024.

Section 82 provides that, notwithstanding s. 216.181(8)(b), F.S., annual salary rate for the Department of Corrections and the Department of Highway Safety and Motor Vehicles shall be controlled at the budget entity level.

Section 83 specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 84 provides that a permanent change made by another law to any of the same statutes amended by this bill will take precedence over the provision in this bill.

Section 85 provides a severability clause.

Section 86 provides effective dates.

B. SECTION DIRECTORY:

See Effect of Proposed Changes section.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Because this bill implements provisions of the proposed House of Representatives General Appropriations Act, there are no direct fiscal impacts created by the bill.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES