

CHAPTER 2012-119

House Bill No. 5003

An act relating to implementing the 2012-2013 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program for the 2012-2013 fiscal year; amending s. 216.292, F.S.; authorizing the transfer of funds between appropriation categories to fund fixed capital outlay projects for charter schools upon certain approval; authorizing a university board of trustees to expend reserve or carryforward balances for the establishment of a new campus; providing requirements to govern the completion of Phase 2 and Phase 3 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study; prohibiting any state agency from adopting or implementing a rule or policy mandating or establishing new nitrogen-reduction limits under certain circumstances; incorporating by reference certain calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2012-2013 fiscal year; amending s. 20.04, F.S.; providing for organizational units called "circuits" and "regions" in the Department of Children and Family Services; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to provide a Medicaid prepaid dental health program in Miami-Dade County; authorizing the agency to seek revisions or amendments to the state plan or federal waivers in order to implement the program; requiring that the agency terminate existing contracts as necessary to implement the program; requiring certain budget amendments recommending the release of funds for the Crestview Education Center project at Florida Agricultural and Mechanical University to provide more notice and be subject to certain objection procedures; requiring the Department of Health to present a plan to the Legislative Budget Commission which estimates the workload and funding needs to implement the onsite sewage treatment and disposal system evaluation program; amending s. 216.262, F.S.; authorizing the Department of Corrections to submit a budget amendment for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Department of Legal Affairs to transfer certain funds to pay salaries and benefits and to continue to expend appropriated funds as directed in prior appropriations acts; authorizing the Department of Legal Affairs to spend certain appropriated funds on programs that were funded by the department from specific appropriations in general appropriations acts in previous years; amending s. 932.7055, F.S.; authorizing a municipality to expend funds from its special law enforcement trust fund to reimburse the municipality's general fund; requiring the Department of Juvenile Justice to comply with specified reimbursement limitations with respect to payments to hospitals or health care providers for health care services; authorizing certain payments pursuant to a contracted rate only until the contract expires or is renewed; defining the term "hospital" for purposes of such limitations; amending s. 215.18, F.S.;

providing for trust fund loans to the state court system sufficient to meet its appropriation; providing that any funds remaining in the Clerks of the Courts Trust Fund remain available to the clerks; incorporating certain documents by reference which display the calculations used to make the appropriations for the clerks of the court and the state trial courts; amending s. 29.008, F.S., relating to county funding of court-related functions; providing counties with an exemption from the requirement to annually increase certain expenditures by a specified percentage; amending s. 282.709, F.S.; allowing funds from the State Agency Law Enforcement Radio System Trust Fund to be used for mutual aid buildout maintenance and sustainment and the interoperability network; requiring the Department of Management Services to use certain interest earnings to fund the administration of the MyFlorida.com portal; directing the Department of Management Services to use a tenant broker to renegotiate certain leases and provide a report to the Legislature; authorizing funds available in the Audit and Warrant Clearing Trust Fund to be available for certain interest payments to the Federal Government; amending s. 375.041, F.S.; providing for the transfer of moneys from the Land Acquisition Trust Fund to support the Total Maximum Daily Loads Program, Drinking Water Revolving Loan Trust Fund, and Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund; amending s. 373.59, F.S.; providing for the allocation and distribution of moneys from the Water Management Lands Trust Fund for certain purposes; amending s. 403.1651, F.S.; authorizing the use of funds from the Ecosystem Management and Restoration Trust Fund to fund activities to preserve and repair the state's beaches; amending s. 403.7095, F.S.; requiring the Department of Environmental Protection to award a specified amount in grants to certain counties for solid waste programs; authorizing the Department of Agriculture and Consumer Services to extend, revise, and renew current contracts or agreements created or entered into for the purpose of promotion of agriculture; amending s. 379.209, F.S.; authorizing the Fish and Wildlife Conservation Commission to transfer funds from the Nongame Wildlife Trust Fund to the Grants and Donations Trust Fund to support cash flow needs; authorizing the Fish and Wildlife Conservation Commission to transfer a specified amount of funds in hunting and fishing license fees from the Grants and Donations Trust Fund to the State Game Trust Fund for the purpose repaying a loan; authorizing the Executive Office of the Governor to transfer appropriations between the Fish and Wildlife Conservation Commission and the Department of Environmental Protection in order to implement projects relating to the restoration of Lake Apopka; amending s. 259.105, F.S.; providing that funds in the Florida Forever Trust Fund may be distributed only to the Division of State Lands for purposes of certain land acquisitions; amending chapter 2011-142, Laws of Florida; extending the date the Commission on Oil Spill Response Coordination must submit a report relating to offshore oil drilling and damage claims; amending s. 311.07, F.S., relating to seaport transportation and economic development funding; exempting certain projects for ports located in counties designated as rural areas of critical economic concern from match requirements;

authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 110.123, F.S., relating to the state group insurance program; providing the amounts of the state's monthly contribution; amending s. 112.24, F.S.; providing conditions on the assignment of an employee of a state agency; providing that the annual salary of the members of the Legislature be maintained at a specified level; amending s. 215.32, F.S.; revising provisions relating to the source and use of certain trust funds to implement the transfer of funds to the General Revenue Fund from trust funds in the 2012-2013 General Appropriations Act; reenacting s. 215.5601(4)(b), F.S., relating to the administration of the Lawton Chiles Endowment Fund; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund; authorizing transfer of funds from the endowment to the General Revenue Fund; providing a legislative finding that the issuance of new debt is in the best interests of the state and necessary to address a critical state emergency; limiting the use of travel funds to activities that are critical to an agency's mission; providing exceptions; authorizing certain agencies to request the transfer of resources between Data Processing Services appropriation categories and appropriation categories for operation based upon changes to the data center services consolidation schedule; authorizing the Executive Office of the Governor to transfer funds for use by the state's designated primary data centers; authorizing the Executive Office of the Governor to transfer funds between agencies in order to allocate a reduction relating to SUNCOM; amending s. 110.12315, F.S.; revising the conditions under which pharmacies are provided reimbursement for prescription medicines that are dispensed to members of the state group health insurance plan under the state employees' prescription drug program; authorizing the Department of Management Services to implement a supply limit program for certain maintenance drugs; reenacting provisions specifying copayment amounts for the state employees' prescription drug program; requiring the Agency for Health Care Administration to repurchase the Florida Discount Drug Card Program; providing requirements for the program; providing that revenues derived from the contract be deposited into the agency's Grants and Donations Trust Fund; providing for reversion of statutory text of certain provisions; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by this act; providing for severability; providing effective dates.

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

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for the 2012-2013 fiscal year.

Section 2. In order to implement Specific Appropriations 6, 7, 8, 84, and 85 of the 2012-2013 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2012-2013 fiscal year in the document entitled “Public School Funding-The Florida Education Finance Program,” dated March 6, 2012, and filed with the Clerk of the House of Representatives, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program. This section expires July 1, 2013.

Section 3. In order to implement Specific Appropriation 16A of the 2012-2013 General Appropriations Act, paragraph (c) of subsection (3) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(3) The following transfers are authorized with the approval of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, subject to the notice and objection provisions of s. 216.177:

(c) The transfer of appropriations for fixed capital outlay from the Survey Recommended Needs-Public Schools appropriation category to the Maintenance, Repair, Renovation and Remodeling appropriation category. The allocation of transferred funds must be in accordance with s. 1013.62. This paragraph expires July 1, 2013 2012.

Section 4. In order to implement Specific Appropriation 129 of the 2012-2013 General Appropriations Act and notwithstanding any other law, for the 2012-2013 fiscal year only, a university board of trustees may expend reserve or carryforward balances from previous years’ operational and programmatic appropriations for legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.

Section 5. (1) In order to implement Specific Appropriation 512 of the 2012-2013 General Appropriations Act, and for the 2012-2013 fiscal year only, the following requirements govern the completion of Phase 2 and Phase 3 of the Department of Health’s Florida Onsite Sewage Nitrogen Reduction Strategies Study:

(a) The Department of Health’s underlying contract for the study remains in full force and effect and funding for completion of Phase 2 and Phase 3 is through the Department of Health.

(b) The Department of Health, the Department of Health’s Research Review and Advisory Committee, and the Department of Environmental Protection shall work together to provide the necessary technical oversight of the completion of Phase 2 and Phase 3 of the project.

(c) Management and oversight of the completion of Phase 2 and Phase 3 must be consistent with the terms of the existing contract. However, the

main focus and priority to be completed during Phase 3 shall be developing, testing, and recommending cost-effective passive technology design criteria for nitrogen reduction.

(d) The systems installed at homesites are experimental in nature and shall be installed with significant field testing and monitoring. The Department of Health is specifically authorized to allow installation of these experimental systems. Notwithstanding any other law, before Phase 3 of the study is completed, a state agency may not adopt or implement a rule or policy that:

1. Mandates, establishes, or implements more restrictive nitrogen-reduction standards to existing or new onsite sewage treatment systems or modification of such systems; or

2. Directly or indirectly requires the use of performance-based treatment systems or similar technology, such as through an administrative order developed by the Department of Environmental Protection as part of a basin management action plan adopted pursuant to s. 403.067, Florida Statutes. However, the implementation of more restrictive nitrogen-reduction standards for onsite systems may be required through a basin management action plan if such plan is phased in after completion of Phase 3.

(2) This section expires July 1, 2013.

Section 6. In order to implement Specific Appropriations 187, 193 through 195, and 198 of the 2012-2013 General Appropriations Act, the calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2012-2013 fiscal year in the document entitled “Medicaid Supplemental Hospital Funding Programs” dated March 6, 2012, and filed with the Clerk of the House of Representatives, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs. This section expires July 1, 2013.

Section 7. In order to implement Specific Appropriations 283 through 390 of the 2012-2013 General Appropriations Act, subsection (4) of section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(4) Within the Department of Children and Family Services there are organizational units called “circuits” and “regions.” Each circuit is aligned geographically with each judicial circuit, and each region comprises multiple circuits that are in geographical proximity to each other “program offices,” headed by program directors.

Section 8. The amendment to s. 20.04(4), Florida Statutes, shall expire July 1, 2013, and the text of that subsection shall revert to that in existence on June 30, 2012, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 9. In order to implement Specific Appropriation 186 of the 2012-2013 General Appropriations Act, subsection (41) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the

cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers are not entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(41)(a) The agency shall contract on a prepaid or fixed-sum basis with appropriately licensed prepaid dental health plans to provide dental services. This paragraph ~~subsection~~ expires October 1, 2014.

(b) Notwithstanding paragraph (a) and for the 2012-2013 fiscal year only, the agency is authorized to provide a Medicaid prepaid dental health program in Miami-Dade County. For all other counties, the agency may not limit dental services to prepaid plans and must allow qualified dental providers to provide dental services under Medicaid on a fee-for-service reimbursement methodology. The agency may seek any necessary revisions or amendments to the state plan or federal waivers in order to implement this paragraph. The agency shall terminate existing contracts as needed to implement this paragraph. This paragraph expires July 1, 2013.

Section 10. In order to implement Specific Appropriation 587A of the 2012-2013 General Appropriations Act, and notwithstanding s. 216.177(2)(a), Florida Statutes, which requires only 3 days' notice to the Legislature for the release of funds, budget amendments recommending the release of funds to continue the Crestview Education Center project at Florida Agricultural and Mechanical University must be provided at least 14 days before the effective date of the action and are subject to the objection procedures in s. 216.177(2)(b), Florida Statutes. This section expires July 1, 2013.

Section 11. In order to implement Specific Appropriations 506 through 517 of the 2012-2013 General Appropriations Act, before the implementation of the onsite sewage treatment and disposal system evaluation program described in s. 381.0065(5)(a), Florida Statutes, the Department of Health shall submit a plan for approval by the Legislative Budget Commission which includes an estimate of agency workload and funding needs. The department may not expend funds in furtherance of the evaluation program before the plan is approved by the commission.

Section 12. In order to implement Specific Appropriations 625 through 758 and 778 through 815 of the 2012-2013 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter relating to increasing the number of authorized positions, and for the 2012-2013 ~~2011-2012~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the December 14, 2011 ~~February 21, 2011~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to this subsection are subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2013 ~~2012~~.

Section 13. In order to implement Specific Appropriations 1327, 1340, 1351, and 1368 of the 2012-2013 General Appropriations Act, the Department of Legal Affairs may transfer cash remaining after required disbursements for Attorney General case numbers 09-CV-51614, 16-2008-CA-01-3142CV-C, and CACE08022328 from FLAIR account 41-74-2-601001-41100100-00-181076-00 to the Operating Trust Fund to pay salaries and benefits. This section expires July 1, 2013.

Section 14. In order to implement Specific Appropriations 1333 and 1334 of the 2012-2013 General Appropriations Act, the Department of Legal Affairs may expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in previous years. This section expires July 1, 2013.

Section 15. In order to implement Specific Appropriations 1297B and 1299 of the 2012-2013 General Appropriations Act, paragraph (d) of subsection (4) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:

(d) Notwithstanding any other provision of this subsection, and for the 2012-2013 ~~2011-2012~~ fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund before October 1, 2001. This paragraph expires July 1, 2013 ~~2012~~.

Section 16. (1) In order to implement Specific Appropriations 1187, 1188, 1193, 1194, 1239, 1240, 1244, 1245, 1247, 1251, 1252, 1255, 1256, 1257, 1267, and 1272 of the 2012-2013 General Appropriations Act, the Department of Juvenile Justice must comply with the following reimbursement limitations:

(a) Payments to a hospital or a health care provider may not exceed 110 percent of the Medicare allowable rate for any health care services provided if there is no contract between the department and the hospital or the health care provider providing services at a hospital;

(b) The department may continue to make payments for health care services at the currently contracted rates through the current term of the contract if a contract has been executed between the department and a hospital or a health care provider providing services at a hospital; however, payments may not exceed 110 percent of the Medicare allowable rate after the current term of the contract expires or after the contract is renewed during the 2012-2013 fiscal year;

(c) Payments may not exceed 110 percent of the Medicare allowable rate under a contract executed on or after July 1, 2012, between the department and a hospital or a health care provider providing services at a hospital;

(d) Notwithstanding paragraphs (a), (b), and (c), the department may pay up to 125 percent of the Medicare allowable rate for health care services at a hospital that reports or has reported a negative operating margin for the previous fiscal year to the Agency for Health Care Administration through hospital-audited financial data; and

(e) The department may not execute a contract for health care services at a hospital for rates other than rates based on a percentage of the Medicare allowable rate.

(2) For purposes of this section, the term “hospital” means a hospital licensed under chapter 395, Florida Statutes.

(3) This section expires July 1, 2013.

Section 17. In order to implement section 7 of the 2012-2013 General Appropriations Act, subsection (2) of section 215.18, Florida Statutes, is amended to read:

215.18 Transfers between funds; limitation.—

(2) The Chief Justice of the Supreme Court may receive one or more trust fund loans of up to \$54 million in total, the purpose of which is to ensure that the state court system has funds sufficient to meet its appropriations in the 2012-2013 ~~2011-2012~~ General Appropriations Act. If the Chief Justice accesses the loan, he or she must notify the Governor and the chairs of the legislative appropriations committees in writing. The loan must come from other funds in the State Treasury which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds. The Governor shall order the transfer of funds within 5 days after the written notification from the Chief Justice. If the Governor does not order the transfer, the Chief Financial Officer shall transfer the requested funds. The loan of funds from which any money is temporarily transferred must be repaid by the end of the 2012-2013 ~~2011-2012~~ fiscal year. This subsection expires July 1, 2013 ~~2012~~.

Section 18. In order to implement Specific Appropriation 850 of the 2012-2013 General Appropriations Act, and notwithstanding s. 28.2455, Florida Statutes, any funds remaining in the Clerks of Court Trust Fund may not be transferred to the General Revenue Fund and remain available to the clerks of court for expenditures during the 2012-2013 fiscal year. This section shall take effect upon this act becoming a law and expires July 1, 2013.

Section 19. In order to implement Specific Appropriations 850 and 3215 through 3238 of the 2012-2013 General Appropriations Act, the calculation of unit costs for the clerks of court and the state trial courts for the 2011-2012 and 2012-2013 fiscal years are contained in the documents entitled "Fiscal Year 2011-12 and Fiscal Year 2012-13 Clerks of Court Unit Cost Budgets" and "Fiscal Year 2011-12 and Fiscal Year 2012-13 Trial Courts Unit Cost Budgets" dated March 6, 2012, which are filed with the Clerk of the House of Representatives and incorporated by reference for the purpose of displaying the calculations used by the Legislature in making appropriations for the clerks of court and the state trial courts.

Section 20. In order to implement section 7 of the 2012-2013 General Appropriations Act, paragraph (c) of subsection (4) of section 29.008, Florida Statutes, is amended to read:

29.008 County funding of court-related functions.—

(4)

(c) Counties are exempt from all requirements and provisions of paragraph (a) for the 2012-2013 ~~2011-2012~~ fiscal year. Accordingly, for the 2012-2013 ~~2011-2012~~ fiscal year, counties shall maintain, but are not required to increase, their expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3). The requirements described in paragraph (a) shall be reinstated beginning with the 2013-2014 ~~2012-2013~~ fiscal year. This paragraph expires July 1, 2013 ~~2012~~.

Section 21. In order to implement Specific Appropriation 2890 of the 2012-2013 General Appropriation Act, paragraph (b) of subsection (3) of section 282.709, Florida Statutes, is amended to read:

282.709 State agency law enforcement radio system and interoperability network.—

(3)

(b) Funds from the State Agency Law Enforcement Radio System Trust Fund may be used by the department to fund mutual aid buildout maintenance and sustainment and the interoperability network created under subsection (4) as appropriated by law. This paragraph expires July 1, 2013 2012.

Section 22. In order to implement Specific Appropriations 2743 through 2753 of the 2012-2013 General Appropriations Act, the Department of Management Services shall use interest earnings of the Communications Working Capital Trust Fund as the funding source for its responsibilities relating to the administration of the MyFlorida.com portal.

Section 23. In order to implement appropriations used for the payments of existing lease contracts for private lease space in excess of 2,000 square feet in the 2012-2013 General Appropriations Act, the Department of Management Services, together with the cooperation of the agencies having the existing lease contracts, shall utilize tenant broker services to renegotiate or reprocure all private lease agreements expiring between July 1, 2013, and June 30, 2015, in order to achieve a reduction in costs in future years. The department shall incorporate this initiative into its 2012 Master Leasing Report and may use tenant broker services to explore the possibilities of collocation, to review the space needs of each agency, and to review the length and terms of potential renewals or renegotiations. The department shall provide a report by March 1, 2013, to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives which lists each lease contract for private office or storage space, the status of renegotiations, and the savings achieved. This section expires July 1, 2013.

Section 24. In order to implement Specific Appropriations 3081A through 3089 of the 2012-2013 General Appropriations Act, notwithstanding s. 215.199(2), Florida Statutes, funds available in the Audit and Warrant Clearing Trust Fund for subsequent distribution to the General Revenue Fund shall be available to the tax collection service provider, as defined in s. 443.036(42), Florida Statutes, who shall make the interest payment required by s. 443.131(5), Florida Statutes, to the Federal Government in the amount directed by the Governor or the Governor's designee.

Section 25. In order to implement Specific Appropriations 1662, 1685, and 1686 of the 2012-2013 General Appropriations Act, paragraph (b) of subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3)

(b) In addition to the uses allowed under paragraph (a), for the 2012-2013 ~~2011-2012~~ fiscal year, moneys in the Land Acquisition Trust Fund are authorized for transfer to support the Total Maximum Daily Loads Program, Drinking Water Revolving Loan Trust Fund, and Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund as provided in the General Appropriations Act. This paragraph expires July 1, 2013 ~~2012~~.

Section 26. In order to implement Specific Appropriation 1644 of the 2012-2013 General Appropriations Act, subsection (12) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(12) Notwithstanding subsection (8), and for the 2012-2013 ~~2011-2012~~ fiscal year only, the moneys from the Water Management Lands Trust Fund are allocated as follows:

(a) An amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to this section, or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds;

(b) Eight million dollars to be transferred to the General Revenue Fund; and

(c) The remaining appropriation funds to be distributed to the Suwannee River Water Management District, ~~of which \$500,000 may be used for minimum flows and levels.~~

This subsection expires July 1, 2013 ~~2012~~.

Section 27. In order to implement Specific Appropriations 1664 through 1666 and 1668 and section 60 of the 2012-2013 General Appropriations Act, paragraph (g) of subsection (1) of section 403.1651, Florida Statutes, is amended to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(1) There is created the Ecosystem Management and Restoration Trust Fund to be administered by the Department of Environmental Protection for the purposes of:

(g) Funding activities to preserve and repair the state's beaches as provided in ss. 161.091-161.212. This paragraph expires July 1, 2013.

Section 28. In order to implement Specific Appropriation 1714 of the 2012-2013 General Appropriations Act, subsection (5) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(5) Notwithstanding any other provision of this section, and for the ~~2012-2013~~ 2011-2012 fiscal year only, the Department of Environmental Protection shall award the sum of \$2,400,000 in grants equally to counties having populations of fewer than 100,000 for waste tire and litter prevention, recycling education, and general solid waste programs. This subsection expires July 1, 2013 2012.

Section 29. In order to implement Specific Appropriation 1496 of the 2012-2013 General Appropriations Act and to provide consistency and continuity in the promotion of agriculture throughout the state, notwithstanding s. 287.057, Florida Statutes, the Department of Agriculture and Consumer Services may extend, revise, and renew current contracts or agreements created or entered into pursuant to chapter 2006-25, Laws of Florida. This section expires July 1, 2013.

Section 30. In order to implement Specific Appropriations 1806, 1841, 1863, and 1903 of the 2012-2013 General Appropriations Act, subsection (4) is added to section 379.209, Florida Statutes, to read:

379.209 Nongame Wildlife Trust Fund.—

(4) The commission may transfer cash balances from the Nongame Wildlife Trust Fund to the Grants and Donations Trust Fund for the purpose of supporting cash flow needs. This subsection expires July 1, 2013.

Section 31. In order to implement Specific Appropriations 1806, 1841, 1863, and 1903 of the 2012-2013 General Appropriations Act, the Fish and Wildlife Conservation Commission is authorized to transfer \$500,000 in hunting and fishing license fees from the Grants and Donations Trust Fund to the State Game Trust Fund, to repay the loan originally authorized in Specific Appropriation 1950 in chapter 2008-152, Laws of Florida.

Section 32. In order to implement Specific Appropriation 1863A of the 2012-2013 General Appropriations Act relating to the restoration of Lake Apopka and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer appropriations between the Fish and Wildlife Conservation Commission and the Department of Environmental Protection as necessary to implement the approved list of projects. This section expires July 1, 2013.

Section 33. In order to implement Specific Appropriation 1589 of the 2012-2013 General Appropriations Act, paragraph (m) is added to subsection (3) of section 259.105, Florida Statutes, to read:

259.105 The Florida Forever Act.—

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

(m) Notwithstanding paragraphs (a)-(j) and for the 2012-2013 fiscal year only, the moneys appropriated from the Florida Forever Trust Fund shall be distributed only to the Division of State Lands within the Department of Environmental Protection for land acquisitions that are less-than-fee interest or for partnerships in which the state's portion of the acquisition cost is no more than 50 percent. This paragraph expires July 1, 2013.

Section 34. In order to implement section 77 of the 2012-2013 General Appropriations Act, subsections (3) and (4) of section 496 of chapter 2011-142, Laws of Florida, are amended to read:

Section 496. Commission on Oil Spill Response Coordination.—

(3) The board of trustees shall deliver the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Environmental Protection, and the executive director of the Department of Economic Opportunity by January 1, 2013 ~~September 1, 2012~~.

(4) This section expires January 1, 2013 ~~September 30, 2012~~.

Section 35. In order to implement Specific Appropriation 1922 of the 2012-2013 General Appropriations Act, paragraph (a) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), and the local financial management and reporting provisions of part III of chapter 218. However, program funds used to fund projects that involve the rehabilitation of wharves, docks, berths, bulkheads, or similar structures shall require a 25-percent match of funds, except for such projects for ports located in counties designated as a rural area of critical economic concern, as defined in s. 288.0656, which are eligible for waiver of match requirements. Program funds also may be used by the Seaport Transportation and Economic Development Council to develop trade data information products which will assist Florida's seaports and international trade.

Section 36. The amendment to s. 311.07(3)(a), Florida Statutes, shall expire July 1, 2013, and the text of that paragraph shall revert to that in existence on June 30, 2012, except that any amendments to such text enacted

other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 37. In order to implement the appropriation of funds in appropriation category “Special Categories-Risk Management Insurance” in the 2012-2013 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2013.

Section 38. In order to implement the appropriation of funds in the appropriation category “Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract” in the 2012-2013 General Appropriations Act,” and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2013.

Section 39. In order to implement specific appropriations for salaries and benefits in the 2012-2013 General Appropriations Act, paragraph (a) of subsection (12) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

(12) HEALTH SAVINGS ACCOUNTS.—The department is authorized to establish health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature and conforming to the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(a)1. A member participating in this health insurance plan option is eligible to receive an employer contribution into the employee's health savings account from the State Employees Health Insurance Trust Fund in an amount to be determined by the Legislature. A member is not eligible for an employer contribution upon termination of employment. For the 2012-2013 ~~2011-2012~~ fiscal year, the state's monthly contribution for employees having individual coverage shall be \$41.66 and the monthly contribution for employees having family coverage shall be \$83.33.

2. A member participating in this health insurance plan option is eligible to deposit the member's own funds into a health savings account.

Section 40. In order to implement specific appropriations for salaries and benefits in the 2012-2013 General Appropriations Act, paragraph (b) of subsection (3) of section 112.24, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

112.24 Intergovernmental interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with other state agencies, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with a state agency, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(3) Salary, leave, travel and transportation, and reimbursements for an employee of a sending party that is participating in an interchange program shall be handled as follows:

(b)1. The assignment of an employee of a state agency on detail or on leave of absence may be made without reimbursement by the receiving party for the travel and transportation expenses to or from the place of the assignment or for the pay and benefits, or a part thereof, of the employee during the assignment.

2. ~~For the 2011-2012 fiscal year only, the assignment of an employee of a state agency as provided in subparagraph 1. may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the legislative appropriations committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after the chair's receiving notice of the action pursuant to s. 216.177. This subparagraph expires July 1, 2012.~~

(6) For the 2012-2013 fiscal year only, the assignment of an employee of a state agency as provided in this section may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the

legislative appropriations committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after the chair's receiving notice of the action pursuant to s. 216.177. This subsection expires July 1, 2013.

Section 41. In order to implement Specific Appropriations 2710 and 2711 of the 2012-2013 General Appropriations Act and notwithstanding s. 11.13(1), Florida Statutes, the authorized salaries for members of the Legislature for the 2012-2013 fiscal year shall be set at the same level in effect on July 1, 2010. This section expires July 1, 2013.

Section 42. In order to implement the transfer of funds to the General Revenue Fund from trust funds in the 2012-2013 General Appropriations Act, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

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

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

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

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

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

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

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

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

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

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

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

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

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

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

Section 43. The amendment to s. 215.32(2)(b), Florida Statutes, as carried forward by this act from chapter 2011-47, Laws of Florida, shall expire July 1, 2013, and the text of that paragraph shall revert to that in existence on June 30, 2011, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 44. In order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2012-2013 General Appropriations Act, paragraph (b) of subsection (4) of section 215.5601, Florida Statutes, is reenacted to read:

215.5601 Lawton Chiles Endowment Fund.—

(4) ADMINISTRATION.—

(b) The endowment shall be managed as an annuity. The investment objective is the long-term preservation of the real value of the net contributed principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. From the annual cash outflow, a pro rata share shall be used solely for biomedical research activities as provided in paragraph (3)(d), until such time as cures are found for tobacco-related cancer and heart and lung disease. Five percent of the annual cash outflow dedicated to the biomedical research portion of the endowment shall be reinvested and applied to that portion of the endowment's principal, with the remainder to be spent on biomedical research activities consistent with this section. The schedule of annual cash outflow must be included within the investment plan adopted under paragraph (a). Withdrawals other than specified regular cash outflow are considered reductions in contributed principal for the purposes of this subsection.

Section 45. The amendment to s. 215.5601(4)(b), Florida Statutes, as carried forward by this act from chapter 2011-47, Laws of Florida, shall expire July 1, 2013, and the text of that paragraph shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 46. In order to implement section 132 of the 2012-2013 General Appropriations Act, paragraph (f) is added to subsection (5) of section 215.5601, Florida Statutes, to read:

215.5601 Lawton Chiles Endowment Fund.—

(5) AVAILABILITY OF FUNDS; USES.—

(f) Notwithstanding any provision of this section to the contrary, during the 2012-2013 fiscal year \$350 million shall be transferred from the

endowment to the General Revenue Fund. This paragraph expires June 30, 2013.

Section 47. In order to implement the issuance of new debt authorized in the 2012-2013 General Appropriations Act, and pursuant to s. 215.98, Florida Statutes, the Legislature determines that the authorization and issuance of debt for the 2012-2013 fiscal year should be implemented, is in the best interest of the state, and necessary to address a critical state emergency. This section expires July 1, 2013.

Section 48. In order to implement the funds appropriated in the 2012-2013 General Appropriations Act for state employee travel, the funds appropriated to each state agency, which may be used for travel by state employees, are limited during the 2012-2013 fiscal year to travel for activities that are critical to each state agency's mission. Funds may not be used to pay for travel by state employees to foreign countries, other states, conferences, staff-training activities, or other administrative functions unless the agency head has approved in writing that such activities are critical to the agency's mission. The agency head must consider the use of teleconferencing and other forms of electronic communication to meet the needs of the proposed activity before approving mission-critical travel. This section does not apply to travel for law enforcement purposes, military purposes, emergency management activities, or public health activities. This section expires July 1, 2013.

Section 49. In order to implement appropriations authorized in the 2012-2013 General Appropriations Act for data center services scheduled for consolidation in the 2012-2013 fiscal year, pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the consolidating agencies may request the transfer of resources between Data Processing Services appropriation categories and the appropriation categories for operations based upon changes to the consolidation schedule. This section expires July 1, 2013.

Section 50. In order to implement the appropriations authorized in the 2012-2013 General Appropriations Act for each of the state's designated primary data centers, which are funded from the data processing appropriation category for computing services of user agencies, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated for data processing in the 2012-2013 General Appropriations Act between agencies in order to align the budget authority granted with the utilization rate of each department. This section expires July 1, 2013.

Section 51. In order to implement Specific Appropriation 2876 of the 2012-2013 General Appropriations Act, the Executive Office of the Governor may transfer funds appropriated in the appropriation category "Expenses" of the 2012-2013 General Appropriations Act between agencies in order to allocate a reduction relating to SUNCOM services. This section expires July 1, 2013.

Section 52. In order to implement section 8 of the General Appropriations Act for the 2012-2013 fiscal year, paragraph (b) of subsection (2) of section 110.12315, Florida Statutes, is amended, and paragraph (a) subsection (7) of that section is reenacted and amended, to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(2) In providing for reimbursement of pharmacies for prescription medicines dispensed to members of the state group health insurance plan and their dependents under the state employees' prescription drug program:

(b) There shall be a 30-day supply limit for prescription card purchases and 90-day supply limit for mail order or mail order prescription drug purchases. The Department of Management Services may implement a 90-day supply limit program for certain maintenance drugs as determined by the department at retail pharmacies participating in the program if the department determines it to be in the best financial interest of the state.

(7) Under the state employees' prescription drug program copayments must be made as follows:

(a) Effective January 1, ~~2012~~ 2011, for the State Group Health Insurance Standard Plan:

1. For generic drug with card..... \$7.
2. For preferred brand name drug with card.....\$30.
3. For nonpreferred brand name drug with card.....\$50.
4. For generic mail order drug.....\$14.
5. For preferred brand name mail order drug..... \$60.
6. For nonpreferred brand name mail order drug.....\$100.

Section 53. (1) The amendment to s. 110.12315(2)(b), Florida Statutes, shall expire July 1, 2013, and the text of that paragraph shall revert to that in existence on June 30, 2012, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this sect.

(2) The amendment to s. 110.12315(7)(a), Florida Statutes, as carried forward by this act from chapter 2011-47, Laws of Florida, shall expire on July 1, 2013, and the text of that paragraph shall revert to that in existence

on December 31, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 54. In order to implement Specific Appropriation 209 of the 2012-2013 General Appropriations Act and notwithstanding chapter 287, Florida Statutes, the Agency for Health Care Administration shall competitively reprocure a Florida Discount Drug Card Program to provide market competitive discounts through a broad network of retail pharmacies and a mail order pharmacy within the state and return money to the state on a per prescription dispensed basis. Discounts must be available to Florida residents without income restrictions. Residents must be able to enroll and acquire a member identification card from the participating pharmacies, online and through text messaging, without a charge. Revenues derived from this contract shall be deposited into the agency's Grants and Donations Trust Fund to reduce the cost of Medicaid pharmacy purchases. This section expires July 1, 2013.

Section 55. Any section of this act which implements a specific appropriation or specifically identified proviso language in the 2012-2013 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. Any section of this act which implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2012-2013 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 56. If any other act passed during the 2012 Regular Session contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act takes precedence and continues to operate, notwithstanding the future repeal provided by this act.

Section 57. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 58. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2012.

Approved by the Governor April 17, 2012.

Filed in Office Secretary of State April 17, 2012.