

## CHAPTER 2021-37

### Senate Bill No. 2502

An act implementing the 2021-2022 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program; providing that funds for instructional materials must be released and expended as required in the General Appropriations Act; reenacting and amending s. 1013.62(1), F.S.; specifying the source of capital outlay funding for charter schools; providing for the future expiration and reversion of specified statutory text; amending s. 1011.62, F.S.; extending for 1 fiscal year authorization for the Legislature to provide a funding compression and hold harmless allocation; modifying the manner of prorating appropriations made under the funding compression and hold harmless allocation; reenacting s. 1001.26(1), F.S., relating to the public broadcasting program system; extending for 1 fiscal year authorization for the Department of Education to provide certain appropriated funds to certain education television stations and public colleges and universities for public broadcasting; providing for the future expiration and reversion of specified statutory text; incorporating by reference certain calculations for the hospital reimbursement program; authorizing the Agency for Health Care Administration, in consultation with the Department of Health, to submit a budget amendment to realign funding for a component of the Children's Medical Services program to reflect actual enrollment changes; specifying requirements for such realignment; authorizing the agency to request nonoperating budget authority for transferring certain federal funds to the Department of Health; authorizing the Agency for Health Care Administration to submit a budget amendment to realign Medicaid funding for specified purposes, subject to certain limitations; authorizing the Agency for Health Care Administration and the Department of Health to each submit a budget amendment to realign funding within the Florida Kidcare program appropriation categories or increase budget authority for certain purposes; specifying the time period within each such budget amendment must be submitted; amending ss. 381.986 and 381.988, F.S.; extending for 1 year the exemption of certain rules pertaining to the medical use of marijuana from certain rulemaking requirements; amending s. 14(1), chapter 2017-232, Laws of Florida; exempting certain rules pertaining to medical marijuana adopted to replace emergency rules from specified rulemaking requirements; providing for the future expiration and reversion of specified law; authorizing the Agency for Health Care Administration, upon specified federal approval, to establish a directed payment program for hospitals providing inpatient and outpatient service to certain enrollees; authorizing the Agency for Health Care Administration to submit a budget amendment seeking additional spending authority to implement the program; authorizing the Department of Children and Families to submit a budget amendment to realign funding for implementation of the Guardianship Assistance Program; authorizing the

Department of Children and Families to submit a budget amendment to realign funding within the Family Safety Program for specified purposes; authorizing the Department of Health to submit a budget amendment to increase budget authority for the HIV/AIDS Prevention and Treatment Program if a certain condition is met; reenacting and amending s. 42(1)-(5) of chapter 2020-114, Laws of Florida; extending for 1 fiscal year provisions governing the Agency for Health Care Administration's replacement of the Florida Medicaid Management Information System (FMMIS) and fiscal agent operations; modifying the composition and duties of the executive steering committee overseeing the replacement; amending s. 409.916, F.S.; authorizing funds in the Grants and Donations Trust Fund supporting the Medicaid program to be used as provided in the General Appropriations Act; amending s. 216.262, F.S.; extending for 1 fiscal year the authority of the Department of Corrections to submit a budget amendment for additional positions and appropriations under certain circumstances; requiring review and approval by the Legislative Budget Commission; amending s. 1011.80, F.S.; specifying the manner by which state funds for postsecondary workforce programs may be used for inmate education; providing for the future expiration and reversion of specified statutory text; amending s. 215.18, F.S.; extending for 1 fiscal year the authority and related repayment requirements for temporary trust fund loans to the state court system which are sufficient to meet the system's appropriation; requiring the Department of Juvenile Justice to review county juvenile detention payments to determine whether a county has met specified financial responsibilities; requiring amounts owed by the county for such financial responsibilities to be deducted from certain county funds; requiring the Department of Revenue to transfer withheld funds to a specified trust fund; requiring the Department of Revenue to ensure that such reductions in amounts distributed do not reduce distributions below amounts necessary for certain payments due on bonds and to comply with bond covenants; requiring the Department of Revenue to notify the Department of Juvenile Justice if bond payment requirements mandate a reduction in deductions for amounts owed by a county; reenacting s. 27.40(1), (2)(a), (3)(a), (5), (6), and (7), F.S., relating to court-appointed counsel; extending for 1 fiscal year provisions governing the appointment of court-appointed counsel; providing for the future expiration and reversion of specified statutory text; amending s. 27.5304, F.S., and reenacting subsections (1), (3), (7), and (11), and paragraphs (12)(a)-(e), relating to private court-appointed counsel; extending for 1 fiscal year limitations on compensation for representation in criminal proceedings; providing for the future expiration and reversion of specified statutory text; reenacting s. 20.316(2) and (3), F.S., relating to the Department of Juvenile Justice; extending for 1 fiscal year provisions creating the Accountability and Program Support program within the department; providing for the future expiration and reversion of specified statutory text; requiring the Department of Management Services to use tenant broker services to renegotiate or reprocur certain private lease agreements for office or storage space; requiring the Department of Management Services to provide a report to the Governor and the

Legislature by a specified date; prohibiting an agency from transferring funds from a data processing category to another category that is not a data processing category; authorizing the Executive Office of the Governor to transfer funds appropriated for data processing assessment between departments for a specified purpose; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management insurance and for human resources services purchased per statewide contract; reenacting and amending s. 72(1)-(5), chapter 2020-114, Laws of Florida; extending for 1 fiscal year provisions requiring the Department of Financial Services to replace specified components of the Florida Accounting Information Resource Subsystem (FLAIR) and the Cash Management Subsystem (CMS); revising the composition of the executive steering committee overseeing the replacement of FLAIR and CMS; requiring the chair of the executive steering committee to request input on agenda items before a committee meeting; revising certain duties of the executive steering committee; amending s. 215.18, F.S.; extending for 1 fiscal year the authority of the Governor, if there is a specified temporary deficiency in a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission, to transfer funds from other trust funds in the State Treasury as a temporary loan to such trust fund; providing a deadline for the repayment of a temporary loan; requiring the Department of Environmental Protection to transfer designated proportions of the revenues deposited in the Land Acquisition Trust Fund within the department to land acquisition trust funds in the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission according to specified parameters and calculations; defining the term “department”; requiring the Department of Environmental Protection to make transfers to land acquisition trust funds monthly; specifying the method of determining transfer amounts; authorizing the Department of Environmental Protection to advance funds from its land acquisition trust fund to the Fish and Wildlife Conservation Commission’s land acquisition trust fund for specified purposes; amending s. 375.041, F.S.; specifying that certain funds for projects dedicated to restoring Lake Apopka shall be appropriated as provided in the General Appropriations Act; reenacting s. 570.93(1)(a), F.S., relating to the agricultural water conservation program of the Department of Agriculture and Consumer Services; extending for 1 fiscal year provisions governing administration of a cost-share program; providing for the future expiration and reversion of specified statutory text; amending s. 259.105, F.S.; providing for the distribution of proceeds from the Florida Forever Trust Fund for the 2021-2022 fiscal year; amending s. 161.101, F.S.; authorizing the Department of Environmental Protection to waive or reduce certain matching requirements for local governments for beach management and erosion control projects under specified circumstances; reenacting s. 376.3071(15)(g), F.S., relating to the Inland Protection Trust Fund; exempting specified costs incurred by certain petroleum storage system owners or operators during a specified

period from the prohibition against making payments in excess of amounts approved by the Department of Environmental Protection; providing for the future expiration and reversion of specified statutory text; amending s. 321.04, F.S.; extending for 1 fiscal year the requirement that the Department of Highway Safety and Motor Vehicles assign one or more patrol officers to the office of Lieutenant Governor for security purposes, upon request of the Governor; extending for 1 fiscal year the requirement that the Department of Highway Safety and Motor Vehicles assign a patrol officer to a Cabinet member under certain circumstances; amending s. 215.559, F.S.; delaying the repeal of provisions governing the Division of Emergency Management's Hurricane Loss Mitigation Program; amending s. 288.0655, F.S.; specifying the manner of distributing grant funds for rural infrastructure for Florida Panhandle counties for the 2021-2022 fiscal year; amending s. 288.80125, F.S.; extending for 1 fiscal year a requirement that funds in the Triumph Gulf Coast Trust Fund be used for the Rebuild Florida Revolving Loan Fund program for purposes related to Hurricane Michael recovery; amending s. 339.08, F.S.; authorizing the transfer of funds from the State Transportation Trust Fund to the General Revenue Fund as provided in the General Appropriations Act; specifying that any amount transferred be reduced from the total state revenue deposited into the State Transportation Trust Fund; authorizing the use of any such funds appropriated from the General Revenue Fund for specified purposes; waiving certain requirements under the state work program for such funds; requiring the Department of Transportation to track and account for any such funds appropriated; amending s. 339.135, F.S.; authorizing the chair and vice chair of the Legislative Budget Commission to approve certain work program amendments under specified circumstances; amending s. 341.052, F.S.; waiving the limitation on local participation for certain public transit grants; amending s. 112.061, F.S.; extending for 1 fiscal year the authorization for the Lieutenant Governor to designate an alternative official headquarters under certain conditions; specifying restrictions, limitations, eligibility for the subsistence allowance, reimbursement of transportation expenses, and payment thereof; requiring the Department of Management Services to maintain and offer the same health insurance options for participants of the State Group Health Insurance Program for the 2021-2022 fiscal year as applied in the preceding fiscal year; prohibiting a state agency from initiating a competitive solicitation for a product or service under certain circumstances; providing an exception; providing that the annual salaries of the members of the Legislature be maintained at a specified level; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds; providing for the future expiration and reversion of statutory text; specifying the types of travel which may be used with state employee travel funds; providing exceptions; providing a monetary cap on lodging costs for state employee travel to certain meetings organized or sponsored by a state agency or the judicial branch; authorizing employees to expend their own funds for lodging expenses that exceed the monetary caps; prohibiting a state agency from entering into a contract containing certain nondisclosure agreements; reenacting and amending s. 216.1366, F.S.,

relating to contract terms; extending for 1 fiscal year provisions requiring each public agency contract for services after a certain date to authorize public agencies to inspect specified information related to such contract; amending s. 216.181, F.S.; authorizing the Legislative Budget Commission to increase amounts appropriated to state agencies for specified fixed capital outlay projects; incorporating by reference certain calculations of reversions; authorizing state agencies to submit budget amendments to implement any necessary salary increases to address pay plan compression resulting from the increase in the state minimum wage; authorizing a certain level of payment for consenting retired commissioners of the Florida Commission on Offender Review who return to temporary duty; amending s. 282.709, F.S.; providing legislative findings regarding the state agency law enforcement radio system; requiring the Department of Management Services to enter a contract for a specified term with the operator of the statewide radio communications system as of a specified date; specifying requirements for such contract; removing the requirement that specified goods and services for the statewide radio system be acquired through competitive procurement; providing for the future expiration and reversion of specified statutory text; amending s. 350.0614, F.S.; revising provisions governing the budget of the Office of Public Counsel; requiring the presiding officers of the Legislature to jointly approve the operating budget of the office; requiring the Public Counsel to submit an annual budget request to the Legislature in a specified manner; authorizing the Public Counsel to employ specified personnel, subject to applicable provisions of the Joint Policies and Procedures of the Presiding Officers; requiring certain input of the presiding officers regarding administrative matters of the office not addressed in the joint policies and procedures; exempting specified competitive procurement requirements for the Department of Environmental Protection for the procurement of commodities and contractual services in response to the Piney Point facility closure; authorizing the use of funds towards the continuum of care program at the Graceville Correctional Facility; reenacting and amending s. 14.35, F.S.; extending for 1 fiscal year provisions authorizing the Governor's Medal of Freedom; providing conditions under which the veto of certain appropriations or proviso language in the General Appropriations Act voids language that implements such appropriation; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing 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 2021-2022 fiscal year.

Section 2. In order to implement Specific Appropriations 7, 8, 90, and 91 of the 2021-2022 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2021-2022 fiscal year included in the

document titled “Public School Funding: The Florida Education Finance Program (FEFP) Fiscal Year 2021-2022,” dated April 27, 2021, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of state law, in making appropriations for the Florida Education Finance Program. This section expires July 1, 2022.

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

Section 4. In order to implement Specific Appropriation 19 of the 2021-2022 General Appropriations Act, and notwithstanding the expiration date in section 6 of chapter 2020-114, Laws of Florida, subsection (1) of section 1013.62, Florida Statutes, is reenacted and amended to read:

1013.62 Charter schools capital outlay funding.—

(1) For the 2021-2022 ~~2020-2021~~ fiscal year, charter school capital outlay funding shall consist of state funds appropriated in the 2021-2022 ~~2020-2021~~ General Appropriations Act. Beginning in fiscal year 2022-2023 ~~2021-2022~~, charter school capital outlay funding shall consist of state funds when such funds are appropriated in the General Appropriations Act and revenue resulting from the discretionary millage authorized in s. 1011.71(2) if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index issued by the United States Department of Labor from the previous fiscal year. Nothing in this subsection prohibits a school district from distributing to charter schools funds resulting from the discretionary millage authorized in s. 1011.71(2).

(a) To be eligible to receive capital outlay funds, a charter school must:

- 1.a. Have been in operation for 2 or more years;
- b. Be governed by a governing board established in the state for 2 or more years which operates both charter schools and conversion charter schools within the state;
- c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds;

d. Have been accredited by a regional accrediting association as defined by State Board of Education rule; or

e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b).

2. Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available.

3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.

4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5. Serve students in facilities that are not provided by the charter school’s sponsor.

(b) A charter school is not eligible to receive capital outlay funds if it was created by the conversion of a public school and operates in facilities provided by the charter school’s sponsor for a nominal fee, or at no charge, or if it is directly or indirectly operated by the school district.

Section 5. The amendments to s. 1013.62(1), Florida Statutes, by this act expire July 1, 2022, and the text of that subsection shall revert to that in existence on June 30, 2020, 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 6. In order to implement Specific Appropriations 7 and 90 of the 2021-2022 General Appropriations Act, subsection (17) of section 1011.62, Florida Statutes, is 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:

(17) FUNDING COMPRESSION AND HOLD HARMLESS ALLOCATION.—The Legislature may provide an annual funding compression and hold harmless allocation in the General Appropriations Act. The allocation is created to provide additional funding to school districts if the school district’s total funds per FTE in the prior year were less than the statewide average or if the school district’s district cost differential in the current year is less than the prior year. The total allocation shall be distributed to eligible school districts as follows:

(a) Using the most recent prior year FEFP calculation for each eligible school district, subtract the total school district funds per FTE from the state average funds per FTE, not including any adjustments made pursuant to paragraph (19)(b). The resulting funds per FTE difference, or a portion thereof, as designated in the General Appropriations Act, shall then be multiplied by the school district's total unweighted FTE.

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

(c) ~~For each district, select the greater of~~ Add the amounts calculated in paragraphs (a) and (b) and upon summation, if the total amount is greater than the amount included in the General Appropriations Act, the allocation shall be prorated to the appropriation amount based on each participating school district's share.

This subsection expires July 1, 2022 ~~2021~~.

Section 7. In order to implement Specific Appropriation 119 of the 2021-2022 General Appropriations Act, and notwithstanding the expiration date in section 8 of chapter 2020-114, Laws of Florida, subsection (1) of section 1001.26, Florida Statutes, is reenacted to read:

1001.26 Public broadcasting program system.—

(1) There is created a public broadcasting program system for the state. The department shall provide funds, as specifically appropriated in the General Appropriations Act, to educational television stations qualified by the Corporation for Public Broadcasting or public colleges and universities that are part of the public broadcasting program system. The program system must include:

(a) Support for existing Corporation for Public Broadcasting qualified program system educational television stations.

(b) Maintenance of quality broadcast capability for educational stations that are part of the program system.

(c) Interconnection of all educational stations that are part of the program system for simultaneous broadcast and of such stations with all universities and other institutions as necessary for sharing of resources and delivery of programming.

(d) Establishment and maintenance of a capability for statewide program distribution with facilities and staff, provided such facilities and staff complement and strengthen existing educational television stations.



(e) Provision of both statewide programming funds and station programming support for educational television to meet statewide priorities. Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include, but shall not be limited to, citizens' participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

Section 8. The text of s. 1001.26(1), Florida Statutes, as carried forward from chapter 2018-10, Laws of Florida, by this act, expires July 1, 2022, and the text of that subsection shall revert to that in existence on June 30, 2018, except that any amendment 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 Appropriations 202, 206, and 210 of the 2021-2022 General Appropriations Act, the calculations for the hospital reimbursement program for the 2021-2022 fiscal year contained in the document titled "Hospital Reimbursement Program, Fiscal Year 2021-2022," dated April 27, 2021, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of state law, in making appropriations for the hospital reimbursement program. This section expires July 1, 2022.

Section 10. In order to implement Specific Appropriations 196 through 223 and 515 of the 2021-2022 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Agency for Health Care Administration, in consultation with the Department of Health, may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within and between agencies based on implementation of the managed medical assistance component of the Statewide Medicaid Managed Care program for the Children's Medical Services program of the Department of Health. The funding realignment shall reflect the actual enrollment changes due to the transfer of beneficiaries from fee-for-service to the capitated Children's Medical Services network. The Agency for Health Care Administration may submit a request for nonoperating budget authority to transfer the federal funds to the Department of Health pursuant to s. 216.181(12), Florida Statutes. This section expires July 1, 2022.

Section 11. In order to implement Specific Appropriations 196 through 223 of the 2021-2022 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Agency for Health Care Administration may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within the Medicaid program appropriation categories to address projected surpluses and deficits within the program and to maximize the use of state trust funds. A single budget amendment shall be submitted in the

last quarter of the 2021-2022 fiscal year only. This section expires July 1, 2022.

Section 12. In order to implement Specific Appropriations 175 through 180 and 515 of the 2021-2022 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Agency for Health Care Administration and the Department of Health may each submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, 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. A single budget amendment must be submitted by each agency in the last quarter of the 2021-2022 fiscal year only. This section expires July 1, 2022.

Section 13. In order to implement Specific Appropriations 460 through 462, 466, 467, 469A, and 474 of the 2021-2022 General Appropriations Act, subsection (17) of section 381.986, Florida Statutes, is amended to read:

381.986 Medical use of marijuana.—

(17) Rules adopted pursuant to this section before July 1, ~~2022~~ 2021, are not subject to ss. 120.54(3)(b) and 120.541. This subsection expires July 1, ~~2022~~ 2021.

Section 14. In order to implement Specific Appropriations 460 through 462, 466, 467, 469A, and 474 of the 2021-2022 General Appropriations Act, subsection (11) of section 381.988, Florida Statutes, is amended to read:

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

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

Section 15. Effective July 1, 2021, upon the expiration and reversion of the amendments made to subsection (1) of section 14 of chapter 2017-232, Laws of Florida, pursuant to section 34 of chapter 2020-114, Laws of Florida, and in order to implement Specific Appropriations 460 through 462, 466, 467, 469A, and 474 of the 2021-2022 General Appropriations Act, subsection (1) of section 14 of chapter 2017-232, Laws of Florida, is amended to read:

Section 14. Department of Health; authority to adopt rules; cause of action.—

(1) EMERGENCY RULEMAKING.—

(a) The Department of Health and the applicable boards shall adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, and this section

necessary to implement ss. 381.986 and 381.988, Florida Statutes. If an emergency rule adopted under this section is held to be unconstitutional or an invalid exercise of delegated legislative authority, and becomes void, the department or the applicable boards may adopt an emergency rule pursuant to this section to replace the rule that has become void. If the emergency rule adopted to replace the void emergency rule is also held to be unconstitutional or an invalid exercise of delegated legislative authority and becomes void, the department and the applicable boards must follow the nonemergency rulemaking procedures of the Administrative Procedures Act to replace the rule that has become void.

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

(c) Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act. Rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act to replace emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. By July 1, 2022 ~~January 1, 2018~~, the department and the applicable boards shall initiate nonemergency rulemaking pursuant to the Administrative Procedures Act to replace all emergency rules adopted under this section by publishing a notice of rule development in the Florida Administrative Register. Except as provided in paragraph (a), after July 1, 2022 ~~January 1, 2018~~, the department and applicable boards may not adopt rules pursuant to the emergency rulemaking procedures provided in this section.

Section 16. The amendments to s. 14(1) of chapter 2017-232, Laws of Florida, made by this act expire July 1, 2022, and the text of that subsection shall revert to that in existence on June 30, 2019, 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 17. In order to implement Specific Appropriations 202, 206, and 210 of the 2021-2022 General Appropriations Act, the Agency for Health Care Administration, upon approval from the Centers for Medicare and Medicaid Services, may establish a directed payment program for hospitals providing inpatient and outpatient services to Medicaid managed care

enrollees. The Agency for Health Care Administration is authorized to submit a budget amendment pursuant to chapter 216, Florida Statutes, requesting additional spending authority to implement the program. This section expires July 1, 2022.

Section 18. In order to implement Specific Appropriations 321, 323, 352, and 353 of the 2021-2022 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Children and Families may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within the department based on the implementation of the Guardianship Assistance Program, between and among the specific appropriations for guardianship assistance payments, foster care Level 1 room and board payments, relative caregiver payments, and nonrelative caregiver payments. This section expires July 1, 2022.

Section 19. In order to implement Specific Appropriations 303 through 306, 310, 311, 314, 319 through 321, and 323 of the 2021-2022 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Children and Families may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within the Family Safety Program to maximize the use of Title IV-E and other federal funds. This section expires July 1, 2022.

Section 20. In order to implement Specific Appropriations 463 and 500 of the 2021-2022 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Health may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues specific to HIV/AIDS prevention and treatment become available in the 2021-2022 fiscal year. This section expires July 1, 2022.

Section 21. In order to implement Specific Appropriation 190 of the 2021-2022 General Appropriations Act, subsections (1) through (5) of section 42 of chapter 2020-114, Laws of Florida, are reenacted and amended to read:

Section 42. (1) The Agency for Health Care Administration shall replace the current Florida Medicaid Management Information System (FMMIS) and fiscal agent operations with a system that is modular, interoperable, and scalable for the Florida Medicaid program that complies with all applicable federal and state laws and requirements. The agency may not include in the project to replace the current FMMIS and fiscal agent contract:

(a) Functionality that duplicates any of the information systems of the other health and human services state agencies; or

(b) Procurement for agency requirements external to Medicaid programs with the intent to leverage the Medicaid technology infrastructure for other purposes without legislative appropriation or legislative authorization to procure these requirements.

The new system, the Florida Health Care Connection (FX) system, must provide better integration with subsystems supporting Florida's Medicaid program; uniformity, consistency, and improved access to data; and compatibility with the Centers for Medicare and Medicaid Services' Medicaid Information Technology Architecture (MITA) as the system matures and expands its functionality.

(2) For purposes of replacing FMMIS and the current Medicaid fiscal agent, the Agency for Health Care Administration shall:

(a) Prioritize procurements for the replacement of the current functions of FMMIS and the responsibilities of the current Medicaid fiscal agent, to minimize the need to extend all or portions of the current fiscal agent contract.

(b) Comply with and not exceed the Centers for Medicare and Medicaid Services funding authorizations for the FX system.

(c) Ensure compliance and uniformity with published MITA framework and guidelines.

(d) Ensure that all business requirements and technical specifications have been provided to all affected state agencies for their review and input and approved by the executive steering committee established in paragraph (g).

(e) Consult with the Executive Office of the Governor's working group for interagency information technology integration for the development of competitive solicitations that provide for data interoperability and shared information technology services across the state's health and human services agencies.

(f) Implement a data governance structure for the project to coordinate data sharing and interoperability across state healthcare entities.

(g) Implement a project governance structure that includes an executive steering committee composed of:

1. The Secretary of Health Care Administration, or the executive sponsor of the project.

2. A representative of the Division of Operations of the Agency for Health Care Administration, appointed by the Secretary of Health Care Administration ~~The Assistant Secretary for Child Welfare of the Department of Children and Families, or his or her designee.~~

~~3. The Assistant Secretary for Economic Self-Sufficiency of the Department of Children and Families, or his or her designee.~~

4. Two ~~representatives~~ employees from the Division of Medicaid of the Agency for Health Care Administration, appointed by the Secretary of Health Care Administration.

~~4.5.~~ A representative of the Division of Health Quality Assurance of the Agency for Health Care Administration, appointed by the Secretary of Health Care Administration.

~~5.6.~~ A representative of the Florida Center for Health Information and Transparency of the Agency for Health Care Administration, appointed by the Secretary of Health Care Administration.

~~7. A representative of the Division of Operations of the Agency for Health Care Administration, appointed by the Secretary of Health Care Administration.~~

~~6.8.~~ The Chief Information Officer of the Agency for Health Care Administration, or his or her designee.

~~7.9.~~ The state chief information officer, or his or her designee.

~~8.10. Two representatives of the Department of Children and Families, appointed by the Secretary of Children and Families The Deputy Secretary for Children's Medical Services of the Department of Health, or his or her designee.~~

9. A representative of the Department of Health, appointed by the State Surgeon General.

~~10.11. A representative of the Agency for Persons with Disabilities who has experience with the preparation and submission of waivers to the Centers for Medicare and Medicaid Services, appointed by the director of the Agency for Persons with Disabilities.~~

~~11.12.~~ A representative from the Florida Healthy Kids Corporation.

~~12.13. A representative from the Department of Elderly Affairs who has experience with the Medicaid Program within that department, appointed by the Secretary of Elderly Affairs.~~

~~13.14.~~ A representative of the Department of Financial Services who has experience with the state's financial processes including development of the PALM system, appointed by the Chief Financial Officer.

(3) The Secretary of Health Care Administration or the executive sponsor of the project shall serve as chair of the executive steering committee, and the committee shall take action by a vote of at least 10

affirmative votes with the chair voting on the prevailing side. A quorum of the executive steering committee consists of at least 11 members.

(4) The executive steering committee has the overall responsibility for ensuring that the project to replace FMMIS and the Medicaid fiscal agent meets its primary business objectives and shall:

(a) Identify and recommend to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives any statutory changes needed to implement the modular replacement to standardize, to the fullest extent possible, the state’s healthcare data and business processes.

(b) Review and approve any changes to the project’s scope, schedule, and budget which do not conflict with the requirements of subsections (1) and (2).

(c) Ensure that adequate resources are provided throughout all phases of the project.

(d) Approve all major project deliverables.

(e) Review and verify that ~~Approve~~ all procurement and contractual solicitation-related documents associated with the replacement of the current FMMIS and Medicaid fiscal agent align with the scope, schedule, and anticipated budget for the project.

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

Section 22. Effective upon becoming a law, in order to implement section 58 of the 2021-2022 General Appropriations Act, subsection (7) is added to section 409.916, Florida Statutes, to read:

409.916 Grants and Donations Trust Fund.—

(7) Funds may be used for other purposes as specified in the General Appropriations Act. This subsection expires July 1, 2021.

Section 23. In order to implement Specific Appropriations 572 through 680 and 692 through 726 of the 2021-2022 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 ~~2021-2022~~ 2020-2021 fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the ~~March 17, 2021~~ December 17, 2019, 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, ~~2022~~ 2021.

Section 24. In order to implement Specific Appropriation 714 of the 2021-2022 General Appropriations Act, and upon the expiration and reversion of the amendments made by section 54 of chapter 2020-114, Laws of Florida, paragraph (b) of subsection (8) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(8)

(b) State funds provided for the operation of postsecondary workforce programs may not be expended for the education of state or federal inmates, except to the extent that such funds are specifically appropriated for such purpose in the 2021-2022 General Appropriations Act with more than 24 months of time remaining to serve on their sentences or federal inmates.

Section 25. The amendment to s. 1011.80(8)(b), Florida Statutes, made by this act expires July 1, 2022, and the text of that paragraph shall revert to that in existence on July 1, 2019, but not including any amendments made by this act or chapters 2020-114, 2019-116, and 2018-10, Laws of Florida, and 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 26. In order to implement Specific Appropriations 3113 through 3179 of the 2021-2022 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 to ensure that the state court system has funds sufficient to meet its appropriations in the 2021-2022 ~~2020-2021~~ 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 2021-2022 2020-2021 fiscal year. This subsection expires July 1, 2022 2021.

Section 27. In order to implement Specific Appropriations 1105 through 1116 of the 2021-2022 General Appropriations Act:

(1) The Department of Juvenile Justice is required to review county juvenile detention payments to ensure that counties fulfill their financial responsibilities required in s. 985.6865, Florida Statutes. If the Department of Juvenile Justice determines that a county has not met its obligations, the department shall direct the Department of Revenue to deduct the amount owed to the Department of Juvenile Justice from the funds provided to the county under s. 218.23, Florida Statutes. The Department of Revenue shall transfer the funds withheld to the Shared County/State Juvenile Detention Trust Fund.

(2) As an assurance to holders of bonds issued by counties before July 1, 2021, for which distributions made pursuant to s. 218.23, Florida Statutes, are pledged, or bonds issued to refund such bonds which mature no later than the bonds they refunded and which result in a reduction of debt service payable in each fiscal year, the amount available for distribution to a county shall remain as provided by law and continue to be subject to any lien or claim on behalf of the bondholders. The Department of Revenue must ensure, based on information provided by an affected county, that any reduction in amounts distributed pursuant to subsection (1) does not reduce the amount of distribution to a county below the amount necessary for the timely payment of principal and interest when due on the bonds and the amount necessary to comply with any covenant under the bond resolution or other documents relating to the issuance of the bonds. If a reduction to a county's monthly distribution must be decreased in order to comply with this section, the Department of Revenue must notify the Department of Juvenile Justice of the amount of the decrease, and the Department of Juvenile Justice must send a bill for payment of such amount to the affected county.

(3) This section expires July 1, 2022.

Section 28. In order to implement Specific Appropriations 736 through 757, 905 through 1048, and 1069 through 1104 of the 2021-2022 General Appropriations Act, and notwithstanding the expiration date in section 59 of chapter 2020-114, Laws of Florida, subsection (1), paragraph (a) of subsection (2), paragraph (a) of subsection (3), and subsections (5), (6), and (7) of section 27.40, Florida Statutes, are reenacted to read:

27.40 Court-appointed counsel; circuit registries; minimum requirements; appointment by court.—

(1) Counsel shall be appointed to represent any individual in a criminal or civil proceeding entitled to court-appointed counsel under the Federal or State Constitution or as authorized by general law. The court shall appoint a public defender to represent indigent persons as authorized in s. 27.51. The office of criminal conflict and civil regional counsel shall be appointed to represent persons in those cases in which provision is made for court-appointed counsel, but only after the public defender has certified to the court in writing that the public defender is unable to provide representation due to a conflict of interest or is not authorized to provide representation. The public defender shall report, in the aggregate, the specific basis of all conflicts of interest certified to the court. On a quarterly basis, the public defender shall submit this information to the Justice Administrative Commission.

(2)(a) Private counsel shall be appointed to represent persons in those cases in which provision is made for court-appointed counsel but only after the office of criminal conflict and civil regional counsel has been appointed and has certified to the court in writing that the criminal conflict and civil regional counsel is unable to provide representation due to a conflict of interest. The criminal conflict and civil regional counsel shall report, in the aggregate, the specific basis of all conflicts of interest certified to the court. On a quarterly basis, the criminal conflict and civil regional counsel shall submit this information to the Justice Administrative Commission.

(3) In using a registry:

(a) The chief judge of the circuit shall compile a list of attorneys in private practice, by county and by category of cases, and provide the list to the clerk of court in each county. The chief judge of the circuit may restrict the number of attorneys on the general registry list. To be included on a registry, an attorney must certify that he or she:

1. Meets any minimum requirements established by the chief judge and by general law for court appointment;
2. Is available to represent indigent defendants in cases requiring court appointment of private counsel; and
3. Is willing to abide by the terms of the contract for services, s. 27.5304, and this section.

To be included on a registry, an attorney must enter into a contract for services with the Justice Administrative Commission. Failure to comply with the terms of the contract for services may result in termination of the contract and removal from the registry. Each attorney on the registry is responsible for notifying the clerk of the court and the Justice Administrative Commission of any change in his or her status. Failure to comply with this requirement is cause for termination of the contract for services and removal from the registry until the requirement is fulfilled.

(5) The Justice Administrative Commission shall approve uniform contract forms for use in procuring the services of private court-appointed counsel and uniform procedures and forms for use by a court-appointed attorney in support of billing for attorney's fees, costs, and related expenses to demonstrate the attorney's completion of specified duties. Such uniform contracts and forms for use in billing must be consistent with s. 27.5304, s. 216.311, and the General Appropriations Act and must contain the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

(6) After court appointment, the attorney must immediately file a notice of appearance with the court indicating acceptance of the appointment to represent the defendant and of the terms of the uniform contract as specified in subsection (5).

(7)(a) A private attorney appointed by the court from the registry to represent a client is entitled to payment as provided in s. 27.5304 so long as the requirements of subsection (1) and paragraph (2)(a) are met. An attorney appointed by the court who is not on the registry list may be compensated under s. 27.5304 only if the court finds in the order of appointment that there were no registry attorneys available for representation for that case and only if the requirements of subsection (1) and paragraph (2)(a) are met.

(b)1. The flat fee established in s. 27.5304 and the General Appropriations Act shall be presumed by the court to be sufficient compensation. The attorney shall maintain appropriate documentation, including contemporaneous and detailed hourly accounting of time spent representing the client. If the attorney fails to maintain such contemporaneous and detailed hourly records, the attorney waives the right to seek compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act. These records and documents are subject to review by the Justice Administrative Commission and audit by the Auditor General, subject to the attorney-client privilege and work-product privilege. The attorney shall maintain the records and documents in a manner that enables the attorney to redact any information subject to a privilege in order to facilitate the commission's review of the records and documents and not to impede such review. The attorney may redact information from the records and documents only to the extent necessary to comply with the privilege. The Justice Administrative Commission shall review such records and shall contemporaneously document such review before authorizing payment to an attorney. Objections by or on behalf of the Justice Administrative Commission to records or documents or to claims for payment by the attorney shall be presumed correct by the court unless the court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption.

2. If an attorney fails, refuses, or declines to permit the commission or the Auditor General to review documentation for a case as provided in this paragraph, the attorney waives the right to seek, and the commission may

not pay, compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act for that case.

3. A finding by the commission that an attorney has waived the right to seek compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act, as provided in this paragraph, shall be presumed to be correct, unless the court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption.

Section 29. The amendments to s. 27.40(1), (2)(a), (3)(a), (5), (6), and (7), Florida Statutes, as carried forward from chapter 2019-116, Laws of Florida, by this act, expire July 1, 2022, and the text of those subsections and paragraphs, as applicable, shall revert to that in existence on June 30, 2019, 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 30. In order to implement Specific Appropriations 736 through 757, 905 through 1048, and 1069 through 1104 of the 2021-2022 General Appropriations Act, and notwithstanding the expiration date in section 59 of chapter 2020-114, Laws of Florida, subsection (13) of section 27.5304, Florida Statutes, is amended, and subsections (1), (3), (7), and (11), and paragraphs (a) through (e) of subsection (12) of that section are reenacted, to read:

27.5304 Private court-appointed counsel; compensation; notice.—

(1) Private court-appointed counsel appointed in the manner prescribed in s. 27.40(1) and (2)(a) shall be compensated by the Justice Administrative Commission only as provided in this section and the General Appropriations Act. The flat fees prescribed in this section are limitations on compensation. The specific flat fee amounts for compensation shall be established annually in the General Appropriations Act. The attorney also shall be reimbursed for reasonable and necessary expenses in accordance with s. 29.007. If the attorney is representing a defendant charged with more than one offense in the same case, the attorney shall be compensated at the rate provided for the most serious offense for which he or she represented the defendant. This section does not allow stacking of the fee limits established by this section.

(3) The court retains primary authority and responsibility for determining the reasonableness of all billings for attorney fees, costs, and related expenses, subject to statutory limitations and the requirements of s. 27.40(7). Private court-appointed counsel is entitled to compensation upon final disposition of a case.

(7) Counsel eligible to receive compensation from the state for representation pursuant to court appointment made in accordance with the requirements of s. 27.40(1) and (2)(a) in a proceeding under chapter 384,

chapter 390, chapter 392, chapter 393, chapter 394, chapter 397, chapter 415, chapter 743, chapter 744, or chapter 984 shall receive compensation not to exceed the limits prescribed in the General Appropriations Act. Any such compensation must be determined as provided in s. 27.40(7).

(11) It is the intent of the Legislature that the flat fees prescribed under this section and the General Appropriations Act comprise the full and complete compensation for private court-appointed counsel. It is further the intent of the Legislature that the fees in this section are prescribed for the purpose of providing counsel with notice of the limit on the amount of compensation for representation in particular proceedings and the sole procedure and requirements for obtaining payment for the same.

(a) If court-appointed counsel moves to withdraw prior to the full performance of his or her duties through the completion of the case, the court shall presume that the attorney is not entitled to the payment of the full flat fee established under this section and the General Appropriations Act.

(b) If court-appointed counsel is allowed to withdraw from representation prior to the full performance of his or her duties through the completion of the case and the court appoints a subsequent attorney, the total compensation for the initial and any and all subsequent attorneys may not exceed the flat fee established under this section and the General Appropriations Act, except as provided in subsection (12).

This subsection constitutes notice to any subsequently appointed attorney that he or she will not be compensated the full flat fee.

(12) The Legislature recognizes that on rare occasions an attorney may receive a case that requires extraordinary and unusual effort.

(a) If counsel seeks compensation that exceeds the limits prescribed by law, he or she must file a motion with the chief judge for an order approving payment of attorney fees in excess of these limits.

1. Before filing the motion, the counsel shall deliver a copy of the intended billing, together with supporting affidavits and all other necessary documentation, to the Justice Administrative Commission.

2. The Justice Administrative Commission shall review the billings, affidavit, and documentation for completeness and compliance with contractual and statutory requirements and shall contemporaneously document such review before authorizing payment to an attorney. If the Justice Administrative Commission objects to any portion of the proposed billing, the objection and supporting reasons must be communicated in writing to the private court-appointed counsel. The counsel may thereafter file his or her motion, which must specify whether the commission objects to any portion of the billing or the sufficiency of documentation, and shall attach the commission's letter stating its objection.

(b) Following receipt of the motion to exceed the fee limits, the chief judge or a single designee shall hold an evidentiary hearing. The chief judge may select only one judge per circuit to hear and determine motions pursuant to this subsection, except multicounty circuits and the eleventh circuit may have up to two designees.

1. At the hearing, the attorney seeking compensation must prove by competent and substantial evidence that the case required extraordinary and unusual efforts. The chief judge or single designee shall consider criteria such as the number of witnesses, the complexity of the factual and legal issues, and the length of trial. The fact that a trial was conducted in a case does not, by itself, constitute competent substantial evidence of an extraordinary and unusual effort. In a criminal case, relief under this section may not be granted if the number of work hours does not exceed 75 or the number of the state's witnesses deposed does not exceed 20.

2. Objections by or on behalf of the Justice Administrative Commission to records or documents or to claims for payment by the attorney shall be presumed correct by the court unless the court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption. The chief judge or single designee shall enter a written order detailing his or her findings and identifying the extraordinary nature of the time and efforts of the attorney in the case which warrant exceeding the flat fee established by this section and the General Appropriations Act.

(c) A copy of the motion and attachments shall be served on the Justice Administrative Commission at least 20 business days before the date of a hearing. The Justice Administrative Commission has standing to appear before the court, and may appear in person or telephonically, including at the hearing under paragraph (b), to contest any motion for an order approving payment of attorney fees, costs, or related expenses and may participate in a hearing on the motion by use of telephonic or other communication equipment. The Justice Administrative Commission may contract with other public or private entities or individuals to appear before the court for the purpose of contesting any motion for an order approving payment of attorney fees, costs, or related expenses. The fact that the Justice Administrative Commission has not objected to any portion of the billing or to the sufficiency of the documentation is not binding on the court.

(d) If the chief judge or a single designee finds that counsel has proved by competent and substantial evidence that the case required extraordinary and unusual efforts, the chief judge or single designee shall order the compensation to be paid to the attorney at a percentage above the flat fee rate, depending on the extent of the unusual and extraordinary effort required. The percentage must be only the rate necessary to ensure that the fees paid are not confiscatory under common law. The percentage may not exceed 200 percent of the established flat fee, absent a specific finding that 200 percent of the flat fee in the case would be confiscatory. If the chief judge or single designee determines that 200 percent of the flat fee would be confiscatory, he or she shall order the amount of compensation using an

hourly rate not to exceed \$75 per hour for a noncapital case and \$100 per hour for a capital case. However, the compensation calculated by using the hourly rate shall be only that amount necessary to ensure that the total fees paid are not confiscatory, subject to the requirements of s. 27.40(7).

(e) Any order granting relief under this subsection must be attached to the final request for a payment submitted to the Justice Administrative Commission and must satisfy the requirements of subparagraph (b)2.

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

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

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

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

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

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

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

Section 31. The amendments to s. 27.5304(1), (3), (7), (11), and (12)(a)-(e), Florida Statutes, as carried forward from chapter 2019-116, Laws of Florida, by this act, expire July 1, 2022, and the text of those subsections and paragraphs, as applicable, shall revert to that in existence on June 30, 2019, 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 32. In order to implement Specific Appropriations 1105 through 1187A of the 2021-2022 General Appropriations Act, and notwithstanding the expiration date in section 65 of chapter 2020-114, Laws of Florida, subsections (2) and (3) of section 20.316, Florida Statutes, are reenacted to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(2) DEPARTMENT PROGRAMS.—The following programs are established within the Department of Juvenile Justice:

(a) Accountability and Program Support.

- (b) Administration.
- (c) Intake and Detention.
- (d) Prevention.
- (e) Probation and Community Corrections.
- (f) Residential and Correctional Facilities.

The secretary may establish assistant secretary positions and a chief of staff position as necessary to administer the requirements of this section.

(3) JUVENILE JUSTICE OPERATING CIRCUITS.—The department shall plan and administer its programs through a substate structure that conforms to the boundaries of the judicial circuits prescribed in s. 26.021. A county may seek placement in a juvenile justice operating circuit other than as prescribed in s. 26.021 for participation in the Prevention Program and the Probation and Community Corrections Program by making a request of the chief circuit judge in each judicial circuit affected by such request. Upon a showing that geographic proximity, community identity, or other legitimate concern for efficiency of operations merits alternative placement, each affected chief circuit judge may authorize the execution of an interagency agreement specifying the alternative juvenile justice operating circuit in which the county is to be placed and the basis for the alternative placement. Upon the execution of said interagency agreement by each affected chief circuit judge, the secretary may administratively place a county in an alternative juvenile justice operating circuit pursuant to the agreement.

Section 33. The amendments to s. 20.316(2) and (3), Florida Statutes, as carried forward from chapter 2020-114, Laws of Florida, by this act, expire July 1, 2022, and the text of those subsections shall revert to that in existence on June 30, 2020, except that any amendments to such text enacted other than 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 34. In order to implement appropriations used to pay existing lease contracts for private lease space in excess of 2,000 square feet in the 2021-2022 General Appropriations Act, the Department of Management Services, with the cooperation of the agencies having the existing lease contracts for office or storage space, shall use tenant broker services to renegotiate or reprocur all private lease agreements for office or storage space expiring between July 1, 2022, and June 30, 2024, in order to reduce costs in future years. The department shall incorporate this initiative into its 2021 master leasing report required under s. 255.249(7), Florida Statutes, and may use tenant broker services to explore the possibilities of collocating office or storage space, 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 to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2021, which lists each lease contract for private office or storage space, the status of renegotiations, and the savings achieved. This section expires July 1, 2022.

Section 35. In order to implement appropriations authorized in the 2021-2022 General Appropriations Act for data center services, and notwithstanding s. 216.292(2)(a), Florida Statutes, an agency may not transfer funds from a data processing category to a category other than another data processing category. This section expires July 1, 2022.

Section 36. In order to implement the appropriation of funds in the appropriation category “Data Processing Assessment-Department of Management Services” in the 2021-2022 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 based on the estimated billing cycle and methodology used for data processing services provided to agencies in fiscal year 2020-2021. This section expires July 1, 2022.

Section 37. In order to implement the appropriation of funds in the appropriation category “Special Categories-Risk Management Insurance” in the 2021-2022 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, 2022.

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 2021-2022 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, 2022.

Section 39. In order to implement Specific Appropriations 2343 through 2346 of the 2021-2022 General Appropriations Act, subsections (1) through (5) of section 72 of chapter 2020-114, Laws of Florida, are reenacted and amended to read:

Section 72. (1) The Department of Financial Services shall replace the four main components of the Florida Accounting Information Resource Subsystem (FLAIR), which include central FLAIR, departmental FLAIR,

payroll, and information warehouse, and shall replace the cash management and accounting management components of the Cash Management Subsystem (CMS) with an integrated enterprise system that allows the state to organize, define, and standardize its financial management business processes and that complies with ss. 215.90-215.96, Florida Statutes. The department may not include in the replacement of FLAIR and CMS:

(a) Functionality that duplicates any of the other information subsystems of the Florida Financial Management Information System; or

(b) Agency business processes related to any of the functions included in the Personnel Information System, the Purchasing Subsystem, or the Legislative Appropriations System/Planning and Budgeting Subsystem.

(2) For purposes of replacing FLAIR and CMS, the Department of Financial Services shall:

(a) Take into consideration the cost and implementation data identified for Option 3 as recommended in the March 31, 2014, Florida Department of Financial Services FLAIR Study, version 031.

(b) Ensure that all business requirements and technical specifications have been provided to all state agencies for their review and input and approved by the executive steering committee established in paragraph (c).

(c) Implement a project governance structure that includes an executive steering committee composed of:

1. The Chief Financial Officer or the executive sponsor of the project.
2. A representative of the Division of Treasury of the Department of Financial Services, appointed by the Chief Financial Officer.
3. A representative of the Division of Information Systems of the Department of Financial Services, appointed by the Chief Financial Officer.
4. Four employees from the Division of Accounting and Auditing of the Department of Financial Services, appointed by the Chief Financial Officer. Each employee must have experience relating to at least one of the four main components that compose FLAIR.
5. Two employees from the Executive Office of the Governor, appointed by the Governor. One employee must have experience relating to the Legislative Appropriations System/Planning and Budgeting Subsystem.
6. One employee from the Department of Revenue, appointed by the executive director, who has experience relating to the department's SUNTAX system.
7. Two employees from the Department of Management Services, appointed by the Secretary of Management Services. One employee must

have experience relating to the department's personnel information subsystem and one employee must have experience relating to the department's purchasing subsystem.

8. Three state agency administrative services directors, appointed by the Governor. One director must represent a regulatory and licensing state agency and one director must represent a health care-related state agency.

9. The executive sponsor of the Florida Health Care Connection (FX) System or his or her designee, appointed by the Secretary of Health Care Administration.

10. The State Chief Information Officer, or his or her designee, as a nonvoting member. The State Chief Information Officer, or his or her designee, shall provide monthly status reports pursuant to the oversight responsibilities in s. 282.0051, Florida Statutes.

(3)(a) The Chief Financial Officer or the executive sponsor of the project shall serve as chair of the executive steering committee, and the committee shall take action by a vote of at least eight affirmative votes with the Chief Financial Officer or the executive sponsor of the project voting on the prevailing side. A quorum of the executive steering committee consists of at least 10 members.

(b) No later than 14 days before a meeting of the executive steering committee, the chair shall request input from committee members on agenda items for the next scheduled meeting.

(4) The executive steering committee has the overall responsibility for ensuring that the project to replace FLAIR and CMS meets its primary business objectives and shall:

(a) Identify and recommend to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives any statutory changes needed to implement the replacement subsystem that will standardize, to the fullest extent possible, the state's financial management business processes.

(b) Review and approve any changes to the project's scope, schedule, and budget which do not conflict with the requirements of subsection (1).

(c) Ensure that adequate resources are provided throughout all phases of the project.

(d) Approve all major project deliverables and any cost changes to each deliverable over \$250,000.

(e) Approve contract amendments and changes to all contract-related documents associated with the replacement of FLAIR and CMS.

(f) Ensure compliance with ss. 216.181(16), 216.311, 216.313, 282.318(4)(h), and 287.058, Florida Statutes.

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

Section 40. In order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, and the Fish and Wildlife Conservation Commission, which are contained in the 2021-2022 General Appropriations Act, subsection (3) of section 215.18, Florida Statutes, is amended to read:

215.18 Transfers between funds; limitation.—

(3) Notwithstanding subsection (1) and only with respect to a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission, whenever there is a deficiency in a land acquisition trust fund which would render that trust fund temporarily insufficient to meet its just requirements, including the timely payment of appropriations from that trust fund, and other trust funds in the State Treasury have moneys that are for the time being or otherwise in excess of the amounts necessary to meet the just requirements, including appropriated obligations, of those other trust funds, the Governor may order a temporary transfer of moneys from one or more of the other trust funds to a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission. Any action proposed pursuant to this subsection is subject to the notice, review, and objection procedures of s. 216.177, and the Governor shall provide notice of such action at least 7 days before the effective date of the transfer of trust funds, except that during July 2021 ~~2020~~, notice of such action shall be provided at least 3 days before the effective date of a transfer unless such 3-day notice is waived by the chair and vice-chair of the Legislative Budget Commission. Any transfer of trust funds to a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission must be repaid to the trust funds from which the moneys were loaned by the end of the 2021-2022 ~~2020-2021~~ fiscal year. The Legislature has determined that the repayment of the other trust fund moneys temporarily loaned to a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission pursuant to this subsection is an allowable use of the moneys in a land acquisition trust fund because the moneys from other trust funds temporarily loaned to a land acquisition trust fund shall be expended solely and exclusively in accordance with s. 28, Art. X of the State Constitution. This subsection expires July 1, 2022 ~~2021~~.

Section 41. (1) In order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, and the Fish and Wildlife Conservation Commission, which are contained in the 2021-2022 General Appropriations Act, the Department of Environmental Protection shall transfer revenues from the Land Acquisition Trust Fund within the department to the land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission, as provided in this section. As used in this section, the term “department” means the Department of Environmental Protection.

(2) After subtracting any required debt service payments, the proportionate share of revenues to be transferred to each land acquisition trust fund shall be calculated by dividing the appropriations from each of the land acquisition trust funds for the fiscal year by the total appropriations from the Land Acquisition Trust Fund within the department and the land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission for the fiscal year. The department shall transfer the proportionate share of the revenues in the Land Acquisition Trust Fund within the department on a monthly basis to the appropriate land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission and shall retain its proportionate share of the revenues in the Land Acquisition Trust Fund within the department. Total distributions to a land acquisition trust fund within the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission may not exceed the total appropriations from such trust fund for the fiscal year.

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

(4) The department may advance funds from the beginning unobligated fund balance in the Land Acquisition Trust Fund to the Land Acquisition Trust Fund within the Fish and Wildlife Conservation Commission needed for cash flow purposes based on a detailed expenditure plan. The department shall prorate amounts transferred quarterly to the Fish and Wildlife Conservation Commission to recoup the amount of funds advanced by June 30, 2022.

(5) This section expires July 1, 2022.

Section 42. In order to implement appropriations from the Land Acquisition Trust Fund within the Department of Environmental Protection in the 2021-2022 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) Funds distributed into the Land Acquisition Trust Fund pursuant to s. 201.15 shall be applied:

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

1. A minimum of the lesser of 25 percent or \$200 million shall be appropriated annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to Congressional authorization; the Long-Term Plan as defined in s. 373.4592(2); and the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595. From these funds, \$32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the \$32 million distributed under this subparagraph, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project, the Everglades Agricultural Area Storage Reservoir Project, the Lake Okeechobee Watershed Project, the C-43 West Basin Storage Reservoir Project, the Indian River Lagoon-South Project, the Western Everglades Restoration Project, and the Picayune Strand Restoration Project. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

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

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

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

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

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

Section 43. In order to implement Specific Appropriation 1363 of the 2021-2022 General Appropriations Act, and notwithstanding the expiration date in section 80 of chapter 2020-114, Laws of Florida, paragraph (a) of subsection (1) of section 570.93, Florida Statutes, is reenacted to read:

570.93 Department of Agriculture and Consumer Services; agricultural water conservation and agricultural water supply planning.—

(1) The department shall establish an agricultural water conservation program that includes the following:

(a) A cost-share program, coordinated with the United States Department of Agriculture and other federal, state, regional, and local agencies when appropriate, for irrigation system retrofit and application of mobile irrigation laboratory evaluations, and for water conservation and water quality improvement pursuant to s. 403.067(7)(c).

Section 44. The amendment to s. 570.93(1)(a), Florida Statutes, as carried forward from chapter 2019-116, Laws of Florida, by this act, expires July 1, 2022, and the text of that paragraph shall revert to that in existence on June 30, 2019, 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 45. In order to implement Specific Appropriation 1692A of the 2021-2022 General Appropriations Act, paragraph (m) of subsection (3) of section 259.105, Florida Statutes, is amended 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 ~~2021-2022~~ 2020-2021 fiscal year, the amount of ~~\$1,998,100~~ \$6 million to only the Department of Environmental Protection for grants pursuant to s. 375.075. This paragraph expires July 1, ~~2022~~ 2021.

Section 46. In order to implement Specific Appropriation 1647 of the 2021-2022 General Appropriations Act, subsection (22) is added to section 161.101, Florida Statutes, to read:

161.101 State and local participation in authorized projects and studies relating to beach management and erosion control.—

(22) Notwithstanding subsections (1), (15), and (16), and for the 2021-2022 fiscal year, in the event that beaches are impacted by hurricanes or other storm events within communities with a per capita annual income that is less than the state's per capita annual income as shown in the most recent release from the United States Census Bureau of the United States Department of Commerce which includes both measurements, the department may waive or reduce the match requirements. This subsection expires July 1, 2022.

Section 47. In order to implement Specific Appropriation 1670 of the 2021-2022 General Appropriations Act, and notwithstanding the expiration date in section 84 of chapter 2020-114, Laws of Florida, paragraph (g) of subsection (15) of section 376.3071, Florida Statutes, is reenacted to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(15) ETHANOL OR BIODIESEL DAMAGE; PREVENTIVE MEASURES.—The department shall pay, pursuant to this subsection, up to \$10 million each fiscal year from the fund for the costs of labor and equipment to repair or replace petroleum storage systems that may have been damaged due to the storage of fuels blended with ethanol or biodiesel, or for preventive measures to reduce the potential for such damage.

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



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

Section 48. The amendment to s. 376.3071(15)(g), Florida Statutes, as carried forward from chapter 2020-114, Laws of Florida, by this act, expires July 1, 2022, and the text of that paragraph shall revert to that in existence on July 1, 2020, not including any amendments made by this act or chapter 2020-114, Laws of Florida, 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 portion of text which expires pursuant to this section.

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

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

(3)

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

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

Section 50. Effective upon this act becoming a law and in order to implement Specific Appropriations 2583 and 2592 of the 2021-2022 General

Appropriations Act, subsection (7) of section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss Mitigation Program is established in the Division of Emergency Management.

(7) This section is repealed June 30, 2022 ~~2021~~.

Section 51. In order to implement Specific Appropriation 2237 of the 2021-2022 General Appropriations Act, subsection (7) of section 288.0655, Florida Statutes, is amended to read:

288.0655 Rural Infrastructure Fund.—

(7) For the 2021-2022 ~~2020-2021~~ fiscal year, the funds appropriated for the grant program for Florida Panhandle counties shall be distributed pursuant to and for the purposes described in the proviso language associated with Specific Appropriation 2237 ~~2280~~ of the 2021-2022 ~~2020-2021~~ General Appropriations Act. This subsection expires July 1, 2022 ~~2021~~.

Section 52. In order to implement section 124 of the 2021-2022 General Appropriations Act, subsection (4) of section 288.80125, Florida Statutes, is amended to read:

288.80125 Triumph Gulf Coast Trust Fund.—

(4) For the 2021-2022 ~~2020-2021~~ fiscal year, funds shall be used for the Rebuild Florida Revolving Loan Fund program to provide assistance to businesses impacted by Hurricane Michael as provided in the General Appropriations Act. This subsection expires July 1, 2022 ~~2021~~.

Section 53. In order to implement sections 151 and 152 of the 2021-2022 General Appropriations Act, subsections (4) and (5) are added to section 339.08, Florida Statutes, to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(4) Notwithstanding the provisions of this section and ss. 215.32(2)(b)4. and 339.09(1), and for the 2021-2022 fiscal year only, funds may be transferred from the State Transportation Trust Fund to the General Revenue Fund as specified in the General Appropriations Act. Notwithstanding ss. 206.46(3) and 206.606(2), the total amount transferred shall be reduced from total state revenues deposited into the State Transportation Trust Fund for the calculation requirements of ss. 206.46(3) and 206.606(2). This subsection expires July 1, 2022.

(5) Notwithstanding any other law, and for the 2021-2022 fiscal year only, funds appropriated to the State Transportation Trust Fund from the General Revenue Fund shall be used on State Highway System projects and grants to Florida ports as provided in the General Appropriations Act. The department is not required to deplete the resources transferred from the

General Revenue Fund for the fiscal year as required in s. 339.135(3)(b) and the funds may not be used in calculating the required quarterly cash balance of the trust fund as required in s. 339.135(6)(b). The department shall track and account for such appropriated funds as a separate funding source for eligible projects on the State Highway System and grants to Florida ports. This subsection expires July 1, 2022.

Section 54. In order to implement Specific Appropriations 1865 through 1878, 1884 through 1887, 1899 through 1908, 1910 through 1919, and 1953 through 1966 of the 2021-2022 General Appropriations Act, paragraphs (g) and (h) of subsection (7) of section 339.135, Florida Statutes, are amended to read:

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

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

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

2. ~~If the department submits an amendment to a meeting of the Legislative Budget Commission and the commission does not meet or consider the amendment cannot be held~~ within 30 days after its submittal the department submits an amendment to the Legislative Budget Commission, the chair and vice chair of the Legislative Budget Commission may authorize such amendment to be approved pursuant to s. 216.177. This subparagraph expires July 1, ~~2022~~ 2021.

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

2. ~~If the department submits an amendment to a meeting of the Legislative Budget Commission and the commission does not meet or consider the amendment cannot be held~~ within 30 days after its submittal the department submits an amendment to the commission, the chair and vice chair of the commission may authorize the amendment to be approved pursuant to s. 216.177. This subparagraph expires July 1, ~~2022~~ 2021.

Section 55. In order to implement Specific Appropriation 1867 of the 2021-2022 General Appropriations Act, paragraphs (a) and (b) of subsection (3) of section 341.052, Florida Statutes, are amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(3) The following limitations shall apply to the use of public transit block grant program funds:

(a)1. State participation in eligible capital projects shall be limited to 50 percent of the nonfederal share of such project costs.

2. For the 2021-2022 fiscal year only, local participation in eligible capital projects may be less than 50 percent of the nonfederal share of such project costs. This subparagraph expires July 1, 2022.

(b)1. State participation in eligible public transit operating costs may not exceed 50 percent of such costs or an amount equal to the total revenue, excluding farebox, charter, and advertising revenue and federal funds, received by the provider for operating costs, whichever amount is less.

2. For the 2021-2022 fiscal year only, local participation in eligible public transit operating costs may be less than 50 percent of such operating costs. This subparagraph expires July 1, 2022.

Section 56. In order to implement Specific Appropriations 2544 of the 2021-2022 General Appropriations Act, paragraph (d) of subsection (4) of section 112.061, Florida Statutes, is amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons; statewide travel management system.—

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

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

1. A Lieutenant Governor for whom an official headquarters is established in his or her county of residence pursuant to this paragraph is eligible for subsistence at a rate to be established by the Governor for each day or partial day that the Lieutenant Governor is at the State Capitol to conduct official state business. In addition to the subsistence allowance, a Lieutenant Governor is eligible for reimbursement for transportation expenses as

provided in subsection (7) for travel between the Lieutenant Governor's official headquarters and the State Capitol to conduct state business.

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

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

Section 57. In order to implement section 8 of the 2021-2022 General Appropriations Act, notwithstanding s. 110.123(3)(f) and (j), Florida Statutes, the Department of Management Services shall maintain and offer the same PPO and HMO health plan alternatives to the participants of the State Group Health Insurance Program during the 2021-2022 fiscal year which were in effect for the 2020-2021 fiscal year. This section expires July 1, 2022.

Section 58. In order to implement the appropriation of funds in the special categories, contracted services, and expenses categories of the 2021-2022 General Appropriations Act, a state agency may not initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would:

(1) Require a change in law; or

(2) Require a change to the agency's budget other than a transfer authorized in s. 216.292(2) or (3), Florida Statutes, unless the initiation of such competitive solicitation is specifically authorized in law, in the General Appropriations Act, or by the Legislative Budget Commission.

This section does not apply to a competitive solicitation for which the agency head certifies that a valid emergency exists. This section expires July 1, 2022.

Section 59. In order to implement Specific Appropriations 2670 and 2671 of the 2021-2022 General Appropriations Act, and notwithstanding s. 11.13(1), Florida Statutes, the authorized salaries for members of the Legislature for the 2021-2022 fiscal year shall be set at the same level in effect on July 1, 2010. This section expires July 1, 2022.

Section 60. In order to implement the transfer of funds from the General Revenue Fund from trust funds for the 2021-2022 General Appropriations Act, and notwithstanding the expiration date in section 102 of chapter 2020-114, Laws of Florida, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted 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 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 61. The text of s. 215.32(2)(b), Florida Statutes, as carried forward from chapter 2011-47, Laws of Florida, by this act, expires July 1, 2022, 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 62. In order to implement appropriations in the 2021-2022 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 2021-2022 fiscal year to travel for activities that are critical to each state agency's mission. Funds may not be used 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 shall consider using 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, 2022.

Section 63. In order to implement appropriations in the 2021-2022 General Appropriations Act for state employee travel and notwithstanding s. 112.061, Florida Statutes, 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 \$175 per day. An employee may expend his or her own funds for any lodging expenses in excess of \$175 per day. For purposes of this section, a meeting does not include travel activities for conducting an audit, examination, inspection, or investigation or travel activities related to a litigation or emergency response. This section expires July 1, 2022.

Section 64. In order to implement the appropriation of funds in the special categories, contracted services, and expenses categories of the 2021-2022 General Appropriations Act, a state agency may not enter into a contract containing a nondisclosure clause that prohibits the contractor from disclosing information relevant to the performance of the contract to members or staff of the Senate or the House of Representatives. This section expires July 1, 2022.

Section 65. In order to implement the appropriation of funds in the special categories, contracted services, and expenses categories of the 2021-2022 General Appropriations Act, section 216.1366, Florida Statutes, is reenacted and amended to read:

216.1366 Contract terms.—

(1) In order to preserve the interest of the state in the prudent expenditure of state funds, each public agency contract for services entered into or amended on or after July 1, 2020, shall authorize the public agency to inspect the:

(a) Financial records, papers, and documents of the contractor that are directly related to the performance of the contract or the expenditure of state funds.

(b) Programmatic records, papers, and documents of the contractor which the public agency determines are necessary to monitor the performance of the contract or to ensure that the terms of the contract are being met.

(2) The contract shall require the contractor to provide such records, papers, and documents requested by the public agency within 10 business days after the request is made.

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



Section 66. In order to implement section 152 of the 2021-2022 General Appropriations Act, paragraph (f) is added to subsection (11) of section 216.181, Florida Statutes, to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(11)

(f) Notwithstanding paragraph (b) and paragraph (2)(b), and for the 2021-2022 fiscal year only, the Legislative Budget Commission may increase the amounts appropriated to state agencies for fixed capital outlay projects using funds provided to the state from the General Revenue Fund. The projects must be for deferred maintenance needs in state, college, or university facilities and must be specifically identified in a funding plan submitted to the Legislative Budget Commission for approval. This paragraph expires July 1, 2022.

The provisions of this subsection are subject to the notice and objection procedures set forth in s. 216.177.

Section 67. In order to implement sections 10 through 17 of the 2021-2022 General Appropriations Act, the detailed reversions by state agency, budget entity, appropriation category, and fund included in the document titled “Fiscal Year 2020-2021 Immediate Reversions” dated April 27, 2021, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying calculations used by the Legislature, consistent with the requirements of state law, in making appropriations for the 2020-2021 fiscal year. This section expires July 1, 2022.

Section 68. In order to implement section 8 of the 2021-2022 General Appropriations Act:

(1) Notwithstanding s. 216.181(2)(h), Florida Statutes, state agencies may submit budget amendments, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to implement salary increases necessary to address pay plan compression issues as a result of the increase of the minimum wage to \$13 per hour.

(2) Notwithstanding s. 947.04(1), Florida Statutes, consenting retired commissioners of the Florida Commission on Offender Review who are assigned to temporary duty may be paid \$13 per hour.

This section expires July 1, 2022.

Section 69. Effective upon becoming a law, in order to implement Specific Appropriations 2852 through 2863 and sections 121 and 122 of the 2021-2022 General Appropriations Act, and notwithstanding the proviso language for Specific Appropriation 2920 in chapter 2020-111, Laws of Florida, subsection (3) of section 282.709, Florida Statutes, is amended to read:

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

(3) In recognition of the critical nature of the statewide law enforcement radio communications system, the Legislature finds that there is an immediate danger to the public health, safety, and welfare, and that it is in the best interest of the state to continue partnering with the system's current operator. The Legislature finds that continuity of coverage is critical to supporting law enforcement, first responders, and other public safety users. The potential for a loss in coverage or a lack of interoperability between users requires emergency action and is a serious concern for officers' safety and their ability to communicate and respond to various disasters and events.

(a) The department, pursuant to s. 287.057(10), shall enter into a 15-year contract with the entity that was operating the statewide radio communications system on January 1, 2021. The contract must include:

1. The purchase of radios;
2. The upgrade to the Project 25 communications standard;
3. Increased system capacity and enhanced coverage for system users;
4. Operations, maintenance, and support at a fixed annual rate;
5. The conveyance of communications towers to the department; and
6. The assignment of communications tower leases to the department.

(b) The State Agency Law Enforcement Radio System Trust Fund is established in the department and funded from surcharges collected under ss. 318.18, 320.0802, and 328.72. Upon appropriation, moneys in the trust fund may be used by the department to acquire ~~by competitive procurement~~ the equipment, software, and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund from surcharges shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the department for payment of the recurring maintenance costs of the system.

Section 70. The amendments to s. 282.709(3), Florida Statutes, made by this act expire July 1, 2022, and the text of that subsection shall revert to that in existence on the day before the date that this act becomes a law, 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 71. In order to implement Specific Appropriation 2675 of the 2021-2022 General Appropriations Act, subsection (4) is added to section 350.0614, Florida Statutes, to read:

350.0614 Public Counsel; compensation and expenses.—

(4) Notwithstanding subsection (1), the operating budget, as approved jointly by the President of the Senate and the Speaker of the House of Representatives from the moneys appropriated to the Public Counsel by the Legislature, constitutes the allocation under which the Public Counsel will manage the duties of his or her office. The Public Counsel:

(a) Shall submit an annual budget request to the Legislature in the format, detail, and schedule determined by the President of the Senate and the Speaker of the House of Representatives.

(b) May employ technical and clerical personnel and retain additional counsel and experts, including expert witnesses. In employing such personnel, retaining additional counsel and experts, and exercising all other administrative duties of the office, the Public Counsel must follow applicable provisions of the most recent version of the Joint Policies and Procedures of the Presiding Officers. Any guidance for administrative issues not addressed by the Joint Policies and Procedures of the Presiding Officers requires consultation and joint agreement of the President of the Senate and the Speaker of the House of Representatives.

This subsection expires July 1, 2022.

Section 72. In order to implement section 152 of the 2021-2022 General Appropriations Act, and in order to expedite the closure of the Piney Point facility located in Manatee County, the Department of Environmental Protection is exempt from the competitive procurement requirements of s. 287.057, Florida Statutes, for any procurement of commodities or contractual services in support of the site closure or to address environmental impacts associated with the system failure. This section expires July 1, 2022.

Section 73. In order to implement Specific Appropriation 604 of the 2021-2022 General Appropriations Act, and notwithstanding the proviso language related to that appropriation, funds may be provided for the provision of the continuum of care program at the Graceville Correctional Facility. This section expires July 1, 2022.

Section 74. In order to implement Specific Appropriation 2544 of the 2021-2022 General Appropriations Act, section 14.35, Florida Statutes, is reenacted and amended to read:

14.35 Governor's Medal of Freedom.—

(1) The Governor may present, in the name of the State of Florida, a medal to be known as the "Governor's Medal of Freedom," which shall bear a suitable inscription and ribbon of appropriate design, to any person who has

made an especially meritorious contribution to the interests and citizens of the state, its culture, or other significant public or private endeavor.

(2)(a) In the event of the death of an individual who has been chosen to receive the Governor's Medal of Freedom, the medal may be presented to a designated representative of the chosen recipient.

(b) The Governor's Medal of Freedom may only be presented to an individual once.

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

Section 75. Any section of this act which implements a specific appropriation or specifically identified proviso language in the 2021-2022 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 2021-2022 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 76. If any other act passed during the 2021 Regular Session of the Legislature 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 77. 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 78. 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, 2021, 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, 2021.

Approved by the Governor June 2, 2021.

Filed in Office Secretary of State June 2, 2021.