

2009-A Special Session

Summary of Legislation Passed



*Compiled and Edited by
Office of the Senate Secretary*

This document can be accessed on the Senate's Web page (<http://www.flsenate.gov>), and copies are available in the Senate Document Center, 304 Capitol, (850) 487-5915

The 2009-A Special Session *Summary of Legislation Passed* is a collection of reports submitted by Senate Committees to the Secretary of the Senate. These reports have been compiled and edited for standardization. This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

SB 2-A — Special Appropriations

by Policy and Steering Committee on Ways and Means

This bill, relating to Special Appropriations, includes reductions for the annual period beginning July 1, 2008 and ending June 30, 2009:

- Provides \$1 billion in recurring sources to balance the \$2.3 billion deficit, including:
 - \$922 million in recurring General Revenue reductions,
 - \$45 million redirected from trust funds, and
 - \$21 million from the Florida Forever bonding freeze.
- An additional \$200 million in recurring reductions will be generated from annualizations of the reductions in FY 2009-2010.
- The remainder of the current year deficit is resolved with the following non-recurring sources:
 - \$487 from various trust fund sweeps
 - \$57 million in non-recurring budget reductions
 - \$400 million from the Budget Stabilization Fund
 - \$700 million from the Chiles Endowment Fund

PreK-12 Education Appropriations Committee

- The PreK-12 Education budget gives priority to enrollment-based categories.
- Total net reduction to all funds of \$466.3 million. General Revenue reduction of \$491.4 million and a net trust fund increase of \$25 million.
- The Florida Education Finance Program is reduced by 2 percent per student, or \$140 per student, by making the following reductions:
 - \$77.8 million due to loss of 17,651 students.
 - \$366.1 million to meet the revenue shortfall (equals 4 percent of state funds).
- Voluntary Prekindergarten has a net reduction of \$0.9m with the following adjustments:
 - An increase of \$3.9 million for increased enrollment.
 - A reduction of \$4.8 million by lowering the school year base student allocation by 2 percent, adjusting the teacher/student ratio in summer programs to reduce costs, and reducing the early learning coalition administrative charge.
- Florida School for Deaf and Blind is reduced by 2 percent.
- Mentoring programs reduced by 4 percent.

- K-8 Virtual Schools per student amount reduced by 2 percent and a further reduction due to lower enrollment.
- Excellent Teaching bonus reduced to 8 percent instead of 10 percent bonus (a 20 percent reduction in funds).
- School lunch and school breakfast is held harmless.
- Almost all other programs, including State Board of Education Administration, are reduced by 6 percent in General Revenue.

Higher Education Appropriations Committee

- The Higher Education budget gives priority to enrollment-based categories.
- Total net reduction from all funds of \$184 million. This is made up of General Revenue reductions of \$168.6 million and trust fund reductions of \$15.4 million.
- The main public system enrollment categories (Workforce, Community Colleges, and State Universities) are reduced 4 percent in total state funds. This results in the following enrollment category reductions:
 - Public School Workforce\$15.6 million
 - Community Colleges\$44 million
 - State Universities\$93.5 million
- Vocational Rehabilitation and Blind Services non-matched programs were reduced, but federally matched programs were not reduced.
- Most non-enrollment-based categories are reduced by 6 percent.
- Student financial aid is held harmless (most already disbursed by January), except for reductions based on lower enrollment estimates, projected funding reversions, and 4 percent reductions to Prepaid Tuition Scholarships and the (McKnight) Florida Education Fund.
- Nonrecurring reappropriations are reduced by 25 percent, including Centers of Excellence, Energy Research Grants, and Ready to Work.

Health and Human Services Appropriations Committee

Total Reductions

298 vacant positions

\$137.4 million General Revenue in FY 2008-2009; \$280.5 million General Revenue annualized in FY 2009-2010

Agency for Health Care Administration

- 4 percent Release Holdback (4 FTE; \$4.9 million General Revenue)
- Medicaid Provider Reimbursement Rate Reductions
 - Nursing Homes (\$231.4 million; \$103.1 million General Revenue) - 10 percent
 - Hospital Inpatient (\$76.7 million; \$25.4 million General Revenue) - 4 percent
 - Hospital Outpatient (\$19.4 million; \$8.5 million General Revenue) - 4 percent
 - HMOs (\$64.5 million; \$28.2 million General Revenue) - 3 percent
 - County Health Departments (\$5.7 million; \$2.5 million General Revenue) - 5 percent
 - Prepaid Behavioral Health Plans (\$4.7 million; \$1.9 million General Revenue) - 2 percent
 - Prescribed Drugs (\$32.5 million; \$14.3 million General Revenue) - 3 percent
 - Nursing Home Diversion Waiver (\$5.9 million; \$2.6 million General Revenue) - 2 percent
- Restoration of Provider Reimbursement Rate Reductions
 - Nursing Homes/Hospice - Nursing Home Facility Quality Assessment - 5 FTE; \$664.7 million
 - Special Medicaid Payments to Hospitals/Trauma Centers - \$121.9 million

Agency for Persons with Disabilities

- 4 percent Release Holdback (175 FTE; \$7.3 million; \$3.6 million General Revenue)
- Provider Reimbursement Rate Reduction to HCBS Waivers (\$41.7 million; \$18.6 million General Revenue) - 5 percent

Department of Children and Family Services

- 4 percent Release Holdback (87 FTE; \$18 million; \$12 million General Revenue)
- Mental Health Program (\$7.8 million General Revenue) - 4 percent
- Substance Abuse Program (\$3.0 million General Revenue) - 4 percent
- Community Based Care (\$9.8 million General Revenue) - 4 percent restored with \$9.8 million in nonrecurring trust funds

Department of Elder Affairs

- 4 percent Release Holdback (10 FTE; \$0.7 million; \$0.3 million General Revenue)
- Alzheimer's Disease Projects (\$0.2 million General Revenue) - 4 percent
- Alzheimer/Respite Services (\$0.3 million General Revenue) - 4 percent
- Community Care for the Elderly (\$1.8 million; \$1.7 million General Revenue) - 4 percent
- Contracted Services (\$0.1 million General Revenue) - 4.4 percent
- Local Services (\$0.1 million General Revenue) - 2 percent

Department of Health

- 4 percent Release Holdback (20 FTE; \$3.9 million General Revenue)
- Family Health (\$3.5 million General Revenue) - 4 percent
- Infectious Disease (\$1.4 million General Revenue) - 4 percent
- Children's Medical Services (\$1.1 million General Revenue) - 4 percent
- County Health Department (\$8 million General Revenue) - 4 percent
- BioMedical Research (\$3.75 million General Revenue) - 25 percent

Department of Veterans' Affairs

- 4 percent Release Holdback (2 FTE; \$0.5 million General Revenue)

Criminal and Civil Justice Appropriations Committee

- The Committee on Criminal and Civil Justice Appropriations reduced 206 vacant positions and \$15.2 million based on the reduced prison population as forecasted by the Criminal Justice Estimating Conference.
- Reduced \$3 million from community corrections substance abuse programs in the Department of Corrections (DOC).
- Reduced 107 positions and \$6.1 million in education and substance abuse programs within DOC prisons.
- Reduced 155 vacant positions and \$8.1 million within the Department of Corrections.
- Reduced community corrections staff by 88 positions and \$7.1 million in DOC.
- The committee reduced administration, low-level drug investigations, and network services by 96 positions and \$5.7 million in the Department of Law Enforcement.
- Reduced all prevention and intervention programs by 4 percent in the Department of Juvenile Justices, which include PACE Centers, CINS/FINS (Children-in-Need-of-Services/Families-in-Need-of Services), Associated Marines Institutes.
- Incorporated the reduction plan proposed by the state court system and reduced state attorney and public defender funding by an equivalent level.
- Increased revenue going to the state court system, state attorneys, and public defenders through targeted fine and fee increases and established dedicated trust funds in each entity to provide increased visibility and accountability for the new funds. A total of \$15.3 million was raised for the current fiscal year by the Conference Report on CS/SB 12-A and \$60.9 million will be raised in FY 2009-2010. The majority of the new funding will be spent in the courts.
- Reduced the Guardian Ad-Litem Program, the Capital Collateral Regional Counsels, and the Justice Administrative Commission by 4 percent.

Transportation and Economic Development Appropriations (TED) Committee

Reductions summary

- \$44 million in total General Revenue (\$24.7 recurring and \$19.3 nonrecurring) and \$71.3 million in total Trust Fund reductions related to the 4 percent release holdback, other agency efficiencies, and unfunded budget.
- \$208.2 million in trust fund transfers to the General Revenue Fund.
- Eliminated 54 positions - the majority of these positions are vacant. Filled positions are restored on a nonrecurring basis to minimize layoffs.

Summary of reductions to agencies encompassed by TED

- **Agency for Workforce Innovation** – Reductions totaling \$6 million in recurring General Revenue based on the 4 percent reduction plan and recommended agency efficiencies and \$6 million Trust Fund transfer from the Special Employment Security Administration Trust Fund to General Revenue.
- **Office of Tourism, Trade, and Economic Development** – Reductions totaling \$17.4 million in General Revenue, \$5.7 million in Trust Funds and \$5.3 million Trust Fund transfer from the Tourism Promotion Trust Fund to General Revenue. Reductions include:
 - Visit Florida reduction of \$8.5 million in nonrecurring General Revenue in addition to the \$1.4 million release holdback
 - Quick Action Closing Fund reduction of \$11.8 million
- **Department of Community Affairs** – Reductions totaling \$0.5 million in recurring and nonrecurring General Revenue and Trust Funds, based on the 4 percent release holdback and recommended agency efficiencies, and a \$63 million nonrecurring trust fund reduction in the land acquisition program administered by the Florida Communities Trust.
- **Division of Emergency Management** – Reductions totaling \$0.3 million in nonrecurring Trust Funds. Reductions were based on recommended agency efficiencies.
- **Florida Housing Finance Corporation** – Reductions and transfers to General Revenue total \$213 million. This total includes \$190 million in un-contracted housing funds and \$23 million in unfunded budget authority.
- **Department of State** – Reductions totaling \$4.3 million in recurring and nonrecurring General Revenue based on the 4 percent release holdback reduction plan and recommended agency efficiencies.
- **Department of Military Affairs** – Reduction totaling \$1.1 million in recurring and nonrecurring General Revenue. Reductions were based on the 4 percent release holdback reduction plan and recommended agency efficiencies.

- **Department of Highway Safety and Motor Vehicles** – Reductions totaling \$14.9 million in General Revenue (\$12.6 million recurring and \$2.3 million nonrecurring), \$5.2 million in Trust Fund based primarily on the 4 percent release holdback reduction plan and recommended agency efficiencies and \$6.9 million in Trust Fund transfers to General Revenue.
 - Eliminates 30 vacant Florida Highway Patrol positions (vacant for over 180 days) and \$1.5 million in associated recurring General Revenue.
- **Department of Transportation** – Reductions totaling \$3.5 million. Reductions were based on the 4 percent release holdback plan and recommended agency efficiencies.

General Government Appropriations Committee

- **Vacant Positions** – Reduced 129 vacant positions in the Departments of Agriculture and Consumer Services, Business and Professional Regulation, Financial Services, Revenue, Management Services, Environmental Protection, and Lottery. The total savings is \$3.4 million in General Revenue and \$1.4 in trust funds.
- **Administrative Efficiencies** – Reductions based on the 4 percent holdback, historical budget reversions; reductions to travel, and other general operating expenditures. These savings total \$4 million in General Revenue and \$9 million in trust funds.
- **Program Reductions** – Program reductions include Florida Forever, red tide research, land mitigation, and boating improvement grants. Total program savings in General Revenue is \$7.2 million.
- **Maximize Trust Fund Revenues in Lieu of Recurring General Revenue Base Funding** – Fund shifts from General Revenue to trust fund sources in the Departments of Agriculture and Consumer Services, Environmental Protection, Fish and Wildlife Conservation Commission, and Revenue. Total savings to General Revenue is \$7.8 million.
- **Reductions to Resolve Trust Fund Deficits Due to Decline in Revenues** – These include the Water Protection and Sustainability Program Trust Fund (documentary stamp tax), Inland Protection Trust Fund (petroleum products tax), Water Quality Trust Fund (documentary stamp tax), and the Water Management Lands Trust Fund (documentary stamp tax). These trust funds are within the Department of Environmental Protection, and the total reduction is \$31.7 million.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 27-13; House 74-43

SB 4-A — Implementing Special Appropriations

by Policy and Steering Committee on Ways and Means

This is the implementing bill for the FY 2008-2009 Special Appropriations Act. The bill makes the following temporary statutory changes:

- Reenacts s. 215.32, F.S., to authorize the transfer of moneys from trust funds to the General Revenue Fund as specified in the special appropriations act for FY 2008-2009.
- Authorizes the transfer of funds from the Lawton Chiles Endowment Fund to the General Revenue Fund and provides for the repayment of such funds.
- Provides a new distribution formula for FY 2008-2009 for the Florida Forever Program. The specific changes rescind spending authority for the Division of State Lands (\$105 million), the water management districts (\$90 million), the Florida Communities Trust (\$63 million), and the rural and family lands program (\$10.5 million). Spending authority will be retained for inholdings and additions programs implemented by the Division of State Parks, Division of Forestry, and the Fish and Wildlife Conservation Commission (\$4.5 million each). Other programs unaffected would include the Florida Recreation and Development Assistance program (\$6 million), Greenways and Trails (\$4.5 million), and the Stan Mayfield Working Waterfronts program (\$7.5 million).
- Directs that all pending acquisitions be allowed to lapse and provides that, prior to expending funds on the lapsed acquisitions, each one be reassessed to determine if the proposed acquisition cost accurately reflects the current market value.
- Provides for the return to the State Treasury of certain unexpended funds held by the Florida Housing Finance Corporation as directed by law.
- Revises the distribution formula of documentary stamp tax revenues for the development of alternative water supplies, TMDL's, and small community wastewater grants for FY 2008-2009. Within the alternative water supplies allocation, 50 percent is allocated to the Northwest Florida Water Management District and 50 percent is allocated to the Suwannee River Water Management District.
- Directs the Department of Environmental Protection to reallocate documentary stamp tax revenues received in FY 2008-2009 to align with the revised statutory distributions.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 31-9; House 73-42

CS/CS/SB 6-A — Education Funding

by Policy and Steering Committee on Ways and Means; Education Pre-K-12 Appropriations Committee; and Senator Wise

This bill revises prekindergarten through grade 12 education funding statutes. The bill:

- Allows all districts to spend discretionary capital funds for property and casualty insurance and certain motor vehicles and increases the cap for this purpose from \$65 to \$100 per student for two years.
- Provides flexibility to use discretionary capital funds to pay for major enterprise resource software that meet certain standards.
- Allows the Commissioner to waive, in a year when appropriations are reduced, up to 50 percent of the transfer of funds from operating to facilities appropriations for districts that fail to meet class size limitations.
- Requires notice when a school district's approved operating budget fund balance is projected to fall below 3 percent of projected general fund revenues. Requires notice when a school district's approved operating budget fund balance is projected to fall below 2 percent of projected general fund revenues and then, if the Commissioner determines that the district does not have a plan to avoid a financial emergency, the Commissioner shall appoint a financial emergency board.
- Provides an extension of the 2 year requirement to purchase instructional materials that was adopted in the 2008-09 adoption cycle (language arts).
- Modifies the Voluntary Prekindergarten (VPK) program to provide a separate base student allocation (BSA) for regular school year programs and for summer programs; change summer teacher to student ratio from 10 to 12; establish minimum attendance of 80 percent for full-time equivalent student funding; provide flexibility for school district attendance reporting; reduce the amount early learning coalitions may retain and expend for administering programs from 5 to 4.85 percent; and reduce administrative burden on providers and streamline administration of the program.
- Removes class size reduction compliance as a condition for school districts to participate in the VPK program.
- Prohibits school districts from entering into any employment contract that provides for severance pay of more than one year of salary.
- Authorizes school district board members to voluntarily reduce their salaries.
- Authorizes the Commissioner to waive fiscal penalties based on certain audit findings of school district expenditures of discretionary capital funds for property and casualty insurance from May 1 to December 31, 2007 and software for 2006-2007. However, this

provision will only take effect if the School Board of Miami-Dade County dismisses a certain lawsuit pending in the Circuit Court of the Eleventh Judicial Circuit.

- Provides that payments for FY 2008-2009 Merit Awards will be funded in FY 2009-2010 to the extent that funds are available.
- Incorporates the Florida Education Finance Program workpapers by reference.

If approved by the Governor, these provisions take effect February 1, 2009 or upon becoming law, whichever occurs later.

Vote: Senate 32-8; House 76-41

CS/SB 8-A — Medicaid Program

by Health and Human Services Appropriations Committee and Senator Peaden

This bill relating to the Medicaid Program provides the following substantive law modifications:

- Creates s. 409.9082, F.S., to provide for a quality assessment on nursing home facility providers.
- Requires that a quality assessment be imposed upon each nursing home, effective April 1, 2009, not to exceed 5.5 percent of the total aggregate net patient service revenue of assessed facilities.
- Provides that the Agency for Health Care Administration shall calculate the quality assessment annually on a per-resident-day basis, exclusive of those days funded by the Medicare program.
- Requires the assessment be uniform except for certain nursing home facilities and provides that assessments may be lowered for certain high volume facilities.
- Provides that facilities are to report resident days and remit payment to the Agency and specifies a timeline for collection and reporting. The collection of the assessment shall begin no sooner than 5 days after the Agency's initial payment of the Medicaid rates.
- Provides that nursing home facilities may not create a separate line-item charge for the purpose of passing the assessment through to residents.
- Provides for certain nursing home facility providers to be exempt from the assessment.
- Provides that the Agency may apply a lower quality assessment rate to high-volume Medicaid facilities and to high-patient volume nursing facilities. The lower rate shall be applied to the fewest number of facilities necessary to meet federal Medicaid waiver requirements.
- Provides that the purpose of the nursing home facility quality assessment is to assure continued quality of care. Collected assessments are to be used to obtain federal financial

participation through the Medicaid program in order to make Medicaid payments for nursing home facility services up to the amount of nursing home facility Medicaid rates as calculated in accordance with the approved state Medicaid plan in effect on December 31, 2007.

- Specifies the purposes and priorities of the uses of funds.
- Provides that the quality assessment shall terminate and the Agency shall discontinue the assessment and collection of the quality assessment if federal approval of the waiver or rates is not approved, or if the weighted average Medicaid rate paid to nursing home facilities is reduced below the rate in effect on December 31, 2008.
- Provides that upon termination of the quality assessment, all collected assessment revenues, less amounts expended by the Agency, are to be returned on a pro rata basis to the nursing facilities that paid them.
- Provides for sanctions against facilities for not paying timely assessments.
- Provides the Agency with rule-making authority.

If approved by the Governor, these provisions take effect March 1, 2009.

Vote: Senate 39-0; House 119-0

CS/SB 10-A — Biomedical Research/Trust Fund

by Health and Human Services Appropriations Committee and Senator Peaden

This bill relating to Biomedical Research/Trust Fund provides the following substantive law modifications:

- Amends s. 215.602, F.S., to reduce the annual appropriation from the General Revenue Fund to the Biomedical Research Trust Fund for the James and Ester King Biomedical Research Program from \$6 million to \$4.5 million and requires that funds transferred in excess of \$4.5 million in FY 2008-2009 be transferred back to the General Revenue Fund by March 15, 2009.
- Amends s. 381.922, F.S., to reduce the annual appropriation from the General Revenue Fund to the Biomedical Research Trust Fund for the William G. “Bill” Bankhead, Jr. and David Coley Cancer Research Program from \$9 million to \$6.75 million and requires that funds transferred in excess of \$6.75 million in FY 2008-2009 be transferred back to the General Revenue Fund by March 15, 2009.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-1; House 75-43

CS/SB 12-A — State Judicial System

by Criminal and Civil Justice Appropriations Committee and Senator Crist

This bill relating to the State Judicial System:

- Increases by \$25 the fine for exceeding the speed limit by 15-19 miles per hour or 20-29 miles per hour and directs that the revenue from the increase be deposited into the new State Courts Revenue Trust Fund.
- Creates a \$10 assessment to be paid, in addition to any other penalties, for noncriminal moving and nonmoving traffic violations.
- Directs \$5 of the \$10 assessment to the State Courts Revenue Trust Fund, \$3.33 to the new State Attorneys Revenue Trust Fund, and \$1.67 to the new Public Defenders Revenue Trust Fund.
- Eliminates an 18-percent discount in certain traffic-infraction penalties which drivers may receive for attending a basic driver improvement course and directs that the revenue be deposited into the State Courts Revenue Trust Fund.
- Specifies that certain criminal fines may be imposed in cases in which the offender enters a plea of guilty or a plea of nolo contendere, regardless of whether adjudication of guilt is withheld.
- Provides that the criminal fine imposed when adjudication is withheld shall be deposited in the State Courts Revenue Trust Fund.
- Makes it discretionary rather than mandatory for a court to impose probation in a nonfelony matter in which it determines the recurrence of the criminal behavior is unlikely.
- Specifies that a court may impose a criminal fine in a nonfelony matter when it does not impose probation.
- Specifies that the new revenue generated under the bill is not considered as revenue for purposes of determining the budgets of the clerks of court.

If approved by the Governor, these provisions take effect February 1, 2009, except as otherwise provided, or upon becoming law, whichever occurs later.

Vote: Senate 39-1; House 118-0

CS/SB 14-A — State Courts Independent Trust Fund

by Criminal and Civil Justice Appropriations Committee and Senator Crist

This bill relating to the State Courts Revenue Trust Fund:

- Creates the State Courts Revenue Trust Fund.
- Sets forth that the purpose of the fund is to support the activities of the state court system.

If approved by the Governor, these provisions take effect February 1, 2009, except as otherwise provided, or upon becoming law, whichever occurs later.

Vote: Senate 40-0; House 119-0

CS/SB 16-A — State Attorneys Independent Trust Fund

by Criminal and Civil Justice Appropriations Committee and Senator Crist

This bill relating to the State Attorneys Revenue Trust Fund:

- Creates the State Attorneys Revenue Trust Fund.
- Sets forth that the purpose of the fund is to support the activities of the state attorneys.

If approved by the Governor, these provisions take effect February 1, 2009, except as otherwise provided, or upon becoming law, whichever occurs later.

Vote: Senate 40-0; House 119-0

CS/SB 18-A — Public Defenders Independent Trust Fund/JAC

by Criminal and Civil Justice Appropriations Committee and Senator Crist

This bill relating to the Public Defenders Revenue Trust Fund:

- Creates the Public Defenders Revenue Trust Fund.
- Sets forth that the purpose of the fund is to support the activities of the public defenders.

If approved by the Governor, these provisions take effect February 1, 2009, except as otherwise provided, or upon becoming law, whichever occurs later.

Vote: Senate 40-0; House 119-0

CS/SB 20-A — My Safe Florida Home Program

by General Government Appropriations Committee and Senator Baker

This bill eliminates the requirement for the Department of Financial Services to reserve \$10 million for no-interest loans as part of the My Safe Florida Home Program. The Department of Financial Services issued a competitive solicitation for the implementation of a no-interest loan program during 2008; however, no bids were received.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 113-5

CS/SB 24-A — Mitigation of Transportation Projects

by General Government Appropriations Committee and Senator Baker

This bill eliminates the requirement that the Departments of Environmental Protection and Transportation track credits associated with water management district mitigation projects. Removal of this provision allows the Department of Environmental Protection to release a \$3 million cash reserve in the Ecosystems Management and Restoration Trust Fund. Release of this reserve will allow the fund to be balanced for FY 2008-2009.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 108-8

CS/SB 28-A — Insurance Capital Build-Up Incentive Program

by General Government Appropriations Committee and Senator Baker

This bill redirects to the General Revenue Fund all repayments of principal, interest, and late fees from loans executed by the State Board of Administration with insurers participating in the Insurance Capital Build-Up Incentive Program. By June 30, 2009, it is estimated the transfers will increase the General Revenue Fund by \$36.7 million. Repayments from insurers for surplus notes continues until FY 2027-2028. Beginning FY 2008-2009, it is anticipated the repayment stream will provide approximately \$25.6 million on a recurring basis to the General Revenue Fund.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 118-0

CS/SB 38-A — Economic Development

by Transportation and Economic Development Appropriations Committee and Senator Fasano

This bill relating to Economic Development creates sections 288.1081 and 288.1082, F.S., which:

- Create two “economic gardening” pilot programs, to be managed by the Office of Tourism, Trade, and Economic Development (OTTED):
 - The Economic Gardening Business Loan Pilot Program, which will provide low-interest, short-term loans to eligible businesses for working-capital expenses, employee training, and salaries of new employees, and
 - The Economic Gardening Technical Assistance Pilot Program, which will provide eligible businesses with marketing and research, business outreach, networking, and mentoring.
- The eligibility requirements are identical for both pilot programs. The businesses must be Florida-based, for-profit companies that:
 - Employ between 10 and 50 persons;
 - Generate between \$1 million and \$25 million in annual revenues;
 - Have experienced growth in gross revenues and employment during 3 of the last 5 years; and
 - Are eligible for the Qualified Targeted Industry tax refund program.
- The loan administrators selected by OTTED will consider in their evaluations whether the loan applicants have applied for or received local incentives or waivers of local fees or taxes, and whether the applicants have other investment sources.
- The loans’ terms are for 4 years at 2 percent interest. The maximum loan amount is \$250,000. No payment is due until the 12th month, when interest only is due. Subsequently, interest and principle are due each month.
- Loan administrators receive a 1 percent fee at closing, plus 0.625 percent monthly as a service fee.
- The loan pilot program expires in 2016, unless recreated by the Legislature.
- For the technical assistance program, OTTED will select one or more contractors to provide the outreach, research, networking, and mentoring. One criterion for the contractors is that they are eligible for matching funds to help provide their services.
- Specifies that up to \$1.5 million in state funds may be expended by OTTED for the technical assistance program.
- OTTED and OPPAGA will submit various reports to the Governor and the Legislature on the programs’ activities and accomplishments.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 29-11; House 111-7

CS/SB 40-A — Highway Safety and Motor Vehicles

by Transportation and Economic Development Appropriations Committee and Senator Fasano

This bill provides necessary changes to current law to provide for adjustments to transportation and economic development appropriations included in Senate Bill 2-A. The bill provides a revenue increase to the General Revenue Fund, provides for the redirection of trust fund revenues, and authorizes the use of certain revenues. Specifically, the bill:

- Increases the civil penalty late fee required in s. 318.18, F.S., and directs those revenues to the General Revenue Fund. The civil penalty late fee is increased by \$4, from \$12 to \$16.
- Redirects the \$2.00 processing fee collected on the purchase of personalized prestige or specialty license plates from the State Transportation Trust Fund to the Highway Safety Operating Trust Fund.
- Redirects the 50 cents reflectorization fee collected on each motor vehicle registration or renewal registration from the State Transportation Trust Fund to the Highway Safety Operating Trust Fund.
- Provides that the \$2.50 motorcycle safety education fee assessed when registering a motorcycle may be used to fund a motorcycle driver improvement program as provided in s. 322.025, F.S., the Florida Motorcycle Safety Education Program established in s. 322.0255, F.S., or the general operations of the department.
- Eliminates the provision requiring the Department of Highway Safety and Motor Vehicles to reimburse organizations that provide approved motorcycle safety education courses in s. 322.0255(5), F.S.

If approved by the Governor, these provisions take effect February 1, 2009, or upon becoming a law, whichever occurs later.

Vote: Senate 40-0; House 117-2

CS/SB 44-A — Governmental Operations

by Policy and Steering Committee on Ways and Means and Senator Alexander

This bill relating to Governmental Operations:

- Requires state agencies to review contracts in order to reduce contract payments.
- Sets forth a policy of limiting travel by state employees for the remainder of FY 2008-2009.
- Requires the Office of Program Policy Analysis and Government Accountability to conduct four policy research projects by March 3, 2009.
 - To develop recommended legislation governing the procurement, assignment, and use of cellular telephones and personal digital assistants by state employees.
 - To examine the option of contracting with a private entity to identify and recover fraudulent Medicaid claims on a contingency fee basis.
 - To examine the option of expanding the use of alternative inmate placements for low-risk inmates.
 - To assess the feasibility of consolidating statewide pharmaceutical services for state agencies.
- Directs the Department of Management Services to conduct an inventory of state-owned surplus property.
- Directs the Chief Financial Officer to examine methods to maximize federal funds for state agencies.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 119-0

HB 5113-A — Water Management Lands Trust Fund

by Natural Resources Appropriations Committee and Rep. Poppell

Beginning with FY 2009-2010, this bill redirects \$8 million to the General Revenue Fund from the portion of documentary stamp tax revenues distributed to the Water Management Lands Trust Fund within the Department of Environmental Protection.

The bill requires that amounts distributed from the Water Management Lands Trust Fund to the South Florida and St. Johns River Water Management Districts be used to pay debt service first and prohibits the issuance of certain refunding of bonds.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-3; House 96-20

HB 5115-A — Land Acquisition Trust Fund

by Natural Resources Appropriations Committee and Rep. Poppell

Beginning in FY 2009-2010, this bill redistributes to the General Revenue Fund \$11 million of documentary stamp tax revenues distributed to the Land Acquisition Trust Fund within the Department of Environmental Protection.

The bill requires that the revenue be distributed in the following order of priority: first to pay debt service; \$11 million to the General Revenue Fund; and the remainder to the Land Acquisition Trust Fund.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-4; House 98-19