

Governor's Budget Recommendation - Implementing Bill

1 A bill to be entitled
2 An act relating to implementing the 2019-2020 General
3 Appropriations Act; providing legislative intent;
4 authorizing the Executive Office of the Governor to
5 transfer funds between departments for purposes of
6 realigning amounts paid for risk management premiums
7 and for purposes of aligning amounts paid for human
8 resource management services; limiting the use of
9 travel funds to activities that are critical to an
10 agency's mission; reenacting s. 215.32(2)(b), F.S.,
11 relating to the source and use of certain trust funds
12 in order to implement the transfer of moneys into the
13 General Revenue Fund from trust funds in the 2019-2020
14 General Appropriations Act; providing for the future
15 expiration and reversion of statutory text;
16 incorporating by reference certain calculations of the
17 Florida Education Finance Program; amending s.
18 259.105, F.S.; allocating Florida Forever Trust Fund
19 moneys to the Department of Environmental Protection
20 for land acquisition and land management; amending s.
21 375.041, F.S.; specifying that certain funds for
22 projects from the Land Acquisition Trust Fund shall be
23 appropriated as provided in the General Appropriations
24 Act; amending s. 215.18, F.S.; authorizing the
25 Governor, if there is a specified deficiency in a land
26 acquisition trust fund in the Department of
27 Agriculture and Consumer Services, the Department of
28 Environmental Protection, the Department of State, or

Governor's Budget Recommendation - Implementing Bill

29 the Fish and Wildlife Conservation Commission, to
30 transfer funds from other trust funds in the State
31 Treasury as a temporary loan to such trust fund;
32 providing procedures for the transfer and repayment of
33 the loan; providing a legislative determination that
34 the repayment of the temporary loan is a
35 constitutionally allowable use of such moneys;
36 requiring the Department of Environmental Protection
37 to transfer designated proportions of the revenues
38 deposited in the Land Acquisition Trust Fund within
39 the department to land acquisition trust funds in the
40 Department of Agriculture and Consumer Services, the
41 Department of State, and the Fish and Wildlife
42 Conservation Commission according to specified
43 parameters and calculations; authorizing the Executive
44 Office of the Governor to transfer funds appropriated
45 for data processing assessment between departments for
46 a specified purpose; specifying the amount of the
47 transaction fee to be collected for use of the online
48 procurement system; directing the Department of
49 Management Services to maintain the insurance premium
50 tiers that are in place for the 2019 plan year during
51 Fiscal Year 2019-2020; requiring the Department of
52 Juvenile Justice to review county juvenile detention
53 payments to determine if the county has met specified
54 financial responsibilities; requiring amounts owed by
55 the county for such financial responsibilities to be
56 deducted from certain county funds; requiring the

Governor's Budget Recommendation - Implementing Bill

57 Department of Revenue to transfer withheld funds to a
58 specified trust fund; requiring the Department of
59 Revenue to ensure that such deductions do not reduce
60 distributions below amounts necessary for certain
61 payments relating to bonds; requiring the Department
62 of Revenue to notify the Department of Juvenile
63 Justice if bond payment requirements require a
64 reduction in deductions for amounts owed by a county;
65 prohibiting the Department of Juvenile Justice from
66 providing to certain nonfiscally constrained counties
67 reimbursements or credits against identified juvenile
68 detention center costs under specified circumstances;
69 prohibiting a nonfiscally constrained county from
70 applying, deducting, or receiving such reimbursements
71 or credits; amending section 216.262, F.S.; delaying
72 the expiration of provisions directing the Department
73 of Corrections to seek a budget amendment for
74 additional positions and appropriations if the inmate
75 population exceeds a certain estimate under certain
76 circumstances; amending section 215.18, F.S.;

77 extending for 1 fiscal year the authority and related
78 repayment requirements for temporary trust fund loans
79 to the state court system which are sufficient to meet
80 the system's appropriation; amending section 27.5304,
81 F.S.; establishing certain limitations on compensation
82 for private court-appointed counsel for the 2019-2020
83 fiscal year; authorizing the Agency for Health Care
84 Administration to submit a budget amendment to realign

Governor's Budget Recommendation - Implementing Bill

85 funds for the Children's Medical Services program;
86 authorizing the Agency for Health Care Administration
87 to submit a budget amendment to realign funding within
88 the Medicaid program; amending s. 409.904, F.S.;
89 directing the Agency for Health Care Administration to
90 make Medicaid payments retroactive, for up to 90 days
91 prior to application submission for eligible pregnant
92 women and children; amending s. 1009.985, F.S.;
93 revising the distribution of funds in the ABLE account
94 upon the death of the designated beneficiary;
95 providing for the future expiration and reversion of
96 statutory text; amending s. 409.908, F.S.; revising
97 parameters relating to the prospective payment
98 methodology for the reimbursement of Medicaid
99 providers to be implemented for rate-setting purposes;
100 providing for the future expiration and reversion of
101 specified statutory text; requiring the Agency for
102 Health Care Administration to establish prospective
103 payment reimbursement rates for nursing home services
104 as provided in the General Appropriations Act;
105 authorizing the Department of Children and Families to
106 realign funding based on the implementation of the
107 Guardianship Assistance Program; directing the
108 Department of Children and Families to establish a
109 formula to allocate funding for the Guardianship
110 Assistance Program; amending s. 112.24, F.S.;
111 continuing the authorization, subject to specified
112 requirements, for the assignment of an employee of a

Governor's Budget Recommendation - Implementing Bill

113 state agency under an employee interchange agreement;
114 providing for the effect of a veto of one or more
115 specific appropriations or proviso to which
116 implementing language refers; providing for the
117 continued operation of certain provisions
118 notwithstanding a future repeal or expiration provided
119 by the act; providing for severability; providing
120 effective dates.

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

122 Section 1. It is the intent of the Legislature that the
123 implementing and administering provisions of this act apply to
124 the General Appropriations Act for the 2019-2020 fiscal year.

125 Section 2. In order to implement the appropriation of funds
126 in appropriation category "Special Categories-Risk Management
127 Insurance" in the Fiscal Year 2019-2020 General Appropriations
128 Act, and pursuant to the notice, review, and objection
129 procedures of s. 216.177, Florida Statutes, the Executive Office
130 of the Governor may transfer funds appropriated in that category
131 between state agencies in order to align the budget authority
132 granted with the premiums paid by each department for risk
133 management insurance. This section expires July 1, 2020.

134 Section 3. In order to implement the appropriation of funds
135 in the appropriation category "Special Categories-Transfer to
136 Department of Management Services-Human Resources Services
137 Purchased Per Statewide Contract" in the Fiscal Year 2019-2020
138 General Appropriations Act, and pursuant to the notice, review,
139 and objection procedures of s. 216.177, Florida Statutes, the

Governor's Budget Recommendation - Implementing Bill

140 Executive Office of the Governor may transfer funds appropriated
141 in that category between state agencies in order to align the
142 budget authority granted with the assessments that must be paid
143 by each agency to the Department of Management Services for
144 human resource management services. This section expires July 1,
145 2020.

146 Section 4. In order to implement the funds appropriated in
147 the Fiscal Year 2019-2020 General Appropriations Act for state
148 employee travel, the funds appropriated to each state agency,
149 which may be used for travel by state employees, are limited
150 during the 2019-2020 fiscal year to travel for activities that
151 are critical to each state agency's mission. Funds may not be
152 used to pay for travel by state employees to foreign countries,
153 other states, conferences, staff-training activities, or other
154 administrative functions unless the agency head has approved in
155 writing that such activities are critical to the agency's
156 mission. The agency head must consider the use of
157 teleconferencing and other forms of electronic communication to
158 meet the needs of the proposed activity before approving
159 mission-critical travel. This section does not apply to travel
160 for law enforcement purposes, military purposes, emergency
161 management activities, or public health activities. This section
162 expires July 1, 2020.

163 Section 5. In order to implement the transfer of moneys to
164 the General Revenue Fund from trust funds in the Fiscal Year
165 2019-20 General Appropriations Act, paragraph (b) of subsection
166 (2) of section 215.32, Florida Statutes, is reenacted to read:
167 215.32 State funds; segregation.—

Governor's Budget Recommendation - Implementing Bill

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

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

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

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

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

193 c. Administrative trust fund, for use as a depository for
194 funds to be used for management activities that are departmental
195 in nature and funded by indirect cost earnings and assessments

Governor's Budget Recommendation - Implementing Bill

196 against trust funds. Proprietary funds are excluded from the
197 requirement of using an administrative trust fund.

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

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

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

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

210 To the extent possible, each agency must adjust its
211 internal accounting to use existing trust funds consistent with
212 the requirements of this subparagraph. If an agency does not
213 have trust funds listed in this subparagraph and cannot make
214 such adjustment, the agency must recommend the creation of the
215 necessary trust funds to the Legislature no later than the next
216 scheduled review of the agency's trust funds pursuant to s.
217 215.3206.

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

Governor's Budget Recommendation - Implementing Bill

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

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

250 Section 6. The amendment to s. 215.32(2)(b), Florida
251 Statutes, as carried forward by this act from chapter 2011-47,

Governor's Budget Recommendation - Implementing Bill

252 Laws of Florida, expires July 1, 2020, and the text of that
253 paragraph shall revert to that in existence on June 30, 2011,
254 except that any amendments to such text enacted other than by
255 this act shall be preserved and continue to operate to the
256 extent that such amendments are not dependent upon the portions
257 of text which expire pursuant to this section.

258 Section 7. In order to implement Specific Appropriations
259 6, 7, 8, 93 and 94 of the Fiscal Year 2019-2020 General
260 Appropriations Act, the calculations of the Florida Education
261 Finance Program for the 2019-2020 fiscal year in the document
262 entitled "Public School Funding-The Florida Education Finance
263 Program," dated February 1, 2019, and filed with the Executive
264 Office of the Governor are incorporated by reference for the
265 purpose of displaying the calculations used in making
266 appropriations for the Florida Education Finance Program. This
267 section expires July 1, 2020.

268 Section 8. In order to implement Specific Appropriation
269 1607 of the 2019-2020 General Appropriations Act, paragraph (m)
270 is added to subsection (3) of section 259.105, Florida Statutes,
271 to read:

272 259.105 The Florida Forever Act.-

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

279 (m) Notwithstanding paragraphs (a)-(j) and for the 2019-

Governor's Budget Recommendation - Implementing Bill

280 2020 fiscal year only;

281 1. The amount of \$100,000,000 to only the Division of State
282 Lands within the Department of Environmental Protection for the
283 Board of Trustees Florida Forever Priority List land acquisition
284 projects.

285 This paragraph expires July 1, 2020.

286 Section 9. In order to implement specific appropriations
287 of the 2019-2020 General Appropriations Act associated with the
288 Land Acquisition Trust Fund, paragraph (c) is added to
289 subsection 375.041(3), Florida Statutes, to read:

290 375.041 Land Acquisition Trust Fund.—

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

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

296 1. A minimum of the lesser of 25 percent or \$200 million
297 shall be appropriated annually for Everglades projects that
298 implement the Comprehensive Everglades Restoration Plan as set
299 forth in s. 373.470, including the Central Everglades Planning
300 Project subject to Congressional authorization; the Long-Term
301 Plan as defined in s. 373.4592(2); and the Northern Everglades
302 and Estuaries Protection Program as set forth in s. 373.4595.
303 From these funds, \$32 million shall be distributed each fiscal
304 year through the 2023-2024 fiscal year to the South Florida
305 Water Management District for the Long-Term Plan as defined in
306 s. 373.4592(2). After deducting the \$32 million distributed
307 under this subparagraph, from the funds remaining, a minimum of

Governor's Budget Recommendation - Implementing Bill

308 the lesser of 76.5 percent or \$100 million shall be appropriated
309 each fiscal year through the 2025-2026 fiscal year for the
310 planning, design, engineering, and construction of the
311 Comprehensive Everglades Restoration Plan as set forth in s.
312 373.470, including the Central Everglades Planning Project, the
313 Everglades Agricultural Area Storage Reservoir Project, the Lake
314 Okeechobee Watershed Project, the C-43 West Basin Storage
315 Reservoir Project, the Indian River Lagoon-South Project, the
316 Western Everglades Restoration Project, and the Picayune Strand
317 Restoration Project. The Department of Environmental Protection
318 and the South Florida Water Management District shall give
319 preference to those Everglades restoration projects that reduce
320 harmful discharges of water from Lake Okeechobee to the St.
321 Lucie or Caloosahatchee estuaries in a timely manner. For the
322 purpose of performing the calculation provided in this
323 subparagraph, the amount of debt service paid pursuant to
324 paragraph (a) for bonds issued after July 1, 2016, for the
325 purposes set forth under paragraph (b) shall be added to the
326 amount remaining after the payments required under paragraph
327 (a). The amount of the distribution calculated shall then be
328 reduced by an amount equal to the debt service paid pursuant to
329 paragraph (a) on bonds issued after July 1, 2016, for the
330 purposes set forth under this subparagraph.

331 2. A minimum of the lesser of 7.6 percent or \$50 million
332 shall be appropriated annually for spring restoration,
333 protection, and management projects. For the purpose of
334 performing the calculation provided in this subparagraph, the
335 amount of debt service paid pursuant to paragraph (a) for bonds

Governor's Budget Recommendation - Implementing Bill

336 issued after July 1, 2016, for the purposes set forth under
337 paragraph (b) shall be added to the amount remaining after the
338 payments required under paragraph (a). The amount of the
339 distribution calculated shall then be reduced by an amount equal
340 to the debt service paid pursuant to paragraph (a) on bonds
341 issued after July 1, 2016, for the purposes set forth under this
342 subparagraph.

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

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

363 (c) Notwithstanding paragraph (b), for the 2019-2020 fiscal

Governor's Budget Recommendation - Implementing Bill

364 year, funds shall be appropriated as provided in the General
365 Appropriations Act. This paragraph expires July 1, 2020.

366 Section 10. In order to implement specific appropriations
367 from the land acquisition trust funds within the Department of
368 Agriculture and Consumer Services, the Department of
369 Environmental Protection, the Department of State, and the Fish
370 and Wildlife Conservation Commission which are contained in the
371 2019-2020 General Appropriations Act, subsection (3) of section
372 215.18, Florida Statutes, is amended to read:

373 215.18 Transfers between funds; limitation.—

374 (3) Notwithstanding subsection (1) and only with respect to a
375 land acquisition trust fund in the Department of Agriculture and
376 Consumer Services, the Department of Environmental Protection,
377 the Department of State, or the Fish and Wildlife Conservation
378 Commission, whenever there is a deficiency in a land acquisition
379 trust fund which would render that trust fund temporarily
380 insufficient to meet its just requirements, including the
381 timely payment of appropriations from that trust fund, and other
382 trust funds in the State Treasury have moneys that are for the
383 time being or otherwise in excess of the amounts necessary to
384 meet the just requirements, including appropriated obligations,
385 of those other trust funds, the Governor may order a temporary
386 transfer of moneys from one or more of the other trust funds to
387 a land acquisition trust fund in the Department of Agriculture
388 and Consumer Services, the Department of Environmental
389 Protection, the Department of State, or the Fish and Wildlife
390 Conservation Commission. Any action proposed pursuant to this
391 subsection is subject to the notice, review, and objection

Governor's Budget Recommendation - Implementing Bill

392 procedures of s. 216.177, and the Governor shall provide notice
393 of such action at least 7 days before the effective date of the
394 transfer of trust funds, except that during July 2019 ~~2018~~,
395 notice of such action shall be provided at least 3 days before
396 the effective date of a transfer unless such 3-day notice is
397 waived by the chair and vice-chair of the Legislative Budget
398 Commission. Any transfer of trust funds to a land acquisition
399 trust fund in the Department of Agriculture and Consumer
400 Services, the Department of Environmental Protection, the
401 Department of State, or the Fish and Wildlife Conservation
402 Commission must be repaid to the trust funds from which the
403 moneys were loaned by the end of the 2019-2020 ~~2018-2019~~ fiscal
404 year. The Legislature has determined that the repayment of the
405 other trust fund moneys temporarily loaned to a land acquisition
406 trust fund in the Department of Agriculture and Consumer
407 Services, the Department of Environmental Protection, the
408 Department of State, or the Fish and Wildlife Conservation
409 Commission pursuant to this subsection is an allowable use of
410 the moneys in a land acquisition trust fund because the moneys
411 from other trust funds temporarily loaned to a land acquisition
412 trust fund shall be expended solely and exclusively in
413 accordance with s. 28, Art. X of the State Constitution. This
414 subsection expires July 1, 2020 ~~2019~~.

415 Section 11. (1) In order to implement specific
416 appropriations from the land acquisition trust funds within the
417 Department of Agriculture and Consumer Services, the Department
418 of Environmental Protection, the Department of State, and the
419 Fish and Wildlife Conservation Commission which are contained in

Governor's Budget Recommendation - Implementing Bill

420 the 2019-2020 ~~2018-2019~~ General Appropriations Act, the
421 Department of Environmental Protection shall transfer revenues
422 from the Land Acquisition Trust Fund within the department to
423 the land acquisition trust funds within the Department of
424 Agriculture and Consumer Services, the Department of State, and
425 the Fish and Wildlife Conservation Commission, as provided in
426 this section. As used in this section, the term "department"
427 means the Department of Environmental Protection.

428 (2) After subtracting any required debt service payments,
429 the proportionate share of revenues to be transferred to each
430 land acquisition trust fund shall be calculated by dividing the
431 appropriations from each of the land acquisition trust funds for
432 the fiscal year by the total appropriations from the Land
433 Acquisition Trust Fund within the department and the land
434 acquisition trust funds within the Department of Agriculture and
435 Consumer Services, the Department of State, and the Fish and
436 Wildlife Commission for the fiscal year. The department shall
437 transfer the proportionate share of the revenues in the Land
438 Acquisition Trust Fund within the department on a monthly basis
439 to the appropriate land acquisition trust funds within the
440 Department of Agriculture and Consumer Services, the Department
441 of State, and the Fish and Wildlife Commission and shall retain
442 its proportionate share of the revenues in the Land Acquisition
443 Trust Fund within the department. Total distributions to a land
444 acquisition trust fund within the Department of Agriculture and
445 Consumer Services, the Department of State, and the Fish and
446 Wildlife Commission may not exceed the total appropriations from
447 such trust fund for the fiscal year.

Governor's Budget Recommendation - Implementing Bill

448 (3) This section expires July 1, 2020 ~~2019~~.

449 Section 12. In order to implement appropriations
450 authorized in the Fiscal Year 2019-2020 General Appropriations
451 Act for data center services, and notwithstanding s.
452 216.292(2)(a), Florida Statutes, an agency may not transfer
453 funds from a data processing category to a category other than
454 another data processing category. This section expires July 1,
455 2020.

456 Section 13. In order to implement the appropriation of
457 funds in the appropriation category "Data Processing Assessment
458 - Department of Management Services" in the Fiscal Year 2019-20
459 General Appropriations Act, and pursuant to the notice, review,
460 and objection procedures of s. 216.177, Florida Statutes, the
461 Executive Office of the Governor may transfer funds appropriated
462 in that category between departments in order to align the
463 budget authority granted based on the estimated billing cycle
464 and methodology used by the Department of Management Services.
465 This section expires July 1, 2020.

466 Section 14. In order to implement Specific Appropriations
467 2839 through 2851 of the Fiscal Year 2019-2020 General
468 Appropriations Act and notwithstanding rule 60A-1.031, Florida
469 Administrative Code, the transaction fee collected for use of
470 the online procurement system, authorized in ss. 287.042(1)(h)1.
471 and 287.057(22)(c), Florida Statutes, shall be seven-tenths of 1
472 percent for the 2019-2020 fiscal year only. This section expires
473 July 1, 2020.

474 Section 15. In order to implement Section 8(2) of the
475 2019-2020 General Appropriations Act and notwithstanding

Governor's Budget Recommendation - Implementing Bill

476 sections 110.123(3)(f) and 110.123(3)(j), Florida Statutes, the
477 Department of Management Services shall maintain the same
478 premium tiers available during the 2019 plan year. This section
479 expires July 1, 2020.

480 Section 16. (1) In order to implement Specific
481 Appropriations 1153 through 1164 of the 2019-2020 General
482 Appropriations Act, the Department of Juvenile Justice is
483 required to review county juvenile detention payments to ensure
484 that counties fulfill their financial responsibilities required
485 in s. 985.6865, Florida Statutes. If the Department of Juvenile
486 Justice determines that a county has not met its obligations,
487 the department shall direct the Department of Revenue to deduct
488 the amount owed to the Department of Juvenile Justice from the
489 funds provided to the county under s. 218.23, Florida Statutes.
490 The Department of Revenue shall transfer the funds withheld to
491 the Shared County/State Juvenile Detention Trust Fund.

492 (2) As an assurance to holders of bonds issued by counties
493 before July 1, 2019, for which distributions made pursuant to s.
494 218.23, Florida Statutes, are pledged, or bonds issued to refund
495 such bonds which mature no later than the bonds they refunded
496 and which result in a reduction of debt service payable in each
497 fiscal year, the amount available for distribution to a county
498 shall remain as provided by law and continue to be subject to
499 any lien or claim on behalf of the bondholders. The Department
500 of Revenue must ensure, based on information provided by an
501 affected county, that any reduction in amounts distributed
502 pursuant to subsection (1) does not reduce the amount of
503 distribution to a county below the amount necessary for the

Governor's Budget Recommendation - Implementing Bill

504 timely payment of principal and interest when due on the bonds
505 and the amount necessary to comply with any covenant under the
506 bond resolution or other documents relating to the issuance of
507 the bonds. If a reduction to a county's monthly distribution
508 must be decreased in order to comply with this section, the
509 Department of Revenue must notify the Department of Juvenile
510 Justice of the amount of the decrease, and the Department of
511 Juvenile Justice must send a bill for payment of such amount to
512 the affected county.

513 (3) This section expires July 1, 2020.

514 Section 17. In order to implement Specific Appropriations
515 1153 through 1164 of the 2019-2020 General Appropriations Act,
516 the Department of Juvenile Justice may not provide, make, pay,
517 or deduct, and a nonfiscally constrained county may not apply,
518 deduct, or receive any reimbursement or any credit for any
519 previous overpayment of juvenile detention care costs related to
520 or for any previous state fiscal year, against the juvenile
521 detention care costs due from the nonfiscally constrained county
522 in the 2019-2020 fiscal year pursuant to s. 985.686, Florida
523 Statutes, or any other law. This section expires July 1, 2020.

524 Section 18. In order to implement Specific Appropriations
525 581 through 704 and 716 through 750 of the 2019-2020 General
526 Appropriations Act, subsection (4) of section 216.262, Florida
527 Statutes, is amended to read:

528 216.262 Authorized Positions. -

529 (4) Notwithstanding the provisions of this chapter relating
530 to increasing the number of authorized positions, and for the
531 2019-2020 ~~2018-2019~~ fiscal year only, if the actual inmate

Governor's Budget Recommendation - Implementing Bill

532 population of the Department of Corrections exceeds the inmate
533 population projections of the November 28, 2018 ~~December 20,~~
534 ~~2017~~, Criminal Justice Estimating Conference by 1 percent for 2
535 consecutive months or 2 percent for any month, the Executive
536 Office of the Governor, with the approval of the Legislative
537 Budget Commission, shall immediately notify the Criminal Justice
538 Estimating Conference, which shall convene as soon as possible
539 to revise the estimates. The Department of Corrections may then
540 submit a budget amendment requesting the establishment of
541 positions in excess of the number authorized by the Legislature
542 and additional appropriations from unallocated general revenue
543 sufficient to provide for essential staff, fixed capital
544 improvements, and other resources to provide classification,
545 security, food services, health services, and other variable
546 expenses within the institutions to accommodate the estimated
547 increase in the inmate population. All actions taken pursuant to
548 this subsection are subject to review and approval by the
549 Legislative Budget Commission. This subsection expires July 1,
550 2020~~2019~~.

551 Section 19. In order to implement Specific Appropriations
552 3208 through 3274 of the 2019-2020 General Appropriations Act,
553 subsection (2) of section 215.18, Florida Statutes, is amended
554 to read:

555 215.18 Transfers between funds; limitation.—

556 (2) The Chief Justice of the Supreme Court may receive one
557 or more trust fund loans to ensure that the state court system
558 has funds sufficient to meet its appropriations in the 2019-2020
559 ~~2018-2019~~ General Appropriations Act. If the Chief Justice

Governor's Budget Recommendation - Implementing Bill

560 accesses the loan, he or she must notify the Governor and the
561 chairs of the legislative appropriations committees in writing.
562 The loan must come from other funds in the State Treasury which
563 are for the time being or otherwise in excess of the amounts
564 necessary to meet the just requirements of such last-mentioned
565 funds. The Governor shall order the transfer of funds within 5
566 days after the written notification from the Chief Justice. If
567 the Governor does not order the transfer, the Chief Financial
568 Officer shall transfer the requested funds. The loan of funds
569 from which any money is temporarily transferred must be repaid
570 by the end of the 2019-2020 ~~2018-2019~~ fiscal year. This
571 subsection expires July 1, 2020 ~~2019~~.

572 Section 20. In order to implement Specific Appropriation
573 778 of the 2019-2020 General Appropriations Act, subsection (13)
574 of s. 27.5304, Florida Statutes, is amended to read:

575 27.5304 Private court-appointed counsel; compensation; 1352
576 notice.—

577 (13) Notwithstanding the limitation set forth in subsection
578 (5) and for the 2019-2020 ~~2018-2019~~ fiscal year only, the
579 compensation for representation in a criminal proceeding may not
580 exceed the following:

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

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

585 (c) For life felonies represented at the trial level:
586 \$15,000.

587 (d) For capital cases represented at the trial level:

Governor's Budget Recommendation - Implementing Bill

588 \$25,000. For purposes of this paragraph, a "capital case" is any
589 offense for which the potential sentence is death and the state
590 has not waived seeking the death penalty.

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

592 (f) This subsection expires July 1, 2020 ~~2019~~.

593 Section 21. In order to implement Specific Appropriations
594 197 through 216 and 523 of the 2019-2020 General Appropriations
595 Act and notwithstanding ss. 216.181 and 216.292, Florida
596 Statutes, the Agency for Health Care Administration, in
597 consultation with the Department of Health, may submit a budget
598 amendment, subject to the notice, review, and objection
599 procedures of s. 216.177, Florida Statutes, to realign funding
600 within and between agencies based on implementation of the
601 Managed Medical Assistance component of the Statewide Medicaid
602 Managed Care program for the Children's Medical Services program
603 of the Department of Health. The funding realignment shall
604 reflect the actual enrollment changes due to the transfer of
605 beneficiaries from fee-for-service to the capitated Children's
606 Medical Services Network. The Agency for Health Care
607 Administration may submit a request for nonoperating budget
608 authority to transfer the federal funds to the Department of
609 Health pursuant to s. 216.181(12), Florida Statutes. This
610 section expires July 1, 2020.

611 Section 22. In order to implement Specific Appropriations
612 197 through 224 of the 2019-2020 General Appropriations Act and
613 notwithstanding ss. 216.181 and 216.292, Florida Statutes, the
614 Agency for Health Care Administration may submit a budget
615 amendment, subject to the notice, review, and objection

Governor's Budget Recommendation - Implementing Bill

616 procedures of s. 216.177, Florida Statutes, to realign funding
617 within the Medicaid program appropriation categories to address
618 projected surpluses and deficits within the program and to
619 maximize the use of state trust funds. A single budget
620 amendment shall be submitted in the last quarter of the 2019-
621 2020 fiscal year only. This section expires July 1, 2020.

622 Section 23. In order to implement Specific Appropriations
623 203, 207, 208, 210, 212 and 221 of the 2019-2020 General
624 Appropriations Act, section 409.904, Florida Statutes is amended
625 to read:

626 409.904 Optional payments for eligible persons. -

627 (12) Subject to federal approval, effective July 1, 2019,
628 the agency shall make payments for Medicaid covered services for
629 eligible children and pregnant women retroactive for a period of
630 no more than 90 days prior to the month in which an application
631 for Medicaid is submitted. For eligible non-pregnant adults, the
632 agency shall make payments for Medicaid covered services
633 retroactive to the first day of the month which an application
634 for Medicaid is submitted. This section expires July 1, 2020.

635 Section 24. In order to implement Specific Appropriation
636 71, of the 2019-2020 General Appropriations Act, section
637 1009.986, Florida Statutes is amended to read:

638 1009.986 Florida ABLE program.-

639 (7) MEDICAID RECOVERY; PRIORITY OF DISTRIBUTIONS.-

640 (a) Unless prohibited by federal law, upon the death of a
641 designated beneficiary, funds in the ABLE account must first be
642 distributed for qualified disability expenses then transferred
643 to the estate of the designated beneficiary or an ABLE account

644 of another eligible individual specified by the designated
645 beneficiary or by the estate of the designated beneficiary.
646 ~~Upon the death of the designated beneficiary, the Agency for~~
647 ~~Health Care Administration and the Medicaid program for another~~
648 ~~state may file a claim with the Florida ABLE program for the~~
649 ~~total amount of medical assistance provided for the designated~~
650 ~~beneficiary under the Medicaid program, less any premiums paid~~
651 ~~by or on behalf of the designated beneficiary to a Medicaid buy-~~
652 ~~in program. Funds in the ABLE account of the deceased designated~~
653 ~~beneficiary must first be distributed for qualified disability~~
654 ~~expenses followed by distributions for the Medicaid claim~~
655 ~~authorized under this paragraph. Any remaining amount shall be~~
656 ~~distributed as provided in the participation agreement.~~

657 (b) Except as required by federal law, the state Medicaid
658 program may not file a claim for Medicaid recovery of funds in
659 an ABLE account.

660 (c) ~~(b)~~ Florida ABLE, Inc., shall assist and cooperate with the
661 Agency for Health Care Administration and Medicaid programs in
662 other states by providing the agency and programs with the
663 information needed to accomplish the purpose and objective of
664 this subsection.

665 Section 25. The text of s. 1009.986(7), Florida Statutes,
666 expires July 1, 2020, and the text of that subsection shall
667 revert to that in existence on June 30, 2016, except that any
668 amendments to such text enacted other than by this act shall be
669 preserved and continue to operate to the extent that such
670 amendments are not dependent upon the portions of text which
671 expire pursuant to this section.

Governor's Budget Recommendation - Implementing Bill

672 Section 26. Effective October 1, 2018, in order to
673 implement Specific Appropriations 221 and 222 of the 2019-2020
674 General Appropriations Act, subsection (2) of section 409.908,
675 Florida Statutes, is amended to read:

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

Governor's Budget Recommendation - Implementing Bill

700 making any other adjustments necessary to comply with the
701 availability of moneys and any limitations or directions
702 provided for in the General Appropriations Act, provided the
703 adjustment is consistent with legislative intent.

704 2) (a) 1. Reimbursement to nursing homes licensed under part
705 II of chapter 400 and state-owned-and-operated intermediate care
706 facilities for the developmentally disabled licensed under part
707 VIII of chapter 400 must be made prospectively.

708 2. Unless otherwise limited or directed in the General
709 Appropriations Act, reimbursement to hospitals licensed under
710 part I of chapter 395 for the provision of swing-bed nursing
711 home services must be made on the basis of the average statewide
712 nursing home payment, and reimbursement to a hospital licensed
713 under part I of chapter 395 for the provision of skilled
714 nursing services must be made on the basis of the average
715 nursing home payment for those services in the county in which
716 the hospital is located. When a hospital is located in a county
717 that does not have any community nursing homes, reimbursement
718 shall be determined by averaging the nursing home payments in
719 counties that surround the county in which the hospital is
720 located. Reimbursement to hospitals, including Medicaid
721 payment of Medicare copayments, for skilled nursing services
722 shall be limited to 30 days, unless a prior authorization has
723 been obtained from the agency. Medicaid reimbursement may be
724 extended by the agency beyond 30 days, and approval must be
725 based upon verification by the patient's physician that the
726 patient requires short-term rehabilitative and recuperative

Governor's Budget Recommendation - Implementing Bill

727 services only, in which case an extension of no more than 15
728 days may be approved. Reimbursement to a hospital licensed under
729 part I of chapter 395 for the temporary provision of skilled
730 nursing services to nursing home residents who have been
731 displaced as the result of a natural disaster or other emergency
732 may not exceed the average county nursing home payment for those
733 services in the county in which the hospital is
734 located and is limited to the period of time which the agency
735 considers necessary for continued placement of the nursing home
736 residents in the hospital.

737 (b) Subject to any limitations or directions in the General
738 Appropriations Act, the agency shall establish and implement a
739 state Title XIX Long-Term Care Reimbursement Plan for nursing
740 home care in order to provide care and services in conformance
741 with the applicable state and federal laws, rules, regulations,
742 and quality and safety standards and to ensure that individuals
743 eligible for medical assistance have reasonable geographic
744 access to such care.

745 1. The agency shall amend the long-term care reimbursement
746 plan and cost reporting system to create direct care and
747 indirect care subcomponents of the patient care component of the
748 per diem rate. These two subcomponents together shall equal the
749 patient care component of the per diem rate. Separate prices
750 shall be calculated for each patient care subcomponent,
751 initially based on the September 2016 rate setting cost reports
752 and subsequently based on the most recently audited cost report
753 used during a rebasing year. The direct care subcomponent of the
754 per diem rate for any providers still being reimbursed on a cost

Governor's Budget Recommendation - Implementing Bill

755 basis shall be limited by the cost-based class ceiling, and the
756 indirect care subcomponent may be limited by the lower of the
757 cost-based class ceiling, the target rate class ceiling, or the
758 individual provider target. The ceilings and targets apply only
759 to providers being reimbursed on a cost-based system. Effective
760 October 1, 2018, a prospective payment methodology shall be
761 implemented for rate setting purposes with the following
762 parameters:

763 a) Peer Groups, including:

764 I. North-SMMC Regions 1-9, less Palm Beach and Okeechobee
765 Counties; and

766 II. South-SMMC Regions 10-11, plus Palm Beach and
767 Okeechobee Counties.

768 b) Percentage of Median Costs based on the cost reports
769 used for September 2016 rate setting:

770 I. Direct Care Costs.....100 ~~105~~ percent.

771 II. Indirect Care Costs.....92 percent.

772 III. Operating Costs.....86 percent.

773 c) Floors:

774 I. Direct Care Component.....95
775 percent.

776 II. Indirect Care Component.....92.5 percent.

777 III. Operating Component.....None.

778 d) Pass-through Payments...Real Estate and Personal
779 Property Taxes and Property Insurance.

780 e) Quality Incentive Program Payment Pool...6 ~~8.5~~ percent
781 of September 2016 non-property related payments of included
782 facilities.

Governor's Budget Recommendation - Implementing Bill

783 f) Quality Score Threshold to Quality for Quality Incentive
784 Payment.....20th percentile of included
785 facilities.

786 g) Fair Rental Value System Payment Parameters:

787 I. Building Value per Square Foot based on 2018 RS Means.

788 II. Land Valuation.....10 percent of Gross Building value.

789 III. Facility Square Footage.....Actual Square Footage.

790 IV. Moveable Equipment Allowance.....\$8,000 per
791 bed.

792 V. Obsolescence Factor.....1.5 percent.

793 VI. Fair Rental Rate of Return.....8 percent.

794 VII. Minimum Occupancy.....90 percent.

795 VIII. Maximum Facility Age.....40 years.

796 IX. Minimum Square Footage per Bed.....350.

797 X. Maximum Square Footage for Bed.....500.

798 XI. Minimum Cost of a renovation/replacements. \$500 per
799 bed.

800 h.) Ventilator Supplemental payment of \$200 per Medicaid
801 day of 40,000 ventilator Medicaid days per fiscal year.

802 2. The direct care subcomponent shall include salaries and
803 benefits of direct care staff providing nursing services
804 including registered nurses, licensed practical nurses, and
805 certified nursing assistants who deliver care directly to
806 residents in the nursing home facility, allowable therapy costs,
807 and dietary costs. This excludes nursing administration, staff
808 development, the staffing coordinator, and the administrative
809 portion of the minimum data set and care plan coordinators. The

Governor's Budget Recommendation - Implementing Bill

810 direct care subcomponent also includes medically necessary
811 dental care, vision care, hearing care, and
812 podiatric care.

813 3. All other patient care costs shall be included in the
814 indirect care cost subcomponent of the patient care per diem
815 rate, including complex medical equipment, medical supplies, and
816 other allowable ancillary costs. Costs may not be allocated
817 directly or indirectly to the direct care subcomponent from a
818 home office or management company.

819 4. On July 1 of each year, the agency shall report to the
820 Legislature direct and indirect care costs, including average
821 direct and indirect care costs per resident per facility and
822 direct care and indirect care salaries and benefits per category
823 of staff member per facility.

824 5. Every fourth year, the agency shall rebase nursing home
825 prospective payment rates to reflect changes in cost based on
826 the most recently audited cost report for each participating
827 provider.

828 6. A direct care supplemental payment may be made to
829 providers whose direct care hours per patient day are above the
830 80th percentile and who provide Medicaid services to a larger
831 percentage of Medicaid patients than the state average.

832 7. For the period beginning on October 1, 2018, and ending
833 on September 30, 2021, the agency shall reimburse providers the
834 greater of their September 2016 cost-based rate or their
835 prospective payment rate. Effective October 1, 2021, the agency
836 shall reimburse providers the greater of 95 percent of their
837 cost-based rate or their rebased prospective payment rate, using

Governor's Budget Recommendation - Implementing Bill

838 the most recently audited cost report for each facility. This
839 subparagraph shall expire September 30, 2023.

840 8. Pediatric, Florida Department of Veterans Affairs, and
841 government-owned facilities are exempt from the pricing model
842 established in this subsection and shall remain on a cost-based
843 prospective payment system. Effective October 1, 2018, the
844 agency shall set rates for all facilities remaining on a cost-
845 based prospective payment system using each facility's
846 most recently audited cost report, eliminating retroactive
847 settlements. It is the intent of the Legislature that the
848 reimbursement plan achieve the goal of providing access to
849 health care for nursing home residents who require large amounts
850 of care while encouraging diversion services as an alternative
851 to nursing home care for residents who can be served within the
852 community. The agency shall base the establishment of any
853 maximum rate of payment, whether overall or component, on the
854 available moneys as provided for in the General Appropriations
855 Act. The agency may base the maximum rate of payment on the
856 results of scientifically valid analysis and conclusions derived
857 from objective statistical data pertinent to the particular
858 maximum rate of payment.

859 Section 27. Effective October 1, 2018, in order to
860 implement Specific Appropriations 221 and 222 of the 2019-2020
861 General Appropriations Act, subsection (23) of section 409.908,
862 Florida Statutes, is amended to read:

863 409.908 Reimbursement of Medicaid providers.—Subject to
864 specific appropriations, the agency shall reimburse Medicaid
865 providers, in accordance with state and federal law, according

Governor's Budget Recommendation - Implementing Bill

866 to methodologies set forth in the rules of the agency and in
867 policy manuals and handbooks incorporated by reference therein.
868 These methodologies may include fee schedules, reimbursement
869 methods based on cost reporting, negotiated fees, competitive
870 bidding pursuant to s. 287.057, and other mechanisms the agency
871 considers efficient and effective for purchasing services or
872 goods on behalf of recipients. If a provider is reimbursed based
873 on cost reporting and submits a cost report late and that cost
874 report would have been used to set a lower reimbursement rate
875 for a rate semester, then the provider's rate for that semester
876 shall be retroactively calculated using the new cost report, and
877 full payment at the recalculated rate shall be effected
878 retroactively. Medicare-granted extensions for filing cost
879 reports, if applicable, shall also apply to Medicaid cost
880 reports. Payment for Medicaid compensable services made on
881 behalf of Medicaid eligible persons is subject to the
882 availability of moneys and any limitations or directions
883 provided for in the General Appropriations Act or chapter 216.
884 Further, nothing in this section shall be construed to prevent
885 or limit the agency from adjusting fees, reimbursement rates,
886 lengths of stay, number of visits, or number of services, or
887 making any other adjustments necessary to comply with the
888 availability of moneys and any limitations or directions
889 provided for in the General Appropriations Act, provided the
890 adjustment is consistent with legislative intent.

891 (23) (a) The agency shall establish rates at a level that
892 ensures no increase in statewide expenditures resulting from a
893 change in unit costs for county health departments effective

Governor's Budget Recommendation - Implementing Bill

894 July 1, 2011. Reimbursement rates shall be as provided in the
895 General Appropriations Act.

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

899 2. ~~(e)~~ Base rate reimbursement for outpatient services
900 under an enhanced ambulatory payment group methodology shall be
901 provided in the General Appropriations Act.

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

905 ~~(d) This subsection applies to the following provider~~
906 ~~types:~~

907 ~~1. Nursing homes.~~

908 ~~2. County health departments.~~

909 ~~(e) The agency shall apply the effect of this subsection to~~
910 ~~the reimbursement rates for nursing home diversion programs.~~

911 Section 28. The amendments made by this act to ss.
912 409.908(2) and (23), Florida Statutes, expire July 1, 2020, and
913 the text of those subsections shall revert to that in existence
914 on October 1, 2018, not including any amendments made by this
915 act, except that any amendments to such text enacted other than
916 by this act shall be preserved and continue to operate to the
917 extent that such amendments are not dependent upon the portions
918 of text which expire pursuant to this section.

919 Section 29. In order to implement Specific Appropriation
920 326 of the 2019-2020 General Appropriations Act, and
921 notwithstanding ss. 216.181 and 216.292, Florida Statutes, the

Governor's Budget Recommendation - Implementing Bill

922 Department of Children and Families may submit a budget
923 amendment, subject to the notice, review, and objection
924 procedures of s. 216.177, Florida Statutes, to realign funding
925 within the department based on the implementation of the
926 Guardianship Assistance Program established in section 39.6225,
927 Florida Statutes, between the relative caregiver program
928 appropriation categories, which includes nonrelatives,
929 established in section 39.5085, Florida Statutes, the
930 Guardianship Assistance Program appropriation categories, and to
931 realign funding within the Family Safety Program appropriation
932 categories to maximize the use of federal funds. This section
933 expires July 1, 2020.

934 Section 30. From the funds in Specific Appropriation 326,
935 notwithstanding section 409.991, Florida Statutes, the
936 department shall establish a formula to allocate the recurring
937 sums of \$17,588,824 from the General Revenue Fund and
938 \$11,922,238 from the Federal Grants Trust Fund for the
939 implementation of the Guardianship Assistance Program
940 established in section 39.6225, Florida Statutes, including
941 Level 1 foster care board payments and guardianship assistance
942 payments. This section expires July 1, 2020.

943 Section 31. In order to implement Specific Appropriation
944 182 of the 2019-2020 General Appropriations Act and
945 notwithstanding section 409.814(6)(a), Florida Statutes, for the
946 period of July 1, 2019 through June 30, 2020, a portion of state
947 funds in the General Revenue Fund and Grants and Donations Fund
948 will be utilized to support premium assistance payments for
949 families.

Governor's Budget Recommendation - Implementing Bill

950 Section 32. In order to implement appropriations for
951 salaries and benefits in the 2019-2020 General Appropriations
952 Act, subsection (6) of section 112.24, Florida Statutes, is
953 amended to read:

954 112.24 Intergovernmental interchange of public employees.-
955 To encourage economical and effective utilization of public
956 employees in this state, the temporary assignment of employees
957 among agencies of government, both state and local, and
958 including school districts and public institutions of higher
959 education is authorized under terms and conditions set forth in
960 this section. State agencies, municipalities, and political
961 subdivisions are authorized to enter into employee interchange
962 agreements with other state agencies, the Federal Government,
963 another state, a municipality, or a political subdivision
964 including a school district, or with a public institution of
965 higher education. State agencies are also authorized to enter
966 into employee interchange agreements with private institutions
967 of higher education and other nonprofit organizations under the
968 terms and conditions provided in this section. In addition, the
969 Governor or the Governor and Cabinet may enter into employee
970 interchange agreements with a state agency, the Federal
971 Government, another state, a municipality, or a political
972 subdivision including a school district, or with a public
973 institution of higher learning to fill, subject to the
974 requirements of chapter 20, appointive offices which are within
975 the executive branch of government and which are filled by
976 appointment by the Governor or the Governor and Cabinet. Under
977 no circumstances shall employee interchange agreements be

Governor's Budget Recommendation - Implementing Bill

978 utilized for the purpose of assigning individuals to participate
979 in political campaigns. Duties and responsibilities of
980 interchange employees shall be limited to the mission and goals
981 of the agencies of government.

982 (6) For the 2019-2020 ~~2018-2019~~ fiscal year only, the
983 assignment of an employee of a state agency as provided in this
984 section may be made if recommended by the Governor or Chief
985 Justice, as appropriate, and approved by the chairs of the
986 legislative appropriations committees. Such actions shall be
987 deemed approved if neither chair provides written notice of
988 objection within 14 days after receiving notice of the action
989 pursuant to s. 216.177. This subsection expires July 1, 2020
990 ~~2019~~.

991 Section 33. Any section of this act which implements a
992 specific appropriation or specifically identified proviso
993 language in the Fiscal Year 2019-2020 General Appropriations Act
994 is void if the specific appropriation or specifically identified
995 proviso language is vetoed. Any section of this act which
996 implements more than one specific appropriation or more than one
997 portion of specifically identified proviso language in the
998 Fiscal Year 2019-2020 General Appropriations Act is void if all
999 the specific appropriations or portions of specifically
1000 identified proviso language are vetoed.

1001 Section 34. If any other act passed during the 2019 Regular
1002 Session contains a provision that is substantively the same as a
1003 provision in this act, but that removes or is otherwise not
1004 subject to the future repeal applied to such provision by this
1005 act, the Legislature intends that the provision in the other act

Governor's Budget Recommendation - Implementing Bill

1006 takes precedence and continues to operate, notwithstanding the
1007 future repeal provided by this act.

1008 Section 35. If any provision of this act or its application
1009 to any person or circumstance is held invalid, the invalidity
1010 does not affect other provisions or applications of the act
1011 which can be given effect without the invalid provision or
1012 application, and to this end the provisions of this act are
1013 severable.

1014 Section 36. Except as otherwise expressly provided in this
1015 act and except for this section, which shall take effect upon
1016 this act becoming a law, this act shall take effect July 1,
1017 2019; or, if this act fails to become a law until after that
1018 date, it shall take effect upon becoming a law and shall operate
1019 retroactively to July 1, 2019.

Governor's Budget Recommendation Conforming Bill -
Best and Brightest Pipeline and Bonus Programs

1 A bill to be entitled
2 An act relating to recruitment and retention of highly
3 effective teachers and principals; establishing the Best
4 and Brightest Teacher Pipeline Student Loan Forgiveness and
5 Tuition Reimbursement Program; establishing the Best and
6 Brightest Teacher and Principal Bonus Program; providing
7 eligibility and program requirements; repealing sections
8 1012.2, 1012.731, and 1012.732, Florida Statutes,
9 pertaining to the Dale Hickman Excellent Teaching Program,
10 the Florida Best and Brightest Teacher and Principal
11 Scholarship Programs; providing an effective date.
12

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

15 Section 1. Section 1009.57, Florida Statutes, is created to
16 read:

17 1009.57 Best and Brightest Teacher Talent Pipeline Student
18 Loan Forgiveness and Tuition Reimbursement Program.-

19 (1) The Best and Brightest Teacher Talent Pipeline Student
20 Loan Forgiveness and Tuition Reimbursement Program is
21 established to encourage qualified individuals to seek
22 employment as a classroom teacher in a critical teacher shortage
23 area, as identified annually by a Florida public school district
24 or the State Board of Education under s. 1012.07, Florida
25 Statutes, and to remain in teaching in such an area for at least
26 five school years. The primary function of the program is to
27 repay loans from federal programs or commercial lending
28 institutions or to reimburse the cost of undergraduate tuition

Governor's Budget Recommendation Conforming Bill -
Best and Brightest Pipeline and Bonus Programs

29 for students or individuals who have demonstrated the potential
30 to significantly increase student achievement based on criteria
31 established by the State Board of Education.

32 (2) The Department of Education may make repayments, which
33 shall be prorated based on available appropriations, as follows:

34 (a) The cost of principal and interest on the qualified
35 student loan in an amount that covers the remaining amount of
36 the loan not to exceed \$25,000.

37 (b) The actual cost paid for tuition and fees, including
38 instructional materials, room and board, for four years of
39 undergraduate education in an amount not to exceed \$25,000 for a
40 student who completed his or her undergraduate degree within the
41 last five calendar years of the date of application.

42 (3) (a) All loan repayments shall be contingent on proof of
43 employment in the designated areas in this state and shall be
44 made directly to the holder of the loan at the end of the fifth
45 school year of the teacher's participation. The state shall not
46 bear responsibility for the collection of any interest charges
47 or other remaining balance.

48 (b) Tuition reimbursement will be made directly to the
49 teacher via state warrant at the end of the fifth school year of
50 the teacher's participation, based on verification of the amount
51 in accordance with state board rule.

52 (c) If designated critical teacher shortage subject areas
53 are changed by the state board, a teacher shall continue to be
54 eligible for loan forgiveness or tuition reimbursement at the
55 end of the five-year period, provided that for each of the five
56 years, he or she continues to teach in the area for which the

Governor's Budget Recommendation Conforming Bill -
Best and Brightest Pipeline and Bonus Programs

57 original loan repayment was made, or a new area designated by
58 the state board during one of the five-years the teachers is
59 participating in the program, and the teacher otherwise meets
60 all conditions of eligibility.

61 (4) The State Board of Education shall adopt rules to
62 administer this program.

63 (5) This section shall be implemented only to the extent as
64 specifically funded. Funds appropriated for the program shall be
65 transferred into the Best and Brightest Talent Pipeline Trust
66 Fund and expended as authorized by law.

67 Section 2. Section 1012.74, Florida Statutes, is created to
68 read:

69 1012.74 Best and Brightest Teacher and Principal Bonus
70 Program.-

71 (1) To significantly improve teaching and learning in
72 Florida schools, there is created the Best and Brightest Teacher
73 and Principal Bonus Program.

74 (2) Great Teachers Awards. Annually, each Florida classroom
75 teacher as defined under s. 1012.01, Florida Statutes, excluding
76 substitutes, who meets the criteria under this paragraph and
77 remains employed in an instructional or administrative position
78 in a Florida school district or charter school through September
79 1 of the following year or who retired after qualifying for the
80 award will receive a bonus award of up to \$10,000, based on
81 annual appropriation. To be awarded a bonus under this
82 paragraph, the teacher must have been employed in a school that
83 improved at least one percent in points earned through the
84 school grade system under s. 1008.34, Florida Statutes, and have

Governor's Budget Recommendation Conforming Bill -
Best and Brightest Pipeline and Bonus Programs

85 earned a highly effective rating under s. 1012.34, Florida
86 Statutes, for the same school year.

87 (3) Great School Leaders Awards. Annually, each Florida
88 school principal as defined under s. 1012.01, Florida Statutes,
89 who meets the criteria under this subsection and remains
90 employed in an administrative position in a Florida school
91 district or charter school through September 1 of the following
92 school year will receive a bonus award of up to \$5,000 for non-
93 Title I school principals and up to \$6,500 for Title I school
94 principals, based on annual appropriation. To be awarded a bonus
95 under this paragraph, the principal must have been the principal
96 for the majority of the school year at a school that improved at
97 least one percent of points earned in the school grade system
98 under s. 1008.34, Florida Statutes.

99 (4) By October 1 of each year, the department will
100 determine which teachers and principals have qualified for the
101 awards in paragraph (2)(b) and subsection (3) based on data from
102 the prior school year, and provide this information to each
103 school district, including the qualified individuals employed by
104 charter schools. By December 1, each district will report back
105 to the department, in a format specified by the department, the
106 teachers and principals from the eligible list who meet the
107 employment criteria in paragraph (2)(a) and subsection (3) and
108 the teachers who meet the eligibility and employment criteria
109 for paragraph (2)(a), including eligible individuals employed by
110 the district's charter schools. By February 1, the department
111 will disburse to each school district the amount necessary to
112 award all eligible teachers and principals based on the data

Governor's Budget Recommendation Conforming Bill -
Best and Brightest Pipeline and Bonus Programs

113 reported by the district including for its charter schools. By
114 March 1, each school district shall award the scholarship to
115 each eligible classroom teacher and principal.

116 (5) This section shall be implemented only to the extent as
117 specifically funded and authorized by law.

118
119 Nothing in this section shall be construed to remove each
120 district's obligation to meet the compensation requirements
121 described in sections 1012.22 and 1012.2315, Florida Statutes.

122 Section 3. Sections 1012.72, 1012.731 and 1012.732, Florida
123 Statutes, are repealed.

124 Section 4. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill -
Best and Brightest Talent Pipeline Trust Fund

1 A bill to be entitled
2 An act relating to trust funds; creating the Best and
3 Brightest Talent Pipeline Trust Fund within the Department
4 of Education; providing for the purpose of the trust fund
5 and source of funds; providing for future review and
6 termination or re-creation of the trust fund; providing an
7 effective date.
8

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

11 Section 1. Section 1009.571, Florida Statutes, is created
12 to read:

13 1009.571 Best and Brightest Talent Pipeline Trust Fund.-

14 (1) The Best and Brightest Talent Pipeline Trust Fund is
15 created within the Department of Education.

16 (2) The trust fund is established to use as a depository
17 for funds to be used for purposes of the Best and Brightest
18 Talent Pipeline Student Loan Forgiveness and Tuition
19 Reimbursement Program under s. 1009.57, Florida Statutes.

20 (3) Funding appropriated by the Legislature for the Best
21 and Brightest Talent Pipeline Student Loan Forgiveness and
22 Tuition Reimbursement Program shall be transferred into the Best
23 and Brightest Talent Pipeline Trust Fund to be disbursed in
24 accordance with the provisions of section 1009.57, Florida
25 Statutes.

26 (4) In accordance with s. 19(f)(2), Art. III of the State
27 Constitution, the trust fund shall, unless terminated sooner, be
28 terminated on July 1, 2023. Before its scheduled termination,

Governor's Budget Recommendation Conforming Bill -
Best and Brightest Talent Pipeline Trust Fund

29 the trust fund shall be reviewed as provided in s. 215.3206(1)
30 and (2).

31 Section 2. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill -
Computer Science Credit Substitution

1 A bill to be entitled
2 An act relating to Standard High School Diploma Course
3 Requirements; allowing credit earned in a computer science
4 course to substitute for one science credit; providing an
5 effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Subsection (3) of Section 1003.4282, Florida
10 Statues, is amended to read:

11 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
12 REQUIREMENTS.—

13 (a) Four credits in English Language Arts (ELA).—The four
14 credits must be in ELA I, II, III, and IV. A student must pass
15 the statewide, standardized grade 10 Reading assessment or, when
16 implemented, the grade 10 ELA assessment, or earn a concordant
17 score, in order to earn a standard high school diploma.

18 (b) Four credits in mathematics.—A student must earn one
19 credit in Algebra I and one credit in Geometry. A student's
20 performance on the statewide, standardized Algebra I end-of-
21 course (EOC) assessment constitutes 30 percent of the student's
22 final course grade. A student must pass the statewide,
23 standardized Algebra I EOC assessment, or earn a comparative
24 score, in order to earn a standard high school diploma. A
25 student's performance on the statewide, standardized Geometry
26 EOC assessment constitutes 30 percent of the student's final
27 course grade. A student who earns an industry certification for
28 which there is a statewide college credit articulation agreement

Governor's Budget Recommendation Conforming Bill -
Computer Science Credit Substitution

29 approved by the State Board of Education may substitute the
30 certification for one mathematics credit. Substitution may occur
31 for up to two mathematics credits, except for Algebra I and
32 Geometry.

33 (c) Three credits in science.—Two of the three required
34 credits must have a laboratory component. A student must earn
35 one credit in Biology I and two credits in equally rigorous
36 courses. The statewide, standardized Biology I EOC assessment
37 constitutes 30 percent of the student's final course grade. A
38 student who earns an industry certification for which there is a
39 statewide college credit articulation agreement approved by the
40 State Board of Education may substitute the certification for
41 one science credit, except for Biology I. A student that earns
42 credit in a computer science course as identified under s.
43 1007.2616, may substitute the credit for one science credit,
44 except for Biology I.

45 (d) Three credits in social studies.—A student must earn
46 one credit in United States History; one credit in World
47 History; one-half credit in economics, which must include
48 financial literacy; and one-half credit in United States
49 Government. The United States History EOC assessment constitutes
50 30 percent of the student's final course grade.

51 (e) One credit in fine or performing arts, speech and
52 debate, or practical arts.—The practical arts course must
53 incorporate artistic content and techniques of creativity,
54 interpretation, and imagination. Eligible practical arts courses
55 are identified in the Course Code Directory.

Governor's Budget Recommendation Conforming Bill -
Computer Science Credit Substitution

56 (f) One credit in physical education.—Physical education
57 must include the integration of health. Participation in an
58 interscholastic sport at the junior varsity or varsity level for
59 two full seasons shall satisfy the one-credit requirement in
60 physical education. A district school board may not require that
61 the one credit in physical education be taken during the 9th
62 grade year. Completion of one semester with a grade of "C" or
63 better in a marching band class, in a physical activity class
64 that requires participation in marching band activities as an
65 extracurricular activity, or in a dance class shall satisfy one-
66 half credit in physical education or one-half credit in
67 performing arts. This credit may not be used to satisfy the
68 personal fitness requirement or the requirement for adaptive
69 physical education under an individual education plan (IEP) or
70 504 plan. Completion of 2 years in a Reserve Officer Training
71 Corps (R.O.T.C.) class, a significant component of which is
72 drills, shall satisfy the one-credit requirement in physical
73 education and the one-credit requirement in performing arts.
74 This credit may not be used to satisfy the personal fitness
75 requirement or the requirement for adaptive physical education
76 under an IEP or 504 plan.

77 (g) Eight credits in electives.—School districts must
78 develop and offer coordinated electives so that a student may
79 develop knowledge and skills in his or her area of interest,
80 such as electives with a STEM or liberal arts focus. Such
81 electives must include opportunities for students to earn
82 college credit, including industry-certified career education
83 programs or series of career-themed courses that result in

Governor's Budget Recommendation Conforming Bill -
Computer Science Credit Substitution

84 industry certification or articulate into the award of college
85 credit, or career education courses for which there is a
86 statewide or local articulation agreement and which lead to
87 college credit.

88 Section 2. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill -
Florida Education Finance Program (FEFP)

1 A bill to be entitled
2 An act relating to the Funding for School Districts in the
3 Florida Education Finance Program (FEFP); providing an
4 effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Subsection (17) and (18) of section 1011.62,
9 Florida Statutes, are amended; and present subsections (18) and
10 (19) are redesignated as subsections (19) and (20):

11 (17) ~~FUNDING COMPRESSION ALLOCATION. The Legislature may~~
12 ~~provide an annual funding compression allocation in the General~~
13 ~~Appropriations Act. The allocation is created to provide~~
14 ~~additional funding to school districts and developmental~~
15 ~~research schools whose total funds per FTE in the prior year~~
16 ~~were less than the statewide average. Using the most recent~~
17 ~~prior year FEFP calculation for each eligible school district,~~
18 ~~the total funds per FTE shall be subtracted from the state~~
19 ~~average funds per FTE, not including any adjustments made~~
20 ~~pursuant to paragraph (18) (b). The resulting funds per FTE~~
21 ~~difference, or a portion thereof, as designated in the General~~
22 ~~Appropriations Act, shall then be multiplied by the school~~
23 ~~district's total unweighted FTE to provide the allocation. If~~
24 ~~the calculated funds are greater than the amount included in the~~
25 ~~General Appropriations Act, they must be prorated to the~~
26 ~~appropriation amount based on each participating school~~
27 ~~district's share. This subsection expires July 1, 2019.~~

Governor's Budget Recommendation Conforming Bill -
Florida Education Finance Program (FEFP)

BEST AND BRIGHTEST TEACHERS AND PRINCIPALS ALLOCATION. -

The Best and Brightest Teachers and Principals allocation is established to recruit and retain the best, most dedicated educators for Florida schools. Funds for the best and brightest teachers and principals allocation shall be provided in the Florida Education Finance Program (FEFP) as specified in the General Appropriations Act. From the funds appropriated, each school district shall receive an initial amount based upon each district's proportionate share of the state's total K-12 base funding. The allocation shall recalculate during the third calculation of the FEFP after final submission from the school districts of qualified individuals has been provided to the Department of Education. The recalculation shall be based upon the number of eligible teachers and principals at the maximum award amounts specified in section 1012.74, Florida Statutes. Upon recalculation, if the generated allocation is greater than the amount provided in the General Appropriations Act, the total shall be prorated to the level of the appropriation by reducing the maximum award amounts provided for each award type. This calculation shall not recalculate after the third calculation.

(18) ADDITIONAL ALLOCATION - The additional allocation is established to provide school districts funding for students participating in the Equal Opportunity Scholarship Program that are exempt from the prior year public school attendance requirement. The allocation shall be recalculated based on the reported enrollment of students participating in the program that are exempt from the prior year public school attendance requirement. The funding appropriated for this initiative shall

Governor's Budget Recommendation Conforming Bill -
Florida Education Finance Program (FEFP)

56 be expended pursuant to section 1002.399, Florida Statutes. Upon
57 recalculation, if the generated allocation is greater than the
58 amount provided in the General Appropriations Act, the total
59 shall be prorated to the level of the appropriation based on
60 each district's share of the total recalculated amount.

61 (~~198~~) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
62 CURRENT OPERATION.—The total annual state allocation to each
63 district for current operation for the FEFP shall be distributed
64 periodically in the manner prescribed in the General
65 Appropriations Act.

66 (a) If the funds appropriated for current operation of the
67 FEFP are not sufficient to pay the state requirement in full,
68 the department shall prorate the available state funds to each
69 district in the following manner:

70 1. Determine the percentage of proration by dividing the
71 sum of the total amount for current operation, as provided in
72 this paragraph for all districts collectively, and the total
73 district required local effort into the sum of the state funds
74 available for current operation and the total district required
75 local effort.

76 2. Multiply the percentage so determined by the sum of the
77 total amount for current operation as provided in this paragraph
78 and the required local effort for each individual district.

79 3. From the product of such multiplication, subtract the
80 required local effort of each district; and the remainder shall
81 be the amount of state funds allocated to the district for
82 current operation. However, no calculation subsequent to the

Governor's Budget Recommendation Conforming Bill -
Florida Education Finance Program (FEFP)

83 appropriation shall result in negative state funds for any
84 district.

85 (b) The amount thus obtained shall be the net annual
86 allocation to each school district. However, if it is determined
87 that any school district received an under allocation or over
88 allocation for any prior year because of an arithmetical error,
89 assessment roll change required by final judicial decision,
90 full-time equivalent student membership error, or any allocation
91 error revealed in an audit report, the allocation to that
92 district shall be appropriately adjusted. An under allocation in
93 a prior year caused by a school district's error may not be the
94 basis for a positive allocation adjustment for the current year.
95 Beginning with the 2011-2012 fiscal year, if a special program
96 cost factor is less than the basic program cost factor, an audit
97 adjustment may not result in the reclassification of the special
98 program FTE to the basic program FTE. If the Department of
99 Education audit adjustment recommendation is based upon
100 controverted findings of fact, the Commissioner of Education is
101 authorized to establish the amount of the adjustment based on
102 the best interests of the state.

103 (c) The amount thus obtained shall represent the net annual
104 state allocation to each district; however, notwithstanding any
105 of the provisions herein, each district shall be guaranteed a
106 minimum level of funding in the amount and manner prescribed in
107 the General Appropriations Act.

108 ~~(2019)~~ COMPUTATION OF PRIOR YEAR DISTRICT REQUIRED LOCAL
109 EFFORT.—Calculations required in this section shall be based on

Governor's Budget Recommendation Conforming Bill -
Florida Education Finance Program (FEFP)

110 95 percent of the taxable value for school purposes for fiscal
111 years prior to the 2010-2011 fiscal year.

112 Section 2. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

1 A bill to be entitled
2 An act relating to school choice; amending section
3 1002.333, Florida Statutes; providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Section 1002.333, Florida Statutes, is amended
8 to read:

9 (1) DEFINITIONS.—As used in this section, the term:

10 (a) "Florida Opportunity Zone" means a population census
11 tract that has been designated by the Department of the Treasury
12 as a Qualified Opportunity Zone, pursuant to Internal Revenue
13 Code Section 1400Z-1(b)(1)(B).

14 (ab) "Hope operator" means an entity identified by the
15 department pursuant to subsection (2).

16 (bc) "Persistently low-performing school" means a school
17 that has earned three ~~consecutive~~ grades lower than a "C,"
18 pursuant to s. 1008.34, in at least three of the last five
19 years, and a school that was closed pursuant to s. 1008.33(4)
20 within 2 years after the submission of a notice of intent.

21 (ed) "School of hope" means:

22 1. A charter school operated by a hope operator which
23 serves students from one or more persistently low-performing
24 schools or public schools in a Florida Opportunity Zone; is
25 located in a Florida Opportunity Zone or the attendance zone of
26 a persistently low-performing school or within a 5-mile radius
27 of such school, whichever is greater; and is a Title I eligible
28 school; or

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

29 2. A school operated by a hope operator pursuant to s.
30 1008.33(4)(b)3.

31 (2) HOPE OPERATOR.—A hope operator is a nonprofit
32 organization with tax exempt status under s. 501(c)(3) of the
33 Internal Revenue Code that operates three or more charter
34 schools that serve students in grades K-12 in Florida or other
35 states with a record of serving students from low-income
36 families and is designated by the State Board of Education as a
37 hope operator based on a determination that:

38 (a) The past performance of the hope operator meets or
39 exceeds the following criteria:

40 1. The achievement of enrolled students exceeds the
41 district and state averages of the states in which the
42 operator's schools operate;

43 2. The average college attendance rate at all schools
44 currently operated by the operator exceeds 80 percent, if such
45 data is available;

46 3. The percentage of students eligible for a free or
47 reduced price lunch under the National School Lunch Act enrolled
48 at all schools currently operated by the operator exceeds 70
49 percent;

50 4. The operator is in good standing with the authorizer in
51 each state in which it operates;

52 5. The audited financial statements of the operator are
53 free of material misstatements and going concern issues; and

54 6. Other outcome measures as determined by the State Board
55 of Education;

56 (b) The operator was awarded a United States Department of

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

57 Education Charter School Program Grant for Replication and
58 Expansion of High-Quality Charter Schools within the preceding 3
59 years before applying to be a hope operator;

60 (c) The operator receives funding through the National Fund
61 of the Charter School Growth Fund to accelerate the growth of
62 the nation's best charter schools; or

63 (d) The operator is selected by a district school board in
64 accordance with s. 1008.33.

65 An entity that meets the requirements of paragraph (b),
66 paragraph (c), or paragraph (d) before the adoption by the state
67 board of measurable criteria pursuant to paragraph (a) shall be
68 designated as a hope operator. After the adoption of the
69 measurable criteria, an entity, including a governing board that
70 operates a school established pursuant to s. 1008.33(4)(b)3.,
71 shall be designated as a hope operator if it meets the criteria
72 of paragraph (a) or (c).

73 (3) DESIGNATION OF HOPE OPERATOR.—Initial status as a hope
74 operator is valid for 5 years from the opening of a school of
75 hope. If a hope operator seeks the renewal of its status, such
76 renewal shall solely be based upon the academic and financial
77 performance of all schools established by the operator in the
78 state since its initial designation.

79 (4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator
80 seeking to open a school of hope must submit a notice of intent
81 to the school district in which a Florida Opportunity Zone has
82 been designated or a persistently low-performing school has been
83 identified by the State Board of Education pursuant to
84 subsection (10).

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

85 (a) The notice of intent must include:

86 1. An academic focus and plan.

87 2. A financial plan.

88 3. Goals and objectives for increasing student achievement
89 for the students from low-income families.

90 4. A completed or planned community outreach plan.

91 5. The organizational history of success in working with
92 students with similar demographics.

93 6. The grade levels to be served and enrollment
94 projections.

95 7. The proposed location or geographic area proposed for
96 the school and its proximity to the persistently low-performing
97 school or the Florida Opportunity Zone the school will serve.

98 8. A staffing plan.

99 (b) Notwithstanding the requirements of s. 1002.33, a
100 school district shall enter into a performance-based agreement
101 with a hope operator to open schools to serve students from
102 persistently low-performing schools or Florida Opportunity Zone.

103 (5) PERFORMANCE-BASED AGREEMENT.—The following shall
104 comprise the entirety of the performance-based agreement:

105 (a) The notice of intent, which is incorporated by
106 reference and attached to the agreement.

107 (b) The location or geographic area proposed for the school
108 of hope and its proximity to the persistently low-performing
109 school or Florida Opportunity Zone.

110 (c) An enumeration of the grades to be served in each year
111 of the agreement and whether the school will serve children in
112 the school readiness or prekindergarten programs.

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

113 (d) A plan of action and specific milestones for student
114 recruitment and the enrollment of students from persistently
115 low-performing schools or Florida Opportunity Zone, including
116 enrollment preferences and procedures for conducting transparent
117 admissions lotteries that are open to the public. Students from
118 persistently low-performing schools and Florida Opportunity
119 Zones shall be exempt from any enrollment lottery to the extent
120 permitted by federal grant requirements.

121 (e) A delineation of the current incoming baseline standard
122 of student academic achievement, the outcomes to be achieved,
123 and the method of measurement that will be used.

124 (f) A description of the methods of involving parents and
125 expected levels for such involvement.

126 (g) The grounds for termination, including failure to meet
127 the requirements for student performance established pursuant to
128 paragraph (e), generally accepted standards of fiscal
129 management, or material violation of terms of the agreement. The
130 nonrenewal or termination of a performance-based agreement must
131 comply with the requirements of s. 1002.33(8).

132 (h) A provision allowing the hope operator to open
133 additional schools to serve students enrolled in or zoned for a
134 persistently low-performing school or Florida Opportunity Zone
135 if the hope operator maintains its status under subsection (3).

136 (i) A provision establishing the initial term as 5 years.
137 The agreement shall be renewed, upon the request of the hope
138 operator, unless the school fails to meet the requirements for
139 student performance established pursuant to paragraph (e) or
140 generally accepted standards of fiscal management or the school

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

141 of hope materially violates the law or the terms of the
142 agreement.

143 (j) A requirement to provide transportation consistent with
144 the requirements of ss. 1006.21-1006.27 and s. 1012.45. The
145 governing body of the school of hope may provide transportation
146 through an agreement or contract with the district school board,
147 a private provider, or parents of enrolled students.

148 Transportation may not be a barrier to equal access for all
149 students residing within reasonable distance of the school.

150 (k) A requirement that any arrangement entered into to
151 borrow or otherwise secure funds for the school of hope from a
152 source other than the state or a school district shall indemnify
153 the state and the school district from any and all liability,
154 including, but not limited to, financial responsibility for the
155 payment of the principal or interest.

156 (l) A provision that any loans, bonds, or other financial
157 agreements are not obligations of the state or the school
158 district but are obligations of the school of hope and are
159 payable solely from the sources of funds pledged by such
160 agreement.

161 (m) A prohibition on the pledge of credit or taxing power
162 of the state or the school district.

163 (6) STATUTORY AUTHORITY.—

164 (a) A school of hope may be designated as a local education
165 agency, if requested, for the purposes of receiving federal
166 funds and, in doing so, accepts the full responsibility for all
167 local education agency requirements and the schools for which it
168 will perform local education agency responsibilities. Students

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

169 enrolled in a school established by a hope operator designated
170 as a local educational agency are not eligible students for
171 purposes of calculating the district grade pursuant to s.
172 1008.34(5).

173 (b) For the purposes of tort liability, the hope operator,
174 the school of hope, and its employees or agents shall be
175 governed by s. 768.28. The sponsor shall not be liable for civil
176 damages under state law for the employment actions or personal
177 injury, property damage, or death resulting from an act or
178 omission of a hope operator, the school of hope, or its
179 employees or agents. This paragraph does not include any for-
180 profit entity contracted by the charter school or its governing
181 body.

182 (c) A school of hope may be either a private or a public
183 employer. As a public employer, the school of hope may
184 participate in the Florida Retirement System upon application
185 and approval as a covered group under s. 121.021(34). If a
186 school of hope participates in the Florida Retirement System,
187 the school of hope's employees shall be compulsory members of
188 the Florida Retirement System.

189 (d) A hope operator may employ school administrators and
190 instructional personnel who do not meet the requirements of s.
191 1012.56 if the school administrators and instructional personnel
192 are not ineligible for such employment under s. 1012.315.

193 (e) Compliance with s. 1003.03 shall be calculated as the
194 average at the school level.

195 (f) Schools of hope operated by a hope operator shall be
196 exempt from chapters 1000-1013 and all school board policies.

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

197 However, a hope operator shall be in compliance with the laws in
198 chapters 1000-1013 relating to:

199 1. The student assessment program and school grading
200 system.

201 2. Student progression and graduation.

202 3. The provision of services to students with disabilities.

203 4. Civil rights, including s. 1000.05, relating to
204 discrimination.

205 5. Student health, safety, and welfare.

206 6. Public meetings and records, public inspection, and
207 criminal and civil penalties pursuant to s. 286.011. The
208 governing board of a school of hope must hold at least two
209 public meetings per school year in the school district in which
210 the school of hope is located. Any other meetings of the
211 governing board may be held in accordance with s. 120.54(5)(b)2.

212 7. Public records pursuant to chapter 119.

213 8. The code of ethics for public officers and employees
214 pursuant to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

215 (g) Each school of hope shall report its students to the
216 school district as required in s. 1011.62, and in accordance
217 with the definitions in s. 1011.61. The school district shall
218 include each charter school's enrollment in the district's
219 report of student enrollment. All charter schools submitting
220 student record information required by the department shall
221 comply with the department's guidelines for electronic data
222 formats for such data, and all districts shall accept electronic
223 data that complies with the department's electronic format.

224 (h) A school of hope shall provide the school district with

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

225 a concise, uniform, quarterly financial statement summary sheet
226 that contains a balance sheet and a statement of revenue,
227 expenditures, and changes in fund balance. The balance sheet and
228 the statement of revenue, expenditures, and changes in fund
229 balance shall be in the governmental fund format prescribed by
230 the Governmental Accounting Standards Board. Additionally, a
231 school of hope shall comply with the annual audit requirement
232 for charter schools in s. 218.39.

233 (7) FACILITIES.—

234 (a) A school of hope shall use facilities that comply with
235 the Florida Building Code, except for the State Requirements for
236 Educational Facilities. A school of hope that uses school
237 district facilities must comply with the State Requirements for
238 Educational Facilities only if the school district and the hope
239 operator have entered into a mutual management plan for the
240 reasonable maintenance of such facilities. The mutual management
241 plan shall contain a provision by which the district school
242 board agrees to maintain the school facilities in the same
243 manner as its other public schools within the district. The
244 local governing authority shall not adopt or impose any local
245 building requirements or site-development restrictions, such as
246 parking and site-size criteria, student enrollment, and occupant
247 load, that are addressed by and more stringent than those found
248 in the State Requirements for Educational Facilities of the
249 Florida Building Code. A local governing authority must treat
250 schools of hope equitably in comparison to similar requirements,
251 restrictions, and site planning processes imposed upon public
252 schools. The agency having jurisdiction for inspection of a

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

253 facility and issuance of a certificate of occupancy or use shall
254 be the local municipality or, if in an unincorporated area, the
255 county governing authority. If an official or employee of the
256 local governing authority refuses to comply with this paragraph,
257 the aggrieved school or entity has an immediate right to bring
258 an action in circuit court to enforce its rights by injunction.
259 An aggrieved party that receives injunctive relief may be
260 awarded reasonable attorney fees and court costs.

261 (b) Any facility, or portion thereof, used to house a
262 school of hope shall be exempt from ad valorem taxes pursuant to
263 s. 196.1983. Library, community service, museum, performing
264 arts, theatre, cinema, church, Florida College System
265 institution, college, and university facilities may provide
266 space to schools of hope within their facilities under their
267 preexisting zoning and land use designations without obtaining a
268 special exception, rezoning, or a land use change.

269 (c) School of hope facilities are exempt from assessments
270 of fees for building permits, except as provided in s. 553.80;
271 fees for building and occupational licenses; impact fees or
272 exactions; service availability fees; and assessments for
273 special benefits.

274 (d) No later than October 1, each school district shall
275 annually provide to the Department of Education a list of all
276 underused, vacant, or surplus facilities owned or operated by
277 the school district. A hope operator establishing a school of
278 hope may use an educational facility identified in this
279 paragraph at no cost or at a mutually agreeable cost not to
280 exceed \$600 per student. A hope operator using a facility

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

281 pursuant to this paragraph may not sell or dispose of such
282 facility without the written permission of the school district.
283 For purposes of this paragraph, the term "underused, vacant, or
284 surplus facility" means an entire facility or portion thereof
285 which is not fully used or is used irregularly or intermittently
286 by the school district for instructional or program use.

287 (8) NONCOMPLIANCE.—A school district that does not enter
288 into a performance-based agreement within 60 days after receipt
289 of a notice of intent shall reduce the administrative fees
290 withheld pursuant to s. 1002.33(20) to 1 percent for all charter
291 schools operating in the school district. Upon execution of the
292 performance-based agreement, the school district may resume
293 withholding the full amount of administrative fees, but may not
294 recover any fees that would have otherwise accrued during the
295 period of noncompliance. Any charter school that had
296 administrative fees withheld in violation of this subsection may
297 recover attorney fees and costs to enforce the requirements of
298 this subsection. A school district subject to the requirements
299 of this section shall file a monthly report detailing the
300 reduction in the amount of administrative fees withheld.

301 (9) FUNDING.—

302 (a) Schools of hope shall be funded in accordance with s.
303 1002.33(17).

304 (b) Schools of hope shall receive priority in the
305 department's Public Charter School Grant Program competitions.

306 (c) Schools of hope shall be considered charter schools for
307 purposes of s. 1013.62, and are eligible to receive charter
308 school capital outlay beginning in their first year of

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

309 operation, notwithstanding ss. 1013.62(1) and (4)~~except charter~~
310 ~~capital outlay may not be used to purchase real property or for~~
311 ~~the construction of school facilities.~~

312 (d) Schools of hope are eligible to receive funds from the
313 Schools of Hope Program.

314 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
315 is created within the Department of Education.

316 (a) A ~~school of hope~~ operator is eligible to receive funds
317 from the Schools of Hope Program for the following expenditures:

318 1. Preparing teachers, school leaders, and specialized
319 instructional support personnel, including costs associated
320 with:

321 a. Providing professional development.

322 b. Hiring and compensating teachers, school leaders,
323 executive directors, regional directors, and specialized
324 instructional support personnel until the school reaches full
325 enrollment ~~for services beyond the school day and year.~~

326 2. Acquiring supplies, training, equipment, and educational
327 materials, including developing and acquiring instructional
328 materials.

329 3. Providing one-time startup costs associated with
330 providing transportation to students to and from the charter
331 school.

332 4. Carrying out community engagement activities, which may
333 include paying the cost of student and staff recruitment.

334 5. Providing funds to cover the nonvoted ad valorem millage
335 that would otherwise be required for schools and the required
336 local effort funds calculated pursuant to s. 1011.62 when the

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

337 state board enters into an agreement with a hope operator
338 pursuant to subsection (5).

339 6. Providing funds for the initial leasing and related
340 costs of a school facility in the event that a suitable
341 district-owned facility in unavailable or not leased in a timely
342 manner pursuant to subsection (7) (d).

343 (b) A traditional public school that is required to submit
344 a plan for implementation pursuant to s. 1008.33(4) is eligible
345 to receive up to \$2,000 per full-time equivalent student from
346 the Schools of Hope Program based upon the strength of the
347 school's plan for implementation and its focus on evidence-based
348 interventions that lead to student success by providing wrap-
349 around services that leverage community assets, improve school
350 and community collaboration, and develop family and community
351 partnerships. Wrap-around services include, but are not limited
352 to, tutorial and after-school programs, student counseling,
353 nutrition education, parental counseling, and adult education.
354 Plans for implementation may also include models that develop a
355 culture of attending college, high academic expectations,
356 character development, dress codes, and an extended school day
357 and school year. At a minimum, a plan for implementation must:

358 1. Establish wrap-around services that develop family and
359 community partnerships.

360 2. Establish clearly defined and measurable high academic
361 and character standards.

362 3. Increase parental involvement and engagement in the
363 child's education.

364 4. Describe how the school district will identify, recruit,

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

365 retain, and reward instructional personnel. The state board may
366 waive the requirements of s. 1012.22(1)(c)5., and suspend the
367 requirements of s. 1012.34, to facilitate implementation of the
368 plan.

369 5. Identify a knowledge-rich curriculum that the school
370 will use that focuses on developing a student's background
371 knowledge.

372 6. Provide professional development that focuses on
373 academic rigor, direct instruction, and creating high academic
374 and character standards.

375 (c) The state board shall:

376 1. Provide awards for up to 25 schools and prioritize
377 awards for plans submitted pursuant to paragraph (b) that are
378 based on whole school transformation and that are developed in
379 consultation with the school's principal.

380 2. Annually report on the implementation of this subsection
381 in the report required by s. 1008.345(5), and provide summarized
382 academic performance reports of each traditional public school
383 receiving funds.

384 ²(d) Notwithstanding s. 216.301 and pursuant to s. 216.351,
385 funds allocated for the purpose of this subsection which are not
386 disbursed by June 30 of the fiscal year in which the funds are
387 allocated may be carried forward for up to 5 years after the
388 effective date of the original appropriation.

389 (11) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.—
390 Pursuant to Art. IX of the State Constitution, which prescribes
391 the duty of the State Board of Education to supervise the public
392 school system, the State Board of Education shall:

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

393 (a) Publish an annual list of persistently low-performing
394 schools after the release of preliminary school grades.

395 (b) Adopt a standard notice of intent and performance-based
396 agreement that must be used by hope operators and district
397 school boards to eliminate regulatory and bureaucratic barriers
398 that delay access to high quality schools for students in
399 Florida Opportunity Zones and persistently low-performing
400 schools.

401 (c) Resolve disputes between a hope operator and a school
402 district arising from a performance-based agreement or a
403 contract between a charter operator and a school district under
404 the requirements of s. 1008.33. The Commissioner of Education
405 shall appoint a special magistrate who is a member of The
406 Florida Bar in good standing and who has at least 5 years'
407 experience in administrative law. The special magistrate shall
408 hold hearings to determine facts relating to the dispute and to
409 render a recommended decision for resolution to the State Board
410 of Education. The recommendation may not alter in any way the
411 provisions of the performance-based agreement under subsection
412 (5). The special magistrate may administer oaths and issue
413 subpoenas on behalf of the parties to the dispute or on his or
414 her own behalf. Within 15 calendar days after the close of the
415 final hearing, the special magistrate shall transmit a
416 recommended decision to the State Board of Education and to the
417 representatives of both parties by registered mail, return
418 receipt requested. The State Board of Education must approve or
419 reject the recommended decision at its next regularly scheduled
420 meeting that is more than 7 calendar days and no more than 30

Governor's Budget Recommendation Conforming Bill -
Schools of Hope

421 days after the date the recommended decision is transmitted. The
422 decision by the State Board of Education is a final agency
423 action that may be appealed to the District Court of Appeal,
424 First District in accordance with s. 120.68. A charter school
425 may recover attorney fees and costs if the State Board of
426 Education determines that the school district unlawfully
427 implemented or otherwise impeded implementation of the
428 performance-based agreement pursuant to this paragraph.

429 (d) Provide students in persistently low-performing schools
430 and Florida Opportunity Zones with a public school that meets
431 accountability standards. The State Board of Education may enter
432 into a performance-based agreement with a hope operator when a
433 school district has not improved the school after 3 years of the
434 interventions and support provided under s. 1008.33 or has not
435 complied with the requirements of subsection (4). Upon the State
436 Board of Education entering into a performance-based agreement
437 with a hope operator, the school district shall transfer to the
438 school of hope the proportionate share of state funds allocated
439 from the Florida Education Finance Program.

440 (12) RULES.—The State Board of Education shall adopt rules
441 pursuant to ss. 120.536(1) and 120.54 to implement this section.

442 Section 2. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill
Workforce Initiatives

1 A bill to be entitled
2 An act relating to encouraging college degree attainment;
3 establishing the Last Mile College Completion Program;
4 providing eligibility and program requirements; providing
5 an effective date.
6

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

9 Section 1. Section 1009.75, Florida Statutes, is created to
10 read:

11 1009.75 The Last Mile College Completion Program.

12 (1) Beginning with the 2019-20 academic year, the
13 Department of Education shall create a scholarship program to
14 annually award the cost of in-state tuition and required fees to
15 Florida resident students, pursuant to s. 1009.21, in good
16 standing at Florida College System and State University
17 institutions who are within 12 or fewer credit hours of
18 completing their first associate or baccalaureate degree.
19 Students who have earned college credit from a regionally
20 accredited postsecondary institution within a period of three
21 academic years prior to the year of the application are eligible
22 to participate in the program. The award amount may not exceed
23 the difference between the full cost of attendance and the total
24 of the students' financial aid, not including loans.

25 (2) The department shall provide a simple, web-based,
26 application for students to identify their intent to enroll and
27 complete their associate or baccalaureate degree within three
28 academic terms at one or more Florida College System or State

Governor's Budget Recommendation Conforming Bill
Workforce Initiatives

29 University institutions or through an online program at an
30 approved Florida institution. The department will refer the
31 student to the intended college or colleges for continued
32 processing of eligibility, feasibility of reverse-transfer,
33 award status and enrollment. The participating Florida College
34 System or State University institution will determine each
35 referred student's eligibility and report that information to
36 the department on behalf of the student in a format prescribed
37 by the department. Once each student has successfully passed the
38 course or courses for each term enrolled during the program
39 period, the department will disburse the funds to the
40 participating institution.

41 (3) Funding for this program is contingent upon the
42 Legislature allocating adequate appropriations.

43 (4) The State Board of Education and the Board of Governors
44 shall adopt rules to implement this section including, but not
45 limited to, application processes, reporting processes and fees.

46 Section 2. Subsection (7) is added to section 1007.23,
47 Florida Statutes, to read:

48 1007.23 Statewide articulation agreement.—

49 (7) The articulation agreement must specifically provide
50 for a reverse transfer agreement for Florida College System
51 students enrolled in courses toward an associate in arts who
52 transfer to a state university prior to earning an associate in
53 arts degree pursuant to s. 1007.25.

54 Section 3. Subsection (11) of section 1007.25, Florida
55 Statutes is amended to read:

Governor's Budget Recommendation Conforming Bill
Workforce Initiatives

56 1007.25 - General education courses; common prerequisites;
57 other degree requirements.-

58 (11) Students at state universities shall be awarded an ~~may~~
59 ~~request~~ associate in arts certificates degree, unless the
60 student declines to receive the degree, if they have
61 successfully completed the minimum requirements for the degree
62 of associate in arts (A.A.). ~~The university must grant the~~
63 ~~student an associate in arts degree if the student has~~
64 ~~successfully completed minimum requirements for college-level~~
65 ~~communication and computation skills adopted by the State Board~~
66 ~~of Education and 60 academic semester hours or the equivalent~~
67 ~~within a degree program area, including 36 semester hours in~~
68 ~~general education courses in the subject areas of communication,~~
69 ~~mathematics, social sciences, humanities, and natural sciences,~~
70 consistent with the ~~general education requirements~~ of this
71 section and those specified in the articulation agreement
72 pursuant to s. 1007.23. Each university student shall be awarded
73 an A.A. degree as follows:

74 (a) If the student completed at least twenty-five percent
75 of the semester hours toward the A.A. degree at one Florida
76 College System institution, the university shall notify the
77 Florida College System institution of the student's eligibility.
78 The college shall verify eligibility, accept the credits
79 required for the A.A. degree and award the degree.

80 (b) If the student did not complete at least twenty-five
81 percent of credits for the A.A. degree at one Florida College
82 System institution but completed at least twenty-five percent of

Governor's Budget Recommendation Conforming Bill
Workforce Initiatives

83 the semester hours toward the A.A. degree at the state
84 university, then the state university shall award the degree.
85 Section 4. This act shall take effect upon becoming law.

Governor's Budget Recommendation Conforming Bill
Florida Pathways to Career Opportunities Grant

1 A bill to be entitled
2 An act related to enhancing Florida's workforce;
3 establishing the Florida Pathways to Career Opportunities
4 Grant; creating career pathways for Florida's students in
5 grades 9-14; providing the training and academic
6 preparation at no cost to the student; identifying funding
7 sources; providing eligibility and program requirements;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 1009.94, Florida Statutes, is created to
13 read:

14 1009.94 The Florida Pathways to Career Opportunities Grant
15 program.

16 (1) The Florida Pathways to Career Opportunities Grant
17 program is created to enable high schools and Florida Colleges
18 to offer applied learning opportunities for students in high-
19 demand career pathways linked to occupations that provide
20 students with middle- and high-level wages. Selected
21 institutions will provide students with an opportunity to earn
22 industry certifications, 60 hours of college credit, or an
23 associate degree by the time they graduate from high school, and
24 gain valuable work experience through internships, externships,
25 apprenticeships, or other job training programs.

26 (2) The competitive grant fund will be established to
27 provide individual grants statewide to serve students in grades
28 9-14 who enter a career pathway that enables students to master

Governor's Budget Recommendation Conforming Bill
Florida Pathways to Career Opportunities Grant

29 the skills they need to graduate with the career certificate or
30 a two year technical degree to secure an entry-level position in
31 an industry.

32 (3) The competitive grant opportunities shall be used to
33 enroll students in work-based education programs that lead to
34 career opportunities in high demand fields.

35 (4) Each grant application must include expertise of
36 public institutions and the participation of one secondary
37 partner, one or more postsecondary and industry partners.

38 (5) School districts, charter schools, and Florida
39 Colleges may apply for grant funding under this section. As a
40 condition of the grant, applicants must agree to timely provide
41 the information described in subsection (9) to the Commissioner
42 of Education.

43 (6) The Commissioner of Education shall establish an
44 application process. Proposals for the grant shall be funded
45 competitively.

46 (7) To be eligible for funding, proposals must meet the
47 following criteria:

48 (a) Give students an opportunity to earn the following:

49 1. Industry certifications, associate degrees,
50 postsecondary certificate, or college credit aligned to high-
51 demand workforce needs of the state, region, or local area
52 within six years and linked to occupations that provide a
53 middle- or high-wage; and

54 2. Applied learning experiences through internships,
55 externships, apprenticeships, or other job training;

Governor's Budget Recommendation Conforming Bill
Florida Pathways to Career Opportunities Grant

56 (b) Provide students with mentorship or career counseling
57 informed by labor market demand;

58 (c) Provide industry and employer partner memoranda of
59 understanding to ensure the program is aligned to in-demand
60 skills and that show the nature of the industry and employer
61 partnership;

62 (d) Identify how the proposal will address opportunities
63 for underrepresented students such as minority, low-income, or
64 rural students, or girls in computer science;

65 (e) Identify how the school district, charter school, or
66 Florida College will use the grant funding and leverage other
67 available funds to provide continued support for the program;

68 (f) Provide the training and academic preparation at no
69 cost to the student; and

70 (g) Identify the postsecondary partners to ensure
71 appropriate articulation and dual enrollment opportunities and
72 provide memoranda of understanding that show the nature of the
73 postsecondary partnership.

74 (8) Priority for grants shall be given to proposals that
75 increase opportunities for underrepresented students such as
76 minority, low-income, or rural students, or girls in computer
77 science.

78 (9) The Commissioner of Education shall report by December
79 1 of each year to the Governor, President of the Senate, and the
80 Speaker of the House of Representatives the following:

81 (a) Number of participating students and their outcomes,
82 including the following:

83 1. Academic achievement;

Governor's Budget Recommendation Conforming Bill
Florida Pathways to Career Opportunities Grant

84 2. Attainment of industry certifications, associate
85 degrees, or college credit;

86 3. Applied learning experiences of the participating
87 students;

88 4. Postsecondary enrollment, or continued enrollment at a
89 postsecondary institution, following completion of the program,
90 if applicable;

91 5. Employment outcomes and wages, if applicable; and

92 6. Non-completion rate.

93 (b) Demographics of participating students and their
94 outcomes as described in paragraph (a); and

95 (c) Identification of high-demand career pathways linked
96 to occupations that provide students with middle- and high-level
97 wages as informed by labor market demand.

98 (10) The State Board of Education shall adopt rules
99 pursuant to sections 120.536(1) and 120.54, Florida Statutes, to
100 implement this section.

101 Section 2. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

1 A bill to be entitled

2 An act related to relating to School Choice; creating s.
3 1002.399, a new section related to equal opportunity
4 scholarships.; providing an effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Section 1002.399, Florida Statutes, is created
9 to read:

10 1002.399 The Florida Equal Opportunity Scholarship Program

11 (1) PURPOSE.- The Florida Equal Opportunity Scholarship is
12 established to provide the option for a parent to meet the
13 unique educational needs of his or her child.

14 (2) DEFINITIONS.- As used in this section, the term:

15 (a) "Curriculum" means a complete course of study for a
16 particular content area or grade level, including any required
17 supplemental materials and associated online instruction.

18 (b) "Department" means the Department of Education.

19 (c) "Eligible applicant" means an applicant that has
20 submitted a notice of intent to the Department and has been
21 found eligible to apply to a scholarship funding organization
22 for a Florida Equal Opportunity Scholarship.

23 (d) "Eligible nonprofit scholarship-funding organization"
24 or "organization" means a nonprofit scholarship-funding
25 organization that is approved pursuant to s. 1002.395(15).

26 (e) "Eligible private school" means a private school, as
27 defined in s. 1002.01, which is located in this state, which
28 offers an education to students in any grade from kindergarten
29 to grade 12, and which meets the requirements of:

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

30 1. Sections 1002.42 and 1002.421; and

31 2. A scholarship program under s. 1002.39, s. 1002.395, or
32 s. 1002.40, as applicable, if the private school participates in
33 a scholarship program under s. 1002.39, s. 1002.395 or s.
34 1002.40.

35 (f) "Inactive" means that no eligible expenditures have
36 been made from an account funded pursuant to this section.

37 (g) "Parent" means a resident of this state who is a
38 parent, as defined in s. 1000.21.

39 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

40 (a) The Florida Equal Opportunity Scholarship Program is
41 established.

42 (b) A student who is a resident of Florida is eligible to
43 apply for a Florida Equal Opportunity Scholarship under this
44 section if the student meets the following criteria:

45 1. The student is on the direct certification list or the
46 student's household income level does not exceed 265 percent of
47 the federal poverty level; and

48 2. The student spent the prior year in attendance at a
49 Florida public school or the Florida School for the Deaf and
50 Blind. For purposes of this subparagraph, prior school year in
51 attendance means the student was enrolled and reported by:

52 a. A school district for funding during the preceding
53 October and February Florida Education Finance Program survey in
54 kindergarten through grade 12, which includes time spent in a
55 Department of Juvenile Justice commitment program if funded
56 under the Florida Education Finance Program;

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

57 b. The Florida School for the Deaf and the Blind during the
58 preceding October and February student membership survey in
59 kindergarten through grade 12; or

60 3. The student will be entering kindergarten in the
61 upcoming school year.

62 (4) FLORIDA EQUAL OPPORTUNITY SCHOLARSHIP PROHIBITIONS.— A
63 student is not eligible to receive a Florida Equal Opportunity
64 Scholarship if he or she is:

65 (a) Enrolled in and reported for funding by a public
66 school, including, but not limited to, the Florida School for
67 the Deaf and the Blind;

68 (b) Enrolled in and reported for funding by a school
69 operating for the purpose of providing educational services to
70 youth in the Department of Juvenile Justice commitment programs;

71 (c) Participating in a virtual school, correspondence
72 school, or distance learning program that receives state funding
73 pursuant to the student's participation.

74 (d) Receiving any other educational scholarship pursuant to
75 this chapter.

76 (5) PROGRAM CAPACITY. -

77 (a) For the 2019-2020 school year, the maximum number of
78 students eligible to receive a Florida Equal Opportunity
79 Scholarship shall be equivalent to one half of one percent of
80 statewide public school enrollment in the prior school year, as
81 calculated by the department. Each year thereafter, the maximum
82 number of students shall increase by an amount equivalent to one
83 percent of statewide public school enrollment in the prior
84 school year, as determined by the department.

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

(6) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM

PARTICIPATION.—A parent who applies for a Florida Equal Opportunity Scholarship is exercising his or her parental right to determine the school or education setting that best meets the needs of his or her child.

(a)1. To establish program eligibility to receive and spend program payments, the parent must submit an application pursuant to paragraph (b) and sign an agreement with the organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b)-(d).

2. Affirm that the student has regular and direct contact with teachers if the student enrolls in an eligible private school, or that the parent has met the requirements for a home education program pursuant to s. 1002.41.

3. Affirm that the program funds are used only for authorized purposes serving the student's educational needs, as described in subsection (8).

4. Affirm that the parent is responsible for the education of his or her student by, as applicable:

a. Requiring the student to take an assessment in accordance with subsection (10); or

b. Providing an annual evaluation in accordance with s. 1002.41(1)(f);

(b) The parent must file an application for initial program participation with an organization by February 1 before the school year in which the student will participate or an

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

114 alternative date as set by the organization for any unused
115 capacity. The application must include the information necessary
116 for the organization to verify household income and must
117 authorize the organization to access information needed for
118 income eligibility determination and verification held by other
119 state or federal agencies, including the Department of Revenue,
120 the Department of Children and Families, the Department of
121 Education, the Department of Economic Opportunity, and the
122 Agency for Health Care Administration.

123 (c) The parent must notify the school district that the
124 student is participating in the Florida Equal Opportunity
125 Scholarship Program. This notification is not in lieu of the
126 required notification a parent must submit to the district when
127 establishing a home education program pursuant to s.
128 1002.41(1)(a).

129 (d) The parent must annually renew participation in the
130 program by the date established by the organization.
131 Notwithstanding any changes to the student's household income, a
132 student who was previously eligible for participation in the
133 program shall remain eligible to apply for renewal.

134 (e) The parent is responsible for procuring the services
135 necessary to educate the student. When the student receives a
136 Florida Equal Opportunity Scholarship, the district school board
137 is not obligated to provide the student with a free appropriate
138 public education. For purposes of s. 1003.57 and the Individuals
139 with Disabilities in Education Act, a participating student has
140 only those rights that apply to all other unilaterally
141 parentally placed students.

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

142 (f) The parent is responsible for all eligible expenses in
143 excess of the amount of the scholarship.

144 (g) The parent may not receive a payment, refund, or rebate
145 from a school or provider of any services under this program.

146 A parent who fails to comply with this subsection forfeits the
147 Florida Equal Opportunity Scholarship.

148 (7) SCHOLARSHIP AMOUNT AND PAYMENT.—

149 (a) Students participating in the Florida Equal Opportunity
150 Scholarship Program shall receive an award amount that equals 97
151 percent of the district unweighted FTE.

152 (b) The scholarship amount for an eligible student shall be
153 recalculated following the October and February full-time
154 student equivalent membership surveys.

155 (c) An eligible student shall be reported in the
156 appropriate program listed in s.1011.62(1)(c). Eligible students
157 shall be reported to the Department of Education in the manner
158 prescribed by the department and shall be funded through the
159 Florida Education Finance Program.

160 (d) Following notification from the scholarship funding
161 organizations on July 1, September 1, December 1, and February 1
162 of the number of program participants, the department shall
163 transfer the amount calculated under paragraph (a) from the
164 school district's total funding entitlement under the Florida
165 Education Finance Program and authorized categorical accounts to
166 a separate account for the scholarship program for quarterly
167 disbursements to scholarship funding organizations. Scholarship
168 funding organizations may not report program participants after
169 February 1.

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

170 (e) Upon notification by the department that it has
171 received the documentation required under paragraph (c) (d) of
172 subsection (7), the Chief Financial Officer shall make
173 scholarship payments in four equal amounts no later than
174 September 1, November 1, February 1, and April 1 of each
175 academic year in which the scholarship is in force.

176 (f) Scholarship payments and reimbursements shall be made
177 by the eligible nonprofit scholarship-funding organization no
178 less frequently than on a quarterly basis.

179 (g) The organization may develop a system for payment of
180 benefits by funds transfer, including, but not limited to, debit
181 cards, electronic payment cards, or any other means of payment
182 that the department deems to be commercially viable or cost-
183 effective. A student's scholarship award may not be reduced for
184 debit card or electronic payment fees. Commodities or services
185 related to the development of such a system shall be procured by
186 competitive solicitation unless they are purchased from a state
187 term contract pursuant to s. 287.056.

188 (h) If the scholarship is used for tuition or fees at an
189 eligible private school, payment of the scholarship by the
190 eligible nonprofit scholarship-funding organization shall be by
191 individual warrant made payable to the student's parent or by
192 funds transfer, including, but not limited to, debit cards,
193 electronic payment cards, or any other means of payment that the
194 department deems to be commercially viable or cost-effective. If
195 the payment is made by warrant, the warrant must be delivered by
196 the eligible nonprofit scholarship-funding organization to the
197 private school of the parent's choice, and the parent shall
198 restrictively endorse the warrant to the private school. An

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

199 eligible nonprofit scholarship-funding organization shall ensure
200 that the parent to whom the warrant is made restrictively
201 endorsed the warrant to the private school for deposit into the
202 account of the private school or that the parent has approved a
203 funds transfer before any scholarship funds are deposited.

204 (i) An eligible nonprofit scholarship-funding organization
205 shall obtain verification from the private school of a student's
206 continued attendance at the school for each period covered by a
207 scholarship payment.

208 (j) The scholarship funding organization must verify
209 eligible expenditures before the distribution of funds for any
210 expenditures made pursuant to paragraphs (8) (b) - (e).

211 (k) Moneys received pursuant to this section do not
212 constitute taxable income to the qualified student or parent of
213 the qualified student.

214 (8) AUTHORIZED USES OF PROGRAM FUNDS.-Program funds must be
215 used to meet the individual educational needs of an eligible
216 student and may be spent for the following purposes:

217 (a) Tuition or fees associated with full-time enrollment in
218 an eligible private school.

219 (b) Instructional materials, including digital devices,
220 digital periphery devices, and assistive technology devices that
221 allow a student to access instruction or instructional content
222 and training on the use of and maintenance agreements for these
223 devices.

224 (c) Curriculum as defined in paragraph (2) (a).

225 (d) Fees for nationally standardized, norm-referenced
226 achievement tests, Advanced Placement Examinations, industry

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

227 certification examinations, assessments related to postsecondary
228 education, or other assessments.

229 (e) Fees for an annual evaluation of educational progress
230 by a state-certified teacher under s. 1002.41(1)(f), if this
231 option is chosen for a home education student.

232
233 A provider of any services receiving payments pursuant to this
234 subsection may not share, refund, or rebate any moneys from the
235 Florida Equal Opportunity Scholarship with the parent or
236 participating student in any manner. A parent, student, or
237 provider of any services may not bill an insurance company,
238 Medicaid, or any other agency for the same services that are
239 paid for using Scholarship funds.

240 (9) TERM OF THE PROGRAM.—For purposes of continuity of
241 educational choice and program integrity:

242 (a)1. Program payments made by the state to an organization
243 for a Florida Equal Opportunity Scholarship under this section
244 shall continue until:

245 a. The parent does not renew program eligibility;

246 b. The organization determines that the student is not
247 eligible for program renewal;

248 c. The Commissioner of Education suspends or revokes
249 program participation;

250 d. The student's parent has forfeited participation in the
251 program for failure to comply with subsection (6);

252 e. The student enrolls in a public school; or

253 f. The student graduates from high school or attains 21
254 years of age, whichever occurs first.

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

255 2. Reimbursements for program expenditures may continue
256 until the account balance is expended or the account is closed
257 pursuant to paragraph (b).

258 (b)1. A student's scholarship account must be closed and
259 any remaining funds shall revert to the state after:

260 a. Denial or revocation of program eligibility by the
261 commissioner for fraud or abuse, including, but not limited to,
262 the student or student's parent accepting any payment, refund,
263 or rebate, in any manner, from a provider of any services
264 received pursuant to subsection (8);

265 b. The student returns to public school;

266 c. The student graduates high school or reaches the age of
267 21, whichever occurs first; or

268 d. Two consecutive fiscal years in which an account has
269 been inactive.

270 2. The commissioner must notify the parent and the
271 organization when a Scholarship account is closed and program
272 funds revert to the state.

273 (10) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
274 eligible private school may be sectarian or nonsectarian and
275 shall:

276 (a) Comply with all requirements for private schools
277 participating in state school choice scholarship programs
278 pursuant to this section and s. 1002.421.

279 (b)1. Annually administer or make provision for students
280 participating in the program in grades 3 through 10 to take one
281 of the nationally norm-referenced tests identified by the
282 department or the statewide assessments pursuant to s. 1008.22.

283 A participating private school shall report a student's scores

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

284 to his or her parent. A participating private school must
285 annually report by August 15 the scores of all participating
286 students to a state university described in paragraph s.
287 1002.395(9)(f).

288 2. Administer the statewide assessments pursuant to s.
289 1008.22 if a private school chooses to offer the statewide
290 assessments. A participating private school may choose to offer
291 and administer the statewide assessments to all students who
292 attend the private school in grades 3 through 10 and must submit
293 a request in writing to the department by March 1 of each year
294 in order to administer the statewide assessments in the
295 subsequent school year.

296
297 If a private school fails to meet the requirements of this
298 subsection or s. 1002.421, the commissioner may determine that
299 the private school is ineligible to participate in the program.

300 (11) SCHOOL DISTRICT OBLIGATIONS.-

301 (a)The school district shall report all students who are
302 receiving a Florida Equal Opportunity Scholarship. The students
303 shall be reported separately from other students reported for
304 purposes of the Florida Education Finance Program.

305 (b)Upon the request of the Department of Education, a
306 school district shall coordinate with the department to provide
307 to a participating private school the statewide assessments
308 administered under s. 1008.22 and any related materials for
309 administering the assessments. A school district is responsible
310 for implementing test administrations at a participating private
311 school, including the:

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

- 312 1. Provision of training for private school staff on test
313 security and assessment administration procedures;
314 2. Distribution of testing materials to a private school;
315 3. Retrieval of testing materials from a private school;
316 4. Provision of the required format for a private school to
317 submit information to the district for test administration and
318 enrollment purposes; and
319 5. Provision of any required assistance, monitoring, or
320 investigation at a private school.

321 (12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS.— An
322 organization may establish Florida Equal Opportunity
323 Scholarships for eligible students by:

324 (a) Providing a scholarship to eligible students on a
325 first-come, first-served basis.

326 (b) Receiving applications and confirming student
327 eligibility in accordance with the requirements of this section.

328 (c) Notifying parents of their receipt of a scholarship.

329 (d) Establishing the dates pursuant to subsection (6) by
330 which a parent must confirm initial or continuing participation
331 in the program.

332 (e) Establishing and maintaining separate accounts for each
333 eligible student. For each account, the organization must
334 maintain a record of accrued interest that is retained in the
335 student's account and available only for authorized program
336 expenditures.

337 (f) Verifying qualifying educational expenditures pursuant
338 to the requirements of paragraph (8).

339 (g) Returning any remaining program funds to the department
340 pursuant to paragraph (9) (b).

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

341 (h) Notifying the department of any violation of this
342 section.

343 (i) Subject to a separate, specific legislative
344 appropriation, an organization may receive an amount equivalent
345 to not more than 3 percent of the amount of each scholarship
346 award from state funds for administrative expenses if the
347 organization has operated as a nonprofit entity for at least the
348 preceding 3 fiscal years and did not have any findings of
349 material weakness or material noncompliance in its most recent
350 audit under s. 1002.395(6)(m). Such administrative expenses must
351 be reasonable and necessary for the organization's management
352 and distribution of scholarships under this section. Funds
353 authorized under this paragraph may not be used for lobbying or
354 political activity or expenses related to lobbying or political
355 activity. An organization may not charge an application fee for
356 a scholarship. Administrative expenses may not be deducted from
357 funds appropriated for scholarship awards.

358 (j) Must provide to the Auditor General and the Department
359 of Education a report on the results of an annual financial
360 audit of its accounts and records conducted by an independent
361 certified public accountant in accordance with auditing
362 standards generally accepted in the United States, government
363 auditing standards, and rules promulgated by the Auditor
364 General. The audit report must include a report on financial
365 statements presented in accordance with generally accepted
366 accounting principles. Audit reports must be provided to the
367 Auditor General and the Department of Education within 180 days
368 after completion of the eligible nonprofit scholarship-funding
369 organization's fiscal year. The Auditor General shall review all

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

370 audit reports submitted pursuant to this paragraph. The Auditor
371 General shall request any significant items that were omitted in
372 violation of a rule adopted by the Auditor General. The items
373 must be provided within 45 days after the date of the request.
374 If the scholarship-funding organization does not comply with the
375 Auditor General's request, the Auditor General shall notify the
376 Legislative Auditing Committee.

377 (13) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
378 shall:

379 (a) Require each scholarship funding organization to verify
380 eligible expenditures.

381 (b) Investigate any written complaint of a violation of
382 this section by a parent, a student, a private school, a public
383 school or a school district, an organization, a provider, or
384 another appropriate party in accordance with the process
385 established by s. 1002.421.

386 (c) Require quarterly reports by an organization, which
387 must, at a minimum, include the number of students participating
388 in the program; the demographics of program participants; the
389 total expenditures for the purposes specified in subsection (8);
390 and any other information deemed necessary by the department.

391 (d) Compare the list of students participating in the
392 program with the public school student enrollment lists and the
393 list of students participating in school choice scholarship
394 programs established pursuant to this chapter to avoid duplicate
395 payments.

396 (14) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

397 (a) The Commissioner of Education:

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

398 1. May suspend or revoke program participation or use of
399 program funds by the student or participation or eligibility of
400 an organization, or eligible private school for a violation of
401 this section.

402 2. May determine the length of, and conditions for lifting,
403 a suspension or revocation specified in this subsection.

404 3. May recover unexpended program funds or withhold payment
405 of an equal amount of program funds to recover program funds
406 that were not authorized for use.

407 4. Shall deny or terminate program participation upon a
408 parent's forfeiture of a scholarship pursuant to subsection (6).

409 (b) In determining whether to suspend or revoke
410 participation or lift a suspension or revocation in accordance
411 with this subsection, the commissioner may consider factors that
412 include, but are not limited to, acts or omissions that led to a
413 previous suspension or revocation of participation in a state or
414 federal program or an education scholarship program; failure to
415 reimburse the organization for funds improperly received or
416 retained; failure to reimburse government funds improperly
417 received or retained; imposition of a prior criminal sanction
418 related to the person or entity or its officers or employees;
419 imposition of a civil fine or administrative fine, license
420 revocation or suspension, or program eligibility suspension,
421 termination, or revocation related to a person's or entity's
422 management or operation; or other types of criminal proceedings
423 in which the person or entity or its officers or employees were
424 found guilty of, regardless of adjudication, or entered a plea
425 of nolo contendere or guilty to, any offense involving fraud,
426 deceit, dishonesty, or moral turpitude.

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

427 (15) OBLIGATIONS OF THE AUDITOR GENERAL.—

428 (a) The Auditor General shall conduct an annual operational
429 audit of accounts and records of each organization that
430 participates in the program. As part of this audit, the Auditor
431 General shall verify, at a minimum, the total number of students
432 served and the eligibility of reimbursements made by the
433 organization and transmit that information to the department.
434 The Auditor General shall provide the commissioner with a copy
435 of each annual operational audit performed pursuant to this
436 subsection within 10 days after the audit is finalized.

437 (b) The Auditor General shall notify the department of any
438 organization that fails to comply with a request for
439 information.

440 (16) LIABILITY.—The state is not liable for the award or
441 any use of awarded funds under this section.

442 (17) SCOPE OF AUTHORITY.—This section does not expand the
443 regulatory authority of this state, its officers, or any school
444 district to impose additional regulation on participating
445 private schools, independent postsecondary educational
446 institutions, and private providers beyond those reasonably
447 necessary to enforce requirements expressly set forth in this
448 section.

449 (18) RULES.—The State Board of Education shall adopt rules
450 pursuant to ss. 120.536(1) and 120.54 to administer this
451 section.

452 (19) ENJOINMENT.— Notwithstanding Sections 1002.40 or
453 1002.395, if this section is enjoined by a court... a non-profit
454 scholarship funding organization that administers scholarships
455 pursuant to s. 1002.40 is authorized to expend eligible

Governor's Budget Recommendation Conforming Bill
Florida Equal Opportunity Scholarship Program

456 contributions received pursuant to s. 1002.40 for providing
457 scholarships to students pursuant to s. 1002.395, if the student
458 was found eligible by the organization and placed on a waiting
459 list until funds became available.

460 Section 2. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill
Back to School Sales Tax Holiday

A bill to be entitled

An act relating to a sales tax holiday; providing an exemption from the sales and use tax for the retail sale of certain clothing, school supplies, and personal computers and personal computer-related accessories during a specified period; providing exceptions to the exemption; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation to the department for implementation purposes; providing an effective date.

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

Section 1. Clothing, school supplies, and personal computers and personal computer-related accessories sales tax holiday.-

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 2, 2019, through 11:59 p.m. on August 4, 2019, on the retail sale of:

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

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

Governor's Budget Recommendation Conforming Bill
Back to School Sales Tax Holiday

29 2. All footwear, excluding skis, swim fins, roller blades,
30 and skates.

31 (b) School supplies having a sales price of \$15 or less per
32 item. As used in this paragraph, the term school supplies means
33 pens, pencils, erasers, crayons, notebooks, notebook filler
34 paper, legal pads, binders, lunch boxes, construction paper,
35 markers, folders, poster board, composition books, poster paper,
36 scissors, cellophane tape, glue or paste, rulers, computer
37 disks, protractors, compasses, and calculators.

38 (2) The tax levied under chapter 212, Florida Statutes, may
39 not be collected during the period from 12:01 a.m. on August 2,
40 2019, through 11:59 p.m. on August 4, 2019, on the first \$1000
41 of the sales price of personal computers or personal computer-
42 related accessories purchased for noncommercial home or personal
43 use. For purposes of this subsection, the term:

44 (a) "Personal computers" includes electronic book readers,
45 laptops, desktops, handhelds, tablets, or tower computers. The
46 term does not include cellular telephones, video game consoles,
47 digital media receivers, or devices that are not primarily
48 designed to process data.

49 (b) "Personal computer-related accessories" includes
50 keyboards, mice, personal digital assistants, monitors, other
51 peripheral devices, modems, routers, and non-recreational
52 software, regardless of whether the accessories are used in
53 association with a personal computer base unit. The term does
54 not include furniture or systems, devices, software, or
55 peripherals that are designed or intended primarily for
56 recreational use.

Governor's Budget Recommendation Conforming Bill
Back to School Sales Tax Holiday

57 (c) "Monitors" does not include devices that include a
58 television tuner.

59 (3) The tax exemptions provided in this section do not
60 apply to sales within a theme park or entertainment complex as
61 defined in s. 509.013(9), Florida Statutes, within a public
62 lodging establishment as defined in s. 509.013(4), Florida
63 Statutes, or within an airport as defined in s. 30.27(2),
64 Florida Statutes.

65 (4) The Department of Revenue may, and all conditions are
66 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)
67 and 120.54(4), Florida Statutes, to administer this section.

68 (5) For the 2019-2020 fiscal year, the sum of \$250,000 in
69 nonrecurring funds is appropriated from the General Revenue Fund
70 to the Department of Revenue for the purpose of implementing
71 this section.

72 Section 2. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill
Disaster Preparedness Sales Tax Holiday

1 A bill to be entitled

2 An act relating to sales and use tax exemptions;
3 providing a sales and use tax exemption for certain
4 tangible personal property related to disaster
5 preparedness during a specified period; providing
6 exceptions; authorizing the Department of Revenue to
7 adopt rules to implement the exemption; providing an
8 expiration date; providing an appropriation; providing
9 an effective date.

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

12
13 Section 1. Disaster preparedness supplies; sales tax
14 holiday.-

15 (1) The tax levied under chapter 212, Florida Statutes, may
16 not be collected during the period from 12:01 a.m. on May 31,
17 2019, through 11:59 p.m. on June 6, 2019, on the sale of:

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

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

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

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

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

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

Governor's Budget Recommendation Conforming Bill
Disaster Preparedness Sales Tax Holiday

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

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

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

36 (2) The Department of Revenue may, and all conditions are
37 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)
38 and 120.54, Florida Statutes, to administer this section.

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

45 (4) For the 2018-2019 fiscal year, the sum of \$100,000 in
46 nonrecurring funds is appropriated from the General Revenue Fund
47 to the Department of Revenue for the purpose of implementing the
48 provisions of this section. Funds from the appropriation that
49 remain unexpended or unencumbered as of June 30, 2019 shall
50 revert and be reappropriated for the same purpose in 2019-2020
51 fiscal year.

52 Section 2. This act shall take effect upon becoming a law.

Governor's Budget Recommendation Conforming Bill
Retirement Contribution Rates

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

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

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

121.71 Uniform rates; process; calculations; levy.--

(4) Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2018	Percentage of Gross Compensation, Effective July 1, 2019
Regular Class	3.04%	<u>3.19%</u>
Special Risk Class	12.18%	<u>12.53%</u>
Special Risk Administrative Support Class	3.64%	<u>3.61%</u>
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	6.65%	<u>6.67%</u>

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

Governor's Budget Recommendation Conforming Bill
Retirement Contribution Rates

Membership Class	Percentage of Gross Compensation, Effective July 1, 2018	Percentage of Gross Compensation, Effective July 1, 2019
Elected Officers' Class— Justices, Judges	12.00%	<u>12.30%</u>
Elected Officers' Class— County Elected Officers	8.50%	<u>8.73%</u>
Senior Management Class	4.45%	<u>4.60%</u>
DROP	4.41%	<u>4.68%</u>

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

Membership Class	Percentage of Gross Compensation, Effective July 1, 2018	Percentage of Gross Compensation, Effective July 1, 2019
Regular Class	3.50%	<u>3.56%</u>
Special Risk Class	10.60%	<u>11.14%</u>
Special Risk Administrative Support Class	29.62%	<u>33.26%</u>
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	48.38%	<u>47.64%</u>
Elected Officers' Class— Justices, Judges	27.05%	<u>27.98%</u>

Governor's Budget Recommendation Conforming Bill
Retirement Contribution Rates

Membership Class	Percentage of Gross Compensation, Effective July 1, 2018	Percentage of Gross Compensation, Effective July 1, 2019
Elected Officers' Class— County Elected Officers	38.48%	<u>38.37%</u>
Senior Management Service Class	17.89%	<u>19.09%</u>
DROP	7.96%	<u>8.24%</u>

23 Section 2. This act shall take effect July 1, 2019.

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

1 A bill to be entitled

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

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

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

23 213.67 Garnishment.-

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

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

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

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

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

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

68 | 61.1301 Income deduction orders.-

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

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

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

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

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

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

93 payor.

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

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

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

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

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

116 provided for under paragraph (f).

117 (b) The income deduction order shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

649 | 409.2563 Administrative establishment of child support
650 | obligations.—

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

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

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

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

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

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

668 provided by paragraph (13) (b);

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

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

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

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

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

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

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

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

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

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

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

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

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

714 determine his or her support obligations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

875 Section 7. Subsection (1) of section 409.2567, Florida
876 Statutes is amended to read:

877 409.2567 Services to individuals not otherwise eligible.—

878 (1) All support services provided by the department shall be
879 made available on behalf of all dependent children. Services
880 shall be provided upon acceptance of public assistance or upon
881 proper application filed with the department. The federally
882 required application fee for individuals who do not receive
883 public assistance is \$1, which shall be waived for all
884 applicants and paid by the department. The annual fee required
885 under 42 U.S.C. s. 654(6)(B) 42 U.S.C. s. 654(6)(B) for cases
886 involving an individual who has never received temporary cash
887 assistance and for whom the department has collected at least
888 \$500 of support shall be paid by the department.

889 Section 8. This act shall take effect on July 1, 2019.

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

A bill to be entitled

An act relating to information technology reorganization; transferring all powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues and existing contracts, administrative authority, certain administrative rules, trust funds, and unexpended balances of appropriations, allocations, and other funds of the Agency for State Technology to the Department of Management Services, establishes the Division of State Technology by a type two transfer; providing that certain contracts and interagency agreements continue; amending ss. 17.0315 and 20.055, F.S.; amending s. 20.22, F.S.; establishing the Division of State Technology within the Department of Management services and providing qualifications for the state chief information officer; amending s. 20.255, F.S.; designating the lead agency for geospatial data; Repealing s. 20.61, F.S., relating to the Agency for State Technology; amending ss. 97.0525, 110.205, 215.322, and 215.96, F.S.; conforming provisions to changes made by the act; amending s. 112.061, F.S.; relating to the statewide travel management system; amending s. 282.003, F.S.; revising a short title; amending s. 282.0041, F.S.; revising and providing definitions; amending s. 282.0051, F.S.; transferring powers, duties, and functions of the Agency for State

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

30 Technology to the Department of Management Services
31 and revising such powers, duties, and functions;
32 removing certain project oversight requirements;
33 requiring agency projected costs to be provided to the
34 Governor and the Legislature by a certain date;
35 requiring the department to provide certain
36 recommendations; amending s. 282.201, F.S.;
37 transferring the state data center to the Department
38 of Management Services and revising state data center
39 duties; deleting legislative intent; requiring the
40 department to appoint a director of the state data
41 center; requiring the state data center to show
42 preference for cloud computing solutions in its
43 procurement process; revising the use of the state
44 data center and certain consolidation requirements;
45 creating s. 282.206, F.S.; providing legislative
46 intent for the use of cloud computing; requiring each
47 state agency to adopt formal procedures for cloud
48 computing options; requiring a state agency customer
49 entity to develop and provide to the Governor and the
50 Legislature a plan that includes specified elements to
51 address its applications located at the state data
52 center by a certain date; requiring a state agency
53 customer entity to notify the state data center
54 biannually of changes in anticipated use of state data
55 center services; designating the Department of Law
56 Enforcement as the state's lead Criminal Justice
57 Information Services Systems Agency; amending ss.
58 282.318, 287.057, 287.0591, 445.011, 445.045, 668.50,

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

59 943.0415, F.S.; conforming provisions to changes made
60 by the act; requiring the department to appoint a
61 state chief information security officer; revising
62 requirements of the service level agreements; creating
63 the Florida Cybersecurity Task Force; providing
64 membership and duties of the task force; requiring the
65 cooperation of executive branch departments and
66 agencies; requiring a report to be submitted to the
67 Governor and the Legislature; providing for
68 expirations; providing an effective date.

69
70 Be It Enacted by the Legislature of the State of Florida:

71
72 Section 1. All powers; duties; functions; records; offices;
73 personnel; associated administrative support positions;
74 property; pending issues and existing contracts; administrative
75 authority; administrative rules in chapter 74, Florida
76 Administrative Code, in effect as of July 1, 2019; trust funds;
77 and unexpended balances of appropriations, allocations, and
78 other funds of the Agency for State Technology are transferred
79 by a type two transfer pursuant to s. 20.06(2), Florida
80 Statutes, to the Department of Management Services.

81 Section 2. Any contract or interagency agreement existing
82 before July 1, 2019, between the Agency for State Technology or
83 any entity or agent of the agency, and any other agency, entity,
84 or person shall continue as a contract or agreement on the
85 successor department or entity responsible for the program,
86 activity, or function relative to the contract or agreement.

87 Section 3. Subsection (1) and paragraph (g) of subsection

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

88 (2) of section 17.0315, Florida Statutes, is amended to read:
89 17.0315 Financial and cash management system; task force.—

90 (1) The Chief Financial Officer, as the constitutional
91 officer responsible for settling and approving accounts against
92 the state and keeping all state funds pursuant to s. 4, Art. IV
93 of the State Constitution, is the head of and shall appoint
94 members to a task force established to develop a strategic
95 business plan for a successor financial and cash management
96 system. The task force shall include the state chief information
97 officer ~~executive director of the Agency for State Technology~~
98 and the director of the Office of Policy and Budget in the
99 Executive Office of the Governor. Any member of the task force
100 may appoint a designee.

101 (2) The strategic business plan for a successor financial
102 and cash management system must:

103 (g) Be coordinated with the information technology
104 strategy development efforts of the Department of Management
105 Services Agency for State Technology;

106 Section 4. Paragraph (d) of subsection (1) of section
107 20.055, Florida Statutes, is amended to read:

108 20.055 Agency inspectors general.—

109 (1) As used in this section, the term:

110 (d) "State agency" means each department created pursuant
111 to this chapter and the Executive Office of the Governor, the
112 Department of Military Affairs, the Fish and Wildlife
113 Conservation Commission, the Office of Insurance Regulation of
114 the Financial Services Commission, the Office of Financial
115 Regulation of the Financial Services Commission, the Public
116 Service Commission, the Board of Governors of the State

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

117 University System, the Florida Housing Finance Corporation, ~~the~~
118 ~~Agency for State Technology,~~ the Office of Early Learning, and
119 the state courts system.

120 Section 5. Effective July 1, 2019, and upon the expiration
121 of the amendment to section 20.22, Florida Statutes, made by
122 chapter 2018-10, Laws of Florida, paragraph (b) of subsection
123 (2) of section 20.22, Florida Statutes, is amended to read:

124 20.22 Department of Management Services.—There is created
125 a Department of Management Services.

126 (2) The following divisions and programs within the
127 Department of Management Services are established:

128 (b) ~~Technology Program.~~ Division of State Technology, the
129 director of which is appointed by the secretary of the
130 department and shall serve as the state chief information
131 officer. The state chief information officer must be a proven,
132 effective administrator who must have at least 10 years of
133 executive-level experience in the public or private sector
134 preferably with experience in the development of information
135 technology strategic planning and the development and
136 implementation of fiscal and substantive information technology
137 policy and standards.

138 Section 6. Effective July 1, 2019, and upon the expiration
139 of the amendment to section 20.255, Florida Statutes, made by
140 chapter 2018-10, Laws of Florida, subsection (9) of section
141 20.255, Florida Statutes, is renumbered as subsection (10),
142 respectively, and subsection (9) is added to that section, to
143 read:

144 20.255 Department of Environmental Protection.—There is
145 created a Department of Environmental Protection.

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

146 (9) The department shall act as the lead agency of the
147 executive branch for the development and review of policies,
148 practices, and standards related to geospatial data managed by
149 state agencies and water management districts. The department
150 shall coordinate and promote geospatial data sharing throughout
151 the state government and serve as the primary point of contact
152 for statewide geographic information systems projects, grants,
153 and resources. The department may adopt rules pursuant to
154 sections 120.536(1) and 120.54 to implement the provisions of
155 this subsection.

156 Section 7. Section 20.61, Florida Statutes, is repealed.

157 Section 8. Paragraph (b) of subsection (3) of section
158 97.0525, Florida Statutes, is amended to read:

159 97.0525 Online voter registration.—

160 (3)

161 (b) The division shall conduct a comprehensive risk
162 assessment of the online voter registration system before making
163 the system publicly available and every 2 years thereafter. The
164 comprehensive risk assessment must comply with the risk
165 assessment methodology developed by the Department of Management
166 Services Agency for State Technology for identifying security
167 risks, determining the magnitude of such risks, and identifying
168 areas that require safeguards.

169 Section 9. Paragraph (e) of subsection (2) of section
170 110.205, Florida Statutes, is amended to read:

171 110.205 Career service; exemptions.—

172 (2) EXEMPT POSITIONS.—The exempt positions that are not
173 covered by this part include the following:

174 (e) The state chief information officer ~~executive director~~

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

175 ~~of the Agency for State Technology.~~ Unless otherwise fixed by
176 law, the Department of Management Services Agency for State
177 Technology shall set the salary and benefits of this position in
178 accordance with the rules of the Senior Management Service.

179 Section 10. Paragraph (c) is added to subsection (9) of
180 section 112.061, Florida Statutes, and subsection (16) is added
181 to read:

182 112.061 Per diem and travel expenses of public officers,
183 employees, and authorized persons; statewide travel management
184 system.—

185 (9) RULES.—

186 (c) The Department of Management Services may adopt rules
187 to administer the provisions of this section relating to the
188 statewide travel management system.

189 (16) STATEWIDE TRAVEL MANAGEMENT SYSTEM.—

190 (a)1. For purposes of this subsection, "statewide travel
191 management system" means the system developed by the Department
192 of Management Services to:

193 a. Collect and store information relating to public
194 officer or employee travel information.

195 b. Standardize and automate agency travel management.

196 c. Allow for travel planning and approval, expense
197 reporting, and reimbursement.

198 d. Allow travel information queries.

199 (b) Each executive branch state government agency and the
200 judicial branch must report on the statewide travel management
201 system all public officer and employee travel information,
202 including, but not limited to, name and position title, purpose
203 of travel, dates and location of travel, mode of travel,

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

204 confirmation from the head of the agency or designee
205 authorization if required, and total travel cost. Each executive
206 branch state government agency and the judicial branch must use
207 the statewide travel management system for purposes of travel
208 authorization and reimbursement.

209 (c) Travel reports made available on the statewide travel
210 management system may not reveal information made confidential
211 or exempt by law.

212 Section 11. Subsections (2) and (9) of section 215.322,
213 Florida Statutes, are amended to read:

214 215.322 Acceptance of credit cards, charge cards, debit
215 cards, or electronic funds transfers by state agencies, units of
216 local government, and the judicial branch.—

217 (2) A state agency as defined in s. 216.011, or the
218 judicial branch, may accept credit cards, charge cards, debit
219 cards, or electronic funds transfers in payment for goods and
220 services with the prior approval of the Chief Financial Officer.
221 If the Internet or other related electronic methods are to be
222 used as the collection medium, the state chief information
223 officer ~~Agency for State Technology~~ shall review and recommend
224 to the Chief Financial Officer whether to approve the request
225 with regard to the process or procedure to be used.

226 (9) For payment programs in which credit cards, charge
227 cards, or debit cards are accepted by state agencies, the
228 judicial branch, or units of local government, the Chief
229 Financial Officer, in consultation with the state chief
230 information officer ~~Agency for State Technology~~, may adopt rules
231 to establish uniform security safeguards for cardholder data and
232 to ensure compliance with the Payment Card Industry Data

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

233 Security Standards.

234 Section 12. Subsection (2) of section 215.96, Florida
235 Statutes, is amended to read:

236 215.96 Coordinating council and design and coordination
237 staff.—

238 (2) The coordinating council shall consist of the Chief
239 Financial Officer; the Commissioner of Agriculture; the Attorney
240 General; the Secretary of Management Services; the state chief
241 information officer ~~executive director of the Agency for State~~
242 ~~Technology~~; and the Director of Planning and Budgeting,
243 Executive Office of the Governor, or their designees. The Chief
244 Financial Officer, or his or her designee, shall be chair of the
245 council, and the design and coordination staff shall provide
246 administrative and clerical support to the council and the
247 board. The design and coordination staff shall maintain the
248 minutes of each meeting and make such minutes available to any
249 interested person. The Auditor General, the State Courts
250 Administrator, an executive officer of the Florida Association
251 of State Agency Administrative Services Directors, and an
252 executive officer of the Florida Association of State Budget
253 Officers, or their designees, shall serve without voting rights
254 as ex officio members of the council. The chair may call
255 meetings of the council as often as necessary to transact
256 business; however, the council shall meet at least once a year.
257 Action of the council shall be by motion, duly made, seconded
258 and passed by a majority of the council voting in the
259 affirmative for approval of items that are to be recommended for
260 approval to the Financial Management Information Board.

261 Section 13. Section 282.003, Florida Statutes, is amended

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

262 to read:

263 282.003 Short title.—This part may be cited as the
264 "~~Enterprise Information Technology Services~~ Management Act."

265 Section 14. Effective July 1, 2019, and upon the
266 expiration of the amendment to Section 282.0041, Florida
267 Statutes, made by chapter 2018-10, Laws of Florida, that section
268 is amended to read:

269 282.0041 Definitions.—As used in this chapter, the term:

270 (1) "Agency assessment" means the amount each customer
271 entity must pay annually for services from the Department of
272 Management Services and includes administrative and data center
273 services costs.

274 (2) ~~(1)~~—"Agency data center" means agency space containing
275 10 or more physical or logical servers.

276 (3) ~~(2)~~—"Breach" means a confirmed event that compromises
277 the confidentiality, integrity, or availability of information
278 or data.

279 (4) ~~(2)~~ "Breach" has the same meaning as provided in s.
280 501.171 ~~means a confirmed event that compromises the~~
281 ~~confidentiality, integrity, or availability of information or~~
282 ~~data.~~

283 (5) ~~(3)~~—"Business continuity plan" means a collection of
284 procedures and information designed to keep an agency's critical
285 operations running during a period of displacement or
286 interruption of normal operations.

287 (6) "Cloud computing" has the same meaning as provided in
288 Special Publication 800-145 issued by the National Institute of
289 Standards and Technology.

290 (7) ~~(4)~~—"Computing facility" or "agency computing facility"

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

291 means agency space containing fewer than a total of 10 physical
292 or logical servers, but excluding single, logical-server
293 installations that exclusively perform a utility function such
294 as file and print servers.

295 (8) ~~(5)~~ "Customer entity" means an entity that obtains
296 services from the Department of Management Services ~~state data~~
297 ~~center~~.

298 (9) "Data" means a subset of structured information in a
299 format that allows such information to be electronically
300 retrieved and transmitted.

301 (10) ~~(6)~~—"Department" means the Department of Management
302 Services.

303 (11) ~~(7)~~—"Disaster recovery" means the process, policies,
304 procedures, and infrastructure related to preparing for and
305 implementing recovery or continuation of an agency's vital
306 technology infrastructure after a natural or human-induced
307 disaster.

308 (12) ~~(8)~~—"Enterprise information technology service" means
309 an information technology service that is used in all agencies
310 or a subset of agencies and is established in law to be
311 designed, delivered, and managed at the enterprise level.

312 (13) ~~(9)~~—"Event" means an observable occurrence in a system
313 or network.

314 (14) ~~(10)~~—"Incident" means a violation or imminent threat
315 of violation, whether such violation is accidental or
316 deliberate, of information technology resources, security
317 ~~policies, acceptable use policies, or standard security~~
318 practices. An imminent threat of violation refers to a situation
319 in which the state agency has a factual basis for believing that

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

320 a specific incident is about to occur.

321 (15) ~~(11)~~—"Information technology" means equipment,
322 hardware, software, firmware, programs, systems, networks,
323 infrastructure, media, and related material used to
324 automatically, electronically, and wirelessly collect, receive,
325 access, transmit, display, store, record, retrieve, analyze,
326 evaluate, process, classify, manipulate, manage, assimilate,
327 control, communicate, exchange, convert, converge, interface,
328 switch, or disseminate information of any kind or form.

329 (16) ~~(12)~~ "Information technology policy" means a definite
330 course or method of action selected from among one or more
331 alternatives that guide and determine present and future
332 decisions.

333 (17) ~~(13)~~ "Information technology resources" has the same
334 meaning as provided in s. 119.011.

335 (18) ~~(14)~~—"Information technology security" means the
336 protection afforded to an automated information system in order
337 to attain the applicable objectives of preserving the integrity,
338 availability, and confidentiality of data, information, and
339 information technology resources.

340 (19) "Open data" means data collected or created by a
341 state agency and structured in a way that enables the data to be
342 fully discoverable and usable by the public. The term does not
343 include data that is restricted from public distribution based
344 on federal or state privacy, confidentiality, and security laws
345 and regulations or data for which a state agency is statutorily
346 authorized to assess a fee for its distribution.

347 (20) ~~(15)~~ "Performance metrics" means the measures of an
348 organization's activities and performance.

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

349 (21) ~~(16)~~—"Project" means an endeavor that has a defined
350 start and end point; is undertaken to create or modify a unique
351 product, service, or result; and has specific objectives that,
352 when attained, signify completion.

353 (22) ~~(17)~~—"Project oversight" means an independent review
354 and analysis of an information technology project that provides
355 information on the project's scope, completion timeframes, and
356 budget and that identifies and quantifies issues or risks
357 affecting the successful and timely completion of the project.

358 (23) ~~(18)~~—"Risk assessment" means the process of
359 identifying security risks, determining their magnitude, and
360 identifying areas needing safeguards.

361 (24) ~~(19)~~—"Service level" means the key performance
362 indicators (KPI) of an organization or service which must be
363 regularly performed, monitored, and achieved.

364 (25) ~~(20)~~—"Service-level agreement" means a written
365 contract between the Department of Management Services ~~state~~
366 ~~data center~~ and a customer entity which specifies the scope of
367 services provided, service level, the duration of the agreement,
368 the responsible parties, and service costs. A service-level
369 agreement is not a rule pursuant to chapter 120.

370 (26) ~~(21)~~—"Stakeholder" means a person, group,
371 organization, or state agency involved in or affected by a
372 course of action.

373 (27) ~~(22)~~—"Standards" means required practices, controls,
374 components, or configurations established by an authority.

375 (28) ~~(23)~~—"State agency" means any official, officer,
376 commission, board, authority, council, committee, or department
377 of the executive branch of state government; the Justice

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

378 Administrative Commission; and the Public Service Commission.
379 The term does not include university boards of trustees or state
380 universities. As used in part I of this chapter, except as
381 otherwise specifically provided, the term does not include the
382 Department of Legal Affairs, the Department of Agriculture and
383 Consumer Services, or the Department of Financial Services.

384 (29) ~~(24)~~—"SUNCOM Network" means the state enterprise
385 telecommunications system that provides all methods of
386 electronic or optical telecommunications beyond a single
387 building or contiguous building complex and used by entities
388 authorized as network users under this part.

389 (30) ~~(25)~~—"Telecommunications" means the science and
390 technology of communication at a distance, including electronic
391 systems used in the transmission or reception of information.

392 (31) ~~(26)~~—"Threat" means any circumstance or event that has
393 the potential to adversely impact a state agency's operations or
394 assets through an information system via unauthorized access,
395 destruction, disclosure, or modification of information or
396 denial of service.

397 (32) ~~(27)~~—"Variance" means a calculated value that
398 illustrates how far positive or negative a projection has
399 deviated when measured against documented estimates within a
400 project plan.

401 Section 15. Effective July 1, 2019, and upon the
402 expiration of the amendment to Section 282.0051, Florida
403 Statutes, made by chapter 2018-10, Laws of Florida, that section
404 is amended to read:

405 282.0051 Department of Management Services Agency for
406 ~~State Technology;~~ powers, duties, and functions.—The Department

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

407 ~~of Management Services Agency for State Technology~~ shall have
408 the following powers, duties, and functions:

409 (1) Develop and publish information technology policy for
410 the management of the state's information technology resources.

411 (2) Establish and publish information technology
412 architecture standards to provide for the most efficient use of
413 the state's information technology resources and to ensure
414 compatibility and alignment with the needs of state agencies.
415 The ~~department agency~~ shall assist state agencies in complying
416 with the standards.

417 (3) ~~By June 30, 2015,~~ establish project management and
418 oversight standards with which state agencies must comply when
419 implementing information technology projects. The department
420 ~~agency~~ shall provide training opportunities to state agencies to
421 assist in the adoption of the project management and oversight
422 standards. To support data-driven ~~decisionmaking~~ decision-
423 making, the standards must include, but are not limited to:

424 (a) Performance measurements and metrics that objectively
425 reflect the status of an information technology project based on
426 a defined and documented project scope, cost, and schedule.

427 (b) Methodologies for calculating acceptable variances in
428 the projected versus actual scope, schedule, or cost of an
429 information technology project.

430 (c) Reporting requirements, including requirements
431 designed to alert all defined stakeholders that an information
432 technology project has exceeded acceptable variances defined and
433 documented in a project plan.

434 (d) Content, format, and frequency of project updates.

435 (4) ~~Beginning January 1, 2015,~~ perform project oversight

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

436 on all state agency information technology projects that have
437 total project costs of \$10 million or more and that are funded
438 in the General Appropriations Act or any other law. The
439 department agency shall report at least quarterly to the
440 Executive Office of the Governor, the President of the Senate,
441 and the Speaker of the House of Representatives on any
442 information technology project that the department agency
443 identifies as high-risk due to the project exceeding acceptable
444 variance ranges defined and documented in a project plan. The
445 report must include a risk assessment, including fiscal risks,
446 associated with proceeding to the next stage of the project, and
447 a recommendation for corrective actions required, including
448 suspension or termination of the project.

449 (5) ~~By April 1, 2016, and biennially thereafter,~~ identify
450 opportunities for standardization and consolidation of
451 information technology services that support business functions
452 and operations, including administrative functions such as
453 purchasing, accounting and reporting, cash management, and
454 personnel, and that are common across state agencies. The
455 department agency shall biennially on April 1 provide
456 recommendations for standardization and consolidation to the
457 Executive Office of the Governor, the President of the Senate,
458 and the Speaker of the House of Representatives. ~~The agency is~~
459 ~~not precluded from providing recommendations before April 1,~~
460 ~~2016.~~

461 (6) ~~In collaboration with the Department of Management~~
462 ~~Services,~~ establish best practices for the procurement of
463 information technology products and cloud computing services in
464 order to reduce costs, increase the quality of data center

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

465 services productivity, or improve government services. Such
466 ~~practices must include a provision requiring the agency to~~
467 ~~review all information technology purchases made by state~~
468 ~~agencies that have a total cost of \$250,000 or more, unless a~~
469 ~~purchase is specifically mandated by the Legislature, for~~
470 ~~compliance with the standards established pursuant to this~~
471 ~~section.~~

472 ~~—— (7) (a) Participate with the Department of Management~~
473 ~~Services in evaluating, conducting, and negotiating competitive~~
474 ~~solicitations for state term contracts for information~~
475 ~~technology commodities, consultant services, or staff~~
476 ~~augmentation contractual services pursuant to s. 287.0591.~~

477 ~~—— (b) Collaborate with the Department of Management Services~~
478 ~~in information technology resource acquisition planning.~~

479 (7) ~~(8)~~—Develop standards for information technology
480 reports and updates, including, but not limited to, operational
481 work plans, project spend plans, and project status reports, for
482 use by state agencies.

483 (8) ~~(9)~~—Upon request, assist state agencies in the
484 development of information technology-related legislative budget
485 requests.

486 (9) ~~(10)~~—Beginning ~~July 1, 2016, and annually thereafter,~~
487 conduct annual assessments of state agencies to determine
488 compliance with all information technology standards and
489 guidelines developed and published by the department, agency,
490 ~~and beginning December 1, 2016, and annually thereafter,~~ provide
491 results of the assessments to the Executive Office of the
492 Governor, the President of the Senate, and the Speaker of the
493 House of Representatives.

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

494 (10)~~(11)~~—Provide operational management and oversight of
495 the state data center established pursuant to s. 282.201, which
496 includes:

497 (a) Implementing industry standards and best practices for
498 the state data center's facilities, operations, maintenance,
499 planning, and management processes.

500 (b) Developing and implementing appropriate operating
501 guidelines and procedures necessary for the state data center to
502 perform its duties pursuant to s. 282.201. The guidelines and
503 procedures must comply with applicable state and federal laws,
504 regulations, and policies and conform to generally accepted
505 governmental accounting and auditing standards. The guidelines
506 and procedures must include, but not be limited to:

507 1. Implementing a consolidated administrative support
508 structure responsible for providing procurement, transactions
509 involving real or personal property, human resources, and
510 operational support.

511 2. Standardizing and consolidating procurement and
512 contracting practices.

513 (c) Developing and implementing appropriate operating
514 guidelines and procedures necessary for the state data center to
515 perform its duties pursuant to s. 282.201. The guidelines and
516 procedures must comply with applicable state and federal laws,
517 regulations, and policies and conform to generally accepted
518 governmental accounting and auditing standards. The guidelines
519 and procedures must include, but not be limited to:

520 1. Implementing a consolidated administrative support
521 structure responsible for providing financial management,
522 procurement, transactions involving real or personal property,

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

- 523 human resources, and operational support.
- 524 2. Implementing an annual reconciliation process to ensure
525 that each customer entity is paying for the full direct and
526 indirect cost of each service as determined by the customer
527 entity's use of each service.
- 528 3. Providing rebates that may be credited against future
529 billings to customer entities when revenues exceed costs.
- 530 4. Requiring customer entities to validate that sufficient
531 funds exist in the appropriate data processing appropriation
532 category or will be transferred into the appropriate data
533 processing appropriation category before implementation of a
534 customer entity's request for a change in the type or level of
535 service provided, if such change results in a net increase to
536 the customer entity's costs for that fiscal year.
- 537 5. By November ~~September~~ 15 of each year, providing to the
538 Executive Office of the Governor's Office of Policy and Budget
539 and to the chairs of the legislative appropriations committees
540 ~~each customer entity's agency head~~ the projected costs of
541 providing data center services for the following fiscal year.
- 542 6. Providing a plan for consideration by the Legislative
543 Budget Commission if the cost of a service is increased for a
544 reason other than a customer entity's request made pursuant to
545 subparagraph 4. Such a plan is required only if the service cost
546 increase results in a net increase to a customer entity for that
547 fiscal year.
- 548 7. Standardizing and consolidating procurement and
549 contracting practices.
- 550 (d) Adopting rules relating to the operation of the state
551 data center.

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

552 (e) ~~Beginning May 1, 2016, and annually thereafter,~~
553 conducting an annual market analysis to determine whether the
554 state's approach to the provision of data center services is the
555 most effective and cost efficient manner by which its customer
556 entities can acquire such services, based on federal, state, and
557 local government trends; best practices in service provision;
558 and the acquisition of new and emerging technologies. The
559 results of the market analysis shall assist the state data
560 center in making adjustments to its data center service
561 offerings.

562 (11) ~~(12)~~—Recommend other information technology services
563 that should be designed, delivered, and managed as enterprise
564 information technology services. Recommendations must include
565 the identification of existing information technology resources
566 associated with the services, if existing services must be
567 transferred as a result of being delivered and managed as
568 enterprise information technology services.

569 ~~(13) Recommend additional consolidations of agency~~
570 ~~computing facilities or data centers into the state data center~~
571 ~~established pursuant to s. 282.201. Such recommendations shall~~
572 ~~include a proposed timeline for consolidation.~~

573 (12) ~~(14)~~—In consultation with state agencies, propose a
574 methodology and approach for identifying and collecting both
575 current and planned information technology expenditure data at
576 the state agency level.

577 (13) ~~(15)~~(a) ~~Beginning January 1, 2015, and notwithstanding~~
578 any other law, provide project oversight on any information
579 technology project of the Department of Financial Services, the
580 Department of Legal Affairs, and the Department of Agriculture

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

581 and Consumer Services that has a total project cost of \$25
582 million or more and that impacts one or more other agencies.
583 Such information technology projects must also comply with the
584 applicable information technology architecture, project
585 management and oversight, and reporting standards established by
586 the department agency.

587 (14) ~~(17)~~ If adherence to standards or policies adopted by
588 or established pursuant to this section causes conflict with
589 federal regulations or requirements imposed on a state agency
590 and results in adverse action against the state agency or
591 federal funding, work with the state agency to provide
592 alternative standards, policies, or requirements that do not
593 conflict with the federal regulation or requirement. ~~Beginning~~
594 ~~July 1, 2015,~~ the department agency shall annually report such
595 alternative standards to the Governor, the President of the
596 Senate, and the Speaker of the House of Representatives.

597 (15) ~~(18) In collaboration with the Department of~~
598 ~~Management Services:~~

599 (a) Establish an information technology policy for all
600 information technology-related state contracts, including state
601 term contracts for information technology commodities,
602 consultant services, and staff augmentation services. The
603 information technology policy must include:

- 604 1. Identification of the information technology product
605 and service categories to be included in state term contracts.
- 606 2. Requirements to be included in solicitations for state
607 term contracts.
- 608 3. Evaluation criteria for the award of information
609 technology-related state term contracts.

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

610 4. The term of each information technology-related state
611 term contract.

612 5. The maximum number of vendors authorized on each state
613 term contract.

614 (b) Evaluate vendor responses for information technology-
615 related state term contract solicitations and invitations to
616 negotiate.

617 (c) Answer vendor questions on information technology-
618 related state term contract solicitations.

619 (16) Recommend potential methods for standardizing data
620 across state agencies that will promote interoperability and
621 reduce the collection of duplicative data.

622 (17) Recommend open data technical standards and
623 terminologies for use by state agencies.

624 Section 16. Effective July 1, 2019, and upon the
625 expiration of the amendment to Section 282.201, Florida
626 Statutes, made by chapter 2018-10, Laws of Florida, that section
627 is amended to read:

628 282.201 State data center. -The state data center is
629 established within the Department of Management Services ~~Agency~~
630 ~~for State Technology and shall provide data center services that~~
631 ~~are hosted on premises or externally through a third-party~~
632 ~~provider as an enterprise information technology service. The~~
633 provision of data center services must comply with applicable
634 state and federal laws, regulations, and policies, including all
635 applicable security, privacy, and auditing requirements. The
636 department shall appoint a director of the state data center who
637 preferably has experience in leading data center facilities and
638 expertise in cloud computing management.

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

639 ~~(1) INTENT. The Legislature finds that the most efficient~~
640 ~~and effective means of providing quality utility data processing~~
641 ~~services to state agencies requires that computing resources be~~
642 ~~concentrated in quality facilities that provide the proper~~
643 ~~security, disaster recovery, infrastructure, and staff resources~~
644 ~~to ensure that the state's data is maintained reliably and~~
645 ~~safely, and is recoverable in the event of a disaster. Unless~~
646 ~~otherwise exempt by law, it is the intent of the Legislature~~
647 ~~that all agency data centers and computing facilities shall be~~
648 ~~consolidated into the state data center.~~

649 (1) ~~(2)~~ STATE DATA CENTER DUTIES.—The state data center
650 shall:

651 (a) Offer, develop, and support the services and
652 applications defined in service-level agreements executed with
653 its customer entities.

654 (b) Maintain performance of the state data center by
655 ensuring proper data backup, data backup recovery, disaster
656 recovery, and appropriate security, power, cooling, fire
657 suppression, and capacity.

658 (c) Develop and implement ~~a~~ business continuity ~~plan~~ and ~~a~~
659 disaster recovery ~~plans~~, ~~and beginning July 1, 2015, and~~
660 annually ~~thereafter~~, conduct a live exercise of each plan.

661 (d) Enter into a service-level agreement with each
662 customer entity to provide the required type and level of
663 service or services. If a customer entity fails to execute an
664 agreement within 60 days after commencement of a service, the
665 state data center may cease service. A service-level agreement
666 may not have a term exceeding 3 years and at a minimum must:

- 667 1. Identify the parties and their roles, duties, and

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

- 668 responsibilities under the agreement.
- 669 2. State the duration of the contract term and specify the
670 conditions for renewal.
- 671 3. Identify the scope of work.
- 672 4. Identify the products or services to be delivered with
673 sufficient specificity to permit an external financial or
674 performance audit.
- 675 5. Establish the services to be provided, the business
676 standards that must be met for each service, the cost of each
677 service by agency application, and the metrics and processes by
678 which the business standards for each service are to be
679 objectively measured and reported.
- 680 6. Provide a timely billing methodology to recover the
681 cost of services provided to the customer entity pursuant to s.
682 215.422.
- 683 7. Provide a procedure for modifying the service-level
684 agreement based on changes in the type, level, and cost of a
685 service.
- 686 8. Include a right-to-audit clause to ensure that the
687 parties to the agreement have access to records for audit
688 purposes during the term of the service-level agreement.
- 689 9. Provide that a service-level agreement may be
690 terminated by either party for cause only after giving ~~the other~~
691 ~~party and the~~ Department of Management Services Agency for State
692 ~~Technology~~ notice in writing of the cause for termination and an
693 opportunity for the other party to resolve the identified cause
694 within a reasonable period.
- 695 10. Provide for mediation of disputes by the Division of
696 Administrative Hearings pursuant to s. 120.573.

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

697 (e) For purposes of chapter 273, be the custodian of
698 resources and equipment located in and operated, supported, and
699 managed by the state data center.

700 (f) Assume administrative access rights to resources and
701 equipment, including servers, network components, and other
702 devices, consolidated into the state data center.

703 1. ~~Upon the date of each consolidation specified in this~~
704 ~~section, the General Appropriations Act, or any other law, a~~
705 state agency shall relinquish administrative rights to
706 consolidated resources and equipment. State agencies required to
707 comply with federal and state criminal justice information
708 security rules and policies shall retain administrative access
709 rights sufficient to comply with the management control
710 provisions of those rules and policies; however, the state data
711 center shall have the appropriate type or level of rights to
712 allow the center to comply with its duties pursuant to this
713 section. The Department of Law Enforcement shall serve as the
714 arbiter of disputes pertaining to the appropriate type and level
715 of administrative access rights pertaining to the provision of
716 management control in accordance with the federal criminal
717 justice information guidelines.

718 2. The state data center shall provide customer entities
719 with access to applications, servers, network components, and
720 other devices necessary for entities to perform business
721 activities and functions, and as defined and documented in a
722 service-level agreement.

723 (g) In its procurement process, show preference for cloud
724 computing solutions that minimize or do not require the
725 purchase, financing, or leasing of state data center

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

726 infrastructure, and that meet the needs of customer agencies,
727 reduce costs, and meet or exceed the applicable state and
728 federal laws, regulations, and standards for information
729 technology security.

730 (h) Assist customer entities in transitioning from state
731 data center services to third-party cloud computing services
732 procured by a customer entity.

733 ~~(3) STATE AGENCY DUTIES.—~~

734 ~~— (a) Each state agency shall provide to the Agency for~~
735 ~~State Technology all requested information relating to its data~~
736 ~~centers and computing facilities and any other information~~
737 ~~relevant to the effective transition of an agency data center or~~
738 ~~computing facility into the state data center.~~

739 ~~— (b) Each state agency customer of the state data center~~
740 ~~shall notify the state data center, by May 31 and November 30 of~~
741 ~~each year, of any significant changes in anticipated utilization~~
742 ~~of state data center services pursuant to requirements~~
743 ~~established by the state data center.~~

744 ~~(3) (4) — USE OF THE STATE DATA CENTER SCHEDULE FOR~~
745 ~~CONSOLIDATIONS OF AGENCY DATA CENTERS.—~~

746 ~~— (a) Consolidations of agency data centers and computing~~
747 ~~facilities into the state data center shall be made by the dates~~
748 ~~specified in this section and in accordance with budget~~
749 ~~adjustments contained in the General Appropriations Act.~~

750 ~~— (b) During the 2013–2014 fiscal year, the following state~~
751 ~~agencies shall be consolidated by the specified date:~~

752 ~~— 1. By October 31, 2013, the Department of Economic~~
753 ~~Opportunity.~~

754 ~~— 2. By December 31, 2013, the Executive Office of the~~

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

755 ~~Governor, to include the Division of Emergency Management except~~
756 ~~for the Emergency Operation Center's management system in~~
757 ~~Tallahassee and the Camp Blanding Emergency Operations Center in~~
758 ~~Starke.~~

759 ~~3. By March 31, 2014, the Department of Elderly Affairs.~~

760 ~~4. By October 30, 2013, the Fish and Wildlife Conservation~~
761 ~~Commission, except for the commission's Fish and Wildlife~~
762 ~~Research Institute in St. Petersburg.~~

763 (a) ~~(e)~~—The following are exempt from the use of the state
764 ~~data center consolidation under this section:~~ the Department of
765 Law Enforcement, the Department of the Lottery's Gaming System,
766 Systems Design and Development in the Office of Policy and
767 Budget, the regional traffic management centers as described in
768 s. 335.14(2) and the Office of Toll Operations of the Department
769 of Transportation, the State Board of Administration, state
770 attorneys, public defenders, criminal conflict and civil
771 regional counsel, capital collateral regional counsel, and the
772 Florida Housing Finance Corporation.

773 ~~(d)~~—A state agency that is consolidating its agency data
774 ~~center or computing facility into the state data center must~~
775 ~~execute a new or update an existing service-level agreement~~
776 ~~within 60 days after the commencement of the service. If a state~~
777 ~~agency and the state data center are unable to execute a~~
778 ~~service-level agreement by that date, the agency shall submit a~~
779 ~~report to the Executive Office of the Governor within 5 working~~
780 ~~days after that date which explains the specific issues~~
781 ~~preventing execution and describing the plan and schedule for~~
782 ~~resolving those issues.~~

783 ~~(e)~~—Each state agency scheduled for consolidation into the

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

784 ~~state data center shall submit a transition plan to the Agency~~
785 ~~for State Technology by July 1 of the fiscal year before the~~
786 ~~fiscal year in which the scheduled consolidation will occur.~~
787 ~~Transition plans shall be developed in consultation with the~~
788 ~~state data center and must include:~~

789 ~~—— 1. An inventory of the agency data center's resources~~
790 ~~being consolidated, including all hardware and its associated~~
791 ~~life cycle replacement schedule, software, staff, contracted~~
792 ~~services, and facility resources performing data center~~
793 ~~management and operations, security, backup and recovery,~~
794 ~~disaster recovery, system administration, database~~
795 ~~administration, system programming, job control, production~~
796 ~~control, print, storage, technical support, help desk, and~~
797 ~~managed services, but excluding application development, and the~~
798 ~~agency's costs supporting these resources.~~

799 ~~—— 2. A list of contracts in effect, including, but not~~
800 ~~limited to, contracts for hardware, software, and maintenance,~~
801 ~~which identifies the expiration date, the contract parties, and~~
802 ~~the cost of each contract.~~

803 ~~—— 3. A detailed description of the level of services needed~~
804 ~~to meet the technical and operational requirements of the~~
805 ~~platforms being consolidated.~~

806 ~~—— 4. A timetable with significant milestones for the~~
807 ~~completion of the consolidation.~~

808 ~~—— (f) Each state agency scheduled for consolidation into the~~
809 ~~state data center shall submit with its respective legislative~~
810 ~~budget request the specific recurring and nonrecurring budget~~
811 ~~adjustments of resources by appropriation category into the~~
812 ~~appropriate data processing category pursuant to the legislative~~

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

813 ~~budget request instructions in s. 216.023.~~

814 (5) AGENCY LIMITATIONS.—

815 (a) Unless exempt from the use of the state data center
816 ~~consolidation~~ pursuant to this section or authorized by the
817 Legislature ~~or as provided in paragraph (b)~~, a state agency may
818 not:

819 1. Create a new agency computing facility or data center,
820 or expand the capability to support additional computer
821 equipment in an existing agency computing facility or data
822 center;

823 ~~2. Spend funds before the state agency's scheduled~~
824 ~~consolidation into the state data center to purchase or modify~~
825 ~~hardware or operations software that does not comply with~~
826 ~~standards established by the Agency for State Technology~~
827 ~~pursuant to s. 282.0051;~~

828 ~~3. Transfer existing computer services to any data center~~
829 ~~other than the state data center;~~

830 2. ~~4.~~ Terminate services with the state data center
831 without giving written notice of intent to terminate services
832 180 days before such termination. ~~;~~ ~~or~~

833 ~~5. Initiate a new computer service except with the state~~
834 ~~data center.~~

835 ~~(b) Exceptions to the limitations in subparagraphs (a)1.,~~
836 ~~2., 3., and 5. may be granted by the Agency for State Technology~~
837 ~~if there is insufficient capacity in the state data center to~~
838 ~~absorb the workload associated with agency computing services,~~
839 ~~if expenditures are compatible with the standards established~~
840 ~~pursuant to s. 282.0051, or if the equipment or resources are~~
841 ~~needed to meet a critical agency business need that cannot be~~

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

~~satisfied by the state data center. The Agency for State
Technology shall establish requirements that a state agency must
follow when submitting and documenting a request for an
exception. The Agency for State Technology shall also publish
guidelines for its consideration of exception requests. However,
the decision of the Agency for State Technology regarding an
exception request is not subject to chapter 120.~~

Section 17. Section 282.206, Florida Statutes, is created
to read:

282.206 Cloud-first policy in state agencies.-

(1) INTENT.-The Legislature finds that the most efficient
and effective means of providing quality data processing
services is through the use of cloud computing. It is the intent
of the Legislature that each state agency adopt a cloud-first
policy that first considers cloud computing solutions in its
technology sourcing strategy for technology initiatives or
upgrades whenever possible and feasible.

(2) In its procurement process, each state agency shall
show preference for cloud computing solutions that either
minimize or do not require the use of state data center
infrastructure when cloud computing solutions meet the needs of
the agency, reduce costs, and meet or exceed the applicable
state and federal laws, regulations, and standards for
information technology security.

(3) Each state agency shall adopt formal procedures for
the evaluation of cloud computing options for existing
applications, technology initiatives or upgrades.

(4) Each state agency shall develop a strategic plan to be
updated annually to address its inventory of applications

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

871 located at the state data center. Each agency shall submit the
872 plan by October 15 of each year to the Executive Office of the
873 Governor's Office of Policy and Budget and to the chairs of the
874 legislative appropriations committees. For each application, the
875 plan must identify and document the readiness, appropriate
876 strategy, and high-level timeline for transition to a cloud
877 computing service based on the application's quality, cost, and
878 resource requirements. This information shall assist the state
879 data center in making adjustments to its service offerings.

880 (5) Each state agency customer of the state data center
881 shall notify the state data center by May 31 and November 30
882 annually of any significant changes in its anticipated
883 utilization of state data center services pursuant to
884 requirements established by the state data center.

885 (6) Unless authorized by the Legislature, the Department
886 of Law Enforcement, as the state's lead Criminal Justice
887 Information Services Systems Agency, may not impose more
888 stringent protection measures than outlined in the federal
889 Criminal Justice Information Services Security Policy relating
890 to the use of cloud computing services.

891 Section 18. Section 282.318, Florida Statutes, is amended
892 to read:

893 282.318 Security of data and information technology.—

894 (1) This section may be cited as the "—Information
895 Technology Security Act."

896 (2) As used in this section, the term "state agency" has
897 the same meaning as provided in s. 282.0041, except that the
898 term includes the Department of Legal Affairs, the Department of
899 Agriculture and Consumer Services, and the Department of

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

900 Financial Services.

901 (3) The Department of Management Services ~~Agency for State~~
902 ~~Technology~~ is responsible for establishing standards and
903 processes consistent with generally accepted best practices for
904 information technology security, to include cybersecurity, and
905 adopting rules that safeguard an agency's data, information, and
906 information technology resources to ensure availability,
907 confidentiality, and integrity and to mitigate risks. The
908 department ~~agency~~ shall also:

909 (a) Designate a state chief information security officer
910 who must have experience and expertise in security and risk
911 management for communications and information technology
912 resources.

913 (b) ~~(a)~~—Develop, and annually update by February 1, a
914 statewide information technology security strategic plan that
915 includes security goals and objectives for the strategic issues
916 of information technology security policy, risk management,
917 training, incident management, and disaster recovery planning.

918 (c) ~~(b)~~—Develop and publish for use by state agencies an
919 information technology security framework that, at a minimum,
920 includes guidelines and processes for:

921 1. Establishing asset management procedures to ensure that
922 an agency's information technology resources are identified and
923 managed consistent with their relative importance to the
924 agency's business objectives.

925 2. Using a standard risk assessment methodology that
926 includes the identification of an agency's priorities,
927 constraints, risk tolerances, and assumptions necessary to
928 support operational risk decisions.

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

929 3. Completing comprehensive risk assessments and
930 information technology security audits, which may be completed
931 by a private sector vendor, and submitting completed assessments
932 and audits to the Department of Management Services ~~Agency for~~
933 ~~State Technology~~.

934 4. Identifying protection procedures to manage the
935 protection of an agency's information, data, and information
936 technology resources.

937 5. Establishing procedures for accessing information and
938 data to ensure the confidentiality, integrity, and availability
939 of such information and data.

940 6. Detecting threats through proactive monitoring of
941 events, continuous security monitoring, and defined detection
942 processes.

943 7. Establishing agency computer security incident response
944 teams and describing their responsibilities for responding to
945 information technology security incidents, including breaches of
946 personal information containing confidential or exempt data.

947 8. Recovering information and data in response to an
948 information technology security incident. The recovery may
949 include recommended improvements to the agency processes,
950 policies, or guidelines.

951 9. Establishing an information technology security
952 incident reporting process that includes procedures and tiered
953 reporting timeframes for notifying the Department of Management
954 Services ~~Agency for State Technology~~ and the Department of Law
955 Enforcement of information technology security incidents. The
956 tiered reporting timeframes shall be based upon the level of
957 severity of the information technology security incidents being

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

958 reported.

959 10. Incorporating information obtained through detection
960 and response activities into the agency's information technology
961 security incident response plans.

962 11. Developing agency strategic and operational
963 information technology security plans required pursuant to this
964 section.

965 12. Establishing the managerial, operational, and
966 technical safeguards for protecting state government data and
967 information technology resources that align with the state
968 agency risk management strategy and that protect the
969 confidentiality, integrity, and availability of information and
970 data.

971 (d) ~~(e)~~—Assist state agencies in complying with this
972 section.

973 (e) ~~(d)~~—In collaboration with the Cybercrime Office of the
974 Department of Law Enforcement, annually provide training for
975 state agency information security managers and computer security
976 incident response team members that contains training on
977 information technology security, including cybersecurity,
978 threats, trends, and best practices.

979 (f) ~~(e)~~—Annually review the strategic and operational
980 information technology security plans of executive branch
981 agencies.

982 (4) Each state agency head shall, at a minimum:

983 (a) Designate an information security manager to
984 administer the information technology security program of the
985 state agency. This designation must be provided annually in
986 writing to the Department of Management Services ~~Agency for~~

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

987 ~~State Technology~~ by January 1. A state agency's information
988 security manager, for purposes of these information security
989 duties, shall report directly to the agency head.

990 (b) In consultation with the Department of Management
991 Services Agency for State Technology and the Cybercrime Office
992 of the Department of Law Enforcement, establish an agency
993 computer security incident response team to respond to an
994 information technology security incident. The agency computer
995 security incident response team shall convene upon notification
996 of an information technology security incident and must comply
997 with all applicable guidelines and processes established
998 pursuant to paragraph (3) (b).

999 (c) Submit to the Department of Management Services Agency
1000 ~~for State Technology~~ annually by July 31, the state agency's
1001 strategic and operational information technology security plans
1002 developed pursuant to rules and guidelines established by the
1003 Agency for State Technology department.

1004 1. The state agency strategic information technology
1005 security plan must cover a 3-year period and, at a minimum,
1006 define security goals, intermediate objectives, and projected
1007 agency costs for the strategic issues of agency information
1008 security policy, risk management, security training, security
1009 incident response, and disaster recovery. The plan must be based
1010 on the statewide information technology security strategic plan
1011 created by the Department of Management Services Agency for
1012 ~~State Technology~~ and include performance metrics that can be
1013 objectively measured to reflect the status of the state agency's
1014 progress in meeting security goals and objectives identified in
1015 the agency's strategic information security plan.

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

1016 2. The state agency operational information technology
1017 security plan must include a progress report that objectively
1018 measures progress made towards the prior operational information
1019 technology security plan and a project plan that includes
1020 activities, timelines, and deliverables for security objectives
1021 that the state agency will implement during the current fiscal
1022 year.

1023 (d) Conduct, and update every 3 years, a comprehensive
1024 risk assessment, which may be completed by a private sector
1025 vendor, to determine the security threats to the data,
1026 information, and information technology resources, including
1027 mobile devices and print environments, of the agency. The risk
1028 assessment must comply with the risk assessment methodology
1029 developed by the Department of Management Services Agency for
1030 State Technology and is confidential and exempt from s.
1031 119.07(1), except that such information shall be available to
1032 the Auditor General, the Division of State Technology within the
1033 Department of Management Services Agency for State Technology,
1034 the Cybercrime Office of the Department of Law Enforcement, and,
1035 for state agencies under the jurisdiction of the Governor, the
1036 Chief Inspector General.

1037 (e) Develop, and periodically update, written internal
1038 policies and procedures, which include procedures for reporting
1039 information technology security incidents and breaches to the
1040 Cybercrime Office of the Department of Law Enforcement and the
1041 Division of State Technology within the Department of Management
1042 Services Agency for State Technology. Such policies and
1043 procedures must be consistent with the rules, guidelines, and
1044 processes established by the Department of Management Services

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

1045 ~~Agency for State Technology~~ to ensure the security of the data,
1046 information, and information technology resources of the agency.
1047 The internal policies and procedures that, if disclosed, could
1048 facilitate the unauthorized modification, disclosure, or
1049 destruction of data or information technology resources are
1050 confidential information and exempt from s. 119.07(1), except
1051 that such information shall be available to the Auditor General,
1052 the Cybercrime Office of the Department of Law Enforcement, the
1053 Division of State Technology within the Department of Management
1054 Services ~~Agency for State Technology~~, and, for state agencies
1055 under the jurisdiction of the Governor, the Chief Inspector
1056 General.

1057 (f) Implement managerial, operational, and technical
1058 safeguards and risk assessment remediation plans recommended by
1059 the Department of Management Services ~~Agency for State~~
1060 ~~Technology~~ to address identified risks to the data, information,
1061 and information technology resources of the agency.

1062 (g) Ensure that periodic internal audits and evaluations
1063 of the agency's information technology security program for the
1064 data, information, and information technology resources of the
1065 agency are conducted. The results of such audits and evaluations
1066 are confidential information and exempt from s. 119.07(1),
1067 except that such information shall be available to the Auditor
1068 General, the Cybercrime Office of the Department of Law
1069 Enforcement, the Division of State Technology within the
1070 Department of Management Services ~~Agency for State Technology~~,
1071 and, for agencies under the jurisdiction of the Governor, the
1072 Chief Inspector General.

1073 (h) Ensure that the ~~include appropriate~~ information

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

1074 technology security and cybersecurity requirements in both the
1075 written specifications for the solicitation and service level
1076 agreement of information technology and information technology
1077 resources and services meet or exceed the applicable state and
1078 federal laws, regulations, and standards for information
1079 technology security and cybersecurity. Service level agreements
1080 shall identify service provider and state agency
1081 responsibilities for privacy and security, protection of
1082 government data, personnel background screening, and security
1083 deliverables with associated frequencies, ~~which are consistent~~
1084 ~~with the rules and guidelines established by the Agency for~~
1085 ~~State Technology in collaboration with the Department of~~
1086 ~~Management Services.~~

1087 (i) Provide information technology security and
1088 cybersecurity awareness training to all state agency employees
1089 in the first 30 days after commencing employment concerning
1090 information technology security risks and the responsibility of
1091 employees to comply with policies, standards, guidelines, and
1092 operating procedures adopted by the state agency to reduce those
1093 risks. The training may be provided in collaboration with the
1094 Cybercrime Office of the Department of Law Enforcement.

1095 (j) Develop a process for detecting, reporting, and
1096 responding to threats, breaches, or information technology
1097 security incidents which is consistent with the security rules,
1098 guidelines, and processes established by the Agency for State
1099 Technology.

1100 1. All information technology security incidents and
1101 breaches must be reported to the Division of State Technology
1102 within the Department of Management Services Agency for State

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

1103 ~~Technology~~ and the Cybercrime Office of the Department of Law
1104 Enforcement and must comply with the notification procedures and
1105 reporting timeframes established pursuant to paragraph (3)(b).

1106 2. For information technology security breaches, state
1107 agencies shall provide notice in accordance with s. 501.171.

1108 3. Records held by a state agency which identify
1109 detection, investigation, or response practices for suspected or
1110 confirmed information technology security incidents, including
1111 suspected or confirmed breaches, are confidential and exempt
1112 from s. 119.07(1) and s. 24(a), Art. I of the State
1113 Constitution, if the disclosure of such records would facilitate
1114 unauthorized access to or the unauthorized modification,
1115 disclosure, or destruction of:

1116 a. Data or information, whether physical or virtual; or

1117 b. Information technology resources, which includes:

1118 (I) Information relating to the security of the agency's
1119 technologies, processes, and practices designed to protect
1120 networks, computers, data processing software, and data from
1121 attack, damage, or unauthorized access; or

1122 (II) Security information, whether physical or virtual,
1123 which relates to the agency's existing or proposed information
1124 technology systems.

1125

1126 Such records shall be available to the Auditor General, the
1127 Division of State Technology within the Department of Management
1128 Services Agency for State Technology the Cybercrime Office of
1129 the Department of Law Enforcement, and, for state agencies under
1130 the jurisdiction of the Governor, the Chief Inspector General.
1131 Such records may be made available to a local government,

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

1132 another state agency, or a federal agency for information
1133 technology security purposes or in furtherance of the state
1134 agency's official duties. This exemption applies to such records
1135 held by a state agency before, on, or after the effective date
1136 of this exemption. This subparagraph is subject to the Open
1137 Government Sunset Review Act in accordance with s. 119.15 and
1138 shall stand repealed on October 2, 2021, unless reviewed and
1139 saved from repeal through reenactment by the Legislature.

1140 (5) The portions of risk assessments, evaluations,
1141 external audits, and other reports of a state agency's
1142 information technology security program for the data,
1143 information, and information technology resources of the state
1144 agency which are held by a state agency are confidential and
1145 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1146 Constitution if the disclosure of such portions of records would
1147 facilitate unauthorized access to or the unauthorized
1148 modification, disclosure, or destruction of:

1149 (a) Data or information, whether physical or virtual; or

1150 (b) Information technology resources, which include:

1151 1. Information relating to the security of the agency's
1152 technologies, processes, and practices designed to protect
1153 networks, computers, data processing software, and data from
1154 attack, damage, or unauthorized access; or

1155 2. Security information, whether physical or virtual,
1156 which relates to the agency's existing or proposed information
1157 technology systems.

1158
1159 Such portions of records shall be available to the Auditor
1160 General, the Cybercrime Office of the Department of Law

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

1161 Enforcement, the Division of State Technology within the
1162 Department of Management Services ~~Agency for State Technology~~,
1163 and, for agencies under the jurisdiction of the Governor, the
1164 Chief Inspector General. Such portions of records may be made
1165 available to a local government, another state agency, or a
1166 federal agency for information technology security purposes or
1167 in furtherance of the state agency's official duties. For
1168 purposes of this subsection, "external audit" means an audit
1169 that is conducted by an entity other than the state agency that
1170 is the subject of the audit. This exemption applies to such
1171 records held by a state agency before, on, or after the
1172 effective date of this exemption. This subsection is subject to
1173 the Open Government Sunset Review Act in accordance with s.
1174 119.15 and shall stand repealed on October 2, 2021, unless
1175 reviewed and saved from repeal through reenactment by the
1176 Legislature.

1177 (6) The Department of Management Services ~~Agency for State~~
1178 ~~Technology~~ shall adopt rules relating to information technology
1179 security and to administer this section.

1180 Section 19. Paragraph (a) of subsection (22) of section
1181 287.057, Florida Statutes, is amended to read:

1182 287.057 Procurement of commodities or contractual
1183 services.—

1184 (22) The department, in consultation with the Chief
1185 Financial Officer and the state chief information officer ~~Agency~~
1186 ~~for State Technology~~, shall maintain a program for online
1187 procurement of commodities and contractual services. To enable
1188 the state to promote open competition and leverage its buying
1189 power, agencies shall participate in the online procurement

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

1190 program, and eligible users may participate in the program. Only
1191 vendors prequalified as meeting mandatory requirements and
1192 qualifications criteria may participate in online procurement.

1193 (a) The department, ~~in consultation with the Agency for~~
1194 ~~State Technology and in compliance with the standards of the~~
1195 ~~agency,~~ may contract for equipment and services necessary to
1196 develop and implement online procurement.

1197 Section 20. Subsections (3) and (4) of section 287.0591,
1198 Florida Statutes, are amended to read:

1199 287.0591 Information technology.—

1200 (3) The department may execute a state term contract for
1201 information technology commodities, consultant services, or
1202 staff augmentation contractual services that exceeds the 48-
1203 month requirement if the Secretary of Management Services and
1204 the state chief information officer ~~executive director of the~~
1205 ~~Agency for State Technology~~ certify to the Executive Office of
1206 the Governor that a longer contract term is in the best interest
1207 of the state.

1208 (4) If the department issues a competitive solicitation
1209 for information technology commodities, consultant services, or
1210 staff augmentation contractual services, the Division of State
1211 Technology within the department ~~Agency for State Technology~~
1212 shall participate in such solicitations.

1213 Section 21. Subsection (4) of section 445.011, Florida
1214 Statutes, is amended to read:

1215 445.011 Workforce information systems.—

1216 (4) CareerSource Florida, Inc., shall coordinate
1217 development and implementation of workforce information systems
1218 with the state chief information officer ~~executive director of~~

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

1219 ~~the Agency for State Technology~~ to ensure compatibility with the
1220 state's information system strategy and enterprise architecture.

1221 Section 22. Subsection (2) and paragraphs (a) and (b) of
1222 subsection (4) of section 445.045, Florida Statutes, are amended
1223 to read:

1224 445.045 Development of an Internet-based system for
1225 information technology industry promotion and workforce
1226 recruitment.—

1227 (2) CareerSource Florida, Inc., shall coordinate with the
1228 Department of Management Services ~~Agency for State Technology~~
1229 and the Department of Economic Opportunity to ensure links, as
1230 feasible and appropriate, to existing job information websites
1231 maintained by the state and state agencies and to ensure that
1232 information technology positions offered by the state and state
1233 agencies are posted on the information technology website.

1234 (4) (a) CareerSource Florida, Inc., shall coordinate
1235 development and maintenance of the website under this section
1236 with the state chief information officer ~~executive director of~~
1237 ~~the Agency for State Technology~~ to ensure compatibility with the
1238 state's information system strategy and enterprise architecture.

1239 (b) CareerSource Florida, Inc., may enter into an
1240 agreement with ~~the Agency for State Technology,~~ the Department
1241 of Economic Opportunity, or any other public agency with the
1242 requisite information technology expertise for the provision of
1243 design, operating, or other technological services necessary to
1244 develop and maintain the website.

1245 Section 23. Paragraph (b) of subsection (18) of section
1246 668.50, Florida Statutes, is amended to read:

1247 668.50 Uniform Electronic Transaction Act.—

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

1248 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
1249 GOVERNMENTAL AGENCIES.—

1250 (b) To the extent that a governmental agency uses
1251 electronic records and electronic signatures under paragraph
1252 (a), the Department of Management Services Agency for State
1253 ~~Technology~~, in consultation with the governmental agency, giving
1254 due consideration to security, may specify:

1255 1. The manner and format in which the electronic records
1256 must be created, generated, sent, communicated, received, and
1257 stored and the systems established for those purposes.

1258 2. If electronic records must be signed by electronic
1259 means, the type of electronic signature required, the manner and
1260 format in which the electronic signature must be affixed to the
1261 electronic record, and the identity of, or criteria that must be
1262 met by, any third party used by a person filing a document to
1263 facilitate the process.

1264 3. Control processes and procedures as appropriate to
1265 ensure adequate preservation, disposition, integrity, security,
1266 confidentiality, and auditability of electronic records.

1267 4. Any other required attributes for electronic records
1268 which are specified for corresponding nonelectronic records or
1269 reasonably necessary under the circumstances.

1270 Section 24. Subsections (4) and (5) of section 943.0415,
1271 Florida Statutes, are amended to read:

1272 943.0415 Cybercrime Office.—There is created within the
1273 Department of Law Enforcement the Cybercrime Office. The office
1274 may:

1275 (4) Provide security awareness training and information to
1276 state agency employees concerning cybersecurity, online sexual

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

1277 exploitation of children, and security risks, and the
1278 responsibility of employees to comply with policies, standards,
1279 guidelines, and operating procedures adopted by the ~~Agency for~~
1280 ~~State Technology~~ department.

1281 (5) Consult with the Division of State Technology within
1282 the Department of Management Services ~~Agency for State~~
1283 ~~Technology~~ in the adoption of rules relating to the information
1284 technology security provisions in s. 282.318.

1285 Section 25. Florida Cybersecurity Task Force.—

1286 (1) There is created the Florida Cybersecurity Task Force
1287 to review and conduct an assessment of the state's cybersecurity
1288 infrastructure, governance, and operations.

1289 (2) The Florida Cybersecurity Task Force shall consist of
1290 the following members:

1291 (a) A representative of the computer crime center of the
1292 Florida Department of Law Enforcement who shall be appointed by
1293 the executive director of the department.

1294 (b) A representative of the fusion center of the Florida
1295 Department of Law Enforcement who shall be appointed by the
1296 executive director of the department.

1297 (c) The state chief information officer.

1298 (d) The state chief information security officer.

1299 (e) A representative of the Division of Emergency
1300 Management in the Executive Office of the Governor who shall be
1301 appointed by the director of the division.

1302 (f) A representative of the Office of the Chief Inspector
1303 General in the Executive Office of the Governor who shall be
1304 appointed by the Chief Inspector General.

1305 (g) A member appointed by the President of the Senate.

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

1306 (h) A member appointed by the Speaker of the House of
1307 Representatives.

1308 (i) Members of the private sector appointed by the
1309 Governor.

1310 (3) The task force shall be chaired by the Lieutenant
1311 Governor or designee.

1312 (4) The task force shall convene by October 1, 2019, and
1313 shall meet as necessary, but at least quarterly, at the call of
1314 the chair. The Division of State Technology within the
1315 Department of Management Services shall provide staffing and
1316 administrative support to the task force.

1317 (5) The task force shall:

1318 (a) Recommend methods to secure the state's network
1319 systems and data, including standardized plans and procedures to
1320 identify developing threats and to prevent unauthorized access
1321 and destruction of data.

1322 (b) Identify and recommend remediation, if necessary, of
1323 high-risk cybersecurity issues facing state government.

1324 (c) Recommend a process to regularly assess cybersecurity
1325 infrastructure and activities of executive branch agencies.

1326 (d) Identify gaps in the state's overall cybersecurity
1327 infrastructure, governance, and current operations. Based on any
1328 findings of gaps or deficiencies, the task force shall make
1329 recommendations for improvement.

1330 (e) Recommend cybersecurity improvements for the state's
1331 emergency management and disaster response systems.

1332 (f) Recommend cybersecurity improvements of the state data
1333 center.

1334 (g) Review and recommend improvements relating to the

Governor's Budget Recommendation Conforming Bill
Information Technology Reorganization

1335 state's current operational plans for the response,
1336 coordination, and recovery from a cybersecurity attack.
1337 (6) All executive branch departments and agencies shall
1338 cooperate fully with requests for information by the task force.
1339 (7) On or before November 1, 2020, the Florida
1340 Cybersecurity Task Force shall submit a final report of its
1341 findings and recommendations to the Governor, the President of
1342 the Senate, and the Speaker of the House of Representatives.
1343 (8) This section expires January 1, 2021.
1344 Section 26. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill
Travel Per Diem

1 A bill to be entitled

2 An act relating to statewide travel expenses; amending
3 s. 112.061, F.S.; per diem costs for lodging;
4 providing an effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7 Section 1. Subsection (6) of section 112.061, Florida
8 Statutes, are amended to read:

9 112.061 Per diem and travel expenses of public officers,
10 employees, and authorized persons.

11 6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of
12 reimbursement rates and methods of calculation, per diem and
13 subsistence allowances are provided as follows:

14 (d) Costs for lodging associated with a meeting,
15 conference, or convention organized or sponsored in whole or in
16 part by a state agency or the judicial branch may not exceed
17 \$150 per day. An employee may expend his or her own funds for
18 any lodging expenses in excess of \$150 per day.

19 Section 2. This act shall take effect on July 1, 2019.

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

1 A bill to be entitled

2 An act relating to the Department of Environmental
3 Protection; transferring and reassigning functions and
4 responsibilities of the Division of Law Enforcement,
5 pertaining to investigators of environmental crimes, within
6 the Fish and Wildlife Conservation Commission to the
7 Division of Law Enforcement within the Department of
8 Environmental Protection; providing for the transfer of
9 additional positions to the department; providing for a
10 memorandum of agreement between the department and the
11 commission regarding the responsibilities of the department
12 and the commission; conferring full power to the law
13 enforcement officers of the Department of Environmental
14 Protection to investigate and arrest for violations of rules
15 of the department; providing for the retention and transfer
16 of specified benefits for employees that are transferred
17 from the Fish and Wildlife Conservation Commission to fill
18 positions transferred to the Department of Environmental
19 Protection; amending ss. 20.255, 258.004, 258.008, 258.501,
20 282.709, 316.640, 376.3071, 379.3312, 403.413, 784.07,
21 843.08, 843.085, 870.04, and 932.7055, F.S.; conforming
22 provisions to changes made by this act; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. The primary responsibility and powers for
28 investigation and law enforcement of certain environmental
29 crimes, as specified in a new memorandum of agreement, is

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

30 transferred from the Florida Fish and Wildlife Commission to the
31 Department of Environmental Protection. The commission will
32 maintain law enforcement authority and coordinate with the
33 department on patrol of state-owned lands managed by the
34 department. A new memorandum of agreement will be developed
35 between the commission and the department, which will detail the
36 responsibilities of both the commission and the department,
37 including, but not limited to, the following:

38 1. Support and response for oil spills, hazardous spills and
39 natural disasters.

40 2. Law enforcement patrol and investigative services for all
41 state owned lands managed by the Department of Environmental
42 Protection.

43 3. Law enforcement services, including investigative
44 services, for all criminal law violations of Chapters 161, 258,
45 373, 376, 377, 378, and 403, Florida Statutes.

46 4. Enforcement services for all civil violations of all
47 department administrative rules related to the following program
48 areas:

49 a. Division of Recreation and parks.

50 b. Office of Coastal and aquatic managed areas.

51 c. Office of Greenways and trails.

52 5. Current and Future funding, training, or other support
53 for positions and equipment being transferred to the department
54 that is funded through any trust fund.

55 Section 2. All personnel and equipment assigned to the
56 Department of Environmental Protection's Office of Emergency
57 Response is assigned back to the Division of Law Enforcement at
58 the Department.

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

59 Section 3. The Florida Fish and Wildlife Conservation
60 Commission and the Department of Environmental Protection need to
61 identify those Florida Administrative Code rules that need to be
62 amended as a result of this consolidation. The Secretary of the
63 Department of Environmental Protection and the Executive Director
64 of the Commission shall each appoint two staff members to a
65 transition advisory working group to review and determine any
66 Florida Administrative Rules promulgated by the or the Commission
67 that must be amended as a result of this consolidation.

68 Section 4. Notwithstanding Chapter 60L-34, Florida
69 Administrative Code, or any provision of law to the contrary,
70 employees who are transferred from the Fish and Wildlife
71 Conservation Commission to fill positions transferred to the
72 Department of Environmental Protection shall retain and transfer
73 any accrued leave, sick leave, and regular and special
74 compensatory leave balances. The incumbents from the Commission
75 shall also retain their current position status, including
76 permanent status, upon transfer to the Department, as provided in
77 this Act.

78 Section 5. If any provision of this act or the application
79 thereof to any person or circumstance is held invalid, the
80 invalidity shall not affect other provisions or applications of
81 the act which can be given effect without the invalid provisions
82 or applications, and to this end the provisions of this act are
83 declared severable.

84 Section 6. Subsection (3) is amended and subsection (10) of
85 20.255, Florida Statutes, is created to read:

86 20.255 Department of Environmental Protection. —

87 (3) The following divisions of the Department of

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

88 Environmental Protection are established:

89 (a) Division of Administrative Services.

90 (b) Division of Air Resource Management.

91 (c) Division of Water Resource Management.

92 (d) Division of Environmental Assessment and Restoration.

93 (e) Division of Waste Management.

94 (f) Division of Recreation and Parks.

95 (g) Division of State Lands, the director of which is
96 appointed by the secretary of the department, subject to
97 confirmation by the Governor and Cabinet sitting as the Board of
98 Trustees of the Internal Improvement Trust Fund.

99 (h) Division of Water Restoration Assistance.

100 (i) Division of Law Enforcement.

101 In order to ensure statewide and intradepartmental consistency,
102 the department's divisions shall direct the district offices and
103 bureaus on matters of interpretation and applicability of the
104 department's rules and programs.

105 (4) Records and documents of the Department of Environmental
106 Protection shall be retained by the department as specified in
107 record retention schedules established under the general
108 provisions of chapters 119 and 257. Further, the department is
109 authorized to:

110 (a) Destroy, or otherwise dispose of, those records and
111 documents in conformity with the approved retention schedules.

112 (b) Photograph, microphotograph, or reproduce such records and
113 documents on film, as authorized and directed by the approved
114 retention schedules, whereby each page will be exposed in exact
115 conformity with the original records and documents retained in
116 compliance with the provisions of this section. Photographs or

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

117 microphotographs in the form of film or print of any records,
118 made in compliance with the provisions of this section, shall
119 have the same force and effect as the originals thereof would
120 have and shall be treated as originals for the purpose of their
121 admissibility in evidence. Duly certified or authenticated
122 reproductions of such photographs or microphotographs shall be
123 admitted in evidence equally with the original photographs or
124 microphotographs. The impression of the seal of the Department of
125 Environmental Protection on a certificate made by the department
126 and signed by the Secretary of Environmental Protection entitles
127 the certificate to be received in all courts and in all
128 proceedings in this state and is prima facie evidence of all
129 factual matters set forth in the certificate. A certificate may
130 relate to one or more records as set forth in the certificate or
131 in a schedule attached to the certificate.

132 (5) The Department of Environmental Protection may require
133 that bond be given by any employee of the department, payable to
134 the Governor of the state and the Governor's successor in office,
135 for the use and benefit of those whom it concerns, in such penal
136 sums and with such good and sufficient surety or sureties as are
137 approved by the department, conditioned upon the faithful
138 performance of the duties of the employee.

139 (6) There is created as a part of the Department of
140 Environmental Protection an Environmental Regulation Commission.
141 The commission shall be composed of seven residents of this state
142 appointed by the Governor, subject to confirmation by the Senate.
143 In making appointments, the Governor shall provide reasonable
144 representation from all sections of the state. Membership shall
145 be representative of agriculture, the development industry, local

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

146 government, the environmental community, lay citizens, and
147 members of the scientific and technical community who have
148 substantial expertise in the areas of the fate and transport of
149 water pollutants, toxicology, epidemiology, geology, biology,
150 environmental sciences, or engineering. The Governor shall
151 appoint the chair, and the vice chair shall be elected from among
152 the membership. All appointments shall be for 4-year terms. The
153 Governor may at any time fill a vacancy for the unexpired term.
154 The members of the commission shall serve without compensation,
155 but shall be paid travel and per diem as provided in s. 112.061
156 while in the performance of their official duties.
157 Administrative, personnel, and other support services necessary
158 for the commission shall be furnished by the department. The
159 commission may employ independent counsel and contract for the
160 services of outside technical consultants.

161 (7) The department is the agency of state government
162 responsible for collecting and analyzing information concerning
163 energy resources in this state; for coordinating the energy
164 conservation programs of state agencies; and for coordinating the
165 development, review, and implementation of the state's energy
166 policy.

167 (8) The department may adopt rules requiring or
168 incentivizing electronic submission of forms, documents, fees, or
169 reports required under chapter 161, chapter 253, chapter 373,
170 chapter 376, chapter 377, or chapter 403. The rules must
171 reasonably accommodate technological or financial hardship and
172 must provide procedures for obtaining an exemption due to such a
173 hardship.

174 (9) The department shall act as the lead agency of the

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

175 executive branch for the development and review of policies,
176 practices, and standards related to geospatial data. The
177 department shall coordinate and promote geospatial data sharing
178 throughout the state government and serve as the primary point of
179 contact for statewide geographic information systems projects,
180 grants, and resources. This subsection expires July 1, 2019.

181 (10) Law enforcement officers of the Department of
182 Environmental Protection who meet the provisions of s. 943.13 are
183 constituted law enforcement officers of this state with full
184 power to investigate and arrest for any violation of the laws of
185 this state, and the rules of the department and the Board of
186 Trustees of the Internal Improvement Trust Fund. The general laws
187 applicable to investigations, searches, and arrests by peace
188 officers of this state apply to such law enforcement officers.

189 Section 7. Section 258.004, Florida Statutes is amended by
190 adding a new subsection (8) to read:

191 258.004 Duties of division.—

192 (8) The activities prohibited in this Chapter shall be
193 enforced by the Department of Environmental Protection' Division
194 of Law Enforcement, and its officers, and the Fish and Wildlife
195 Conservation Commission' Division of Law Enforcement, and its
196 officers.

197 Section 8. Subsection (1) of 258.008, Florida Statutes is
198 amended in said section to read:

199 258.008 Prohibited activities; penalties.—

200 (1) Except as provided in subsection (3), any person who
201 violates or otherwise fails to comply with the rules adopted
202 under this chapter commits a noncriminal infraction for which
203 ejection from all property managed by the Division of Recreation

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

204 and Parks and a fine of up to \$500 may be imposed by the
205 division. Fines paid under this subsection shall be paid to the
206 Fish and Wildlife Conservation Commission or the Department of
207 Environmental Protection and deposited in the State Game Trust
208 Fund as provided in ss. 379.338, 379.339, and 379.3395 or the
209 State Park Trust Fund.

210 Section 9. Subsection (16) of 258.501, Florida Statutes is
211 amended to read:

212 258.501 Myakka River; wild and scenic segment. -

213 (16) ENFORCEMENT.—Officers of the department and the
214 Florida Fish and Wildlife Conservation Commission shall have full
215 authority to enforce any rule adopted by the department under
216 this section.

217 Section 10. Paragraph (a) of subsection (2) of section
218 282.709, Florida Statutes, is amended to read:

219 282.709 State agency law enforcement radio system and
220 interoperability network.—

221 (2) The Joint Task Force on State Agency Law Enforcement
222 Communications is created adjunct to the department to advise the
223 department of member-agency needs relating to the planning,
224 designing, and establishment of the statewide communication
225 system.

226 (a) The Joint Task Force on State Agency Law Enforcement
227 Communications shall consist of eight members, as follows:

228 1. A representative of the Division of Alcoholic Beverages
229 and Tobacco of the Department of Business and Professional
230 Regulation who shall be appointed by the secretary of the
231 department.

232 2. A representative of the Division of Florida Highway

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

233 Patrol of the Department of Highway Safety and Motor Vehicles who
234 shall be appointed by the executive director of the department.

235 3. A representative of the Department of Law Enforcement who
236 shall be appointed by the executive director of the department.

237 4. A representative of the Fish and Wildlife Conservation
238 Commission who shall be appointed by the executive director of
239 the commission.

240 5. A representative of the Division of Law Enforcement of
241 the Department of Environmental Protection who shall be appointed
242 by the secretary of the department.

243 ~~6.5.~~ A representative of the Department of Corrections who
244 shall be appointed by the secretary of the department.

245 ~~7.6.~~ A representative of the Department of Financial
246 Services who shall be appointed by the Chief Financial Officer.

247 ~~8.7.~~ A representative of the Department of Agriculture and
248 Consumer Services who shall be appointed by the Commissioner of
249 Agriculture.

250 ~~9.8.~~ A representative of the Florida Sheriffs Association
251 who shall be appointed by the president of the Florida Sheriffs
252 Association.

253 Section 11. Paragraph (a) of Subsection (1) of section
254 316.64, Florida Statutes, is amended to read:

255 316.640 Enforcement.— The enforcement of the traffic laws of
256 this state is vested as follows:

257 (1) STATE.—

258 (a)1.a. The Division of Florida Highway Patrol of the
259 Department of Highway Safety and Motor Vehicles; the Division of
260 Law Enforcement of the Fish and Wildlife Conservation Commission;
261 the Division of Law Enforcement of the Department of

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

262 Environmental Protection; and the agents, inspectors, and
263 officers of the Department of Law Enforcement each have authority
264 to enforce all of the traffic laws of this state on all the
265 streets and highways thereof and elsewhere throughout the state
266 wherever the public has a right to travel by motor vehicle.

267 Section 12. Subsection (4) of 376.3071, Florida Statutes,
268 is amended to read:

269 376.3071 Inland Protection Trust Fund; creation; purposes;
270 funding.—

271 (4) USES.—Whenever, in its determination, incidents of
272 inland contamination related to the storage of petroleum or
273 petroleum products may pose a threat to the public health,
274 safety, or welfare, water resources, or the environment, the
275 department shall obligate moneys available in the fund to provide
276 for:

277 (a) Prompt investigation and assessment of contamination
278 sites.

279 (b) Expeditious restoration or replacement of potable water
280 supplies as provided in s. 376.30(3)(c)1.

281 (c) Rehabilitation of contamination sites, which shall
282 consist of cleanup of affected soil, groundwater, and inland
283 surface waters, using the most cost-effective alternative that is
284 technologically feasible and reliable and that provides adequate
285 protection of the public health, safety, and welfare, and water
286 resources, and that minimizes environmental damage, pursuant to
287 the site selection and cleanup criteria established by the
288 department under subsection (5), except that this paragraph does
289 not authorize the department to obligate funds for payment of
290 costs which may be associated with, but are not integral to, site

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

291 rehabilitation, such as the cost for retrofitting or replacing
292 petroleum storage systems.

293 (d) Maintenance and monitoring of contamination sites.

294 (e) Inspection and supervision of activities described in
295 this subsection.

296 (f) Payment of expenses incurred by the department in its
297 efforts to obtain from responsible parties the payment or
298 recovery of reasonable costs resulting from the activities
299 described in this subsection.

300 (g) Payment of any other reasonable costs of administration,
301 including those administrative costs incurred by the Department
302 of Health in providing field and laboratory services,
303 toxicological risk assessment, and other assistance to the
304 department in the investigation of drinking water contamination
305 complaints and costs associated with public information and
306 education activities.

307 (h) Establishment and implementation of the compliance
308 verification program as authorized in s. 376.303(1)(a), including
309 contracting with local governments or state agencies to provide
310 for the administration of such program through locally
311 administered programs, to minimize the potential for further
312 contamination sites.

313 (i) Funding of the provisions of ss. 376.305(6) and
314 376.3072.

315 (j) Activities related to removal and replacement of
316 petroleum storage systems, exclusive of costs of any tank,
317 piping, dispensing unit, or related hardware, if soil removal is
318 approved as a component of site rehabilitation and requires
319 removal of the tank where remediation is conducted under this

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

320 section or if such activities were justified in an approved
321 remedial action plan.

322 (k) Reasonable costs of restoring property as nearly as
323 practicable to the conditions which existed before activities
324 associated with contamination assessment or remedial action taken
325 under s. 376.303(4).

326 (l) Repayment of loans to the fund.

327 (m) Expenditure of sums from the fund to cover ineligible
328 sites or costs as set forth in subsection (13), if the department
329 in its discretion deems it necessary to do so. In such cases, the
330 department may seek recovery and reimbursement of costs in the
331 same manner and pursuant to the same procedures established for
332 recovery and reimbursement of sums otherwise owed to or expended
333 from the fund.

334 (n) Payment of amounts payable under any service contract
335 entered into by the department pursuant to s. 376.3075, subject
336 to annual appropriation by the Legislature.

337 (o) Petroleum remediation pursuant to this section
338 throughout a state fiscal year. The department shall establish a
339 process to uniformly encumber appropriated funds throughout a
340 state fiscal year and shall allow for emergencies and imminent
341 threats to public health, safety, and welfare, water resources,
342 and the environment as provided in paragraph (5)(a). This
343 paragraph does not apply to appropriations associated with the
344 free product recovery initiative provided in paragraph (5)(c) or
345 the advanced cleanup program provided in s. 376.30713.

346 (p) Enforcement of this section and ss. 376.30-376.317 by
347 the Fish and Wildlife Conservation Commission and the Department
348 of Environmental Protection. The department may ~~shall~~ disburse

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

349 moneys to the commission for such purpose.

350 (q) Payments for program deductibles, copayments, and
351 limited contamination assessment reports that otherwise would be
352 paid by another state agency for state-funded petroleum
353 contamination site rehabilitation.

354 Section 13. Subsection (2) of section 403.413, Florida
355 Statutes, is amended to read:

356 403.413 Florida Litter Law.—

357 (2) DEFINITIONS.—As used in this section:

358 (a) "Aircraft" means a motor vehicle or other vehicle that
359 is used or designed to fly but does not include a parachute or
360 any other device used primarily as safety equipment.

361 (b) "Commercial purpose" means for the purpose of economic
362 gain.

363 (c) "Commercial vehicle" means a vehicle that is owned or
364 used by a business, corporation, association, partnership, or
365 sole proprietorship or any other entity conducting business for a
366 commercial purpose.

367 (d) "Dump" means to dump, throw, discard, place, deposit, or
368 dispose of.

369 (e) "Law enforcement officer" means any officer of the
370 Florida Highway Patrol, a county sheriff's department, a
371 municipal law enforcement department, a law enforcement
372 department of any other political subdivision, the Department of
373 Environmental Protection, or the Fish and Wildlife Conservation
374 Commission. In addition, and solely for the purposes of this
375 section, "law enforcement officer" means any employee of a county
376 or municipal park or recreation department designated by the
377 department head as a litter enforcement officer.

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

378 (f) "Litter" means any garbage; rubbish; trash; refuse; can;
379 bottle; box; container; paper; tobacco product; tire; appliance;
380 mechanical equipment or part; building or construction material;
381 tool; machinery; wood; motor vehicle or motor vehicle part;
382 vessel; aircraft; farm machinery or equipment; sludge from a
383 waste treatment facility, water supply treatment plant, or air
384 pollution control facility; or substance in any form resulting
385 from domestic, industrial, commercial, mining, agricultural, or
386 governmental operations.

387 (g) "Motor vehicle" means an automobile, motorcycle, truck,
388 trailer, semitrailer, truck tractor, or semitrailer combination
389 or any other vehicle that is powered by a motor.

390 (h) "Person" means any individual, firm, sole
391 proprietorship, partnership, corporation, or unincorporated
392 association.

393 (i) "Vessel" means a boat, barge, or airboat or any other
394 vehicle used for transportation on water.

395 Section 14. Paragraph (d) of Subsection (1) of section
396 784.07, Florida Statutes, is amended to read:

397 784.07 Assault or battery of law enforcement officers,
398 firefighters, emergency medical care providers, public transit
399 employees or agents, or other specified officers;
400 reclassification of offenses; minimum sentences.—

401 (d) "Law enforcement officer" includes a law enforcement
402 officer, a correctional officer, a correctional probation
403 officer, a part-time law enforcement officer, a part-time
404 correctional officer, an auxiliary law enforcement officer, and
405 an auxiliary correctional officer, as those terms are
406 respectively defined in s. 943.10, and any county probation

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

407 officer; an employee or agent of the Department of Corrections
408 who supervises or provides services to inmates; an officer of the
409 Florida Commission on Offender Review; a federal law enforcement
410 officer as defined in s. 901.1505; and law enforcement personnel
411 of the Fish and Wildlife Conservation Commission, the Department
412 of Environmental Protection or the Department of Law Enforcement.

413 Section 15. Section 843.08, Florida Statutes, is amended to
414 read:

415 843.08 False personation. -A person who falsely assumes or
416 pretends to be a firefighter, sheriff, officer of the Florida
417 Highway Patrol, officer of the Fish and Wildlife Conservation
418 Commission, officer of the Department of Environmental
419 Protection, fire or arson investigator of the Department of
420 Financial Services, officer of the Department of Financial
421 Services, officer of the Department of Corrections, correctional
422 probation officer, deputy sheriff, state attorney or assistant
423 state attorney, statewide prosecutor or assistant statewide
424 prosecutor, state attorney investigator, coroner, police officer,
425 lottery special agent or lottery investigator, beverage
426 enforcement agent, or watchman, or any member of the Florida
427 Commission on Offender Review and any administrative aide or
428 supervisor employed by the commission, or any personnel or
429 representative of the Department of Law Enforcement, or a federal
430 law enforcement officer as defined in s. 901.1505, and takes upon
431 himself or herself to act as such, or to require any other person
432 to aid or assist him or her in a matter pertaining to the duty of
433 any such officer, commits a felony of the third degree,
434 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
435 However, a person who falsely personates any such officer during

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

436 the course of the commission of a felony commits a felony of the
437 second degree, punishable as provided in s. 775.082, s. 775.083,
438 or s. 775.084. If the commission of the felony results in the
439 death or personal injury of another human being, the person
440 commits a felony of the first degree, punishable as provided in
441 s. 775.082, s. 775.083, or s. 775.084. The term "watchman" means
442 a security officer licensed under chapter 493.

443 Section 16. Section 843.085, Florida Statutes, is amended
444 to read:

445 843.085 Unlawful use of badges or other indicia of
446 authority.-

447 (1) It is unlawful for any person, unless appointed by the
448 Governor pursuant to chapter 354, authorized by the appropriate
449 agency, or displayed in a closed or mounted case as a collection
450 or exhibit, to wear or display any authorized indicia of
451 authority, including any badge, insignia, emblem, identification
452 card, or uniform, or any colorable imitation thereof, of any
453 federal, state, county, or municipal law enforcement agency, or
454 other criminal justice agency as defined in s. 943.045, with the
455 intent to mislead or cause another person to believe that he or
456 she is a member of that agency or is authorized to display or
457 wear such item, or to wear or display any item that displays in
458 any manner or combination the word or words "police,"
459 "patrolman," "agent," "sheriff," "deputy," "trooper," "highway
460 patrol," "commission officer," "Wildlife Officer," "Marine Patrol
461 Officer," "state attorney," "public defender," "marshal,"
462 "constable," "bailiff," ~~or~~ "fire department," or "Department of
463 Environmental Protection officer," with the intent to mislead or

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

464 cause another person to believe that he or she is a member of
465 that agency or is authorized to wear or display such item.

466 (2) It is unlawful for a person to own or operate a motor
467 vehicle marked or identified in any manner or combination by the
468 word or words "police," "patrolman," "sheriff," "deputy,"
469 "trooper," "highway patrol," "commission officer," "Wildlife
470 Officer," "Marine Patrol Officer," "marshal," "constable,"
471 "bailiff," ~~or~~ "fire department," or "Department of Environmental
472 Protection officer," or by any lettering, marking, or insignia,
473 or colorable imitation thereof, including, but not limited to,
474 stars, badges, or shields, officially used to identify the
475 vehicle as a federal, state, county, or municipal law enforcement
476 vehicle or a vehicle used by a criminal justice agency as defined
477 in s. 943.045, or a vehicle used by a fire department with the
478 intent to mislead or cause another person to believe that such
479 vehicle is an official vehicle of that agency and is authorized
480 to be used by that agency, unless such vehicle is owned or
481 operated by the appropriate agency and its use is authorized by
482 such agency, or the local law enforcement agency or fire
483 department authorizes the use of such vehicle, or the person is
484 appointed by the Governor pursuant to chapter 354.

485 (3) It is unlawful for a person to sell, transfer, or give
486 away the authorized badge, or colorable imitation thereof,
487 including miniatures, of any criminal justice agency as defined
488 in s. 943.045, or bearing in any manner or combination the word
489 or words "police," "patrolman," "sheriff," "deputy," "trooper,"
490 "highway patrol," "commission officer," "Wildlife Officer,"
491 "Marine Patrol Officer," "marshal," "constable," "agent," "state
492 attorney," "public defender," "bailiff," ~~or~~ "fire department," or

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

493 "Department of Environmental Protection officer," with the intent
494 to mislead or cause another person to believe that he or she is a
495 member of that agency or is authorized to wear or display such
496 item, except for agency purchases or upon the presentation and
497 recordation of both a driver license and other identification
498 showing any transferee to actually be a member of such criminal
499 justice agency or unless the person is appointed by the Governor
500 pursuant to chapter 354. A transferor of an item covered by this
501 subsection is required to maintain for 2 years a written record
502 of such transaction, including records showing compliance with
503 this subsection, and if such transferor is a business, it shall
504 make such records available during normal business hours for
505 inspection by any law enforcement agency having jurisdiction in
506 the area where the business is located.

507 (4) This section does not prohibit a fraternal, benevolent,
508 or labor organization or association, or their chapters or
509 subsidiaries, from using the following words, in any manner or in
510 any combination, if those words appear in the official name of
511 the organization or association: "police," "patrolman,"
512 "sheriff," "deputy," "trooper," "highway patrol," "commission
513 officer," "Wildlife Officer," "Marine Patrol Officer," "marshal,"
514 "constable," "bailiff," ~~or~~ "fire department," or "Department of
515 Environmental Protection officer."

516 (5) Violation of any provision of this section is a
517 misdemeanor of the first degree, punishable as provided in s.
518 775.082 or s. 775.083. This section is cumulative to any law now
519 in force in the state.

520 Section 17. Section 870.04, Florida Statutes, is amended to
521 read:

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

522 870.04 Specified officers to disperse riotous assembly. -If
523 any number of persons, whether armed or not, are unlawfully,
524 riotously, or tumultuously assembled in any county, city, or
525 municipality, the sheriff or the sheriff's deputies, or the
526 mayor, or any commissioner, council member, alderman, or police
527 officer of the city or municipality, or any officer or member of
528 the Florida Highway Patrol, or any officer or agent of the Fish
529 and Wildlife Conservation Commission, Department of Environmental
530 Protection, any beverage enforcement agent, any personnel or
531 representatives of the Department of Law Enforcement or its
532 successor, or any other peace officer, shall go among the persons
533 so assembled, or as near to them as may be done with safety, and
534 shall in the name of the state command all the persons so
535 assembled immediately and peaceably to disperse. If such persons
536 do not thereupon immediately and peaceably disperse, such
537 officers shall command the assistance of all such persons in
538 seizing, arresting, and securing such persons in custody. If any
539 person present being so commanded to aid and assist in seizing
540 and securing such rioter or persons so unlawfully assembled, or
541 in suppressing such riot or unlawful assembly, refuses or
542 neglects to obey such command, or, when required by such officers
543 to depart from the place, refuses and neglects to do so, the
544 person shall be deemed one of the rioters or persons unlawfully
545 assembled, and may be prosecuted and punished accordingly.

546 Section 18. Subsection (6) of section 932.7055, Florida
547 Statutes, is amended to read:

548 932.7055 Disposition of liens and forfeited property.—

549 (6) If the seizing agency is a state agency, all remaining
550 proceeds shall be deposited into the General Revenue Fund.

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

551 However, if the seizing agency is:

552 (a) The Department of Law Enforcement, the proceeds accrued
553 pursuant to the provisions of the Florida Contraband Forfeiture
554 Act shall be deposited into the Forfeiture and Investigative
555 Support Trust Fund as provided in s. 943.362 or into the
556 department's Federal Law Enforcement Trust Fund as provided in s.
557 943.365, as applicable.

558 (b) The Department of Environmental Protection, the proceeds
559 accrued pursuant to the provisions of the Florida Contraband
560 Forfeiture Act shall be deposited into the Internal Improvement
561 Trust Fund, the Water Quality Assurance Trust Fund, the Inland
562 Protection Trust Fund, the Coastal Protection Trust Fund, or the
563 Solid Waste Management Trust Fund as specified by the statute
564 under which the violation occurs.

565 (c) ~~(b)~~ The Division of Alcoholic Beverages and Tobacco, the
566 proceeds accrued pursuant to the Florida Contraband Forfeiture
567 Act shall be deposited into the Alcoholic Beverage and Tobacco
568 Trust Fund or into the department's Federal Law Enforcement Trust
569 Fund as provided in s. 561.027, as applicable.

570 (d) ~~(e)~~ The Department of Highway Safety and Motor Vehicles,
571 the proceeds accrued pursuant to the Florida Contraband
572 Forfeiture Act shall be deposited into the Department of Highway
573 Safety and Motor Vehicles Law Enforcement Trust Fund as provided
574 in s. 932.705(1) (a) or into the department's Federal Law
575 Enforcement Trust Fund as provided in s. 932.705(1) (b), as
576 applicable.

577 (e) ~~(d)~~ The Fish and Wildlife Conservation Commission, the
578 proceeds accrued pursuant to the provisions of the Florida
579 Contraband Forfeiture Act shall be deposited into the State Game

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

580 Trust Fund as provided in ss. 379.338, 379.339, and 379.3395 or
581 into the Marine Resources Conservation Trust Fund as provided in
582 s. 379.337.

583 (f)~~(e)~~ A state attorney's office acting within its judicial
584 circuit, the proceeds accrued pursuant to the provisions of the
585 Florida Contraband Forfeiture Act shall be deposited into the
586 State Attorney's Forfeiture and Investigative Support Trust Fund
587 to be used for the investigation of crime and prosecution of
588 criminals within the judicial circuit.

589 (g)~~(f)~~ A school board security agency employing law
590 enforcement officers, the proceeds accrued pursuant to the
591 provisions of the Florida Contraband Forfeiture Act shall be
592 deposited into the School Board Law Enforcement Trust Fund.

593 (h)~~(g)~~ One of the State University System police departments
594 acting within the jurisdiction of its employing state university,
595 the proceeds accrued pursuant to the provisions of the Florida
596 Contraband Forfeiture Act shall be deposited into that state
597 university's appropriate local account.

598 (i)~~(h)~~ The Department of Agriculture and Consumer Services,
599 the proceeds accrued pursuant to the Florida Contraband
600 Forfeiture Act shall be deposited into the General Inspection
601 Trust Fund or into the department's Federal Law Enforcement Trust
602 Fund as provided in s. 570.205, as applicable.

603 (j)~~(i)~~ The Department of Military Affairs, the proceeds
604 accrued from federal forfeiture sharing pursuant to 21 U.S.C. ss.
605 881(e) (1) (A) and (3), 18 U.S.C. s. 981(e) (2), and 19 U.S.C. s.
606 1616a shall be deposited into the Armory Board Trust Fund and
607 used for purposes authorized by such federal provisions based on
608 the department's budgetary authority or into the department's

Governor's Budget Recommendation Conforming Bill
Environmental Crimes Unit

609 Federal Law Enforcement Trust Fund as provided in s. 250.175, as
610 applicable.

611 (k)~~(j)~~ The Medicaid Fraud Control Unit of the Department of
612 Legal Affairs, the proceeds accrued pursuant to the provisions of
613 the Florida Contraband Forfeiture Act shall be deposited into the
614 Department of Legal Affairs Grants and Donations Trust Fund to be
615 used for investigation and prosecution of Medicaid fraud, abuse,
616 neglect, and other related cases by the Medicaid Fraud Control
617 Unit.

618 (l)~~(k)~~ The Division of Investigative and Forensic Services
619 in the Department of Financial Services, the proceeds accrued
620 under the Florida Contraband Forfeiture Act shall be deposited
621 into the Insurance Regulatory Trust Fund to be used for the
622 purposes of arson suppression, arson investigation, and the
623 funding of anti-arson rewards.

624 (m)~~(l)~~ The Division of Investigative and Forensic Services
625 of the Department of Financial Services, the proceeds accrued
626 pursuant to the Florida Contraband Forfeiture Act shall be
627 deposited into the Insurance Regulatory Trust Fund as provided in
628 s. 626.9893 or into the Department of Financial Services' Federal
629 Law Enforcement Trust Fund as provided in s. 17.43, as
630 applicable.

631 Section 19. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill
Department of Economic Opportunity - Terminate the Florida Small
Cities Community Development Block Grant Program Trust Fund

1 A bill to be entitled

2 An act relating to trust funds of the Department of
3 Economic Opportunity; terminating the Florida Small
4 Cities Community Development Block Grant Program Trust
5 Fund; providing for the disposition of balances in and
6 revenues of such trust funds; providing an effective
7 date.

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

10
11 Section 1. (1) The Florida Small Cities Community
12 Development Block Grant Program Trust Fund within the Department
13 of Economic Opportunity, FLAIR number 40-2-109, is terminated.

14 (2) All current balances remaining in, and all revenues of,
15 the trust fund shall be transferred to the Federal Grants Trust
16 Fund within the Department of Economic Opportunity.

17 (3) The Department of Economic Opportunity shall pay any
18 outstanding debts and obligations of the terminated fund as soon
19 as practicable, and the Chief Financial Officer shall close out
20 and remove the terminated fund from the various state accounting
21 systems using generally accepted accounting principles
22 concerning warrants outstanding, assets, and liabilities.

23 Section 2. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill
Executive Office of the Governor - Terminate Federal
Emergency Management Programs Support Trust Fund

1 A bill to be entitled

2 An act relating to trust funds of the Executive Office
3 of the Governor; terminating the Federal Emergency
4 Management Support Trust Fund; providing for the
5 disposition of balances in and revenues of the trust
6 fund; providing an effective date.

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

9
10 Section 1. (1) The Federal Emergency Management Programs
11 Support Trust Fund within the Executive Office of the Governor,
12 FLAIR number 31-2-525, is terminated.

13 (2) All current balances remaining in, and all revenues
14 of, the trust fund, shall be transferred to the Federal Grants
15 Trust Fund, FLAIR number 31-2-261.

16 (3) The Executive Office of the Governor shall pay any
17 outstanding debts and obligations of the terminated fund as soon
18 as practicable, and the Chief Financial Officer shall close out
19 and remove the terminated fund from the various state accounting
20 systems using generally accepted accounting principles
21 concerning warrants outstanding, assets, and liabilities.

22 Section 2. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill
Department of Military Affairs -
Terminate Welfare Transition Trust Fund

1 A bill to be entitled

2 An act relating to trust funds of the Department of
3 Military Affairs; terminating the Welfare Transition
4 Trust Fund; repealing s. 250.175(5), F.S.; providing
5 an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. (1) The Welfare Transition Trust Fund within
10 the Department of Military Affairs, FLAIR number 62-2-401, is
11 terminated.

12 (2) All current balances remaining in, and all revenues of,
13 the trust fund, shall be transferred to the Federal Grants Trust
14 Fund, FLAIR number 62-2-261.

15 (3) The Department of Military Affairs shall pay any
16 outstanding debts and obligations of the terminated fund as soon
17 as practicable, and the Chief Financial Officer shall close out
18 and remove the terminated fund from the various state accounting
19 systems using generally accepted accounting principles
20 concerning warrants outstanding, assets, and liabilities.

21 Section 2. Subsection (5) of Section 250.175, Florida
22 Statutes, is repealed.

23 Section 3. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill
Department of Highway Safety and Motor Vehicles -
Terminate Highway Patrol Insurance Trust Fund

1 A bill to be entitled

2 An act relating to trust funds of the Department of
3 Highway Safety and Motor Vehicles; terminating the
4 Highway Patrol Insurance Trust Fund; providing for the
5 deposition of balance in and revenues of the trust
6 fund; providing an effective date.

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

9
10 Section 1. (1) The Highway Patrol Insurance Trust Fund
11 within the Department of Highway Safety and Motor Vehicles,
12 FLAIR number 76-2-364, is terminated.

13 (2) All current balances remaining in, and all revenues of,
14 the trust fund, shall be transferred to the General Revenue
15 Fund.

16 (3) The Department of Highway Safety and Motor Vehicles
17 shall pay any outstanding debts and obligations of the
18 terminated fund as soon as practicable, and the Chief Financial
19 Officer shall close out and remove the terminated fund from the
20 various state accounting systems using generally accepted
21 accounting principles concerning warrants outstanding, assets,
22 and liabilities.

23 Section 2. This act shall take effect July 1, 2019.

Governor's Budget Recommendation Conforming Bill
Department of Highway Safety and Motor Vehicles -
Terminate Working Capital Trust Fund

1 A bill to be entitled

2 An act relating to trust funds of the Department of
3 Highway Safety and Motor Vehicles; terminating the
4 Working Capital Trust Fund; providing for the
5 deposition of balances in and revenues of the trust
6 fund, prescribing procedures for terminating the trust
7 fund; providing an effective date.

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

10
11 Section 1. (1) The Working Capital Trust Fund within the
12 Department of Highway Safety and Motor Vehicles, FLAIR number
13 76-2-792, is terminated.

14 (2) All current balances remaining in, and all revenues of,
15 the trust fund, shall be transferred to the Highway Safety
16 Operating Trust Fund.

17 (3) The Department of Highway Safety and Motor Vehicles
18 shall pay any outstanding debts and obligations of the
19 terminated fund as soon as practicable, and the Chief Financial
20 Officer shall close out and remove the terminated fund from the
21 various state accounting systems using generally accepted
22 accounting principles concerning warrants outstanding, assets,
23 and liabilities.

24 Section 2. Section 3. This act shall take effect July 1,
25 2019.

Governor's Budget Recommendation Conforming Bill
Department of Highway Safety and Motor Vehicles -
Create Administrative Trust Fund

1 A bill to be entitled
2 An act relating to trust funds of the Department of
3 Highway Safety and Motor Vehicles; creating the
4 Administrative Trust Fund; providing for sources of
5 fund and purposes; providing for future review and
6 termination or re-creation of the trust fund;
7 providing an effective date.
8

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

11 Section 1. (1) The Administrative Trust Fund is created
12 within the Department of Highway Safety and Motor Vehicles,
13 FLAIR number 76-2-021.

14 (2) The fund is established for use as a depository for
15 funds to be used for management activities that are departmental
16 in nature and funded by indirect cost earnings and assessments
17 against trust funds.

18 (3) In accordance with Section 19(f) (2), Article III of
19 the State Constitution, the Administrative Trust Fund shall,
20 unless terminated sooner, be terminated on July 1, 2024. Before
21 its scheduled termination, the trust fund shall be reviewed as
22 provided in s.215.3206 (1) and (2), Florida Statutes.

23 Section 2. This act shall take effect July 1, 2019.