

Governor's Budget Recommendation Implementing Bill

1 A bill to be entitled

2
3 An act relating to implementing the 2022-2023 General
4 Appropriations Act; providing legislative intent;
5 incorporating by reference certain calculations of the
6 Florida Education Finance Program; providing that funds for
7 instructional materials must be released and expended as
8 required in specified proviso language; amending s. 1011.62
9 (15), (16)(a), and (19)(f), F.S.; providing a funding
10 compression and hold harmless allocation; specifying
11 purpose and distribution of allocations; providing for the
12 expiration and reversion of specified statutory text;
13 amending the teacher salary increase allocation; specifying
14 amount appropriated to a school district will be based upon
15 the July FEFP calculation; amending the turnaround school
16 supplemental services allocation; specifying amount
17 appropriated to a school district will be based upon the
18 October full-time equivalent student membership survey;
19 reenacting and amending s. 1013.62(1), F.S.; specifying the
20 source of capital outlay funding for charter schools;
21 providing for the future expiration and reversion of
22 specified statutory text; authorizing the Agency for Health
23 Care Administration to submit a budget amendment for the
24 hospital direct pay program and the indirect medical
25 education program; authorizing the Agency for Health Care
26 Administration to submit a budget amendment to realign
27 funding within the Medicaid program; authorizing the Agency
28 for Health Care Administration and the Department of Health
29 to each submit a budget amendment to realign funding within
30 the Florida Kidcare Program; authorizing the Agency for

Governor's Budget Recommendation Implementing Bill

31 Health Care Administration, in consultation with the
32 Department of Health to submit a budget amendment to
33 realign funding for a component of the Children's Medical
34 Services program to reflect actual enrollment changes;
35 specifying requirements for such realignment; authorizing
36 the agency to request non-operating budget authority for
37 transferring certain federal funds to the Department of
38 Health; authorizing the Agency for Health Care
39 Administration to contract for the negotiation of
40 prescription drug prices on behalf of participating
41 agencies; amending s. 381.02035; authorizing a pharmacist
42 or wholesaler under contract with Agency for Persons with
43 Disabilities to enroll state operated forensic facilities
44 to be eligible to import prescription drugs under the
45 Canadian Prescription Drug Importation Program; providing
46 an effective date; authorizing the Department of Children
47 and Families to realign funding based on the implementation
48 of the Guardianship Assistance Program; authorizing the
49 Department of Children and Families to realign funding
50 within the Family Safety Program to maximize the use of
51 Title IV-E and other federal funds; authorizing the
52 Department of Health to submit a budget amendment to
53 increase budget authority for the HIV/AIDS prevention and
54 treatment program under certain conditions; amending ss.
55 381.986 and 381.988, F.S.; extending for 1 year the
56 exemption of certain rules pertaining to the medical use of
57 marijuana from certain rulemaking requirements; provides
58 that the Department of Health is exempt from certain rules
59 and requirements pertaining to Medical Marijuana Laboratory
60 Certification; amending s. 14(1), chapter 2017-232, Laws of

Governor's Budget Recommendation Implementing Bill

61 Florida; exempting certain rules pertaining to medical
62 marijuana adopted to replace emergency rules from specified
63 rulemaking requirements; amending s. 216.262, F.S.;
64 extending for 1 fiscal year the authority of the Department
65 of Corrections to submit a budget amendment for additional
66 positions and appropriations under certain circumstances;
67 requiring review and approval by the Legislative Budget
68 Commission; amending s. 215.18, F.S.; extending for 1
69 fiscal year the authority and related repayment
70 requirements for temporary trust fund loans to the state
71 court system which are sufficient to meet the system's
72 appropriation; requiring the Department of Juvenile Justice
73 to review county juvenile detention payments to determine
74 if the county has met specified financial responsibilities;
75 requiring amounts owed by the county for such financial
76 responsibilities to be deducted from certain county funds;
77 requiring the Department of Revenue to transfer withheld
78 funds to a specified trust fund; requiring the Department
79 of Revenue to ensure that such deductions do not reduce
80 distributions below amounts necessary for certain payments
81 relating to bonds; requiring the Department of Revenue to
82 notify the Department of Juvenile Justice if bond payment
83 requirements require a reduction in deductions for amounts
84 owed by a county; amending s. 27.5304, F.S., relating to
85 private court-appointed counsel; extending for 1 fiscal
86 year limitations on compensation for private court-
87 appointed counsel; prohibiting an agency from transferring
88 funds from a data processing category to another category
89 that is not a data processing category; authorizing the
90 Executive Office of the Governor to transfer funds

Governor's Budget Recommendation Implementing Bill

91 appropriated for data processing assessment between
92 departments for a specified purpose; requires certain
93 information technology projects be reviewed by the Florida
94 Digital Service prior to a change in scope; authorizing the
95 Executive Office of the Governor to transfer funds between
96 departments for purposes of aligning amounts paid for risk
97 management insurance and for human resources services
98 purchased per statewide contract; amending s. 215.18, F.S.;
99 extending for 1 fiscal year the authority of the Governor,
100 if there is a specified temporary deficiency in a land
101 acquisition trust fund in the Department of Agriculture and
102 Consumer Services, the Department of Environmental
103 Protection, the Department of State, or the Fish and
104 Wildlife Conservation Commission, to transfer funds from
105 other trust funds in the State Treasury as a temporary loan
106 to such trust fund; providing deadline for the repayment of
107 a temporary loan; requiring the Department of Environmental
108 Protection to transfer designated proportions of the
109 revenues deposited in the Land Acquisition Trust Fund
110 within the department to land acquisition trust funds in
111 the Department of Agriculture and Consumer Services, the
112 Department of State, and the Fish and Wildlife Conservation
113 Commission according to specified parameters and
114 calculations; defining the term "department"; requiring the
115 Department of Environmental Protection to make transfers to
116 land acquisition trust funds monthly; specifying the method
117 of determining transfer amounts; authorizing the Department
118 of Environmental Protection to advance funds from its land
119 acquisition trust fund to the Fish and Wildlife
120 Conservation Commission's land acquisition trust fund for

Governor's Budget Recommendation Implementing Bill

121 specified purposes; amending s. 375.041, F.S.; specifying
122 that certain funds for projects dedicated to restoring Lake
123 Apopka shall be appropriated as provided in the General
124 Appropriations Act; amending s. 216.181, F.S.; authorizing
125 approval of changes for Department of Environmental
126 Protection fixed capital outlay projects under specified
127 circumstances; reenacting s. 376.3071(15)(g), F.S.,
128 relating to the Inland Protection Trust Fund; exempting
129 specified costs incurred by certain petroleum storage
130 system owners or operators during a specified period from
131 the prohibition against making payments in excess of
132 amounts approved by the Department of Environmental
133 Protection; providing for future expiration and reversion
134 of specified statutory text; amending s. 321.04, F.S.;
135 extending for 1 fiscal year the requirement that the
136 Department of Highway Safety and Motor Vehicles assign one
137 or more patrol officers to the office of Lieutenant
138 Governor for security purposes, upon request of the
139 Governor; extending for 1 fiscal year the requirement that
140 the Department of Highway Safety and Motor Vehicles assign
141 a patrol officer to a Cabinet member under certain
142 circumstances; amending s. 215.559, F.S.; delaying the
143 repeal of provisions governing the Division of Emergency
144 Management's Hurricane Loss Mitigation Program; amending s.
145 288.8013, F.S.; authorizing interest earned by the Triumph
146 Gulf Coast Trust Fund to be used as provided in the General
147 Appropriations Act; amending s. 339.135, F.S.; authorizing
148 the chair and vice chair of the Legislative Budget
149 Commission to approve certain work program amendments under
150 specified circumstances; amending s. 420.0005, F.S.;

Governor's Budget Recommendation Implementing Bill

151 extending for 1 fiscal year the authorization for certain
152 funds related to state housing to be used as provided in
153 the General Appropriations Act; amending s. 420.9079, F.S.;
154 extending for 1 year the authorization for funds in the
155 Local Government Housing Trust Fund to be used as provided
156 in the General Appropriations Act; amending 427.0159, F.S.;
157 authorizing funds in the Transportation Disadvantaged Trust
158 Fund to be used as provided in the General Appropriations
159 Act; incorporating by reference certain calculations of
160 reversions; prohibiting a state agency from contracting
161 with common carriers under specified circumstances;
162 amending s. 112.061, F.S.; requiring agencies to prioritize
163 applications for economic development programs that benefit
164 the on-shoring of manufacturing to the state; ; extending
165 for 1 fiscal year the authorization for the Lieutenant
166 Governor to designate an alternative official headquarters
167 under certain conditions; specifying restrictions,
168 limitations, eligibility for the subsistence allowance,
169 reimbursement of transportation expenses, and payment
170 thereof; requiring the Department of Management Services to
171 maintain and offer the same health insurance options for
172 participants of the State Group Health Insurance Program
173 for the 2022-23 fiscal year as applied in the preceding
174 fiscal year; reenacting s. 215.32(2)(b), F.S., relating to
175 the source and use of certain trust funds in order to
176 implement the transfer of moneys into the General Revenue
177 Fund from trust funds in the 2022-23 General Appropriations
178 Act; providing for the future expiration and reversion of
179 statutory text; authorizing state agencies to submit budget
180 amendments to implement any necessary salary rate increase

Governor's Budget Recommendation Implementing Bill

181 to address pay plan compression resulting from the increase
182 in the state minimum wage; limiting the use of travel funds
183 to activities that are critical to an agency's mission;
184 providing a monetary cap on lodging costs for state
185 employee travel to certain meetings organized or sponsored
186 by a state agency or the judicial branch; authorizing
187 employees to expend their own funds for lodging expenses
188 that exceed the monetary caps; provides for a reduction of
189 the MyFloridaMarketPlace transaction fee; authorizing the
190 Department of Lottery to submit budget amendments for the
191 cost to implement a new prize payment system; providing for
192 state agencies to coordinate purchase of new motor vehicles
193 with the Department of Management Services prior to the
194 acquisition of any new vehicle; providing conditions under
195 which the veto of certain appropriations or proviso
196 language in the General Appropriations Act voids language
197 that implements such appropriation; providing for the
198 continued operation of certain provisions notwithstanding a
199 future repeal or expiration provided by the act; providing
200 severability; providing effective dates.

201
202 Be It Enacted by the Legislature of the State of Florida:

203
204 Section 1. It is the intent of the Legislature that the
205 implementing and administering provisions of this act apply to
206 the General Appropriations Act for the 2022-2023 fiscal year.

207 Section 2. In order to implement Specific Appropriations
208 5, 6, 86, and 87 of the 2022-2023 General Appropriations Act,
209 the calculations of the Florida Education Finance Program for
210 the 2022-2023 fiscal year in the document entitled "Public

Governor's Budget Recommendation Implementing Bill

211 School Funding-The Florida Education Finance Program," dated
212 December 2021 and filed with the Executive Office of the
213 Governor are incorporated by reference for the purpose of
214 displaying the calculations used in making appropriations for
215 the Florida Education Finance Program. This section expires July
216 1, 2023.

217 Section 3. In order to implement Specific Appropriations 5
218 and 86 of the 2022-2023 General Appropriations Act, and
219 notwithstanding ss. 1002.20, 1003.02, 1006.28-1006.42,
220 1011.62(6)(b)3., and 1011.67, Florida Statutes, relating to the
221 expenditure of funds provided for instructional materials, for
222 the 2022-2023 fiscal year, funds provided for instructional
223 materials shall be released and expended as required in the
224 proviso language for Specific Appropriation 86 of the 2022-2023
225 General Appropriations Act. This section expires July 1, 2023.

226 Section 4. In order to implement Specific Appropriations 5
227 and 86 of the 2022-2023 General Appropriations Act, subsection
228 (15), paragraph (a) of subsection (16), and paragraph (f) of
229 subsection (19) of section 1011.62, Florida Statutes, is amended
230 to read:

231 1011.62 Funds for operation of schools.—If the annual
232 allocation from the Florida Education Finance Program to each
233 district for operation of schools is not determined in the
234 annual appropriations act or the substantive bill implementing
235 the annual appropriations act, it shall be determined as
236 follows:

237 (15) FUNDING COMPRESSION AND HOLD HARMLESS ALLOCATION.— The
238 Legislature may provide an annual funding compression and hold
239 harmless allocation in the General Appropriations Act. The
240 allocation is created to provide additional funding to school

Governor's Budget Recommendation Implementing Bill

241 districts if the school district's total funds per FTE in the
242 prior year were less than the statewide average or if the school
243 district's district cost differential in the current year is
244 less than the prior year. The total allocation shall be
245 distributed to eligible school districts as follows:

246 (a) Using the most recent prior year FEFP calculation for
247 each eligible school district, subtract the total school
248 district funds per FTE from the state average funds per FTE, not
249 including any adjustments made pursuant to paragraph (17)(b).
250 The resulting funds per FTE difference, or a portion thereof, as
251 designated in the General Appropriations Act, shall then be
252 multiplied by the school district's total unweighted FTE.

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

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

267 This subsection expires July 1, 2023 ~~2022~~.

268 (16) TEACHER SALARY INCREASE ALLOCATION.—The Legislature
269 may annually provide in the Florida Education Finance Program a
270 teacher salary increase allocation to assist school districts in

Governor's Budget Recommendation Implementing Bill

271 their recruitment and retention of classroom teachers and other
272 instructional personnel. The amount of the allocation shall be
273 specified in the General Appropriations Act.

274 (a) Each school district shall receive an allocation based
275 on the school district's proportionate share of the base FEFP
276 allocation. Each school district shall provide each charter
277 school within its district its proportionate share calculated
278 pursuant to s. 1002.33(17)(b). The amount appropriated for each
279 school district shall be the funding allocated to a school
280 district as of the July FEFP calculation.

281 (19) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION.—
282 The turnaround school supplemental services allocation is
283 created to provide district-managed turnaround schools, as
284 identified in s. 1008.33(4)(a), schools that earn three
285 consecutive grades below a "C," as identified in s.
286 1008.33(4)(b)3., and schools that have improved to a "C" and are
287 no longer in turnaround status, as identified in s.
288 1008.33(4)(c), with funds to offer services designed to improve
289 the overall academic and community welfare of the schools'
290 students and their families.

291 (f) Subject to legislative appropriation, each school shall
292 remain eligible for the allocation for a maximum of 4 continuous
293 fiscal years while implementing a turnaround option pursuant to
294 s. 1008.33(4). In addition, a school that improves to a grade of
295 "C" or higher shall remain eligible to receive the allocation
296 for a maximum of 2 continuous fiscal years after exiting
297 turnaround status. The amount allocated for each school district
298 shall be recalculated once during the year, based on full-time
299 equivalent student membership from the October full-time
300 equivalent student membership survey.

Governor's Budget Recommendation Implementing Bill

301 Section 5. In order to implement Specific Appropriation 15
302 of the 2022-2023 General Appropriations Act, and notwithstanding
303 the expiration date in section 5 of chapter 2021-37, Laws of
304 Florida, subsection (1) of section 1013.62, Florida Statutes, is
305 reenacted and amended to read:

306 1013.62 Charter Schools Capital Outlay Funding.-

307 (1) For the 2022-2023 ~~2021-2022~~ fiscal year, charter school
308 capital outlay funding shall consist of state funds appropriated
309 in the 2022-2023 ~~2021-2022~~ General Appropriations Act. Beginning
310 in fiscal year 2023-2024 ~~2022-2023~~, charter school capital
311 outlay funding shall consist of state funds when such funds are
312 appropriated in the General Appropriations Act and revenue
313 resulting from the discretionary millage authorized in s.
314 1011.71(2) if the amount of state funds appropriated for charter
315 school capital outlay in any fiscal year is less than the
316 average charter school capital outlay funds per unweighted full-
317 time equivalent student for the 2018-2019 fiscal year,
318 multiplied by the estimated number of charter school students
319 for the applicable fiscal year, and adjusted by changes in the
320 Consumer Price Index issued by the United States Department of
321 Labor from the previous fiscal year. Nothing in this subsection
322 prohibits a school district from distributing to charter schools
323 funds resulting from the discretionary millage authorized in s.
324 1011.71(2).

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

327 1.a. Have been in operation for 2 or more years;

328 b. Be governed by a governing board established in the
329 state for 2 or more years which operates both charter schools
330 and conversion charter schools within the state;

Governor's Budget Recommendation Implementing Bill

331 c. Be an expanded feeder chain of a charter school within
332 the same school district that is currently receiving charter
333 school capital outlay funds;

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

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

339 f. Be operated by a hope operator pursuant to s. 1002.333.

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

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

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

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

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

355 Section 6. The amendments to s. 1013.62(1), Florida
356 Statutes, by this act expire July 1, 2023, and the text of that
357 subsection shall revert to that in existence on June 30, 2020,
358 except that any amendments to such text enacted other than by
359 this act shall be preserved and continue to operate to the

Governor's Budget Recommendation Implementing Bill

360 extent that such amendments are not dependent upon the portions
361 of text which expire pursuant to this section.

362 Section 7. In order to continue the implementation of
363 Section 74 of the 2022-2023 General Appropriations Act, the
364 Agency for Health Care Administration may submit a budget
365 amendment, subject to the notice, review and objection
366 procedures of s. 216.177, Florida Statutes, for the hospital
367 direct payment program. This section expires July 1, 2023.

368 Section 8. In order to continue the implementation of
369 Section 75 of the 2022-2023 General Appropriations Act, the
370 Agency for Health Care Administration may submit a budget
371 amendment, subject to the notice, review and objection
372 procedures of s. 216.177, Florida Statutes, for the indirect
373 medical education program for institutions participating in a
374 graduate medical education program. This section expires July 1,
375 2023.

376 Section 9. In order to implement Specific Appropriations
377 197 through 224 of the 2022-2023 General Appropriations Act, and
378 notwithstanding ss. 216.181 and 216.292, Florida Statutes, the
379 Agency for Health Care Administration may submit a budget
380 amendment, subject to the notice, review, and objection
381 procedures of s. 216.177, Florida Statutes, to realign funding
382 within the Medicaid program appropriation categories to address
383 projected surpluses and deficits within the program and to
384 maximize the use of state trust funds. A single budget amendment
385 shall be submitted in the last quarter of the 2022-2023 fiscal
386 year only. This section expires July 1, 2023.

387 Section 10. In order to implement Specific Appropriations
388 176 through 181 and 524 of the 2022-2023 General Appropriations
389 Act, and notwithstanding ss. 216.181 and 216.292, Florida

Governor's Budget Recommendation Implementing Bill

390 Statutes, the Agency for Health Care Administration and the
391 Department of Health may each submit a budget amendment, subject
392 to the notice, review, and objection procedures of s. 216.177,
393 Florida Statutes, to realign funding within the Florida Kidcare
394 program appropriation categories, or to increase budget
395 authority in the Children's Medical Services Network category,
396 to address projected surpluses and deficits within the program
397 or to maximize the use of state trust funds. A single budget
398 amendment must be submitted by each agency in the last quarter
399 of the 2022-2023 fiscal year only. This section expires July 1,
400 2023.

401 Section 11. In order to implement Specific Appropriations
402 197 through 224 and 524 of the 2022-2023 General Appropriations
403 Act and notwithstanding ss. 216.181 and 216.292, Florida
404 Statutes, the Agency for Health Care Administration, in
405 consultation with the Department of Health, may submit a budget
406 amendment, subject to the notice, review, and objection
407 procedures of s. 216.177, Florida Statutes, to realign funding
408 within and between agencies based on implementation of the
409 Managed Medical Assistance component of the Statewide Medicaid
410 Managed Care program for the Children's Medical Services program
411 of the Department of Health. The funding realignment shall
412 reflect the actual enrollment changes due to the transfer of
413 beneficiaries from fee-for-service to the capitated Children's
414 Medical Services Network. The Agency for Health Care
415 Administration may submit a request for non-operating budget
416 authority to transfer the federal funds to the Department of
417 Health pursuant to s. 216.181(12), Florida Statutes. This
418 section expires July 1, 2023.

419 Section 12. In order to implement Specific Appropriations

Governor's Budget Recommendation Implementing Bill

420 189, 211, 212, 279, 337, 487, 703, 704, and 705 of the 2022-2023
421 General Appropriations Act, the Agency for Health Care
422 Administration, in consultation with the Department of Health,
423 Agency for Persons with Disabilities, Department of Children and
424 Families and the Department of Corrections, shall competitively
425 procure a contract with a vendor to negotiate prices for
426 prescription drugs, including insulin and epinephrine, for all
427 participating agencies. The contract shall also allow for the
428 direct purchase of these drugs for participating agencies when
429 possible. The contract shall prescribe that the vendor will be
430 compensated on a contingency basis paid from a portion of the
431 savings achieved through the negotiation and purchase of the
432 prescription drugs. This section expires July 1, 2023.

433 Section 13. In order to implement Specific Appropriation
434 190 of the 2022-2023 General Appropriations Act, paragraph (f)
435 is added to subsection (7) of section 381.02035, Florida
436 Statutes, is added to read:

437 381.02035 Canadian Prescription Drug Importation Program.-

438 (7) ELIGIBLE IMPORTERS.—The following entities may import
439 prescription drugs from an eligible Canadian supplier under the
440 program:

441 (a) A pharmacist or wholesaler employed by or under
442 contract with the department's central pharmacy, for
443 distribution to a county health department or free clinic for
444 dispensing to clients treated in such department or clinic.

445 (b) A pharmacist or wholesaler employed by or under
446 contract with a Medicaid pharmacy, for dispensing to the
447 pharmacy's Medicaid recipients.

448 (c) A pharmacist or wholesaler employed by or under
449 contract with the Department of Corrections, for dispensing to

Governor's Budget Recommendation Implementing Bill

450 inmates in the custody of the Department of Corrections.

451 (d) A pharmacist or wholesaler employed by or under
452 contract with a developmental disabilities center, as defined in
453 s. 393.063, for dispensing to clients treated in such center.

454 (e) A pharmacist or wholesaler employed by or under
455 contract with a treatment facility, as defined in s. 394.455,
456 for dispensing to patients treated in such facility.

457 (f) For the 2022-2023 Fiscal Year, a pharmacist or
458 wholesaler employed by or under contract with forensic
459 facilities as defined in s. 916.106, Florida Statutes, that are
460 managed by the Agency for Persons with Disabilities, for
461 dispensing to clients treated in such facilities. This paragraph
462 expires July 1, 2023.

463 Section 14. In order to implement Specific Appropriations
464 326, 328, 357, and 358 of the 2022-2023 General Appropriations
465 Act, and notwithstanding ss. 216.181 and 216.292, Florida
466 Statutes, the Department of Children and Families may submit a
467 budget amendment, subject to the notice, review, and objection
468 procedures of s. 216.177, Florida Statutes, to realign funding
469 within the department based on the implementation of the
470 Guardianship Assistance Program, between and among the specific
471 appropriations for guardianship assistance payments, foster care
472 Level 1 room and board payments, relative caregiver payments,
473 and nonrelative caregiver payments. This section expires July 1,
474 2023.

475 Section 15. In order to implement Specific Appropriations
476 307 through 310, 315, 316, 319, 324 through 326, and 328 of the
477 2022-2023 General Appropriations Act, and notwithstanding ss.
478 216.181 and 216.292, Florida Statutes, the Department of
479 Children and Families may submit a budget amendment, subject to

Governor's Budget Recommendation Implementing Bill

480 the notice, review, and objection procedures of s. 216.177,
481 Florida Statutes, to realign funding within the Family Safety
482 Program to maximize the use of Title IV-E and other federal
483 funds. This section expires July 1, 2023.

484 Section 16. In order to implement Specific Appropriations
485 470 and 509 of the 2022-2023 General Appropriations Act, and
486 notwithstanding ss. 216.181 and 216.292, Florida Statutes, the
487 Department of Health may submit a budget amendment, subject to
488 the notice, review, and objection procedures of s. 216.177,
489 Florida Statutes, to increase budget authority for the HIV/AIDS
490 Prevention and Treatment Program if additional federal revenues
491 specific to HIV/AIDS prevention and treatment program become
492 available in the 2022-2023 fiscal year. This section expires
493 July 1, 2023.

494 Section 17. In order to implement Specific Appropriations
495 467 through 469, 473 through 475, 478 and 481 through 483 of the
496 2022-2023 General Appropriations Act, subsection (17) of section
497 381.986, Florida Statutes, is amended to read:

498 381.986 Medical use of marijuana.—

499 (17) Rules adopted pursuant to this section before July 1,
500 2023 ~~2021~~, are not subject to ss. 120.54(3)(b) and 120.541.
501 ~~Notwithstanding paragraph (8)(e), a medical marijuana treatment~~
502 ~~center may use a laboratory that has not been certified by the~~
503 ~~department under s. 381.988 until such time as at least one~~
504 ~~laboratory holds the required certification pursuant to s.~~
505 ~~381.988, but in no event later than July 1, 2020. This~~
506 subsection expires July 1, 2023 ~~2022~~.

507 Section 18. In order to implement Specific Appropriations
508 467 through 469, 473 through 475, 478 and 481 through 483 of the
509 2022-2023 General Appropriations Act, subsection (11) of section

Governor's Budget Recommendation Implementing Bill

510 381.988, Florida Statutes, is amended to read:

511 381.988 Medical marijuana testing laboratories; marijuana
512 tests conducted by a certified laboratory.—

513 (11) Rules adopted under subsection (9) before July 1, 2023
514 ~~2022~~, are not subject to ss. 120.54(3)(b) and 120.541. This
515 subsection expires July 1, 2023 ~~2022~~.

516 Section 19. Effective July 1, 2022, upon the expiration
517 and reversion of the amendments made to subsection (1) of
518 section 14 of chapter 2017-232, Laws of Florida, pursuant to
519 section 33 of chapter 2020-114, Laws of Florida, and in order to
520 implement Specific Appropriations 467 through 469, 473 through
521 475, 478 and 481 through 483 of the 2022-2023 General
522 Appropriations Act, subsection (1) of section 14 of chapter
523 2017-232, Laws of Florida, is amended to read:

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

526 (1) EMERGENCY RULEMAKING.—

527 (a) The Department of Health and the applicable boards
528 shall adopt emergency rules pursuant to s. 120.54(4), Florida
529 Statutes, and this section necessary to implement ss. 381.986
530 and 381.988, Florida Statutes. If an emergency rule adopted
531 under this section is held to be unconstitutional or an invalid
532 exercise of delegated legislative authority, and becomes void,
533 the department or the applicable boards may adopt an emergency
534 rule pursuant to this section to replace the rule that has
535 become void. If the emergency rule adopted to replace the void
536 emergency rule is also held to be unconstitutional or an invalid
537 exercise of delegated legislative authority and becomes void,
538 the department and the applicable boards must follow the
539 nonemergency rulemaking procedures of the Administrative

Governor's Budget Recommendation Implementing Bill

540 procedures Act to replace the rule that has become void.

541 (b) For emergency rules adopted under this section, the
542 department and the applicable boards need not make the findings
543 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
544 adopted under this section are exempt from ss. 120.54(3)(b) and
545 120.541, Florida Statutes. The department and the applicable
546 boards shall meet the procedural requirements in s. 120.54(4)(a)
547 ~~s. 120.54(a)~~, Florida Statutes, if the department or the
548 applicable boards have, before July 1, 2019 ~~the effective date~~
549 ~~of this act~~, held any public workshops or hearings on the
550 subject matter of the emergency rules adopted under this
551 subsection. Challenges to emergency rules adopted under this
552 subsection are subject to the time schedules provided in s.
553 120.56(5), Florida Statutes.

554 (c) Emergency rules adopted under this section are exempt
555 from s. 120.54(4)(c), Florida Statutes, and shall remain in
556 effect until replaced by rules adopted under the nonemergency
557 rulemaking procedures of the Administrative Procedures Act.
558 Rules adopted under the nonemergency rulemaking procedures of
559 the Administrative Procedures Act to replace emergency rules
560 adopted under this section are exempt from ss. 120.54(3)(b) and
561 120.541, Florida Statutes. By July 1, 2023 ~~January 1, 2018~~, the
562 department and the applicable boards shall initiate nonemergency
563 rulemaking pursuant to the Administrative Procedures Act to
564 replace all emergency rules adopted under this section by
565 publishing a notice of rule development in the Florida
566 Administrative Register. Except as provided in paragraph (a),
567 after July 1, 2023 ~~January 1, 2018~~, the department and
568 applicable boards may not adopt rules pursuant to the emergency
569 rulemaking procedures provided in this section.

Governor's Budget Recommendation Implementing Bill

570 Section 20. In order to implement Specific Appropriations
571 581 through 684 and 696 through 731 of the 2022-2023 General
572 Appropriations Act, subsection (4) of section 216.262, Florida
573 Statutes, is amended to read:

574 216.262 Authorized Positions.-

575 (4) Notwithstanding the provisions of this chapter relating
576 to increasing the number of authorized positions, and for the
577 2022-2023 ~~2021-2022~~ fiscal year only, if the actual inmate
578 population of the Department of Corrections exceeds the inmate
579 population projections of the July 28, 2021 ~~March 17, 2021~~,
580 Criminal Justice Estimating Conference by 1 percent for 2
581 consecutive months or 2 percent for any month, the Executive
582 Office of the Governor, with the approval of the Legislative
583 Budget Commission, shall immediately notify the Criminal Justice
584 Estimating Conference, which shall convene as soon as possible
585 to revise the estimates. The Department of Corrections may then
586 submit a budget amendment requesting the establishment of
587 positions in excess of the number authorized by the Legislature
588 and additional appropriations from unallocated general revenue
589 sufficient to provide for essential staff, fixed capital
590 improvements, and other resources to provide classification,
591 security, food services, health services, and other variable
592 expenses within the institutions to accommodate the estimated
593 increase in the inmate population. All actions taken pursuant to
594 this subsection are subject to review and approval by the
595 Legislative Budget Commission. This subsection expires July 1,
596 2023 ~~2022~~.

597 Section 21. In order to implement Specific Appropriations
598 3201 through 3267 of the 2022-2023 General Appropriations Act,
599 subsection (2) of section 215.18, Florida Statutes, is amended

Governor's Budget Recommendation Implementing Bill

600 to read:

601 215.18 Transfers between funds; limitation.—

602 (2) The Chief Justice of the Supreme Court may receive one
603 or more trust fund loans to ensure that the state court system
604 has funds sufficient to meet its appropriations in the 2022-2023
605 ~~2021-2022~~ General Appropriations Act. If the Chief Justice
606 accesses the loan, he or she must notify the Governor and the
607 chairs of the legislative appropriations committees in writing.
608 The loan must come from other funds in the State Treasury which
609 are for the time being or otherwise in excess of the amounts
610 necessary to meet the just requirements of such last-mentioned
611 funds. The Governor shall order the transfer of funds within 5
612 days after the written notification from the Chief Justice. If
613 the Governor does not order the transfer, the Chief Financial
614 Officer shall transfer the requested funds. The loan of funds
615 from which any money is temporarily transferred must be repaid
616 by the end of the 2022-2023 ~~2021-2022~~ fiscal year. This
617 subsection expires July 1, 2023 ~~2022~~.

618 Section 22. (1) In order to implement Specific
619 Appropriations 1113 through 1123 of the 2022-2023 General
620 Appropriations Act, the Department of Juvenile Justice is
621 required to review county juvenile detention payments to ensure
622 that counties fulfill their financial responsibilities required
623 in s. 985.6865, Florida Statutes. If the Department of Juvenile
624 Justice determines that a county has not met its obligations,
625 the department shall direct the Department of Revenue to deduct
626 the amount owed to the Department of Juvenile Justice from the
627 funds provided to the county under s. 218.23, Florida Statutes.
628 The Department of Revenue shall transfer the funds withheld to
629 the Shared County/State Juvenile Detention Trust Fund.

Governor's Budget Recommendation Implementing Bill

630 (2) As an assurance to holders of bonds issued by counties
631 before July 1, 2022, for which distributions made pursuant to s.
632 218.23, Florida Statutes, are pledged, or bonds issued to refund
633 such bonds which mature no later than the bonds they refunded
634 and which result in a reduction of debt service payable in each
635 fiscal year, the amount available for distribution to a county
636 shall remain as provided by law and continue to be subject to
637 any lien or claim on behalf of the bondholders. The Department
638 of Revenue must ensure, based on information provided by an
639 affected county, that any reduction in amounts distributed
640 pursuant to subsection (1) does not reduce the amount of
641 distribution to a county below the amount necessary for the
642 timely payment of principal and interest when due on the bonds
643 and the amount necessary to comply with any covenant under the
644 bond resolution or other documents relating to the issuance of
645 the bonds. If a reduction to a county's monthly distribution
646 must be decreased in order to comply with this section, the
647 Department of Revenue must notify the Department of Juvenile
648 Justice of the amount of the decrease, and the Department of
649 Juvenile Justice must send a bill for payment of such amount to
650 the affected county.

651 (3) This section expires July 1, 2023.

652 Section 23. In order to implement Specific Appropriations
653 741 through 762, 913 through 1056, and 1077 through 1112 of the
654 2022-2023 General Appropriations Act, subsection (13) of
655 s. 27.5304, Florida Statutes, is amended to read:

656 27.5304 Private court-appointed counsel; compensation;
657 notice.—

658 (13) Notwithstanding the limitation set forth in subsection
659 (5) and for the 2022-2023 ~~2021-2022~~ fiscal year only, the

Governor's Budget Recommendation Implementing Bill

660 compensation for representation in a criminal proceeding may not
661 exceed the following:

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

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

666 (c) For life felonies represented at the trial level:
667 \$15,000.

668 (d) For capital cases represented at the trial level:
669 \$25,000. For purposes of this paragraph, a "capital case" is any
670 offense for which the potential sentence is death and the state
671 has not waived seeking the death penalty.

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

673 (f) This subsection expires July 1, 2023 ~~2022~~.

674 Section 24. In order to implement appropriations
675 authorized in the Fiscal Year 2022-2023 General Appropriations
676 Act for data center services, and notwithstanding s.
677 216.292(2)(a), Florida Statutes, an agency may not transfer
678 funds from a data processing category to a category other than
679 another data processing category. This section expires July 1,
680 2023.

681 Section 25. In order to implement the appropriation of
682 funds in a data processing category in the Fiscal Year 2022-2023
683 General Appropriations Act, and pursuant to the notice, review,
684 and objection procedures of s. 216.177, Florida Statutes, the
685 Executive Office of the Governor may transfer funds appropriated
686 in a data processing category between departments in order to
687 align the budget authority granted based on the estimated
688 billing cycle and methodology used by the Department of
689 Management Services. This section expires July 1, 2023.

Governor's Budget Recommendation Implementing Bill

690 Section 26. In order to implement appropriations in the
691 Fiscal Year 2022-2023 General Appropriations Act:

692 (1) Each agency shall receive approval from the Department
693 of Management Service's Florida Digital Service prior to the
694 implementation of a change in scope of any existing or new
695 information technology project with a total project cost of
696 \$1,000,000 or more over the lifetime of the project. Each agency
697 shall coordinate with the Florida Digital Service to provide all
698 necessary documentation detailing the impact of the change in
699 scope. This section does not apply to any information technology
700 project with the following scope(s):

701 (a) Continue existing hardware and software maintenance
702 agreements.

703 (b) Renew existing software licensing agreements that are
704 similar to the service-level agreements currently in use.

705 (c) Replace desktop units with new technology that is
706 similar to the technology currently in use.

707 (d) Contract only for the completion of a business case or
708 feasibility study for the replacement or remediation of an
709 existing Information Technology system or the development of a
710 new Information Technology system.

711 (2) Each agency shall provide the Florida Digital Service a
712 list of all applicable projects pursuant to this section by
713 September 30, 2022. The list shall include the project's title,
714 purpose, and timeline for completion.

715 (3) The Florida Digital Service shall develop a process and
716 guidelines to be used in the review of each applicable project's
717 change in scope, including, but not limited to, consideration of
718 whether the agency is utilizing best practices with respect to
719 information technology, information services, and the

Governor's Budget Recommendation Implementing Bill

720 acquisition of emerging technologies and information services.
721 This section expires July 1, 2023.

722 Section 27. In order to implement the appropriation of
723 funds in appropriation category "Special Categories-Risk
724 Management Insurance" in the Fiscal Year 2022-2023 General
725 Appropriations Act, and pursuant to the notice, review, and
726 objection procedures of s. 216.177, Florida Statutes, the
727 Executive Office of the Governor may transfer funds appropriated
728 in that category between state agencies in order to align the
729 budget authority granted with the premiums paid by each
730 department for risk management insurance. This section expires
731 July 1, 2023.

732 Section 28. In order to implement the appropriation of
733 funds in the appropriation category "Special Categories-Transfer
734 to Department of Management Services-Human Resources Services
735 Purchased Per Statewide Contract" in the Fiscal Year 2022-2023
736 General Appropriations Act, and pursuant to the notice, review,
737 and objection procedures of s. 216.177, Florida Statutes, the
738 Executive Office of the Governor may transfer funds appropriated
739 in that category between state agencies in order to align the
740 budget authority granted with the assessments that must be paid
741 by each agency to the Department of Management Services for
742 human resource management services. This section expires July 1,
743 2023.

744 Section 29. In order to implement specific appropriations
745 from the Land Acquisition Trust Fund within the Department of
746 Agriculture and Consumer Services, the Department of
747 Environmental Protection, the Department of State, and the Fish
748 and Wildlife Conservation Commission which are contained in the
749 2022-2023 General Appropriations Act, subsection (3) of section

Governor's Budget Recommendation Implementing Bill

750 215.18, Florida Statutes, is amended to read:

751 215.18 Transfers between funds; limitation.—

752 (3) Notwithstanding subsection (1) and only with respect to
753 a land acquisition trust fund in the Department of Agriculture
754 and Consumer Services, the Department of Environmental
755 Protection, the Department of State, or the Fish and Wildlife
756 Conservation Commission, whenever there is a deficiency in a
757 land acquisition trust fund which would render that trust fund
758 temporarily insufficient to meet its just requirements,
759 including the timely payment of appropriations from that trust
760 fund, and other trust funds in the State Treasury have moneys
761 that are for the time being or otherwise in excess of the
762 amounts necessary to meet the just requirements, including
763 appropriated obligations, of those other trust funds, the
764 Governor may order a temporary transfer of moneys from one or
765 more of the other trust funds to a land acquisition trust fund
766 in the Department of Agriculture and Consumer Services, the
767 Department of Environmental Protection, the Department of State,
768 or the Fish and Wildlife Conservation Commission. Any action
769 proposed pursuant to this subsection is subject to the notice,
770 review, and objection procedures of s. 216.177, and the Governor
771 shall provide notice of such action at least 7 days before the
772 effective date of the transfer of trust funds, except that
773 during July 2022 ~~2021~~, notice of such action shall be provided
774 at least 3 days before the effective date of a transfer unless
775 such 3-day notice is waived by the chair and vice-chair of the
776 Legislative Budget Commission. Any transfer of trust funds to a
777 land acquisition trust fund in the Department of Agriculture and
778 Consumer Services, the Department of Environmental Protection,
779 the Department of State, or the Fish and Wildlife Conservation

Governor's Budget Recommendation Implementing Bill

780 Commission must be repaid to the trust funds from which the
781 moneys were loaned by the end of the 2022-2023 ~~2021-2022~~ fiscal
782 year. The Legislature has determined that the repayment of the
783 other trust fund moneys temporarily loaned to a land acquisition
784 trust fund in the Department of Agriculture and Consumer
785 Services, the Department of Environmental Protection, the
786 Department of State, or the Fish and Wildlife Conservation
787 Commission pursuant to this subsection is an allowable use of
788 the moneys in a land acquisition trust fund because the moneys
789 from other trust funds temporarily loaned to a land acquisition
790 trust fund shall be expended solely and exclusively in
791 accordance with s. 28, Art. X of the State Constitution. This
792 subsection expires July 1, 2023 ~~2022~~.

793 Section 30. (1) In order to implement specific
794 appropriations from the land acquisition trust funds within the
795 Department of Agriculture and Consumer Services, the Department
796 of Environmental Protection, the Department of State, and the
797 Fish and Wildlife Conservation Commission which are contained in
798 the 2022-2023 General Appropriations Act, the Department of
799 Environmental Protection shall transfer revenues from the
800 Land Acquisition Trust Fund within the department to the land
801 acquisition trust funds within the Department of Agriculture and
802 Consumer Services, the Department of State, and the Fish and
803 Wildlife Conservation Commission, as provided in this section.
804 As used in this section, the term "department" means the
805 Department of Environmental Protection.

806 (2) After subtracting any required debt service payments,
807 the proportionate share of revenues to be transferred to each
808 land acquisition trust fund shall be calculated by dividing the
809 appropriations from each of the land acquisition trust funds for

Governor's Budget Recommendation Implementing Bill

810 the fiscal year by the total appropriations from the Land
811 Acquisition Trust Fund within the department and the land
812 acquisition trust funds within the Department of Agriculture and
813 Consumer Services, the Department of State, and the Fish and
814 Wildlife Commission for the fiscal year. The department shall
815 transfer the proportionate share of the revenues in the Land
816 Acquisition Trust Fund within the department on a monthly basis
817 to the appropriate land acquisition trust funds within the
818 Department of Agriculture and Consumer Services, the Department
819 of State, and the Fish and Wildlife Commission and shall retain
820 its proportionate share of the revenues in the Land Acquisition
821 Trust Fund within the department. Total distributions to a land
822 acquisition trust fund within the Department of Agriculture and
823 Consumer Services, the Department of State, and the Fish and
824 Wildlife Commission may not exceed the total appropriations from
825 such trust fund for the fiscal year.

826 (3) In addition, the department shall transfer from the
827 Land Acquisition Trust Fund to land acquisition trust funds
828 within the Department of Agriculture and Consumer Services, the
829 Department of State, and the Fish and Wildlife Conservation
830 Commission amounts equal to the difference between the amounts
831 appropriated in chapter 2021-36, Laws of Florida, to the
832 department's Land Acquisition Trust Fund and the other land
833 acquisition trust funds, and the amounts actually transferred
834 between those trust funds during the 2021-2022 fiscal year.

835 (4) The department may advance funds from the beginning
836 unobligated fund balance in the Land Acquisition Trust Fund to
837 the Land Acquisition Trust Fund within the Fish and Wildlife
838 Conservation Commission needed for cash flow purposes based on a
839 detailed expenditure plan. The department shall prorate amounts

Governor's Budget Recommendation Implementing Bill

840 transferred quarterly to the Fish and Wildlife Conservation
841 Commission to recoup the amount of funds advanced by June 30,
842 2023.

843 (5) This section expires July 1, 2023.

844 Section 31. In order to implement specific appropriations
845 of the 2022-2023 General Appropriations Act associated with the
846 Land Acquisition Trust Fund, paragraph (b) of subsection (3) of
847 section 375.041, Florida Statutes, is amended to read:

848 375.041 Land Acquisition Trust Fund.—

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

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

854 1. A minimum of the lesser of 25 percent or \$200 million
855 shall be appropriated annually for Everglades projects that
856 implement the Comprehensive Everglades Restoration Plan as set
857 forth in s. 373.470, including the Central Everglades Planning
858 Project subject to Congressional authorization; the Long-Term
859 Plan as defined in s. 373.4592(2); and the Northern Everglades
860 and Estuaries Protection Program as set forth in s. 373.4595.
861 From these funds, \$32 million shall be distributed each fiscal
862 year through the 2023-2024 fiscal year to the South Florida
863 Water Management District for the Long-Term Plan as defined in
864 s. 373.4592(2). After deducting the \$32 million distributed
865 under this subparagraph, from the funds remaining, a minimum of
866 the lesser of 76.5 percent or \$100 million shall be appropriated
867 each fiscal year through the 2025-2026 fiscal year for the
868 planning, design, engineering, and construction of the
869 Comprehensive Everglades Restoration Plan as set forth in s.

Governor's Budget Recommendation Implementing Bill

870 373.470, including the Central Everglades Planning Project, the
871 Everglades Agricultural Area Storage Reservoir Project, the Lake
872 Okeechobee Watershed Project, the C-43 West Basin Storage
873 Reservoir Project, the Indian River Lagoon-South Project, the
874 Western Everglades Restoration Project, and the Picayune Strand
875 Restoration Project. The Department of Environmental Protection
876 and the South Florida Water Management District shall give
877 preference to those Everglades restoration projects that reduce
878 harmful discharges of water from Lake Okeechobee to the St.
879 Lucie or Caloosahatchee estuaries in a timely manner. For the
880 purpose of performing the calculation provided in this
881 subparagraph, the amount of debt service paid pursuant to
882 paragraph (a) for bonds issued after July 1, 2016, for the
883 purposes set forth under paragraph (b) shall be added to the
884 amount remaining after the payments required under paragraph
885 (a). The amount of the distribution calculated shall then be
886 reduced by an amount equal to the debt service paid pursuant to
887 paragraph (a) on bonds issued after July 1, 2016, for the
888 purposes set forth under this subparagraph.

889 2. A minimum of the lesser of 7.6 percent or \$50 million
890 shall be appropriated annually for spring restoration,
891 protection, and management projects. For the purpose of
892 performing the calculation provided in this subparagraph, the
893 amount of debt service paid pursuant to paragraph (a) for bonds
894 issued after July 1, 2016, for the purposes set forth under
895 paragraph (b) shall be added to the amount remaining after the
896 payments required under paragraph (a). The amount of the
897 distribution calculated shall then be reduced by an amount equal
898 to the debt service paid pursuant to paragraph (a) on bonds
899 issued after July 1, 2016, for the purposes set forth under this

Governor's Budget Recommendation Implementing Bill

900 subparagraph.

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

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

921 5. The sum of \$50 million shall be appropriated annually to
922 the South Florida Water Management District for the Lake
923 Okeechobee Watershed Restoration Project in accordance with
924 s. 373.4599. This distribution must be reduced by an amount
925 equal to the debt service paid pursuant to paragraph (a) on
926 bonds issued after July 1, 2021, for the purposes set forth in
927 this subparagraph.

928 6. Notwithstanding subparagraph 3, for the 2022-2023 ~~2021-~~
929 2022 fiscal year, funds shall be appropriated as provided in the

Governor's Budget Recommendation Implementing Bill

930 General Appropriations Act. This subparagraph expires July 1,
931 2023 ~~2022~~.

932 Section 32. In order to implement Specific Appropriations
933 1667, 1668 and 1670 of the 2022-2023 General Appropriations Act,
934 paragraph (f) of subsection (11) of section 216.181, Florida
935 Statutes, is added to read:

936 216.181 Approved budgets for operations and fixed capital
937 outlay.—

938 (11)

939 (f) Notwithstanding the provisions of paragraphs (a) and
940 (b) to the contrary, the Executive Office of the Governor may
941 approve changes in the amounts appropriated to the Department of
942 Environmental Protection for fixed capital outlay projects when
943 the department has received federal funds from the Bipartisan
944 Infrastructure Law water infrastructure funding, subject to the
945 notice and objection procedures set forth in s. 216.177.

946 Section 33. In order to implement Specific Appropriation
947 1713 of the 2022-2023 General Appropriations Act, and
948 notwithstanding the expiration date in section 48 of chapter
949 2021-37, Laws of Florida, paragraph (g) of subsection (15) of
950 section 376.3071, Florida Statutes, is reenacted to read:

951 376.3071 Inland Protection Trust Fund; creation; purposes;
952 funding.—

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

Governor's Budget Recommendation Implementing Bill

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

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

977 Section 34. The amendment to s. 376.3071(15)(g), Florida
978 Statutes, as carried forward from chapter 2021-37, Laws of
979 Florida, by this act expires, July 1, 2023, and the text of that
980 paragraph shall revert to that in existence on July 1, 2020, not
981 including any amendments made by this act or chapter 2021-37,
982 Laws of Florida, except that any amendments to such text enacted
983 other than this act shall be preserved and continue to operate
984 to the extent that such amendments are not dependent upon the
985 portion of text which expire pursuant to this section.

986 Section 35. In order to implement Specific Appropriation
987 2656 of the 2022-2023 General Appropriations Act, paragraph (b)
988 of subsection (3) and subsection (5) of section 321.04, Florida
989 Statutes, are amended to read:

Governor's Budget Recommendation Implementing Bill

990 321.04 Personnel of the highway patrol; rank
991 classifications; probationary status of new patrol officers;
992 subsistence; special assignments.—

993 (3)

994 (b) For the 2022-2023 ~~2021-2022~~ fiscal year only, upon the
995 request of the Governor, the Department of Highway Safety and
996 Motor Vehicles shall assign one or more patrol officers to the
997 office of the Lieutenant Governor for security services. This
998 paragraph expires July 1, 2023 ~~2022~~.

999 (5) For the 2022-2023 ~~2021-2022~~ fiscal year only, the
1000 assignment of a patrol officer by the department shall include a
1001 Cabinet member specified in s. 4, Art. IV of the State
1002 Constitution if deemed appropriate by the department or in
1003 response to a threat and upon written request of such Cabinet
1004 member. This subsection expires July 1, 2023 ~~2022~~.

1005 Section 36. In order to implement Specific Appropriations
1006 2637 and 2645 of the 2022-2023 General Appropriations Act,
1007 subsection (7) of section 215.559, Florida Statutes, is amended
1008 to read:

1009 215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss
1010 Mitigation Program is established in the Division of Emergency
1011 Management.

1012 (7) This section is repealed June 30, 2023 ~~2022~~.

1013 Section 37. In order to implement Specific Appropriation
1014 2276 of the 2022-2023 General Appropriations Act, subsection (6)
1015 is added to section 288.8013, Florida Statutes, to read:

1016 288.8013 Triumph Gulf Coast, Inc.; creation; funding;
1017 investment.—

1018 (6) For the 2022-2023 fiscal year, interest earned by the
1019 Triumph Gulf Coast Trust Fund may be used as provided in the

Governor's Budget Recommendation Implementing Bill

1020 General Appropriations Act. This subsection expires July 1,
1021 2023.

1022 Section 38. In order to implement Specific Appropriations
1023 1940 through 1953, 1961 through 1964, 1972 through 1975, 1977
1024 through 1981, 1983 through 1991, and 2026 through 2039 of the
1025 2022-2023 General Appropriations Act, paragraph (h) of
1026 subsection (7) of section 339.135, Florida Statutes, is amended
1027 to read:

1028 339.135 Work program; legislative budget request;
1029 definitions; preparation, adoption, execution, and amendment.—

1030 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1031 (h)1. Any work program amendment that also adds a new
1032 project, or phase thereof, to the adopted work program in excess
1033 of \$3 million is subject to approval by the Legislative Budget
1034 Commission. Any work program amendment submitted under this
1035 paragraph must include, as supplemental information, a list of
1036 projects, or phases thereof, in the current 5-year adopted work
1037 program which are eligible for the funds within the
1038 appropriation category being used for the proposed amendment.
1039 The department shall provide a narrative with the rationale for
1040 not advancing an existing project, or phase thereof, in lieu of
1041 the proposed amendment.

1042 2. If the department submits an amendment to the
1043 Legislative Budget Commission and the commission does not meet
1044 or consider the amendment within 30 days after its submittal,
1045 the chair and vice chair of the commission may authorize the
1046 amendment to be approved pursuant to s. 216.177. This
1047 subparagraph expires July 1, 2023 ~~2022~~.

1048 Section 39. In order to implement Specific Appropriation
1049 2289 of the 2022-2023 General Appropriations Act, subsection (2)

Governor's Budget Recommendation Implementing Bill

1050 of section 420.0005, Florida Statutes, is amended to read:

1051 420.0005 State Housing Trust Fund; State Housing Fund.—

1052 (2) For the 2022-2023 ~~2021-2022~~ fiscal year, funds may be
1053 used as provided in the General Appropriations Act. This
1054 subsection expires July 1, 2023 ~~2022~~.

1055 Section 40. In order to implement Specific Appropriation
1056 2290 of the 2022-2023 General Appropriations Act, subsection (3)
1057 of section 420.9079, Florida Statutes, is amended to read:

1058 420.9079 Local Government Housing Trust Fund.—

1059 (3) For the 2022-2023 ~~2021-2022~~ fiscal year, funds may be
1060 used as provided in the General Appropriations Act. This
1061 subsection expires July 1, 2023 ~~2022~~.

1062 Section 41. In order to implement Specific Appropriation
1063 1957 of the 2022-2023 General Appropriations Act, subsection (5)
1064 is added to section 427.0159, Florida Statutes, to read:

1065 427.0159 Transportation Disadvantaged Trust Fund.—

1066 (5) For the 2022-2023 fiscal year, funds may be used as
1067 provided in the General Appropriations Act. This subsection
1068 expires July 1, 2023.

1069 Section 42. In order to implement appropriations used to
1070 pay new or existing contracts, including any grant agreements or
1071 economic incentive program payments, in the 2021-2022 and 2022-
1072 2023 General Appropriations Acts, a state agency may not execute
1073 or renew a contract with a common carrier, as defined in
1074 379.101(7), F.S., or a contracted carrier, engaged in the
1075 transportation of passengers, if the carrier is found to be
1076 providing, or has provided since the effective date of this act,
1077 any service in furtherance of transporting an alien into the
1078 State of Florida knowing or in reckless disregard of the fact
1079 that the alien has come to, entered, or remains in the United

Governor's Budget Recommendation Implementing Bill

1080 States in violation of law. Effective July 1, 2022, any contract
1081 between the State of Florida and a common carrier, including any
1082 grant agreements or economic incentive program payment
1083 agreements, must include a provision for termination of the
1084 contract or agreement for cause if the carrier is found to be
1085 providing any service in furtherance of transporting an alien
1086 into the State of Florida during the contract period knowing or
1087 in reckless disregard of the fact that the alien has come to,
1088 entered, or remains in the United States in violation of law.
1089 This section expires July 1, 2023.

1090 Section 43. In order to implement appropriations for
1091 economic development programs, in the 2021-2022 and 2022-2023
1092 fiscal year General Appropriations Acts, all agencies shall give
1093 priority to applications for projects that benefit the on-
1094 shoring of manufacturing to the state, defined as the relocation
1095 of manufacturing from foreign nations to the state, when such
1096 prioritization may be applicable to the scope of an economic
1097 development program.

1098 Section 44. In order to implement Specific Appropriations
1099 2599 of the 2022-2023 General Appropriations Act, paragraph (d)
1100 of subsection (4) of section 112.061, Florida Statutes, is
1101 amended to read:

1102 112.061 Per diem and travel expenses of public officers,
1103 employees, and authorized persons; statewide travel management
1104 system.—

1105 (4) OFFICIAL HEADQUARTERS.—The official headquarters of an
1106 officer or employee assigned to an office shall be the city or
1107 town in which the office is located except that:

1108 (d) A Lieutenant Governor who permanently resides outside
1109 of Leon County, may, if he or she so requests, have an

Governor's Budget Recommendation Implementing Bill

1110 appropriate facility in his or her county designated as his or
1111 her official headquarters for purposes of this section. This
1112 official headquarters may only serve as the Lieutenant
1113 Governor's personal office. The Lieutenant Governor may not use
1114 state funds to lease space in any facility for his or her
1115 official headquarters.

1116 1. A Lieutenant Governor for whom an official headquarters
1117 is established in his or her county of residence pursuant to
1118 this paragraph is eligible for subsistence at a rate to be
1119 established by the Governor for each day or partial day that the
1120 Lieutenant Governor is at the State Capitol to conduct official
1121 state business. In addition to the subsistence allowance, a
1122 Lieutenant Governor is eligible for reimbursement for
1123 transportation expenses as provided in subsection (7) for travel
1124 between the Lieutenant Governor's official headquarters and the
1125 State Capitol to conduct state business.

1126 2. Payment of subsistence and reimbursement for
1127 transportation between a Lieutenant Governor's official
1128 headquarters and the State Capitol shall be made to the extent
1129 appropriated funds are available, as determined by the Governor.

1130 3. This paragraph expires July 1, 2023 ~~2022~~.

1131 Section 45. In order to implement Section 8 of the Fiscal
1132 Year 2022-2023 General Appropriations Act, notwithstanding
1133 sections 110.123(3)(f) and (j), Florida Statutes, the Department
1134 of Management Services shall maintain and offer the same PPO and
1135 HMO health plan alternatives to the participants of the State
1136 Group Health Insurance Program during the 2022-2023 fiscal year
1137 that were in effect for the 2021-2022 fiscal year. This section
1138 expires July 1, 2023.

1139 Section 46. In order to implement the transfer of moneys

Governor's Budget Recommendation Implementing Bill

1140 to the General Revenue Fund from trust funds in the Fiscal Year
1141 2022-2023 General Appropriations Act, paragraph (b) of
1142 subsection (2) of section 215.32, Florida Statutes, is reenacted
1143 to read:

1144 215.32 State funds; segregation.—

1145 (2) The source and use of each of these funds shall be as
1146 follows:

1147 (b)1. The trust funds shall consist of moneys received by
1148 the state which under law or under trust agreement are
1149 segregated for a purpose authorized by law. The state agency or
1150 branch of state government receiving or collecting such moneys
1151 is responsible for their proper expenditure as provided by law.
1152 Upon the request of the state agency or branch of state
1153 government responsible for the administration of the trust fund,
1154 the Chief Financial Officer may establish accounts within the
1155 trust fund at a level considered necessary for proper
1156 accountability. Once an account is established, the Chief
1157 Financial Officer may authorize payment from that account only
1158 upon determining that there is sufficient cash and releases at
1159 the level of the account.

1160 2. In addition to other trust funds created by law, to the
1161 extent possible, each agency shall use the following trust funds
1162 as described in this subparagraph for day-to-day operations:

1163 a. Operations or operating trust fund, for use as a
1164 depository for funds to be used for program operations funded by
1165 program revenues, with the exception of administrative
1166 activities when the operations or operating trust fund is a
1167 proprietary fund.

1168 b. Operations and maintenance trust fund, for use as a
1169 depository for client services funded by third-party payors.

Governor's Budget Recommendation Implementing Bill

1170 c. Administrative trust fund, for use as a depository for
1171 funds to be used for management activities that are departmental
1172 in nature and funded by indirect cost earnings and assessments
1173 against trust funds. Proprietary funds are excluded from the
1174 requirement of using an administrative trust fund.

1175 d. Grants and donations trust fund, for use as a depository
1176 for funds to be used for allowable grant or donor agreement
1177 activities funded by restricted contractual revenue from private
1178 and public nonfederal sources.

1179 e. Agency working capital trust fund, for use as a
1180 depository for funds to be used pursuant to s. 216.272.

1181 f. Clearing funds trust fund, for use as a depository for
1182 funds to account for collections pending distribution to lawful
1183 recipients.

1184 g. Federal grant trust fund, for use as a depository for
1185 funds to be used for allowable grant activities funded by
1186 restricted program revenues from federal sources.

1187 To the extent possible, each agency must adjust its internal
1188 accounting to use existing trust funds consistent with the
1189 requirements of this subparagraph. If an agency does not have
1190 trust funds listed in this subparagraph and cannot make such
1191 adjustment, the agency must recommend the creation of the
1192 necessary trust funds to the Legislature no later than the next
1193 scheduled review of the agency's trust funds pursuant to s.
1194 215.3206.

1195 3. All such moneys are hereby appropriated to be expended
1196 in accordance with the law or trust agreement under which they
1197 were received, subject always to the provisions of chapter 216
1198 relating to the appropriation of funds and to the applicable
1199 laws relating to the deposit or expenditure of moneys in the

Governor's Budget Recommendation Implementing Bill

1200 State Treasury.

1201 4.a. Notwithstanding any provision of law restricting the
1202 use of trust funds to specific purposes, unappropriated cash
1203 balances from selected trust funds may be authorized by the
1204 Legislature for transfer to the State School Trust Fund, Budget
1205 Stabilization Fund, and General Revenue Fund in the General
1206 Appropriations Act.

1207 b. This subparagraph does not apply to trust funds required
1208 by federal programs or mandates; trust funds established for
1209 bond covenants, indentures, or resolutions whose revenues are
1210 legally pledged by the state or public body to meet debt service
1211 or other financial requirements of any debt obligations of the
1212 state or any public body; the Division of Licensing Trust Fund
1213 in the Department of Agriculture and Consumer Services; the
1214 State Transportation Trust Fund; the trust fund containing the
1215 net annual proceeds from the Florida Education Lotteries; the
1216 Florida Retirement System Trust Fund; trust funds under the
1217 management of the State Board of Education or the Board of
1218 Governors of the State University System, where such trust funds
1219 are for auxiliary enterprises, self-insurance, and contracts,
1220 grants, and donations, as those terms are defined by general
1221 law; trust funds that serve as clearing funds or accounts for
1222 the Chief Financial Officer or state agencies; trust funds that
1223 account for assets held by the state in a trustee capacity as an
1224 agent or fiduciary for individuals, private organizations, or
1225 other governmental units; and other trust funds authorized by
1226 the State Constitution.

1227 Section 47. The amendment to s. 215.32(2)(b), Florida
1228 Statutes, as carried forward by this act from chapter 2011-47,
1229 Laws of Florida, expires July 1, 2023, and the text of that

Governor's Budget Recommendation Implementing Bill

1230 paragraph shall revert to that in existence on June 30, 2011,
1231 except that any amendments to such text enacted other than by
1232 this act shall be preserved and continue to operate to the
1233 extent that such amendments are not dependent upon the portions
1234 of text which expire pursuant to this section.

1235 Section 48. In order to implement section 8 of the 2022-
1236 2023 General Appropriations Act, and notwithstanding s.
1237 216.181(10)(a), F.S., agencies are authorized to submit budget
1238 amendments, subject to the notice, review and objection
1239 procedures of s. 216.177, Florida Statutes, to request an
1240 increase in the approved annual salary rate to alleviate any
1241 department-level salary rate deficit as a result of implementing
1242 compression adjustments for the \$13 per hour minimum wage
1243 increase or any other pay adjustments authorized. Requests to
1244 increase salary rate must be justified and shall include, at a
1245 minimum, the following:

1246 1. supporting documentation that reconciles between the
1247 agencies' approved annual salary rate, the utilization of salary
1248 rate for filled and vacant positions and added benefits compared
1249 to the approved operating budget for Salaries and Benefits;

1250 2. analysis on turnover rate, recruitment and retention;

1251 3. position reclassifications, as a result of implementing
1252 compression, that have been approved by the Department of
1253 Management Services.

1254 This section expires July 1, 2023.

1255 Section 49. In order to implement section 8(1)(b) of the
1256 2022-2023 General Appropriations Act, and notwithstanding s.
1257 216.251(3), F.S., agencies are authorized to provide general
1258 salary increases for a cohort of positions sharing the same job
1259 classification or job occupation. This section expires July 1,

Governor's Budget Recommendation Implementing Bill

1260 2023.

1261 Section 50. In order to implement the funds appropriated
1262 in the Fiscal Year 2022-2023 General Appropriations Act for
1263 state employee travel, the funds appropriated to each state
1264 agency, which may be used for travel by state employees, are
1265 limited during the 2022-2023 fiscal year to travel for
1266 activities that are critical to each state agency's mission.
1267 Funds may not be used to pay for travel by state employees to
1268 foreign countries, other states, conferences, staff-training
1269 activities, or other administrative functions unless the agency
1270 head has approved, in writing, that such activities are critical
1271 to the agency's mission. The agency head shall consider using
1272 teleconferencing and other forms of electronic communication to
1273 meet the needs of the proposed activity before approving
1274 mission-critical travel. This section does not apply to travel
1275 for law enforcement purposes, military purposes, emergency
1276 management activities, or public health activities. This section
1277 expires July 1, 2023.

1278 Section 51. In order to implement appropriations in the
1279 Fiscal Year 2022-2023 General Appropriations Act for state
1280 employee travel and notwithstanding s. 112.061, Florida
1281 Statutes, costs for lodging associated with a meeting,
1282 conference, or convention organized or sponsored in whole or in
1283 part by a state agency or the judicial branch may not exceed
1284 \$175 per day. An employee may expend his or her own funds for
1285 any lodging expenses in excess of \$175 per day. For purposes of
1286 this section, a meeting does not include travel activities for
1287 conducting an audit, examination, inspection, or investigation
1288 or travel activities related to a litigation or emergency
1289 response. This section expires July 1, 2023.

Governor's Budget Recommendation Implementing Bill

1290 Section 52. In order to implement Specific Appropriations
1291 2815 through 2826 of the 2022-2023 General Appropriations Act,
1292 and notwithstanding rule 60A-1.031, Florida Administrative Code,
1293 the transaction fee collected for use of the online procurement
1294 system, authorized in ss. 287.042(1)(h)1, and 287.057(22)(c),
1295 Florida Statutes, is seven-tenths of 1 percent for the 2022-2023
1296 fiscal year only. This section expires July 1, 2023.

1297 Section 53. In order to implement appropriations in the
1298 Fiscal Year 2022-23 General Appropriations Act, and
1299 notwithstanding s. 216.292, Florida Statutes, the Department of
1300 Lottery is authorized to submit budgets amendments for an
1301 increase in appropriation for the implementation of a new prize
1302 payment system. This section expires July 1, 2023.

1303 Section 54. In order to implement appropriations in the
1304 Fiscal Year 2022-2023 General Appropriations Act for the
1305 acquisition of motor vehicles:

1306 (1) Each agency with an appropriation provided for the
1307 acquisition of a motor vehicle shall coordinate with the
1308 Department of Management Services prior to the acquisition of a
1309 new motor vehicle to ensure the existing fleet is maximized.
1310 This does not include the acquisition of vehicles for law
1311 enforcement, state fire marshal, specialty, or fire control
1312 purposes. The Department of Management Services shall:

1313 (a) Complete a review of the State's fleet of motor
1314 vehicles utilizing the fleet management system maintained by the
1315 department to identify underutilized motor vehicles in the
1316 requesting agency's fleet that could satisfy the identified
1317 function. The department shall provide that information to the
1318 Governor's Office of Policy and Budget for review.

1319 Notwithstanding any appropriations made in the Fiscal Year 2022-

Governor's Budget Recommendation Implementing Bill

1320 2023 General Appropriations Act for the acquisition of a motor
1321 vehicle, if determined that existing motor vehicles are
1322 available, the Office of Policy and Budget shall, at its
1323 discretion, direct the department to deny the acquisition of
1324 additional motor vehicles for that agency.

1325 (b) Complete a review of any unused or underutilized
1326 operational motor vehicles at all other state agencies that
1327 could satisfy the identified function and be transferred to the
1328 requesting agency in lieu of the acquisition of a new motor
1329 vehicle. The department shall provide that information to the
1330 Governor's Office of Policy and Budget for review. If determined
1331 that a motor vehicle can be transferred, the Office of Policy
1332 and Budget shall, at its discretion, direct the Department of
1333 Management Services, within its statutory authority, to require
1334 any state agency to transfer its ownership, custody, and control
1335 of an underutilized motor vehicle except those used principally
1336 for law enforcement, state fire marshal, specialty, or fire
1337 control purposes to meet the needs of the requesting agency.

1338 Notwithstanding any appropriations made in the Fiscal Year 2022-
1339 2023 General Appropriations Act for the acquisition of a motor
1340 vehicle, if determined that existing motor vehicles are
1341 available from another state agency, the Office of Policy and
1342 Budget shall direct the department to deny the acquisition of
1343 additional motor vehicles for the agency transferring vehicles
1344 until such time that requested transfers are complete.

1345 Section 55. Any section of this act which implements a
1346 specific appropriation or specifically identified proviso
1347 language in the 2022-2023 General Appropriations Act is void if
1348 the specific appropriation or specifically identified proviso
1349 language is vetoed. Any section of this act which implements

Governor's Budget Recommendation Implementing Bill

1350 more than one specific appropriation or more than one portion of
1351 specifically identified proviso language in the 2022-2023
1352 General Appropriations Act is void if all the specific
1353 appropriations or portions of specifically identified proviso
1354 language are vetoed.

1355 Section 56. If any other act passed during the 2022
1356 Regular Session contains a provision that is substantively the
1357 same as a provision in this act, but that removes or is
1358 otherwise not subject to the future repeal applied to such
1359 provision by this act, the Legislature intends that the
1360 provision in the other act takes precedence and continues to
1361 operate, notwithstanding the future repeal provided by this act.

1362 Section 57. If any provision of this act or its
1363 application to any person or circumstance is held invalid, the
1364 invalidity does not affect other provisions or applications of
1365 the act which can be given effect without the invalid provision
1366 or application, and to this end the provisions of this act are
1367 severable.

1368 Section 58. Except as otherwise expressly provided in this
1369 act and except for this section, which shall take effect upon
1370 this act becoming a law, this act shall take effect July 1,
1371 2022; or, if this act fails to become a law until after that
1372 date, it shall take effect upon becoming a law and shall operate
1373 retroactively to July 1, 2022.

1374

Governor's Budget Recommendation Conforming Bill
Workforce Development Capitalization Incentive Grant Program

1 A bill to be entitled

2 An act relating to the Workforce Development
3 Capitalization Incentive Grant Program; amending s.
4 1011.801, F.S.; requiring a list of applications be
5 submitted to the Governor and Legislative Committee
6 chairs; authorizing school districts and Florida College
7 System institutions to prioritize certain contracts;
8 providing an effective date.

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

11
12 Section 1. Section 1011.801, Florida Statutes, is amended
13 to read:

14 1011.801 Workforce Development Capitalization Incentive
15 Grant Program.—The Legislature recognizes that the need for
16 school districts and Florida College System institutions to be
17 able to respond to emerging local or statewide economic
18 development needs is critical to the workforce development
19 system. The Workforce Development Capitalization Incentive Grant
20 Program is created to provide grants to school districts and
21 Florida College System institutions on a competitive basis to
22 fund some or all of the costs associated with the creation or
23 expansion of workforce development programs that serve specific
24 employment workforce needs.

25 (1) Funds awarded for a workforce development
26 capitalization incentive grant may be used for instructional
27 equipment, laboratory equipment, supplies, personnel, student
28 services, or other expenses associated with the creation or
29 expansion of a workforce development program. Expansion of a

Governor's Budget Recommendation Conforming Bill
Workforce Development Capitalization Incentive Grant Program

30 program may include either the expansion of enrollments in a
31 program or expansion into new areas of specialization within a
32 program. No grant funds may be used for recurring instructional
33 costs or for institutions' indirect costs.

34 (2) The State Board of Education shall accept applications
35 from school districts and ~~or~~ Florida College System institutions
36 for workforce development capitalization incentive grants.
37 Applications from school districts or Florida College System
38 institutions shall contain projected enrollments and projected
39 costs for the new or expanded workforce development program. The
40 State Board of Education, ~~in consultation with CareerSource~~
41 ~~Florida, Inc.~~, shall review and rank each application for a
42 grant according to subsection (3) and shall submit to the
43 Governor, Chair of the Senate Appropriations Committee, and
44 Chair of the House Appropriations Committee, Legislature a list
45 in priority order of applications recommended for a grant award.

46 (3) The State Board of Education shall give highest
47 priority to programs that train people to enter high-skill,
48 high-wage occupations identified by the Labor Market Estimating
49 Conference and other programs approved by the state board as
50 defined in s. 445.002, programs that train people to enter
51 occupations under the welfare transition program, or programs
52 that train for the workforce adults who are eligible for public
53 assistance, economically disadvantaged, disabled, not proficient
54 in English, or dislocated workers. The State Board of Education
55 shall consider the statewide geographic dispersion of grant
56 funds in ranking the applications and shall give priority to
57 applications from education agencies that are making maximum use

Governor's Budget Recommendation Conforming Bill
Workforce Development Capitalization Incentive Grant Program

58 of their workforce development funding by offering high-
59 performing, high-demand programs.

60 (4) The board must give priority to applications whose
61 programs are located at public high schools and school district
62 technical centers.

63 (5) The board may also give priority to applications which
64 demonstrate intent to contract with Florida vendors, as
65 specified in subsection (6).

66 (6) School districts and Florida College System
67 institutions that receive a workforce development capitalization
68 incentive grant shall, to the best of their ability, prioritize
69 contracting with Florida vendors, within procurement guidelines,
70 to carry out purchases allowed within this grant.

71 Section 2. This act shall take effect upon becoming law.

Governor's Budget Recommendation Conforming Bill
Fuel Tax Holiday

1 A bill to be entitled

2 An act relating to taxation; providing a popular name;
3 providing for a reduction in the motor fuel tax for a
4 specified period in Fiscal Year 2022-23; providing dealer
5 requirements; providing legislative intent; providing for
6 a reduction in certain refunds for the same period;
7 authorizing the executive director of the Department of
8 Revenue to adopt emergency rules for certain purpose;
9 making unlawful certain activities of certain entities
10 relating to the tax reduction; providing criminal
11 penalties; amending s. 16.56, F.S.; including offenses
12 specified in this act under the investigation and
13 prosecution authority of the Office of Statewide
14 Prosecution; amending s. 206.026, F.S.; including offenses
15 specified in this act under provisions prohibiting certain
16 persons from holding certain licenses for certain
17 violations; amending s. 206.404, F.S.; providing for
18 revocation of certain licenses for violations of this act;
19 authorizing motor fuel dealers to manage motor fuel
20 inventory to maximize tax reduction benefits; requiring
21 Department of Revenue to determine taxes not collected;
22 providing appropriation; authorizing nonoperating
23 transfers; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. This act may be referred to by the popular name
28 the "Florida Motor Fuel Tax Relief Act of 2022."

Governor's Budget Recommendation Conforming Bill
Fuel Tax Holiday

29 Section 2. Beginning at 12:01 a.m. July 1, 2022, through
30 midnight November 30, 2022, the tax levied pursuant to
31 s.206.41(1) (b), Florida Statutes, shall be reduced by 1 cent
32 per gallon, the tax levied pursuant to s.206.41(1) (c), Florida
33 Statutes, shall be reduced by 1 cent per gallon, the tax levied
34 pursuant to s.206.41(1) (f), Florida Statutes, shall be reduced
35 by 8.3 cents per gallon, and the tax levied pursuant to
36 s.206.41(1) (g), Florida Statutes, shall be reduced by 15 cents
37 per gallon. During this period, licensed terminal suppliers,
38 wholesalers, and importers of motor fuel shall charge and
39 collect the reduced rate of tax on sales of motor fuel to retail
40 dealers located in this state. Notwithstanding the reduction in
41 the taxes levied pursuant to s. 206.41(1)(g) in this act, the
42 State will make available, if necessary, moneys from other
43 legally available sources to make payments when due on bonds
44 issued pursuant to s. 215.605 and s. 337.276.

45 Section 3. It is the intent of the Legislature that the tax
46 reduction set forth in this act be passed on to the ultimate
47 consumer. The Attorney General may investigate violations of
48 this act.

49 Section 4. Refunds authorized pursuant to s. 206.41(4),
50 Florida Statutes, for fuel purchased during the period described
51 in section 2 shall be reduced by the amount of the tax reduction
52 set forth in that section.

53 Section 5. The executive director of the Department of
54 Revenue is authorized to adopt emergency rules under ss.
55 120.536(1) and 120.54(4), Florida Statutes, to implement the
56 provisions of this act. Notwithstanding any other law, the

Governor's Budget Recommendation Conforming Bill
Fuel Tax Holiday

57 | emergency rules shall remain effective for 6 months after the
58 | date of adoption of the rules.

59 | Section 6. It is unlawful for a terminal supplier,
60 | wholesaler, importer, reseller, or retail dealer of motor fuel
61 | to retain any part of the tax reduction set forth in this act or
62 | to interfere with providing the full benefit of the tax
63 | reduction to the retail purchaser of motor fuel. Any person
64 | violating the provisions of this act commits a felony of the
65 | third degree, punishable as provided in s. 775.082 or s.
66 | 775.083, Florida Statutes.

67 | Section 7. Paragraph (a) of subsection (1) of section
68 | 16.56, Florida Statutes, is amended to read:

69 | 16.56 Office of Statewide Prosecution.--

70 | (1) There is created in the Department of Legal Affairs an
71 | Office of Statewide Prosecution. The office shall be a separate
72 | "budget entity" as that term is defined in chapter 216. The
73 | office may:

74 | (a) Investigate and prosecute the offenses of:

75 | 1. Bribery, burglary, criminal usury, extortion, gambling,
76 | kidnapping, larceny, murder, prostitution, perjury, robbery,
77 | carjacking, home-invasion robbery, and patient brokering;

78 | 2. Any crime involving narcotic or other dangerous drugs;

79 | 3. Any violation of the Florida RICO (Racketeer Influenced
80 | and Corrupt Organization) Act, including any offense listed in
81 | the definition of racketeering activity in s. 895.02(8)(a),
82 | providing such listed offense is investigated in connection with
83 | a violation of s. 895.03 and is charged in a separate count of
84 | an information or indictment containing a count charging a

Governor's Budget Recommendation Conforming Bill
Fuel Tax Holiday

85 violation of s. 895.03, the prosecution of which listed offense
86 may continue independently if the prosecution of the violation
87 of s. 895.03 is terminated for any reason;

88 4. Any violation of the Florida Anti-Fencing Act;

89 5. Any violation of the Florida Antitrust Act of 1980, as
90 amended;

91 6. Any crime involving, or resulting in, fraud or deceit
92 upon any person;

93 7. Any violation of s. 847.0135, relating to computer
94 pornography and child exploitation prevention, or any offense
95 related to a violation of s. 847.0135 or any violation of
96 chapter 827 where the crime is facilitated by or connected to
97 the use of the Internet or any device capable of electronic data
98 storage or transmission;

99 8. Any violation of chapter 815;

100 9. Any violation of chapter 825;

101 10. Any criminal violation of part I of chapter 499;

102 11. Any violation of the Florida Motor Fuel Tax Relief Act
103 of 2004;

104 12. Any criminal violation of s. 409.920 or s. 409.9201;

105 13. Any crime involving voter registration, voting, or
106 candidate or issue petition activities;

107 14. Any criminal violation of the Florida Money Laundering
108 Act;

109 15. Any criminal violation of the Florida Securities and
110 Investor Protection Act;

111 16. Any violation of chapter 787, as well as any and all
112 offenses related to a violation of chapter 787; or

Governor's Budget Recommendation Conforming Bill
Fuel Tax Holiday

113 17. Any criminal violation of chapter 24, part II of
114 chapter 285, chapter 546, chapter 550, chapter 551, or chapter
115 849;

116 18. Any violation of the Florida Motor Fuel Tax Relief Act
117 of 2022; or any attempt, solicitation, or conspiracy to commit
118 any of the crimes specifically enumerated above. The office
119 shall have such power only when any such offense is occurring,
120 or has occurred, in two or more judicial circuits as part of a
121 related transaction, or when any such offense is connected with
122 an organized criminal conspiracy affecting two or more judicial
123 circuits. Informations or indictments charging such offenses
124 shall contain general allegations stating the judicial circuits
125 and counties in which crimes are alleged to have occurred or the
126 judicial circuits and counties in which crimes affecting such
127 circuits or counties are alleged to have been connected with an
128 organized criminal conspiracy.

129 Section 8. Subsection (1) of section 206.026, Florida
130 Statutes, is amended to read:

131 206.026 Certain persons prohibited from holding a terminal
132 supplier, importer, exporter, blender, carrier, terminal
133 operator, or wholesaler license; suspension and revocation.--

134 (1) No corporation, except a publicly held corporation
135 regularly traded on a national securities exchange and not over
136 the counter, general or limited partnership, sole
137 proprietorship, business trust, joint venture or unincorporated
138 association, or other business entity shall hold a terminal
139 supplier, importer, exporter, blender, carrier, terminal
140 operator, or wholesaler license in this state if any one of the

Governor's Budget Recommendation Conforming Bill
Fuel Tax Holiday

141 persons or entities specified in paragraph (a) has been
142 determined by the department not to be of good moral character
143 or has been convicted of any offense specified in paragraph (b):

144 (a)1. The licenseholder.

145 2. The sole proprietor of the licenseholder.

146 3. A corporate officer or director of the licenseholder.

147 4. A general or limited partner of the licenseholder.

148 5. A trustee of the licenseholder.

149 6. A member of an unincorporated association licenseholder.

150 7. A joint venturer of the licenseholder.

151 8. The owner of any equity interest in the licenseholder,
152 whether as a common shareholder, general or limited partner,
153 voting trustee, or trust beneficiary.

154 9. An owner of any interest in the license or
155 licenseholder, including any immediate family member of the
156 owner, or holder of any debt, mortgage, contract, or concession
157 from the licenseholder, who by virtue thereof is able to control
158 the business of the licenseholder.

159 (b)1. A felony in this state.

160 2. Any felony in any other state which would be a felony if
161 committed in this state under the laws of Florida.

162 3. Any felony under the laws of the United States.

163 4. A felony under the Florida Motor Fuel Tax Relief Act of
164 2022.

165 5. A felony under the Florida Motor Fuel Tax Relief Act of
166 2022.

167 Section 9. Subsection (3) of section 206.404, Florida
168 Statutes, is amended to read:

Governor's Budget Recommendation Conforming Bill
Fuel Tax Holiday

169 206.404 License requirements for retail dealers and
170 resellers; penalty.--

171 (3) Any retail dealer or reseller in violation of the
172 provisions of this chapter or the provisions of the Florida
173 Motor Fuel Tax Relief Act of 2004 or the provisions of the
174 Florida Motor Fuel Tax Relief Act of 2022 shall be subject to
175 revocation of his or her license under chapter 212.

176 Section 10. In order to accomplish the intent of the
177 Legislature set forth in section 3 of this act, a retail dealer
178 of motor fuel, at the dealer's option, may manage its motor fuel
179 inventory in such a way that the benefit to residents of this
180 state of the tax reduction is maximized during the months of
181 July through November 2022. A retail dealer of motor fuel may
182 sell motor fuel purchased without the tax reduction at an amount
183 determined as if the tax reduction applied and may sell motor
184 fuel purchased with the tax reduction at an amount determined as
185 if the tax reduction did not apply; provided the retail dealer
186 can show that the number of gallons purchased with the reduced
187 tax equals the number of gallons sold at a price reflecting the
188 reduced tax.

189 Section 11. By January 15, 2023, the Department of Revenue
190 shall calculate the number of gallons sold at the reduced tax
191 and shall determine the amount of taxes not collected under
192 s.206.41(1)(b), Florida Statutes, s.206.41(1)(c), Florida
193 Statutes, s.206.41(1)(f), Florida Statutes, and s.206.41(1)(g),
194 Florida Statutes.

195 Section 12. The sum of \$300,000 in nonrecurring General
196 Revenue is appropriated to the Department of Revenue for Fiscal

Governor's Budget Recommendation Conforming Bill
Fuel Tax Holiday

197 Year 2021-22 for the purpose of developing and implementing a
198 public awareness campaign and for administering this act. The
199 unexpended balance of funds of this appropriation remaining on
200 June 30, 2022, shall revert and is appropriated for Fiscal Year
201 2022-23 for the same purpose.

202 Section 13. The following nonoperating transfers from the
203 General Revenue Fund are authorized in Fiscal Year 2022-23:

204 1. The sum of no more than \$665 million is authorized to be
205 transferred into the State Transportation Trust Fund;

206 a. Transfers of \$133 million each shall be made during the
207 months of September, October, November and December 2022;

208 b. A transfer on or before January 31, 2023 of the smaller
209 of (1) \$133 million or (2) the amount of the taxes
210 determined not to have been collected under s.
211 206(41)(1)(g) as required in section 12 less \$532
212 million.

213 2. The sum of no more than \$45 million is authorized to be
214 transferred into the Fuel Tax Collection Trust Fund
215 maintained by the State Treasury for distribution as provided
216 in s. 206.60;

217 a. Transfers of \$9 million each shall be made during the
218 months of September, October, November and December 2022;

219 b. A transfer on or before January 31, 2023 of the smaller
220 of (1) \$9 million or (2) the amount of the taxes
221 determined not to have been collected under s.
222 206(41)(1)(b) as required in section 12 less \$36 million.

223 3. The sum of no more than \$45 million is authorized to be
224 transferred into the Fuel Tax Collection Trust Fund

Governor's Budget Recommendation Conforming Bill
Fuel Tax Holiday

225 maintained by the State Treasury for distribution as provided
226 in s. 206.605;

227 a. Transfers of \$9 million each shall be made during the
228 months of September, October, November and December 2022;

229 b. A transfer on or before January 31, 2023 of the smaller
230 of (1) \$9 million or (2) the amount of the taxes
231 determined not to have been collected under s.
232 206(41)(1)(c) as required in section 12 less \$36 million.

233 4. The sum of no more than \$365 million is authorized to be
234 transferred into the Fuel Tax Collection Trust Fund
235 maintained by the State Treasury for distribution as provided
236 in s. 206.608;

237 a. Transfers of \$73 million each shall be made during the
238 months of September, October, November and December 2022;

239 b. A transfer on or before January 31, 2023 of the smaller
240 of (1) \$73 million or (2) the amount of the taxes
241 determined not to have been collected under s.
242 206(41)(1)(f) as required in section 12 less \$292
243 million.

244 Section 14. This act shall take effect upon becoming a law.
245

Governor's Budget Recommendation Conforming Bill
Sales Tax Holidays

1 A bill to be entitled

2 An act relating to sales tax holidays; providing a sales
3 and use tax exemption for certain tangible personal
4 property related to disaster preparedness during a
5 specified period; providing exceptions to the exemption;
6 providing an appropriation; authorizing the Department of
7 Revenue to adopt rules to implement the exemption;
8 providing an exemption from the sales and use tax for the
9 retail sale of certain clothing, school supplies, and
10 personal computers and personal computer-related
11 accessories during a specified period; providing
12 exceptions to the exemption; authorizing the Department of
13 Revenue to adopt emergency rules; providing sales tax
14 exemptions for certain admissions to music events,
15 cultural events, specified performances, movies, museums,
16 state parks, and fitness facilities, and for certain
17 boating and water activity, camping, fishing, general
18 outdoor supplies, and sports equipment, during certain
19 timeframes,; defining terms; specifying exceptions where
20 the exemptions do not apply; requiring purchasers to
21 collect sales tax on resold exempt admissions; authorizing
22 the Department of Revenue to adopt emergency rules;
23 providing an appropriation; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Disaster preparedness supplies; sales tax
28 holiday.—

Governor's Budget Recommendation Conforming Bill
Sales Tax Holidays

29 (1) The tax levied under chapter 212, Florida Statutes, may
30 not be collected during the period from 12:01 a.m. on May 27,
31 2022, through 11:59 p.m. on June 5, 2022, on the sale of:

32 (a) A portable self-powered light source selling for \$40 or
33 less.

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

36 (c) A tarpaulin or other flexible waterproof sheeting
37 selling for \$100 or less.

38 (d) An item normally sold as, or generally advertised as, a
39 ground anchor system or tie-down kit selling for \$100 or less.

40 (e) A gas or diesel fuel tank selling for \$50 or less.

41 (f) A package of AA-cell, AAA-cell, C-cell, D-cell, 6-volt,
42 or 9-volt batteries, excluding automobile and boat batteries,
43 selling for \$50 or less.

44 (g) A nonelectric food storage cooler selling for \$60 or
45 less.

46 (h) A portable generator used to provide light or
47 communications or preserve food in the event of a power outage
48 selling for \$1,000 or less.

49 (i) Reusable ice selling for \$20 or less.

50 (j) A portable power bank selling for \$60 or less.

51 (2) The tax exemptions provided in this section do not
52 apply to sales within a theme park or entertainment complex as
53 defined in s. 509.013(9), Florida Statutes, within a public
54 lodging establishment as defined in s. 509.013(4), Florida
55 Statutes, or within an airport as defined in s. 330.27(2),
56 Florida Statutes.

Governor's Budget Recommendation Conforming Bill
Sales Tax Holidays

57 (3) The Department of Revenue is authorized, and all
58 conditions are deemed met, to adopt emergency rules pursuant to
59 s. 120.54(4), Florida Statutes, for the purpose of implementing
60 this section. Notwithstanding any other provision of law,
61 emergency rules adopted pursuant to this subsection are
62 effective for 6 months after adoption and may be renewed during
63 the pendency of procedures to adopt permanent rules addressing
64 the subject of the emergency rules.

65 Section 2. Clothing, school supplies, personal computers,
66 and personal computer-related accessories; sales tax holiday.-

67 (1) The tax levied under chapter 212, Florida Statutes, may
68 not be collected during the period from 12:01 a.m. on July 30,
69 2022, through 11:59 p.m. on August 8, 2022, on the retail sale
70 of:

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

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

79 2. All footwear, excluding skis, swim fins, roller blades,
80 and skates.

81 (b) School supplies having a sales price of \$15 or less per
82 item. As used in this paragraph, the term "school supplies"
83 means pens, pencils, erasers, crayons, notebooks, notebook
84 filler paper, legal pads, binders, lunch boxes, construction

Governor's Budget Recommendation Conforming Bill
Sales Tax Holidays

85 paper, markers, folders, poster board, composition books, poster
86 paper, scissors, cellophane tape, glue or paste, rulers,
87 computer disks, staplers and staples used to secure paper
88 products, protractors, compasses, and calculators.

89 (2) The tax levied under chapter 212, Florida Statutes, may
90 not be collected during the period from 12:01 a.m. on July 30,
91 2022, through 11:59 p.m. on August 8, 2022, on the first \$1,000
92 of the retail sales price of personal computers or personal
93 computer-related accessories purchased for noncommercial home or
94 personal use. As used in this subsection, the term:

95 (a) "Personal computers" includes electronic book readers,
96 laptops, desktops, handhelds, tablets, or tower computers. The
97 term does not include cellular telephones, video game consoles,
98 digital media receivers, or devices that are not primarily
99 designed to process data.

100 (b) "Personal computer-related accessories" includes
101 keyboards, mice, personal digital assistants, monitors, other
102 peripheral devices, modems, routers, and nonrecreational
103 software, regardless of whether the accessories are used in
104 association with a personal computer base unit. The term does
105 not include furniture or systems, devices, software, monitors
106 with a television tuner or peripherals that are designed or
107 intended primarily for recreational use.

108 (3) The tax exemptions provided in this section do not
109 apply to sales within a theme park or entertainment complex as
110 defined in s. 509.013(9), Florida Statutes, within a public
111 lodging establishment as defined in s. 509.013(4), Florida

Governor's Budget Recommendation Conforming Bill
Sales Tax Holidays

112 Statutes, or within an airport as defined in s. 330.27(2),
113 Florida Statutes.

114 (4) The tax exemptions provided in this section may apply
115 at the option of a dealer if less than 5 percent of the dealer's
116 gross sales of tangible personal property in the prior calendar
117 year are comprised of items that would be exempt under this
118 section. If a qualifying dealer chooses not to participate in
119 the tax holiday, by July 23, 2022, the dealer must notify the
120 Department of Revenue in writing of its election to collect
121 sales tax during the holiday and must post a copy of that notice
122 in a conspicuous location at its place of business.

123 (5) The Department of Revenue is authorized, and all
124 conditions are deemed met, to adopt emergency rules pursuant to
125 s. 120.54(4), Florida Statutes, for the purpose of implementing
126 this section. Notwithstanding any other provision of law,
127 emergency rules adopted pursuant to this subsection are
128 effective for 6 months after adoption and may be renewed during
129 the pendency of procedures to adopt permanent rules addressing
130 the subject of the emergency rules.

131 Section 3. Admissions to music events, sporting events,
132 cultural events, specified performances, movies, museums, state
133 parks, and fitness facilities; boating and water activity
134 supplies, camping supplies, fishing supplies, general outdoor
135 supplies, and sports equipment; sales tax holiday.—

136 (1) The taxes levied under chapter 212, Florida Statutes,
137 may not be collected on purchases made during the period from
138 July 1, 2022, through July 7, 2022, on:

Governor's Budget Recommendation Conforming Bill
Sales Tax Holidays

139 (a) The sale by way of admissions, as defined in s.
140 212.02(1), Florida Statutes, for:

141 1. A live music event scheduled to be held on any date or
142 dates from July 1, 2022, through December 31, 2022;

143 2. A live sporting event scheduled to be held on any date
144 or dates from July 1, 2022, through December 31, 2022;

145 3. A movie to be shown in a movie theater on any date or
146 dates from July 1, 2022, through December 31, 2022;

147 4. Entry to a museum, including any annual passes;

148 5. Entry to a state park, including any annual passes;

149 6. Entry to a ballet, play, or musical theatre performance
150 scheduled to be held on any date or dates from July 1, 2022,
151 through December 31, 2022;

152 7. Season tickets for ballets, plays, music events, or
153 musical theatre performances;

154 8. Entry to a fair, festival, or cultural event scheduled
155 to be held on any date or dates from July 1, 2022, through
156 December 31, 2022; or

157 9. Use of or access to private and membership clubs
158 providing physical fitness facilities from July 1, 2022, through
159 December 31, 2022.

160 (b) The retail sale of boating and water activity supplies,
161 camping supplies, fishing supplies, general outdoor supplies,
162 and sports equipment. As used in this section, the term:

163 1. "Boating and water activity supplies" means the first
164 \$75 of the sales price of life jackets and coolers; the first
165 \$50 of the sales price of safety flares; the first \$150 of the
166 sales price of water skis, wakeboards, kneeboards, and

Governor's Budget Recommendation Conforming Bill
Sales Tax Holidays

167 recreational inflatable water tubes or floats capable of being
168 towed; the first \$300 of the sales price of paddleboards and
169 surfboards; the first \$500 of the sales price of canoes and
170 kayaks; the first \$75 of the sales price of paddles and oars;
171 and the first \$25 of the sales price of snorkels, goggles, and
172 swimming masks.

173 2. "Camping supplies" means the first \$200 of the sales
174 price of tents; the first \$50 of the sales price of sleeping
175 bags, portable hammocks, camping stoves, and collapsible camping
176 chairs; and the first \$30 of the sales price of camping lanterns
177 and flashlights.

178 3. "Fishing supplies" means the first \$75 of the sales
179 price of rods and reels, if sold individually, or the first \$150
180 of the sales price if sold as a set; the first \$30 of the sales
181 price of tackle boxes or bags; and the first \$5 of the sale
182 price of bait or fishing tackle, if sold individually, or the
183 first \$10 of the sales price if multiple items are sold
184 together. The term does not include supplies used for commercial
185 fishing purposes.

186 4. "General outdoor supplies" means the first \$15 of the
187 sales price of sunscreen or insect repellent; the first \$100 of
188 the sales price of sunglasses; the first \$200 of the sales price
189 of binoculars; the first \$30 of the sales price of water
190 bottles; the first \$50 of the sales price of hydration packs;
191 the first \$250 of the sales price of outdoor gas or charcoal
192 grills; the first \$50 of the sales price of bicycle helmets; and
193 the first \$250 of the sales price of bicycles.

Governor's Budget Recommendation Conforming Bill
Sales Tax Holidays

194 5. "Sports equipment" means any item used in individual or
195 team sports, not including clothing or footwear, selling for \$40
196 or less.

197 (2) The tax exemptions provided in this section do not
198 apply to sales within a theme park or entertainment complex as
199 defined in s. 509.013(9), Florida Statutes, within a public
200 lodging establishment as defined in s. 509.013(4), Florida
201 Statutes, or within an airport as defined in s. 330.27(2),
202 Florida Statutes.

203 (3) If a purchaser of an admission purchases the admission
204 exempt from tax pursuant to this section and subsequently
205 resells the admission, the purchaser shall collect tax on the
206 full sales price of the resold admission.

207 (4) The Department of Revenue is authorized, and all
208 conditions are deemed to be met, to adopt emergency rules
209 pursuant to s. 120.54(4), Florida Statutes, to administer this
210 section.

211 Section 4. For the 2021-2022 fiscal year, the sum of
212 \$300,000 in nonrecurring funds is appropriated from the General
213 Revenue Fund to the Department of Revenue for the purpose of
214 implementing this act. Funds remaining unexpended or
215 unencumbered from this appropriation as of June 30, 2022, shall
216 revert and be reappropriated for the same purpose in the 2022-
217 2023 fiscal year.

218 Section 5. This act shall take effect upon becoming law.

Governor's Budget Recommendation Conforming Bill
FRS Investment Plan Member Account Allocations

A bill to be entitled

An act relating to state-administered retirement systems; amending s. 121.72, F.S.; revising allocations to investment plan member accounts for each membership class and subclass of the Florida Retirement System; adjusting employer contribution rates in order to fund changes made by the act; providing a directive to the Division of Law Revision and Information; declaring that the act fulfills an important state interest; providing an effective date.

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

Section 1. Section 121.72, Florida Statutes, is amended to read:

121.72 - Allocation to investment plan member accounts; percentage amounts.--

(6) Effective July 1, 2022, allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan member accounts are as follows:

<u>Membership Class</u>	<u>Percentage of Gross Compensation,</u>
<u>Regular Class</u>	<u>9.30%</u>
<u>Special Risk Class</u>	<u>17.00%</u>
<u>Special Risk Administrative Support Class</u>	<u>10.95%</u>
<u>Elected Officers' Class— Legislators, Governor,</u>	<u>12.38%</u>

Governor's Budget Recommendation Conforming Bill
FRS Investment Plan Member Account Allocations

<u>Membership Class</u>	<u>Percentage of Gross Compensation,</u>
<u>Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders</u>	
<u>Elected Officers' Class- Justices, Judges</u>	<u>16.23%</u>
<u>Elected Officers' Class- County Elected Officers</u>	<u>14.34%</u>
<u>Senior Management Class</u>	<u>10.67%</u>

22 Section 2. (1) In order to fund the increase in the
23 allocation to investment plan member accounts provided by this
24 act, the required employer contribution rates for members of the
25 Florida Retirement System established in s. 121.71(4), Florida
26 Statutes, must be adjusted as follows:

27 (a) The Regular Class must be increased by 0.80 percentage
28 point; and

29 (b) The Special Risk Class must be increased by 0.44
30 percentage point; and

31 (c) The Special Risk Administrative Support Class must be
32 increased by 0.86 percentage point; and

33 (d) The Elected Officers' Class- Legislators, Governor, Lt.
34 Governor, Cabinet Officers, State Attorneys, Public Defenders
35 must be increased by 0.97 percentage point; and

36 (e) The Elected Officers' Class- Justices, Judges must be
37 increased by 0.51 percentage point; and

38 (f) The Elected Officers' Class- County Elected Officers
39 must be increased by 0.99 percentage point; and

40 (g) The Senior Management Service Class must be increased
41 by 0.87 percentage point; and

Governor's Budget Recommendation Conforming Bill
FRS Investment Plan Member Account Allocations

42 (2) The adjustments provided in subsection (1) shall be in
43 addition to all other changes to such contribution rates which
44 may be enacted into law to take effect on July 1, 2022. The
45 Division of Law Revision and Information is directed to adjust
46 accordingly the contribution rates provided in s. 121.71,
47 Florida Statutes.

48
49 Section 3. The Legislature finds that a proper and
50 legitimate state purpose is served when employees and retirees
51 of the state and of its political subdivisions, and the
52 dependents, survivors, and beneficiaries of such employees and
53 retirees, are extended the basic protections afforded by
54 governmental retirement systems that provide fair and adequate
55 benefits that are managed, administered, and funded in an
56 actuarially sound manner, as required by s. 14, Article X of the
57 State Constitution and part VII of chapter 112, Florida
58 Statutes. Therefore, the Legislature determines and declares
59 that this act fulfills an important state interest.

60
61 Section 4. This act shall take effect July 1, 2022.

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, 2021	Percentage of Gross Compensation, Effective July 1, 2022
Regular Class	4.91%	<u>5.16%</u>
Special Risk Class	15.27%	<u>15.91%</u>
Special Risk Administrative Support Class	9.73%	<u>9.91%</u>
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	8.49%	<u>8.34%</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, 2021	Percentage of Gross Compensation, Effective July 1, 2022
Elected Officers' Class— Justices, Judges	13.38%	<u>13.90%</u>
Elected Officers' Class— County Elected Officers	10.28%	<u>10.31%</u>
Senior Management Class	6.49%	<u>6.83%</u>
DROP	7.23%	<u>7.77%</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, 2021	Percentage of Gross Compensation, Effective July 1, 2022
Regular Class	4.19%	<u>4.23%</u>
Special Risk Class	8.90%	<u>9.53%</u>
Special Risk Administrative Support Class	26.31%	<u>26.16%</u>
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	53.52%	<u>56.76%</u>
Elected Officers' Class— Justices, Judges	25.81%	<u>27.64%</u>

Governor's Budget Recommendation Conforming Bill
Retirement Contribution Rates

Membership Class	Percentage of Gross Compensation, Effective July 1, 2021	Percentage of Gross Compensation, Effective July 1, 2022
Elected Officers' Class— County Elected Officers	39.42%	<u>43.98%</u>
Senior Management Service Class	20.80%	<u>22.15%</u>
DROP	9.45%	<u>9.15%</u>

23

24

Section 2. This act shall take effect July 1, 2022.

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. 213.755, F.S.; Filing of returns and payment of
4 taxes by electronic means filing of returns by
5 electronic data interchange; 202.30, F.S. Payment of
6 taxes by electronic funds transfer; reducing the
7 electronic filing (e-filing) threshold for taxpayers
8 from \$20,000 to \$5,000; providing an effective date.
9

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

11 Section 1. Subsection (1) of section 213.755, Florida
12 Statutes, is amended to read:

13 213.755 Filing of returns and payment of taxes by
14 electronic means.-

15 (1) The executive director of the Department of Revenue shall
16 have authority to require a taxpayer to file returns and remit
17 payments by electronic means where the taxpayer is subject to
18 tax and has paid that tax in the prior state fiscal year in an
19 amount of \$5,000 ~~\$20,000~~ or more. Any taxpayer who operates two
20 or more places of business for which returns are required to be
21 filed with the department shall combine the tax payments for all
22 such locations in order to determine whether they are obligated
23 under this section. This subsection does not override additional
24 requirements in any provision of a revenue law which the
25 department has the responsibility for regulating, controlling,

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

26 and administering.

27 Section 2. Subsection (1) of section 202.30, Florida
28 Statutes, is amended to read:

29 202.30 Payment of taxes by electronic funds transfer; filing of
30 returns by electronic data interchange.-

31 (1) A dealer of communications services is required to remit
32 taxes by electronic funds transfer, in the manner prescribed by
33 the department, when the amount of tax paid by the dealer under
34 this chapter, chapter 203, or chapter 212 in the previous state
35 fiscal year was greater than or equal to the amount provided in
36 s. 213.755(1) \$20,000 or more.

37
38 Section 3. This act shall take effect January 1, 2023.

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

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

24 213.67 Garnishment.-

25 (1) If a person is delinquent in the payment of any taxes,

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

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

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

51 state is unable to recover the indebtedness of the person with
52 respect to whose obligation the notice was given. If the
53 delinquent taxpayer contests the intended levy in circuit court
54 or under Chapter 120, the notice under this section remains
55 effective until that final resolution of the contest. Any
56 financial institution receiving such notice will maintain a right
57 of setoff for any transaction involving a debit card occurring
58 on or before the date of receipt of such notice.

59 (3) During the last 30 days of the 60-day period set forth
60 in subsection (1), the executive director or his or her designee
61 may levy upon such credits, other personal property, or debts.
62 The levy must be accomplished by delivery of a notice of levy by
63 regular registered mail, by personal service, or by electronic
64 means, including by facsimile transmission, electronic
65 dataexchange, or use of the Internet. Upon receipt of the
66 notice of levy, which the person possessing the credits, other
67 personal property, or debts shall transfer them to the department
68 or pay to the department the amount owed to the delinquent
69 taxpayer.

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

72 61.1301 Income deduction orders.-

73 (1) ISSUANCE IN CONJUNCTION WITH AN ORDER ESTABLISHING,
74 ENFORCING, OR MODIFYING AN OBLIGATION FOR ALIMONY OR CHILD
75 SUPPORT.-

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

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

93 1. In Title IV-D cases, the Title IV-D agency may implement
94 income deduction after receiving a copy of an order from the
95 court under this paragraph or a forwarding agency under UIFSA,
96 URESA, or RURESА by issuing an income deduction notice to the
97 payor.

98 2. The income deduction notice must state that it is based
99 upon a valid support order and that it contains an income
100 deduction requirement or upon a separate income deduction order.

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

101 The income deduction notice must contain the notice to payor
102 provisions specified by paragraph (2) (e). The income deduction
103 notice must contain the following information from the income
104 deduction order upon which the notice is based: the case number,
105 the court that entered the order, and the date entered.

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

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

114 5. If a support order entered before January 1, 1994, in a
115 non-Title IV-D case does not specify income deduction, income
116 deduction may be initiated upon a delinquency without the need
117 for any amendment to the support order or any further action by
118 the court. In such case the obligee may implement income
119 deduction by serving a notice of delinquency on the obligor as
120 provided for under paragraph (f).

121 (b) The income deduction order shall:

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

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

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

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

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

144 5. Direct whether a payor shall deduct all, a specified
145 portion, or no income which is paid in the form of a bonus or
146 other similar one-time payment, up to the amount of arrearage
147 reported in the income deduction notice or the remaining balance
148 thereof, and forward the payment to the governmental depository.
149 For purposes of this subparagraph, "bonus" means a payment in
150 addition to an obligor's usual compensation and which is in

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

151 addition to any amounts contracted for or otherwise legally due
152 and shall not include any commission payments due an obligor.

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

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

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

175 (c) The income deduction order is effective immediately

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

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

182 1. Explain why implementing immediate income deduction would
183 not be in the child's best interest;

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

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

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

195 (d) The income deduction order shall be effective as long as
196 the order upon which it is based is effective or until further
197 order of the court. Notwithstanding the foregoing, however, ~~at~~
198 ~~such time as the State Disbursement Unit becomes operational,~~ in
199 those cases in which the obligee is receiving Title IV-D services
200 and in those cases in which the obligee is not receiving Title

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

201 IV-D services in which the initial support order was issued in
202 this state on or after January 1, 1994, and in which the obligor'
203 s child support obligation is being paid through income
204 deduction, such payments shall be made payable to and delivered
205 to the State Disbursement Unit.

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

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

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

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

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

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

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

226 obligor, the payor, or the obligee.

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

231 7. That in a Title IV-D case, if an obligation to pay
232 current support is reduced or terminated due to emancipation of a
233 child and the obligor owes an arrearage, retroactive support,
234 delinquency, or costs, income deduction continues at the rate in
235 effect immediately prior to emancipation until all arrearages,
236 retroactive support, delinquencies, and costs are paid in full
237 or until the amount of withholding is modified.

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

248 1. The notice of delinquency shall state:

249 a. The terms of the order establishing, enforcing, or
250 modifying the obligation.

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

251 b. The period of delinquency and the total amount of the
252 delinquency as of the date the notice is mailed.

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

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

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

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

273 g. That enforcement of the income deduction order may only
274 be contested on the ground of mistake of fact regarding the
275 amount owed pursuant to the order establishing, enforcing, or

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

276 modifying the obligation, the amount of arrearages, or the
277 identity of the obligor, the payor, or the obligee.

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

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

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

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

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

297 (2) Enforcement of income deduction orders.--

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

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

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

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

309 2. Service upon an obligor's payor or successor payor under
310 this section shall be made by regular ~~prepaid certified mail,~~
311 ~~return receipt requested, or in the manner prescribed in chapter~~
312 ~~48.~~

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

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

326 whether enforcement of the income deduction order is proper. The
327 payment of a delinquent obligation by an obligor upon entry of an
328 income deduction order shall not preclude service by regular mail
329 of the income deduction order or, in Title IV-D cases, an income
330 deduction notice on the obligor's payor.

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

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

349 (e) Notice to payor and income deduction notice. The notice
350 to payor or, in Title IV-D cases, income deduction notice shall

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

351 contain only information necessary for the payor to comply with
352 the order providing for income deduction. The notice shall:

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

354 2. Require the payor to deduct from the obligor's income the
355 amount specified in the income deduction order, and in the case
356 of a delinquency the amount specified in the notice of
357 delinquency, and to pay that amount to the obligee or to the
358 depository, as appropriate. The amount actually deducted plus all
359 administrative charges shall not be in excess of the amount
360 allowed under s. 303(b) of the Consumer Credit Protection Act,
361 360 15 U.S.C. s. 1673(b);

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

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 or
373 partially satisfies the periodic amount specified in the income
374 deduction order or, in Title IV-D cases, income deduction notice,
375 and the specific date each deduction is made. If the IV- D agency

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

376 is enforcing the order, the payor shall make these notifications
377 to the agency instead of the obligee;

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

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

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 of
404 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
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 state
420 law pertaining to the same income and that payment, as required
421 by the notice to payor or income deduction notice, is a complete
422 defense by the payor against any claims of the obligor or his or
423 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 of

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

426 two or more obligors be deducted and sent to the same
427 depository, the payor may combine the amounts that are to be paid
428 to the depository in a single payment as long as the payments
429 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-0
433 cases, the Title IV-D agency for further instructions. Upon being
434 so contacted, the court or, in Title IV-0 cases when all the
435 cases upon which the notices are based are Title IV-D cases, the
436 Title IV-D agency shall allocate amounts available for income
437 deduction as provided in subsection (4); and

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

445 (f) At any time an income deduction order is being enforced,
446 the obligor may apply to the court for a hearing to contest the
447 continued enforcement of the income deduction on the same
448 grounds set out in paragraph (c), with a copy to the obligee and,
449 in IV-D cases, to the IV-D agency. If the income deduction order
450 being enforced was rendered by the IV-D agency pursuant to s.

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

451 409.2563 and the obligor contests the withholding, the obligor
452 shall file a petition for an administrative hearing with the IV-D
453 agency. The application or petition does not affect the continued
454 enforcement of the income deduction until the court or IV-D
455 agency, if applicable, enters an order granting relief to the
456 obligor. The obligee or the IV-D agency is released from
457 liability for improper receipt of moneys pursuant to an income
458 deduction order upon return to the appropriate party of any
459 moneys received.

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

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

474 2. When the IV-D agency is requested by the agency
475 responsible for income deduction in another state to enforce an

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

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

480 3. When an obligor who is subject to an income deduction
481 order enforced against a payor located in this state for the
482 benefit of an obligee who is being provided IV-D services by the
483 agency responsible for income deduction in another state
484 terminates his or her relationship with his or her payor, the
485 IV-D agency shall notify the agency in the other state and
486 provide it with the name and address of the obligor and the
487 address of any new payor of the obligor, if known.

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

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

498 c. When the IV-D agency is requested by an agency
499 responsible for income deduction in another state to implement
500 income deduction against a payor located in this state for the

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

501 benefit of an obligee who is being provided IV-D services by the
502 agency in the other state or when the IV-D agency in this state
503 initiates an income deduction request on behalf of an obligee
504 receiving IV-D services in this state against a payor in another
505 state, pursuant to this section or the Uniform Interstate Family
506 Support Act, the IV-D agency shall file the interstate income
507 deduction documents, or an affidavit of such request when the
508 income deduction documents are not available, with the depository
509 and if the IV-D agency in this state is responding to a request
510 from another state, provide copies to the payor and obligor in
511 accordance with subsection (1). The depository created pursuant
512 to s. 61.181 shall accept the interstate income deduction
513 documents or affidavit and shall establish an account for the
514 receipt and disbursement of child support or child support and
515 alimony payments and advise the IV-D agency of the account number
516 in writing within 2 days after receipt of the documents or
517 affidavit.

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

521 (j)1. A person may not discharge, refuse to employ, or take
522 disciplinary action against an employee because of the
523 enforcement of an income deduction order. An employer who
524 violates this subsection is subject to a civil penalty not to
525 exceed \$250 for the first violation or \$500 for any subsequent

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

526 violation. Penalties shall be paid to the obligee or the IV-D
527 agency, whichever is enforcing the income deduction, if an
528 alimony or child support is owing. If no alimony or child support
529 is owing, the penalty shall be paid to the obligor.

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

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

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

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

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

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

575 (c) If a delinquency accrues after an order establishing,

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

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

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

588 409.2574 Income deduction enforcement in Title IV-D cases.-

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

594 (b) The department shall serve a notice on the obligor that
595 the income deduction notice has been served on the employers.
596 Service upon an obligor under this section shall be made by
597 regular mail to the obligor's last known address of record with
598 the local depository or a more recent address if known ~~in the~~
599 ~~manner prescribed in chapter 48~~. The department shall furnish to
600 the obligor a statement of the obligor's rights, remedies, and

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

601 duties in regard to the income deduction.

602 (c) The obligor has 15 days from the mailing ~~servicing~~ of the
603 notice to file a request for a hearing with the department to
604 contest enforcement of income deduction.

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

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

609 409.256 Administrative proceeding to establish paternity or
610 paternity and child support; order to appear for genetic
611 testing.-

612 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR PATERNITY AND
613 CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC TESTING; MANNER OF
614 SERVICE; CONTENTS.-The Department of Revenue shall commence a
615 proceeding to determine paternity, or a proceeding to determine
616 both paternity and child support, by serving the respondent with
617 a notice as provided in this section. An order to appear for
618 genetic testing may be served at the same time as a notice of the
619 proceeding or may be served separately. A copy of the affidavit
620 or written declaration upon which the proceeding is based shall
621 be provided to the respondent when notice is served. A notice or
622 order to appear for genetic testing shall be served by certified
623 mail, ~~restricted delivery~~, return receipt requested, or in
624 accordance with the requirements for service of process in a
625 civil action. Service by certified mail is completed when the

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

626 certified mail is received or refused by the addressee or by an
627 authorized agent as designated by the addressee in writing. If a
628 person other than the addressee signs the return receipt, the
629 department shall attempt to reach the addressee by telephone to
630 confirm whether the notice was received, and the department shall
631 document any telephonic communications. If someone other than
632 the addressee signs the return receipt, the addressee does not
633 respond to the notice, and the department is unable to confirm
634 that the addressee has received the notice, service is not
635 completed and the department shall attempt to have the addressee
636 served personally. For purposes of this section, an employee or
637 an authorized agent of the department may serve the notice or
638 order to appear for genetic testing and execute an affidavit of
639 service. The department may serve an order to appear for genetic
640 testing on a caregiver. The department shall provide a copy of
641 the notice or order to appear by regular mail to the mother and
642 caregiver, if they are not respondents.

643 Section 5. Subsection (4) of section 409.2563 is amended to
644 read:

645 409.2563 Administrative establishment of child support
646 obligations.—

647 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT
648 ORDER.—To commence a proceeding under this section, the
649 department shall provide to the parent from whom support is not
650 being sought and serve the parent from whom support is being

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

651 sought with a notice of proceeding to establish administrative
652 support order and a blank financial affidavit form. The notice
653 must state:

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

656 (b) That the department intends to establish an
657 administrative support order as defined in this section;

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

661 (d) That both parents, or parent and caregiver if
662 applicable, are required to furnish to the department information
663 regarding their identities and locations, as provided by
664 paragraph (13) (b);

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

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

675 (g) That the department will send by regular mail to both

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

676 parents, or parent and caregiver if applicable, a copy of the
677 proposed administrative support order, the department's child
678 support worksheet, and any financial affidavits submitted by a
679 parent or prepared by the department;

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

685 (i) That if the parent from whom support is being sought
686 does not file a timely request for hearing after service of the
687 proposed administrative support order, the department will issue
688 an administrative support order that incorporates the findings
689 of the proposed administrative support order, and will send by
690 regular mail a copy of the administrative support order to both
691 parents, or parent and caregiver if applicable;

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

695 (k) That after an administrative support order is rendered,
696 the department may enforce the administrative support order by
697 any lawful means;

698 (l) That either parent, or caregiver if applicable, may file
699 at any time a civil action in a circuit court having jurisdiction
700 and proper venue to determine parental support obligations, if

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

701 any, and that a support order issued by a circuit court
702 supersedes an administrative support order rendered by the
703 department;

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

708 1. The parent from whom support is being sought may request
709 in writing that the department proceed in circuit court to
710 determine his or her support obligations.

711 2. The parent from whom support is being sought may state
712 in writing to the department his or her intention to address
713 issues concerning custody or rights to parental contact in
714 circuit court.

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

725 4. If, within 10 days after receipt of the department's

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

726 petition and waiver of service, the parent from whom support is
727 being sought signs and returns the waiver of service form to the
728 department, the department shall terminate the administrative
729 proceeding without prejudice and proceed in circuit court.

730 5. In any circuit court action filed by the department
731 pursuant to this paragraph or filed by a parent from whom
732 support is being sought or other person pursuant to paragraph
733 (1) or paragraph (n), the department shall be a party only with
734 respect to those issues of support allowed and reimbursable under
735 Title IV-D of the Social Security Act. It is the responsibility
736 of the parent from whom support is being sought or other person
737 to take the necessary steps to present other issues for the
738 court to consider.

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

744 (o) Information provided by the Office of State Courts
745 Administrator concerning the availability and location of self-
746 help programs for those who wish to file an action in circuit
747 court but who cannot afford an attorney. The department may serve
748 the notice of proceeding to establish administrative support
749 order by certified mail, ~~restricted delivery~~, return receipt
750 requested. Alternatively, the department may serve the notice by

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

751 any means permitted for service of process in a civil action.
752 For purposes of this section, an authorized employee of the
753 department may serve the notice and execute an affidavit of
754 service. Service by certified mail is completed when the
755 certified mail is received or refused by the addressee or by an
756 authorized agent as designated by the addressee in writing. If a
757 person other than the addressee signs the return receipt, the
758 department shall attempt to reach the addressee by telephone to
759 confirm whether the notice was received, and the department shall
760 document any telephonic communications. If someone other than the
761 addressee signs the return receipt, the addressee does not
762 respond to the notice, and the department is unable to confirm
763 that the addressee has received the notice, service is not
764 completed and the department shall attempt to have the addressee
765 served personally. The department shall provide the parent from
766 whom support is not being sought or the caregiver with a copy of
767 the notice by regular mail to the last known address of the
768 parent from whom support is not being sought or caregiver.

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

771 (1) If a person has a support obligation which is subject to
772 enforcement by the department as the state Title IV-D program,
773 the executive director or his or her designee may give notice of
774 past due and/or overdue support by regular ~~registered~~ mail to
775 all persons who have in their possession or under their control

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

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

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

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

801 the time prescribed by the notice or until the department
802 consents to a transfer.

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

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

826 sufficient to cover the obligation for past due or overdue
827 support and any applicable commissions or fees, or both, which
828 are charged in the normal course of business, beginning with the
829 securities purchased most recently. After liquidation, the
830 person who possesses or controls the securities shall transfer
831 to the department the total amount of past due or overdue
832 support.

833 (4) A notice that is delivered under this section is
834 effective at the time of delivery against all credits, other
835 personal property, or debts of the obligor which are not at the
836 time of such notice subject to an attachment, garnishment, or
837 execution issued through a judicial process. Upon express
838 written consent of a person who is or may be in possession of
839 personal property belonging to the obligor, the department may
840 deliver the notices required by this section to that person by
841 secure electronic means.

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

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

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

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

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

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

862 1. The provisions of this section relating to levy and sale
863 of property;

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

865 3. The administrative and judicial appeals available to the
866 obligor with respect to such levy and sale, and the procedures
867 relating to such appeals; and

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

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

872 Section 7. This act shall take effect on July 1, 2022.
873

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

1 A bill to be entitled
2 An act relating to the Florida State Guard; amending
3 s. 251.01, F.S.; authorizing the Governor to organize
4 and maintain state forces; amending s. 251.01, F.S.;
5 designating the Governor as Commander in Chief of the
6 Florida State Guard; authorizing the Adjutant General
7 to lead and maintain the Florida State Guard; amending
8 s. 251.02, F.S.; providing the Adjutant General
9 authority to prescribe regulations for the Florida
10 State Guard, uniforms, organizational structure, and
11 composition; requiring the Florida State Guard be
12 composed of a full-time designee, a cadre, and
13 qualified volunteers; amending s. 251.03, F.S.;
14 providing for stipends for activated members of the
15 Florida State Guard ; authorizing the Adjutant General
16 to determine rates for reimbursement; providing for
17 workers' compensation coverage for members while
18 activated or training; amending s. 251.04, F.S.;
19 authorizing the Governor to requisition equipment for
20 the Florida State Guard pursuant to Title 32, United
21 States Code, section 109; authorizing the use of state
22 armories for use of the Florida State Guard; amending
23 s. 251.05, F.S.; authorizing the activation and
24 authorization for use of the Florida State Guard;
25 providing for the deactivation of the Florida State
26 Guard; amending s. 251.06, F.S.; exempting from
27 liability lawful acts of Florida State Guard members
28 while in performance of their duty; providing for
29 legal services for defense of actions or proceedings
30 against members of the Florida State Guard; amending
31 s. 251.07, F.S.; providing disciplinary guidelines for
32 members of the Florida State Guard; amending s.

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

251.08, F.S.; providing for limitations as defined in
32 U.S.C. 109; amending s. 251.09, F.S.; requiring
members of the Florida State Guard to be United States
citizens and residents of Florida; providing
requirement for background screening for membership to
the Florida State Guard; authorizing the Governor and
Adjutant General to establish eligibility requirements
for membership; amending s. 251.10, F.S.; authorizing
the Adjutant General or his or her delegate to approve
or deny applicants for executive- and supervisory-
level service and execute a service contract; amending
s. 251.11, F.S.; providing protections for members of
the Florida State Guard as provided under F.S.
250.5201; amending s. 251.12, F.S.; providing
protections for members of the Florida State Guard as
provided under F.S. 250.5201, chapter 115, and chapter
250; amending s. 251.13, F.S.; amending s. 251.13,
F.S.; authorizing the Governor and Adjutant General to
provide mutual assistance to other states in
accordance with Florida Statutes; amending s. 251.14,
F.S.; provide funding of the Florida State Guard to be
separate and distinct from funding for the Florida
National Guard; repealing s. 251.15, F.S., relating to
expenses; amending s. 251.16, F.S., relating to a
short title; repealing s. 251.17, F.S., relating to
awards to officers and enlisted personnel; providing
an effective date.

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

Section 1. Section 251.01, Florida Statutes, is amended to
read:

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

65 251.01 Authority and name.—

66 (1) The Governor is authorized to organize and maintain,
67 under the laws of the United States, such state forces as the
68 Governor deems necessary. Such forces shall be composed of
69 qualified citizens of the state as shall volunteer for service
70 therein. Such forces shall be in addition to and distinct from
71 the Florida National Guard and shall be a component of the
72 Department of Military Affairs and be known as the Florida State
73 Guard. ~~Whenever any part of the National Guard of this state is~~
74 ~~in active federal service, the Governor is hereby authorized to~~
75 ~~organize and maintain, within this state during such period,~~
76 ~~under such regulations as the Secretary of Defense of the United~~
77 ~~States may prescribe for discipline in training, such military~~
78 ~~forces as the Governor may deem necessary to assist the civil~~
79 ~~authorities in maintaining law and order. Such forces shall be~~
80 ~~composed of officers commissioned or assigned, and such able-~~
81 ~~bodied citizens of the state as shall volunteer for service~~
82 ~~therein, supplemented, if necessary, by personnel of the Florida~~
83 ~~National Guard enrolled by draft or otherwise, as provided by~~
84 ~~law. Such forces shall be additional to and distinct from the~~
85 ~~National Guard and shall be known as the Florida State Defense~~
86 ~~Force. Such forces shall be uniformed.~~

87 (2) The Governor is the commander in chief of the Florida
88 State Guard. The Adjutant General shall be responsible for
89 directing, supervising, and maintaining the Florida State Guard.
90 ~~authorized to maintain a Florida State Defense Force reserve~~
91 ~~cadre of officers and noncommissioned officers, said officers to~~
92 ~~be a trained nucleus for such time as the Florida State Defense~~
93 ~~Force may be activated. Said officers shall be volunteers and~~
94 ~~shall serve with no pay or allowances except when called to~~
95 ~~active duty.~~

96 Section 2. Section 251.02, Florida Statutes, is amended to

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

97 read:

98 251.02 Duties of the Adjutant General relating to the
99 Florida State Guard Organization; rules and regulations.-

100 (1) The Adjutant General is hereby authorized to prescribe
101 military regulations governing the recruitment, organization,
102 administration, equipment, maintenance, training, retention,
103 incentives, and discipline of the Florida State Guard
104 enlistment, organization, administration, equipment,
105 maintenance, training and discipline of such Florida State
106 Defense Force; and prohibit the acceptance of gifts, donations,
107 gratuities, or anything of value, by such Florida State Defense
108 Force, or by any member of such Florida State Defense Force,
109 from any individual, firm, association, or corporation, by
110 reason of such membership.

111 (2) The Adjutant General is authorized to prescribe
112 uniforms, which must be separate and distinct from that of the
113 United States Military and Florida National Guard.

114 (3) The Adjutant General may create duty positions and
115 titles as required to maintain organizational structure.

116 (4) The Adjutant General shall set the composition and
117 organizational force structure of the Florida State Guard and
118 may divide the Florida State Guard into units, as necessary, and
119 may give each such unit a name, a number designation, or both.
120 Such force may be composed of:

121 (a) A full-time designee selected by the Adjutant General
122 to coordinate the force at the pleasure of the Adjutant General
123 and, subject to appropriation, a permanent office responsible
124 for planning, training, and readiness of the force, proper
125 acquisition and safeguarding of equipment and facilities, and
126 the ability to coordinate response actions when the Florida
127 State Guard is activated;

128 (b) A cadre of appropriately trained members to carry out

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

129 the duties and responsibilities of the force, who may serve in a
130 full-time status, part-time status, or a combination thereof,
131 subject to the availability of funds; and

132 (c) Such qualified citizens of this state as may volunteer
133 and who are accepted for service therein.

134 Section 3. Section 251.03, Florida Statutes, is amended to
135 read:

136 251.03 Reimbursement and compensation ~~Pay and allowances.-~~

137 (1) Activated members of the Florida State Guard may
138 receive stipends or travel expenses at the discretion of the
139 Governor, the Adjutant General, or their designated authority,
140 contingent upon available funding.

141 (2) Rates of reimbursement and levels of compensation shall
142 be determined by the Adjutant General and shall be contingent
143 upon available funding.

144 (3) While activated or while in training, members of the
145 Florida State Guard shall be covered by the protections of the
146 Workers' Compensation Law as defined by Florida Statute Title 31
147 (Labor), Chapter 440 (workers' compensation), as a volunteer
148 worker for the State of Florida as defined in 440.02(d

149 ~~)6 The members of the Florida State Defense Force shall receive~~
150 ~~no pay and allowances, except when called out on active duty,~~
151 ~~during which time they shall receive the same base pay and~~
152 ~~allowances as are now provided by law for the National Guard~~
153 ~~when on similar duty.~~

154 Section 4. Section 251.04, Florida Statutes, is amended to
155 read:

156 251.04 Requisitions; armories; other buildings.-

157 (1) The Governor is authorized to requisition required
158 equipment for the Florida State Guard.

159 (2) The Governor or the Adjutant General may make available
160 to the Florida State Guard the facilities of state armories and

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

161 state equipment and such other state premises and state property
162 as may be available ~~For the use of such Florida State Defense~~
163 ~~Force, the Governor is hereby authorized to requisition from the~~
164 ~~Secretary of Defense such arms and equipment as may be in~~
165 ~~possession of, and can be spared by, the Defense Department; and~~
166 ~~to make available to such Florida State Defense Force the~~
167 ~~facilities of state armories and their equipment and such other~~
168 ~~state premises and property as may be available.~~

169 Section 5. Section 251.05, Florida Statutes, is amended to
170 read:

171 251.05 Activation and deactivation of the Florida State
172 Guard ~~Calling out of defense force.~~-

173 (1) The Governor may, in order to preserve the public
174 peace, execute the laws of this state, enhance domestic
175 security, respond to terrorist threats or attacks, respond to an
176 emergency as defined in s. 252.34 or imminent danger thereof, or
177 respond to any need for emergency aid to civil authorities as
178 specified in s. 250.28, order the activation of the Florida
179 State Guard.

180 (2) The Governor may authorize all or any part of the
181 Florida State Guard to participate in any parade, review,
182 inspection, ceremony, or other public exercise; to serve for
183 escort duty; to participate in training; to provide
184 extraordinary support to law enforcement upon request; and to
185 provide relief in situations for which it is uniquely qualified.
186 Such expenses incidental thereto and authorized by the Governor
187 may be paid as provided for state active duty.

188 (3) The Florida State Guard shall be deactivated by
189 expiration of the order activating the Florida State Guard, a
190 separate order from the Governor deactivating the Florida State
191 Guard, or an order from the Adjutant General or his or her
192 designee deactivating the Florida State Guard.

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

193 (4) Unless otherwise stated, such deactivation will not
194 affect the full-time members other than to excuse them from the
195 current operation ~~The Florida State Defense Force may be called~~
196 ~~out to aid the civil authorities as now provided by the law for~~
197 ~~calling out the National Guard; except whenever the Adjutant~~
198 ~~General would be authorized to call out the Florida State~~
199 ~~Defense Force, but is unable to do so for any reason, the~~
200 ~~Adjutant General's assistant shall have such authority.~~

201 Section 6. Section 251.06, Florida Statutes, is amended to
202 read:

203 251.06 Defense of actions or proceedings against members of
204 the Florida State Guard ~~Use outside this state.-~~

205 (1) Members of the Florida State Guard ordered to state
206 active duty or while in training are not liable, civilly or
207 criminally, for any lawful act done by them in the performance
208 of their duty, while acting in good faith and within the scope
209 of that duty.

210 (2) In any action or proceeding of any nature, civil or
211 criminal, commenced in any court by any person or by the state
212 against any member of the Florida State Guard while ordered to
213 state active duty or while in training, because of any act done
214 or caused, ordered, or directed to be done, the defendant in
215 such action or proceeding, upon his or her request, shall be
216 defended at the expense of the state by a qualified attorney
217 designated by the Department of Legal Affairs. However, this
218 section does not prohibit such defendant from employing his or
219 her own private counsel at the defendant's own expense.

220 (3) In any such action or proceeding, if the plaintiff
221 dismisses his or her suit or a verdict or judgment in favor of
222 the defendant is entered, the court shall award costs and
223 reasonable attorney fees incurred by the state and the defendant
224 in the defense of such action or proceeding. ~~Such Florida State~~

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

225 ~~Defense Force shall not be required to serve outside the~~
226 ~~boundaries of this state, except that any organization, unit, or~~
227 ~~detachment of such Florida State Defense Force, upon order of~~
228 ~~the officer in immediate command thereof, may continue in fresh~~
229 ~~pursuit of insurrectionists, saboteurs, enemies, or enemy forces~~
230 ~~beyond the borders of this state into another state until they~~
231 ~~are apprehended or captured by such organization, unit, or~~
232 ~~detachment, or until the military or police forces of the other~~
233 ~~state, or the forces of the United States, have had a reasonable~~
234 ~~opportunity to take up the pursuit or to apprehend or capture~~
235 ~~such persons; provided, such other state shall have given~~
236 ~~authority by law for such pursuit by such Florida State Defense~~
237 ~~Force. Any such person, who shall be apprehended or captured in~~
238 ~~such other state by an organization, unit, or detachment of the~~
239 ~~Florida State Defense Force, shall, without unnecessary delay,~~
240 ~~be surrendered to the military or police forces of the state in~~
241 ~~which she or he is taken or to the United States; but such~~
242 ~~surrender shall not constitute a waiver by this state of its~~
243 ~~right to extradite or prosecute such person for any crime~~
244 ~~committed in this state.~~

245 Section 7. Section 251.07, Florida Statutes, is amended to
246 read:

247 251.07 Liability for actions of members of the Florida State
248 Guard Permission to forces of other states in fresh pursuit. -
249 Members of the Florida State Guard shall serve at the pleasure
250 of the Adjutant General and may be subject to adverse
251 administrative actions including severance at the discretion of
252 the Adjutant General or for any violation of the Department of
253 Military Affairs' employee handbook. The Department shall
254 promulgate rules related to a code of conduct, standards,
255 requirements and disqualifications for membership in the Florida
256 State Guard.

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

257 ~~Any military forces or organization, unit or detachment~~
258 ~~thereof, of another state, who are in fresh pursuit of~~
259 ~~insurrectionists, saboteurs, enemies or enemy forces, may~~
260 ~~continue such pursuit into this state until the military or~~
261 ~~police forces of this state or the forces of the United States,~~
262 ~~have had a reasonable opportunity to take up the pursuit or to~~
263 ~~apprehend or capture such persons; and they are hereby~~
264 ~~authorized to arrest or capture such persons within this state~~
265 ~~while in fresh pursuit. Any such person, who shall be captured~~
266 ~~or arrested by the military forces of such other state while in~~
267 ~~this state, shall without unnecessary delay be surrendered to~~
268 ~~the military or police forces of this state to be dealt with~~
269 ~~according to law. This section shall not be construed so as to~~
270 ~~make unlawful any arrest in this state which would otherwise be~~
271 ~~lawful.~~

272 Section 8. Section 251.08, Florida Statutes, is amended to
273 read:

274 251.08 Federal service.—

275 (1) Nothing in ~~Nothing in~~ this chapter shall be construed
276 as authorizing such Florida State Guard, or any part thereof, to
277 be called, ordered, or in any manner drafted, as such, into the
278 military service of the United States. ~~;~~ ~~but,~~

279 (2) No person shall, by reason of her or his enlistment or
280 commission in any such Florida State Guard, be exempted from
281 military service under any law of the United States.

282 (3) Members of the Florida State Guard are subject to
283 limitations contained in 32 U.S.C. s. 109.

284 Section 9. Section 251.09, Florida Statutes, is amended to
285 read:

286 251.09 Citizenship requirements and disqualification for
287 membership ~~Civil groups~~.—

288 (1) No person shall be a member of the Florida State Guard

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

289 who is not a citizen of the United States and resident of the
290 state of Florida.

291 (2) All prospective members of the Florida State Guard
292 shall be subject to an appropriate criminal background check. No
293 person shall be a member of the Florida State Guard who has
294 been convicted of a felony or has been dropped from the rolls or
295 separated, expelled, or discharged with less than a General
296 (Under Honorable Conditions) Service characterization from any
297 military organization of this state, of another state, or of the
298 United States.

299 (3) The Governor or the Adjutant General may establish age
300 limitations and standards for fitness, to include moral,
301 physical, health, and legal considerations, for eligibility to
302 be a member of the Florida State Guard ~~No civil organization,~~
303 ~~society, club, post, order, fraternity, association,~~
304 ~~brotherhood, body, union, league, or other combination of~~
305 ~~persons, or civil groups, shall be enlisted in such Florida~~
306 ~~State Defense Force as an organization or unit.~~

307 Section 10. Section 251.10, Florida Statutes, is amended to
308 read:

309 251.10 Duration and obligations of service
310 ~~Disqualifications.-~~

311 (1) EXECUTIVE AND SUPERVISORY LEVEL MEMBERS.-The Adjutant
312 General or his or her delegate shall approve or disapprove each
313 applicant for executive or supervisory level service. A
314 prospective executive or supervisory officer of the Florida
315 State Guard will enter into a contract with the State of Florida
316 for service as members. Members are subject to the rights and
317 limitations on the contract entering the Florida State Guard
318 member into service. Nothing contained in any contract between a
319 Florida State Guard member and the State of Florida will limit
320 the ability of the Adjutant General to terminate or modify the

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

321 contract at any time. The oath to be taken by executive or
322 supervisory member in such Florida State Guard shall be
323 substantially in the form prescribed for officers of the Florida
324 National Guard, substituting the words "Florida State Guard"
325 where necessary and omitting the reference to the President of
326 the United States.

327 (2) ALL OTHER MEMBERS.—The Adjutant General or his or her
328 delegate shall approve or disapprove each applicant. A
329 prospective member of the Florida State Guard will enter into a
330 contract with the State of Florida for service as members.
331 Members are subject to the rights and limitations on the
332 contract entering the Florida State Guard member into service.
333 Nothing contained in any contract between a Florida State Guard
334 member and the State of Florida may limit the ability of the
335 Adjutant General to terminate or modify the contract at any
336 time. The oath to be taken upon membership in such Florida State
337 Guard shall be substantially in the form prescribed for enlisted
338 personnel of the Florida National Guard, substituting the words
339 "Florida State Guard" where necessary and omitting the reference
340 to the President of the United States ~~No person shall be~~
341 ~~commissioned or enlisted in such Florida State Defense Force who~~
342 ~~is not a citizen of the United States, or who has been expelled~~
343 ~~or dishonorably discharged from any military or naval~~
344 ~~organization of this state, or of another state, or of the~~
345 ~~United States.~~

346 Section 11. Section 251.11, Florida Statutes, is amended to
347 read:

348 251.11 Stay of proceedings when Florida State Guard
349 activated ~~Commissioned officers.—Members of the Florida State~~
350 Guard in an activated status shall be entitled to the same
351 protection afforded to members of the Florida National Guard
352 under s. 250.5201 (Stay of proceedings where troops called out

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

353 into state active duty or active duty). ~~The term of commission~~
354 ~~in the Florida State Defense Force shall be for 3 years, subject~~
355 ~~to termination at the pleasure of the Governor prior to the~~
356 ~~expiration of such period. The oath to be taken by officers~~
357 ~~commissioned in such Florida State Defense Force shall be~~
358 ~~substantially in the form prescribed for officers of the~~
359 ~~National Guard, substituting the words "Florida State Defense~~
360 ~~Force" where necessary, and omitting the reference to the~~
361 ~~President of the United States. The subject term of 3 years may~~
362 ~~be extended by express direction of the Governor.~~

363 Section 12. Section 251.12, Florida Statutes, is amended to
364 read:

365 251.12 Employment protection when Florida State Guard
366 activated ~~Enlisted personnel.~~ Members of the Florida State Guard
367 in an activated status shall be entitled to the same protections
368 afforded to members of the Florida National Guard pursuant to s.
369 250.482 (Troops ordered into state active service; not to be
370 penalized by employers and postsecondary institutions) as well
371 as chapters 115 and 250. ~~The term of enlistment in the Florida~~
372 ~~State Defense Force shall be for 3 years, subject to termination~~
373 ~~at the pleasure of the Governor prior to the expiration of such~~
374 ~~period. The oath to be taken upon enlistment in such Florida~~
375 ~~State Defense Force shall be substantially in the form~~
376 ~~prescribed for enlisted personnel of the National Guard,~~
377 ~~substituting the words "Florida State Defense Force" where~~
378 ~~necessary, and omitting the reference to the President of the~~
379 ~~United States. The subject term of 3 years may be extended by~~
380 ~~express direction of the Governor.~~

381 Section 13. Section 251.13, Florida Statutes, is amended to
382 read:

383 251.13 Use outside the State of Florida Uniform Code of
384 Military Justice; freedom from arrest; jury duty. ~~The Governor~~

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

385 or the Adjutant General may authorize individual members or
386 elements of the Florida State Guard to provide mutual assistance
387 on behalf of the State of Florida in other states in accordance
388 with part III of chapter 252. Such volunteers will be treated
389 similar to the Florida National Guard members performing similar
390 duties.

391 ~~(1) Whenever such Florida State Defense Force, or any part~~
392 ~~thereof, shall be ordered out for active service, the Uniform~~
393 ~~Code of Military Justice of the United States, applicable to~~
394 ~~members of the National Guard of this state in relation to~~
395 ~~courts-martial, their jurisdiction and the limits of punishment,~~
396 ~~and the rules and regulations prescribed thereunder, shall be in~~
397 ~~full force and effect with respect to the Florida State Defense~~
398 ~~Force.~~

399 ~~(2) No officer or enlisted person of such Florida State~~
400 ~~Defense Force shall be arrested on any warrant, except for~~
401 ~~treason or felony, while going to, remaining at, or returning~~
402 ~~from, a place where such person is ordered to attend for~~
403 ~~military duty. Every officer and enlisted person of such Florida~~
404 ~~State Defense Force shall, during such person's service therein,~~
405 ~~be exempt from service upon any posse comitatus, and from jury~~
406 ~~duty.~~

407 Section 14. Section 251.14, Florida Statutes, is amended to
408 read:

409 251.14 Budget and Expenses ~~Discharge of Florida State~~
410 ~~Defense Force.~~ All budget requirements and expenses incurred in
411 carrying out the provisions of this chapter shall be paid from
412 funds separate and distinct from current state or federal
413 funding of the Florida National Guard ~~The Florida State Defense~~
414 ~~Force shall be discharged by the Governor upon the return of the~~
415 ~~National Guard to state control, or within 30 days thereafter,~~
416 ~~subject however to the provision of s. 251.01(2).~~

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

417 Section 15. Section 251.15, Florida Statutes, Section
418 251.15, Florida Statutes, is repealed.

419
420 Section 16. Section 251.16, Florida Statutes, is amended
421 to read:

422 251.15 251.16 Short title.-

423 This chapter may be cited as the "Florida State Guard."

424

425 Section 17. Section 251.17, Florida Statutes, is repealed.

426 Section 18. This act shall take effect July 1, 2022.

Governor's Budget Recommendation Conforming Bill
Judges of Compensation Claims

1
2 A bill to be entitled

3 An act relating to the Office of the Judges of
4 Compensation Claims; amending s. 440.44, F.S.;
5 providing an effective date.
6

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

9 Section 1. Section 440.44, Florida Statutes,
10 is amended to read:

11 440.44 Workers' compensation; staff organization. --

12 (5) OFFICE. - The department, the agency, and the Deputy
13 Chief Judge shall maintain and keep open during reasonable
14 Business hours an office, which shall be provided in the Capitol
15 Or some other suitable building in the City of Tallahassee, for
16 the transaction of business under this chapter, at which office
17 the official records and papers shall be kept. The office shall
18 be furnished and equipped. The department, the agency, any judge
19 of compensation claims, or the Deputy Chief Judge may hold
20 sessions and conduct hearings at any place within the state.

21 ~~The Office of the Judges of Compensation Claims shall maintain~~
22 ~~the 17 district offices, 31 judges of compensation claims, and 31~~
23 ~~mediators as they exist on June 30, 2001.~~

24 Section 2. This act shall take effect upon becoming a law.
25

Governor's Budget Recommendation Conforming Bill
Billy Joe Rish Recreational Park

1 An act relating to William (Billy Joe) J. Rish Recreational
2 Park; transferring William (Billy Joe) J. Rish Recreational Park
3 to the Department of Environmental Protection from the Agency
4 for Persons with Disabilities; providing an effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:
7

8 Section 1. All powers, duties, functions, records, offices,
9 personnel, associated administrative support positions,
10 property, pending issues, existing contracts, administrative
11 authority, administrative rules, and unexpended balances of
12 appropriations, allocations, and other funds related to the
13 William (Billy Joe) J. Rish Recreational Park within the Agency
14 for Persons with Disabilities are transferred by a type two
15 transfer, as defined in s. 20.06(2), Florida Statutes, to the
16 Department of Environmental Protection.

17 Section 2. This act shall take effect on July 1, 2022.

Governor's Budget Recommendation Conforming Bill
Child Care Subsidies for Foster Parents

An act relating to child care subsidies for foster parents; amending s. 409.145, F.S.; providing an early education or child care subsidy for certain foster parents; providing an effective date.

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

Section 1. Subsection (3) of section 409.145, Florida Statutes, is amended to read:

409.145 Care of children; "reasonable and prudent parent" standard.—The child welfare system of the department shall operate as a coordinated community-based system of care which empowers all caregivers for children in foster care to provide quality parenting, including approving or disapproving a child's participation in activities based on the caregiver's assessment using the "reasonable and prudent parent" standard.

(3) FOSTER CARE ROOM AND BOARD RATES; ADDITIONAL SUBSIDY FOR CHILD CARE EXPENSES.—

(a) Effective July 1, 2018, room and board rates shall be paid to foster parents as follows:

Monthly Foster Care Rate		
0-5 Years Age	6-12 Years Age	13-21 Years Age
\$457.95	\$469.68	\$549.74

Governor's Budget Recommendation Conforming Bill
Child Care Subsidies for Foster Parents

23
24 (b) Each January, foster parents shall receive an annual
25 cost of living increase. The department shall calculate the new
26 room and board rate increase equal to the percentage change in
27 the Consumer Price Index for All Urban Consumers, U.S. City
28 Average, All Items, not seasonally adjusted, or successor
29 reports, for the preceding December compared to the prior
30 December as initially reported by the United States Department
31 of Labor, Bureau of Labor Statistics. The department shall make
32 available the adjusted room and board rates annually.

33 (c) Effective July 1, 2019, foster parents of level I
34 family foster homes as defined in s. 409.175(5)(a) shall receive
35 a room and board rate of \$333.

36 (d) Effective July 1, 2019, the foster care room and board rate
37 for level II family foster homes as defined in s. 409.175(5)(a)
38 shall be the same as the new rate established for family foster
39 homes as of January 1, 2019.

40 (e) Effective January 1, 2020, paragraph (b) shall only
41 apply to level II through level V family foster homes, as
42 defined in s. 409.175(5)(a).

43 (f) The amount of the monthly foster care room and board
44 rate may be increased upon agreement among the department, the
45 community-based care lead agency, and the foster parent.

46 (g) From July 1, 2018, through June 30, 2019, community-
47 based care lead agencies providing care under contract with the
48 department shall pay a supplemental room and board payment to
49 foster care parents of all family foster homes, on a per-child
50 basis, for providing independent life skills and normalcy
51 supports to children who are 13 through 17 years of age placed

Governor's Budget Recommendation Conforming Bill
Child Care Subsidies for Foster Parents

52 | in their care. The supplemental payment shall be paid monthly to
53 | the foster care parents in addition to the current monthly room
54 | and board rate payment. The supplemental monthly payment shall
55 | be based on 10 percent of the monthly room and board rate for
56 | children 13 through 21 years of age as provided under this
57 | section and adjusted annually. Effective July 1, 2019, such
58 | supplemental payments shall only be paid to foster parents of
59 | level II through level V family foster homes.

60 | (h) In addition to the foster care room and board rate, a
61 | foster parent who is required under s. 39.604 to place a child
62 | in an early education or a child care program and who chooses a
63 | program in which the state subsidy from an early learning
64 | coalition under part VI of chapter 1002 is insufficient to pay
65 | the full cost shall receive a payment of up to \$300 per month to
66 | pay the difference between the amount of the early learning
67 | coalition subsidy and the full cost of the services.

68 | Section 2. This act shall take effect July 1, 2022.

Governor's Budget Recommendation Conforming Bill
Create the Opioid Settlement Clearing Trust Fund in the
Department of Financial Services

A bill to be entitled

An act relating to trust funds; creating s. 17.69
F.S.; creating the Department of Financial
Services Opioid Settlement Clearing Trust Fund;
providing for exemption from various service
charges; providing purposes; providing for
investment of such moneys; providing for
disbursement of funds to the opioid settlement
trust funds of the various agencies; proclaiming
that the trust fund is exempt from constitutional
termination; providing an effective date.

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

Section 1. Section 17.69, Florida Statutes, is created to
read:

17.69 The Department of Financial Services Opioid Settlement
Clearing Trust Fund.-

(1) The Department of Financial Services Opioid Settlement
Clearing Trust Fund is created within that department.

(2) Funds to be credited to the trust fund shall consist of
all payments received by the state from the opioid settlement.
All moneys received from the settlement shall be deposited into
the trust fund and are exempt from the service charges imposed
under s. 215.20.

(3) The State Board of Administration shall invest and
reinvest the moneys in the trust fund in accordance with ss.

Governor's Budget Recommendation Conforming Bill
Create the Opioid Settlement Clearing Trust Fund in the
Department of Financial Services

28 215.44-215.53. Costs and fees of the State Board of
29 Administration for providing such investment services shall be
30 deducted from the earnings accruing to the trust fund.

31 (4) The department shall disburse funds, by nonoperating
32 transfer, from the clearing trust fund to the opioid settlement
33 trust funds of the various agencies in amounts equal to the
34 annual appropriations made from those trust funds in the General
35 Appropriations Act.

36 (5) Pursuant to the provisions of s. 19(f) (3), Article III
37 of the State Constitution, the trust fund is exempt from
38 termination provisions of s. 19(f) (2), Article III of the State
39 Constitution.

40 Section 2. This act shall take effect July 1, 2022.

Governor's Budget Recommendation Conforming Bill
Create the Opioid Settlement Trust Fund

1 A bill to be entitled

2 An act creating the Opioid Settlement Trust Fund
3 for the deposit of proceeds from the opioid
4 industry; providing for the investment of funds;
5 providing for review and termination 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 Opioid Settlement Trust Fund is created
11 to accept deposit of all funds by the state as a result of the
12 settlement lawsuit against the opioid industry.

13 (2) All funds transferred to and retained in the trust fund
14 shall be invested pursuant to s. 18.125, Florida Statutes. All
15 interest accruing to the trust fund shall be deposited in the
16 trust fund and shall be subject to appropriation by the
17 Legislature.

18 (3) Pursuant to provisions of s. 19(f)(2), Article III of
19 the State Constitution, the Opioid Settlement Trust Fund shall,
20 unless terminated sooner, be terminated on July 1, 2026. Prior
21 to its scheduled termination, the trust fund shall be reviewed
22 as provided in ss. 215.3206(1) and (2), Florida Statutes.

23 Section 2. This act shall take effect on July 1, 2022.

Governor's Budget Recommendation Conforming Bill
Opioid Settlement Trust Fund in the
Department of Children and Families

A bill to be entitled

An act relating to trust funds; creating ss.
20.195(11), F.S.; creating the Opioid Settlement
Trust Fund within the Department of Children and
Families; providing purpose of the trust fund;
providing for future review and termination or re-
creation of the trust fund; providing an effective
date.

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

Section 1. Subsection (11) of Section 20.195, Florida
Statutes, is created to read:

20.195 Department of Children and Families; trust funds.-
(11) Opioid Settlement Trust Fund.-

(a) The Opioid Settlement Trust Fund is created within the
Department of Children and Families. The purpose of the trust
fund is to provide additional treatment such as medication-
assisted treatment, abstinence-based treatment, or other
evidence-based programs for opioid use disorder.

(b) Moneys shall be deposited and the expenditures made
from the trust fund.

(c) Notwithstanding s. 216.301 and pursuant to s. 216.251,
any balance in the trust fund at the end of any fiscal year
shall remain in the trust fund at the end of the year and shall
be available for carrying out the purposes of the trust fund.

(d) Pursuant to provisions of s. 19(f)(2), Article III of

Governor's Budget Recommendation Conforming Bill
Opioid Settlement Trust Fund in the
Department of Children and Families

28 the State Constitution, the Opioid Settlement Trust Fund shall,
29 unless terminated sooner, be terminated on July 1, 2026. Prior
30 to its scheduled termination, the trust fund shall be reviewed
31 as provided in ss. 215.3206(1) and (2), Florida Statutes.

32 Section 2. This act shall take effect on July 1, 2022.

Governor's Budget Recommendation Conforming Bill
FDC - State-Operated Institutions Inmate Welfare Trust Fund

1 A bill to be entitled

2 An act relating to the State-Operated Institutions
3 Inmate Welfare Trust Fund; amending s. 945.215, F.S.;
4 increasing the maximum amount of funds that may be
5 deposited into the trust fund in a fiscal year; adding
6 environmental health upgrades to Department of
7 Corrections facilities as a permissible use for funds
8 in the trust fund; reenacting ss. 944.516(5),
9 944.73(2), and 946.002(4)(b), F.S., relating to the
10 disposition of unclaimed funds, the State-Operated
11 Institutions Inmate Welfare Trust Fund, and forfeiture
12 of a prisoner's earned funds, respectively, to
13 incorporate the amendment made to s. 945.215, F.S., in
14 references thereto; providing an effective date.
15

16 Be It Enacted by the Legislature of the State of Florida:
17

18 Section 1. Paragraphs (b) and (c) of subsection (2) of
19 section 945.215, Florida Statutes, are amended to read:

20 945.215 Inmate welfare and employee benefit trust funds.—

21 (2) STATE-OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND.—

22 (b) Deposits into the trust fund may not exceed a total of
23 \$30 ~~\$2.5~~ million in any fiscal year. Any proceeds or funds that
24 would cause deposits into the trust fund to exceed this limit
25 must be deposited into the General Revenue Fund.

26 (c) Funds in the trust fund shall be used exclusively to
27 provide for or operate any of the following at correctional
28 facilities operated by the department:

29 1. Literacy programs, vocational training programs, and
30 educational programs.

Governor's Budget Recommendation Conforming Bill
FDC - State-Operated Institutions Inmate Welfare Trust Fund

31 2. Inmate chapels, faith-based programs, visiting
32 pavilions, visiting services and programs, family services and
33 programs, and libraries.

34 3. Inmate substance abuse treatment programs and transition
35 and life skills training programs.

36 4. The purchase, rental, maintenance, or repair of
37 electronic or audiovisual equipment, media, services, and
38 programming used by inmates.

39 5. The purchase, rental, maintenance, or repair of
40 recreation and wellness equipment.

41 6. The purchase, rental, maintenance, or repair of bicycles
42 used by inmates traveling to and from employment in the work-
43 release program authorized under s. 945.091(1)(b).

44 7. Environmental health upgrades to facilities, to include
45 fixed capital outlay repairs and maintenance that would improve
46 environmental conditions of the correctional facilities.

47 Section 2. For the purpose of incorporating the amendment
48 made by this act to section 945.215, Florida Statutes, in a
49 reference thereto, subsection (5) of section 944.516, Florida
50 Statutes, is reenacted to read:

51 944.516 Money or other property received for personal use
52 or benefit of inmate; deposit; disposition of unclaimed trust
53 funds.—The Department of Corrections shall protect the financial
54 interest of the state with respect to claims which the state may
55 have against inmates in state institutions under its supervision
56 and control and shall administer money and other property
57 received for the personal benefit of such inmates. In carrying
58 out the provisions of this section, the department may delegate
59 any of its enumerated powers and duties affecting inmates of an
60 institution to the warden or regional director who shall
61 personally, or through designated employees of his or her

Governor's Budget Recommendation Conforming Bill
FDC - State-Operated Institutions Inmate Welfare Trust Fund

62 personal staff under his or her direct supervision, exercise
63 such powers or perform such duties.

64 (5) When an inmate is transferred between department
65 facilities, is released from the custody of the department,
66 dies, or escapes during incarceration, and the inmate has an
67 unexpended inmate trust fund account balance of less than \$1,
68 that balance shall be transferred to the State-Operated
69 Institutions Inmate Welfare Trust Fund or, as provided in s.
70 945.215(2)(b), into the General Revenue Fund.

71 Section 3. For the purpose of incorporating the amendment
72 made by this act to section 945.215, Florida Statutes, in a
73 reference thereto, subsection (2) of section 944.73, Florida
74 Statutes, is reenacted to read:

75 944.73 State-Operated Institutions Inmate Welfare Trust
76 Fund.—

77 (2) Moneys shall be deposited and the expenditures made
78 from the trust fund as provided in s. 945.215.

79 Section 4. For the purpose of incorporating the amendment
80 made by this act to section 945.215, Florida Statutes, in a
81 reference thereto, paragraph (b) of subsection (4) of section
82 946.002, Florida Statutes, is reenacted to read:

83 946.002 Requirement of labor; compensation; amount;
84 crediting of account of prisoner; forfeiture; civil rights;
85 prisoner not employee or entitled to compensation insurance
86 benefits.—

87 (4)

88 (b) When any prisoner escapes, the department shall
89 determine what portion of the prisoner's earnings shall be
90 forfeited, and such forfeiture shall be deposited in the State
91 Treasury in the State-Operated Institutions Inmate Welfare Trust
92 Fund of the department or, as provided in s. 945.215(2)(b), into

Governor's Budget Recommendation Conforming Bill
FDC - State-Operated Institutions Inmate Welfare Trust Fund

93 the General Revenue Fund.

94 Section 5. This act shall take effect July 1, 2022.

95

Governor's Budget Recommendation Conforming Bill
Elevation Certificates

1
2 A bill to be entitled

3 An act relating to Elevation Certificates;
4 amending s. 472.0366, F.S.; specifying that
5 elevation certificates are to be submitted in a
6 format determined by the Division of Emergency
7 Management and outlined on the division's
8 website; providing a start date for the
9 requirement; providing an effective date.

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

12
13 Section 1. Paragraph (2) of Section 472.0366, Florida
14 Statutes, is amended to read:

15 472.0366 Elevation certificates; requirements for surveyors and
16 mappers.—

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

18 (a) "Division" means the Division of Emergency Management
19 established within the Executive Office of the Governor under
20 s. 14.2016.

21 (b) "Elevation certificate" means the certificate used to
22 demonstrate the elevation of property which has been developed
23 by the Federal Emergency Management Agency pursuant to federal
24 floodplain management regulation and which is completed by a
25 surveyor and mapper.

26 (2) Beginning January 1, 2023 ~~January 1, 2017~~, a surveyor and
27 mapper shall, within 30 days after completion, submit to the

Governor's Budget Recommendation Conforming Bill
Elevation Certificates

28 | division a copy of each elevation certificate that he or she
29 | completes in a format determined by the division and outlined on
30 | the division's website. The copy must be unaltered, except that
31 | the surveyor and mapper may redact the name of the property
32 | owner. The copy need not be signed and sealed when submitted to
33 | the division; however, an original signed and sealed copy must
34 | be retained in the surveyor and mapper's records as prescribed
35 | by rule of the board.

36 | Section 2. This act shall take effect July 1, 2022.

37 |

Governor's Budget Recommendation Conforming Bill
Inmate Fraud

1 A bill to be entitled

2 An act relating to inmate fraud; amending s. 414.40, F.S.,
3 transferring the Stop Inmate Fraud program from the Department
4 of Financial Services to the Department of Economic Opportunity;
5 expanding reporting requirements on inmates wrongfully receiving
6 public assistance or entitlement benefits to include all
7 facilities listed in statute; clarifying definitions of terms;
8 including the Department of Financial Services Division of
9 Public Assistance Fraud among the recipients of inmate fraud
10 data reports; providing an effective date.

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

13
14 Section 1. Section 414.40, Florida Statutes, is amended to
15 read:

16 414.40 Stop Inmate Fraud Program established; guidelines.-

17 (1) There is created within the Department of ~~Financial~~
18 ~~Services~~ Economic Opportunity a Stop Inmate Fraud Program.

19 (2) The Department of ~~Financial Services~~ Economic
20 Opportunity is directed to implement the Stop Inmate Fraud
21 Program in accordance with the following guidelines:

22 (a) The program shall establish procedures for sharing
23 public records not exempt from the public records law among
24 social services agencies regarding the identities of persons
25 incarcerated in state correctional institutions, as defined in
26 s. 944.02, ~~or~~ and in county, municipal, ~~or~~ and regional jails ~~or~~
27 and other detention facilities of local governments under
28 chapter 950 or chapter 951 who are wrongfully receiving public
29 assistance benefits or entitlement benefits.

Governor's Budget Recommendation Conforming Bill
Inmate Fraud

30 (b) Pursuant to these procedures, the program shall have
31 access to records containing correctional information not exempt
32 from the public records law on incarcerated persons which have
33 been generated as criminal justice information. As used in this
34 paragraph, the terms "record" is defined as provided in s.
35 943.045(7), and the term "criminal justice information" ~~have the~~
36 ~~same meanings~~ is defined as provided in s. 943.045(3).

37 (c) Database searches shall be conducted of the inmate
38 population at each correctional institution or other detention
39 facility. A correctional institution or a detention facility
40 shall provide the Stop Inmate Fraud Program with the information
41 necessary to identify persons wrongfully receiving benefits in
42 the medium requested by the Stop Inmate Fraud Program if the
43 correctional institution or detention facility maintains the
44 information in that medium.

45 (d) Data obtained from correctional institutions or other
46 detention facilities shall be compared with the client files of
47 the Department of Children and Families, the Department of
48 Economic Opportunity, and other state or local agencies as
49 needed to identify persons wrongfully obtaining benefits. Data
50 comparisons shall be accomplished during periods of low
51 information demand by agency personnel to minimize inconvenience
52 to the agency.

53 (e) Results of data comparisons shall be furnished to the
54 appropriate office for use in the county in which the data
55 originated. The program may provide reports of the data it
56 obtains to appropriate state, federal, and local government
57 agencies or governmental entities, including, but not limited
58 to:

Governor's Budget Recommendation Conforming Bill
Inmate Fraud

59 1. The Child Support Enforcement Program of the Department
60 of Revenue, so that the data may be used as locator information
61 on persons being sought for purposes of child support.

62 2. The Social Security Administration, so that the data may
63 be used to reduce federal entitlement fraud within the state.

64 3. The Department of Financial Services, Division of Public
65 Assistance Fraud, in order to facilitate the investigation of
66 the fraudulent receipt of public assistance.

67 (f) Reports by the program to another agency or entity
68 shall be generated bimonthly, or as otherwise directed, and
69 shall be designed to accommodate that agency's or entity's
70 particular needs for data.

71 (g) Only those persons with active cases, or with cases
72 that were active during the incarceration period, shall be
73 reported, in order that the funding agency or entity, upon
74 verification of the data, may take whatever action is deemed
75 appropriate.

76 (h) For purposes of program review and analysis, each
77 agency or entity receiving data from the program shall submit
78 reports to the program which indicate the results of how the
79 data was used.

80 Section 2. This act shall take effect July 1, 2022.

Governor's Budget Recommendation Conforming Bill
Law Enforcement Recruitment and Training

1 A bill to be entitled

2 An act relating to law enforcement recruitment and
3 training; creating s. 445.08, F.S., creating the Florida
4 Law Enforcement Recruitment Bonus Payment Program within
5 the Department of Economic Opportunity; providing the
6 purpose of the program; specifying that the program is
7 contingent on legislative appropriations; specifying
8 eligibility and requirements for the program; requiring
9 the department to develop an annual plan for distribution
10 of the bonus payments; specifying minimum criteria for the
11 plan; requiring the department to submit the plan and
12 related budget amendments to the Governor's Office and the
13 Legislature; requiring the department to adopt rules;
14 creating s. 1009.896, F.S., establishing the Law
15 Enforcement Academy Scholarship Program; providing
16 eligibility criteria; providing allocation criteria;
17 requiring the State Board of Education to adopt rules;
18 creating s. 1009.8961, F.S.; establishing out-of-state law
19 enforcement equivalency reimbursement; providing eligible
20 expenses; requiring the State Board of Education to adopt
21 rules; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 445.08, Florida Statutes, is created to
26 read:

27 445.08 Florida Law Enforcement Recruitment Bonus Payment
28 Program.—

Governor's Budget Recommendation Conforming Bill
Law Enforcement Recruitment and Training

29 (1) To aid in the recruitment of law enforcement officers
30 within the State of Florida, there is created within the
31 department the Florida Law Enforcement Recruitment Bonus Payment
32 Program. The purpose of the program is to administer one-time
33 bonus payments to each newly employed or appointed full-time law
34 enforcement officer within the state. Bonus payments provided to
35 eligible law enforcement officers are contingent on legislative
36 appropriations and shall be subject to the amount appropriated
37 for the program. Bonus payments shall be made consistent with
38 the following criteria:

39 (a) A newly employed or appointed full-time officer is
40 defined as an individual new to the law enforcement profession
41 in this state, and employed by a Florida criminal justice
42 employing agency as a sworn law enforcement officer. Current and
43 former law enforcement officers, correctional officers, or other
44 security officers with service in this state, and employees in
45 these categories classified as other personal services or
46 temporary employees, are not eligible for bonus payments.

47 (b) Bonus payments shall be adjusted to include 7.65
48 percent for the employee share of Federal Insurance Contribution
49 Act tax.

50 (c) The funding allocation for the bonus payments must be
51 used solely to comply with requirements of this section, but
52 applicable collective bargaining units are not otherwise
53 precluded from negotiating over wages.

54 (d) A bonus payment shall be repaid to the state if the
55 officer who received the bonus payment does not remain employed
56 as an officer for at least two years with one or more employers
57 within the State of Florida without a break in service. A bonus

Governor's Budget Recommendation Conforming Bill
Law Enforcement Recruitment and Training

58 payment does not have to be repaid if the officer receiving the
59 bonus payment is discharged by his or her employer for a reason
60 other than misconduct as defined in s. 443.036(29).

61 (2) The department shall develop an annual plan for the
62 distribution of the bonus payments. Applicable state agencies
63 and local entities shall assist the department with the
64 collection of data necessary to make the bonus payments, and
65 shall otherwise provide the department with information or
66 assistance needed to fulfill the requirements of this section.
67 At a minimum, the plan must address the following:

68 (a) The estimated number of new law enforcement officers to
69 gain employment during the applicable fiscal year.

70 (b) The method or methods that will be utilized to
71 distribute bonus payment funds to the applicable state and local
72 entities, with the goal of making bonus payments to eligible
73 individuals in the quickest and most efficient manner possible.

74 (c) The estimated cost to the department for administering
75 and distributing the bonus payment funds.

76 (d) Eligibility criteria for receiving a bonus payment,
77 which shall include:

78 1. Meeting the minimum qualifications pursuant to s.
79 943.13.

80 2. Completing the required training or being exempt
81 pursuant to s. 943.13(9), and passing the State Officer
82 Certification Examination. The department shall consult
83 quarterly with the Department of Law Enforcement to receive
84 verification of law enforcement officers certified upon
85 completion of the State Officer Certification Examination.

Governor's Budget Recommendation Conforming Bill
Law Enforcement Recruitment and Training

86 3. Gaining employment with a Florida criminal justice
87 agency, including having completed a full background check and
88 submitting an Officer Certification Application Form CJSTC-59.

89 4. Having the employment file reviewed and deemed compliant
90 by the Criminal Justice Standards and Training Commission.

91 5. Meeting any other criteria deemed necessary by the
92 department for determining bonus payment eligibility and
93 distributing bonus payment funds.

94 (e) The department shall submit the plan to the Executive
95 Office of the Governor's Office of Policy and Budget, the chair
96 of the Senate Appropriations Committee, and the Chair of the
97 House Appropriations Committee by October 1st of each year. The
98 department is authorized to submit budget amendments pursuant to
99 chapter 216 as necessary to release appropriated funds for
100 distribution to applicable state and local entities under this
101 program.

102 (3) The department shall adopt rules to implement this
103 section.

104 Section 2. Section 1009.896, Florida Statutes, is created
105 to read:

106 1009.896 Law Enforcement Academy Scholarship Program. -

107 (1) The Law Enforcement Academy Scholarship Program shall
108 be administered by the Department of Education, in consultation
109 with the Florida Department of Law Enforcement.

110 (a) The scholarship shall be provided for trainees in a
111 Commission-approved basic recruit training program at a Florida
112 College System institution or school district technical center
113 for the purposes of meeting the minimum qualification
114 established in s. 943.13(9) for employment to be a law

Governor's Budget Recommendation Conforming Bill
Law Enforcement Recruitment and Training

115 enforcement officer, as defined in s. 943.10(1). The award shall
116 be an amount equal to the tuition, required fees, and eligible
117 expenses, as described in subsection (2), necessary to complete
118 law enforcement training, less any state financial aid received
119 by the trainee.

120 (b) Scholarships are awarded on a first come, first serve
121 basis, and are subject to appropriation by the Legislature.

122 (c) Law enforcement academy trainees who are sponsored by a
123 law enforcement agency that covers the cost of training are
124 ineligible to receive the Law Enforcement Academy Scholarship.

125 (2) For the purposes of this section, the award shall cover
126 the tuition, required fees, and eligible expenses in a manner as
127 follows:

128 (a) The full cost of the tuition and required fees
129 established in ss. 1009.22(3), (5), (6), (7) and 1009.23(3),
130 (4), (7), (8), (10), (11), as applicable. The award for
131 nonresident trainees shall not include the out-of-state fee; and

132 (b) Up to a total of \$1,000 for the following eligible
133 expenses:

- 134 1. The law enforcement certification examination;
- 135 2. Textbooks;
- 136 3. Uniforms;
- 137 4. Ammunition;
- 138 5. Insurance for the trainee; and
- 139 6. Other fees incurred by the trainee for consumable
140 materials necessary to complete law enforcement training.

141 (3) The State Board of Education shall adopt rules for this
142 program prior to the beginning of the fall semester of the 2022-
143 2023 academic year.

Governor's Budget Recommendation Conforming Bill
Law Enforcement Recruitment and Training

144 Section 3. Section 1009.8961, Florida Statutes is created
145 to read:

146 1009.8961 Out-of-State Law Enforcement Equivalency
147 Reimbursement. -

148 (1) Subject to legislative appropriation, an individual who
149 meets the criteria specified in s. 943.13(9)(a) or (b), who is
150 relocating from outside the state of Florida to become a law
151 enforcement officer, as defined in s. 943.10(1), within the
152 state of Florida may be eligible to receive a reimbursement of
153 up to \$1,000 for eligible expenses incurred in obtaining a
154 Florida law enforcement certification. Eligible individuals for
155 the reimbursement may include those who:

156 (a) Have served as a full-time sworn officer in another
157 state;

158 (b) Have served as a full-time sworn officer for the
159 Federal Government; or

160 (c) Have served in the special operations forces.

161 (2) Eligible expenses for reimbursement include:

162 (a) Cost of any equivalency assessment used to establish
163 need for equivalency training.

164 (b) Cost of necessary equivalency training.

165 (c) Cost of the law enforcement officer certification
166 examination.

167 (3) Law enforcement officers who are sponsored by a law
168 enforcement agency that covers the cost of training necessary to
169 satisfy law enforcement equivalency requirements are ineligible
170 to receive the reimbursement.

Governor's Budget Recommendation Conforming Bill
Law Enforcement Recruitment and Training

171 (4) The Department of Education shall administer this
172 program in consultation with the Florida Department of Law
173 Enforcement.

174 (5) Reimbursements are awarded on a first come, first serve
175 basis, and are subject to appropriation by the Legislature.

176 (6) The State Board of Education shall adopt rules for this
177 program prior to the beginning of the fall semester of the 2022-
178 2023 academic year.

179 Section 4. This act shall take effect upon becoming a law.

Governor's Budget Recommendation Conforming Bill
Election Security

1 A bill to be entitled

2 An act relating to election security; creating s. 97.022,
3 F.S., creating the Office of Election Crimes and Security Office
4 within the Department of State; specifying the purpose of the
5 office; providing authorization for the office to investigate
6 election law violations or election irregularities and to make
7 referrals directly to a statewide prosecutor; authorizing a
8 director and other staff for the office; specifying the
9 structure of the office; providing required qualifications for
10 the director and other staff of the office; providing the
11 director and investigators with law enforcement authority;
12 providing the office with specified tools to conduct
13 investigations and gather evidence; requiring the office to
14 oversee the department's voter fraud hotline; specifying that
15 the jurisdiction of other offices or agencies of government
16 empowered to investigate alleged election law violations is not
17 limited, but authorizes the office to assert primary
18 jurisdiction over any such investigation; requiring a statewide
19 prosecutor to investigate complaints referred by the office,
20 take action as warranted, and report to the office on final
21 disposition; specifying that statewide prosecutor failure to
22 initiate action on a complaint or referral by the office shall
23 not bar further action by any other law enforcement entity with
24 jurisdiction; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Section 97.022, Florida Statutes, is created to
29 read:

Governor's Budget Recommendation Conforming Bill
Election Security

30 97.022 Office of Election Crimes and Security; Election Law
31 Violations and Election Irregularities.-

32 (1) The Office of Election Crimes and Security is created
33 in the Department of State. The office shall be considered a
34 criminal justice agency as defined in s. 943.045. The purpose of
35 the office, consistent with the Secretary of State's duties
36 under s. 97.012(15), is to:

37 a. Receive and review notices and reports generated by
38 government officials or any other person regarding alleged
39 occurrences of election law violations or election
40 irregularities in this state.

41 b. Initiate independent inquiries and conduct
42 investigations into allegations of election law violations or
43 election irregularities in any Florida county or municipality.

44 (2) The office is authorized to review complaints and
45 conduct investigations into alleged violations of any provision
46 of Title IX or any rule adopted pursuant thereto. As needed
47 based on the findings of its reviews and investigations, the
48 office shall make referrals for further legal action directly to
49 a statewide prosecutor, who shall have primary statewide
50 jurisdiction for enforcement and prosecution of election law
51 violations and election irregularities. The office shall also
52 refer to a statewide prosecutor for further legal action any
53 complaints of election law violations or election irregularities
54 that it deems frivolous and intended to otherwise disrupt the
55 legal administration of Florida elections or the certification
56 of Florida election results.

57 (3) In order to ensure that election officers are
58 complying with all provisions Florida election law, the office

Governor's Budget Recommendation Conforming Bill
Election Security

59 is authorized to conduct proactive information gathering and
60 investigations to identify and prevent potential election law
61 violations or election irregularities. For cases referred to the
62 statewide prosecutor, he or she may directly file a writ of
63 mandamus with the First District Court of Appeal to mandate the
64 compliance of county Supervisors of Elections with the
65 provisions of Florida election law.

66 (4) The secretary shall appoint a director of the Office
67 of Election Crimes and Security. Qualifications for the director
68 shall include training and experience in law enforcement or
69 security provision. The director shall supervise, direct,
70 coordinate, and administer all activities of the office.

71 (5) The Office of Election Crimes and Security shall
72 consist of a central office in Tallahassee, as well as sworn law
73 enforcement officers with statewide jurisdictions and non-sworn
74 investigators based in field offices throughout the state as
75 determined by the director. The positions and resources
76 necessary for the office to accomplish its duties shall be
77 established through and subject to the legislative
78 appropriations process.

79 (6) The director and all investigators employed by the
80 department shall meet the requirements for employment and
81 appointment provided in s. 943.13, and shall satisfy the
82 requirements for certification established by the Criminal
83 Justice and Standards and Training Commission pursuant to
84 Chapter 943. The director and investigators shall be designated
85 law enforcement officers and shall have the authorization to
86 investigate, detect, apprehend, and arrest anyone for an alleged

Governor's Budget Recommendation Conforming Bill
Election Security

87 violation of any provision of Title IX or any rule adopted
88 pursuant thereto, or any law of this state.

89 (7) The office shall, for the purposes of any
90 investigation or proceeding conducted by the office, have the
91 authority to administer oaths and affirmations, require
92 affidavits, take depositions, issue subpoenas, and compel
93 attendance of witnesses and the production of paper-based,
94 electronic-based, or any other type of evidence. Evidence
95 gathered as authorized by this subsection is exempt from public
96 records requirements under Chapter 119 and s. 24(a), Art. I of
97 the State Constitution.

98 (8) The office shall oversee the department's voter fraud
99 hotline.

100 (9) Nothing in this section limits the jurisdiction of any
101 other offices or agencies of government empowered by law to
102 investigate, act upon, or dispose of alleged election law
103 violations. However, the office may assert primary jurisdiction
104 over any investigation initiated by a local law enforcement
105 agency or state attorney of election law violations or election
106 irregularities.

107 (10) It is the duty of each statewide prosecutor receiving
108 a complaint referred by the office to investigate the complaint
109 promptly and thoroughly, to undertake any related criminal or
110 civil actions as justified by law, and to report to the office
111 the result of any such investigation, any related action taken,
112 and the final disposition of the complaint. The failure or
113 refusal of a statewide prosecutor to prosecute or initiate
114 action on a complaint or referral by the office shall not bar

Governor's Budget Recommendation Conforming Bill
Election Security

115 further action by any other law enforcement entity with
116 jurisdiction.

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

Governor's Budget Recommendation Conforming Bill
Department of Economic Opportunity -
Terminate Florida Small Cities Community Development Block
Grant Program Fund

1 A bill to be entitled
2 An act relating to trust funds of the Department
3 of Economic Opportunity; terminating the Florida
4 Small Cities Community Development Block Grant
5 Program Fund; amending s. 290.044, F.S.;
6 providing an effective date.

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

9
10 Section 1. (1) The Florida Small Cities Community
11 Development Block Grant Trust Fund, FLAIR number 40-2-109,
12 within the Department of Economic Opportunity is
13 terminated.

14 (2) All current balances remaining in, and all
15 revenues of, the trust fund, shall be transferred to the
16 Federal Grants Trust Fund, FLAIR number 40-2-261.

17 (3) The Department of Economic Opportunity shall pay
18 any outstanding debts and obligations of the terminated
19 fund as soon as practicable, and the Chief Financial
20 Officer shall close out and remove the terminated fund from
21 the various state accounting systems using generally
22 accepted accounting principles concerning warrants
23 outstanding, assets, and liabilities.

24 Section 2. Subsection (1) of Section 290.044, Florida
25 Statutes: ~~The Florida Small Cities Community Development~~
26 ~~Block Grant Program Fund is created. All revenue designated~~
27 ~~for deposit in such fund in the shall be deposited fund by~~

Governor's Budget Recommendation Conforming Bill
Department of Economic Opportunity -
Terminate Florida Small Cities Community Development Block
Grant Program Fund

28 ~~the appropriate agency.~~ The department shall administer
29 this ~~fund~~ program as a grant and loan guarantee program for
30 carrying out purposes of ss. 290.0401-290.048.

31 Subsection (4) of Section 290.044, Florida Statutes:
32 The department shall define broad community development
33 objectives to be achieved by the activities in the grant
34 program categories. ~~with the use of funds from the Florida~~
35 ~~Small Cities Community Development Block Grant Program~~
36 ~~Fund.~~ Such objectives shall be designed to meet at least
37 one of the national objectives provided in the Housing and
38 Community Development Act of 1974.

39 Section 3. This act shall take effect July 1, 2022.

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
3 Office of the Governor; terminating the Federal
4 Emergency Management Programs Support Trust Fund;
5 providing for the disposition of balances in and
6 revenues 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. (1) The Federal Emergency Management
12 Programs Support Trust Fund within the Executive Office of
13 the Governor, FLAIR number 31-2-525, is terminated.

14 (2) All current balances remaining in, and all
15 revenues of, the trust fund, shall be transferred to the
16 Federal Grants Trust Fund, FLAIR number 31-2-261.

17 (3) The Executive Office of the Governor shall pay
18 any outstanding debts and obligations of the terminated
19 fund as soon as practicable, and the Chief Financial
20 Officer shall close out and remove the terminated fund from
21 the various state accounting systems using generally
22 accepted accounting principles concerning warrants
23 outstanding, assets, and liabilities.

24 Section 2. This act shall take effect July 1, 2022.

Governor's Budget Recommendation Conforming Bill
Florida Identification Cards

1 A bill to be entitled

2 An act relating to Florida identification cards; amending
3 s. 322.051, F.S., eliminating the requirement for any fees
4 to be paid related to obtaining a Florida identification
5 card;; amending s. 322.135, F.S., specifying that tax
6 collectors may not charge service fees for providing
7 Florida identification card services; amending s.
8 322.21(1)(b), F.S., related to fees charged for an
9 original Class E driver license, repealing s.
10 322.21(1)(f), F.S., related to fees charged in order to
11 obtain a Florida identification card, providing an
12 effective date.

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

15
16 Section 1. Subsections (1), (3), and (8) of section
17 322.051, Florida Statutes are amended to read:

18 322.051 Identification cards.—

19 (1) Any person who is 5 years of age or older, or any
20 person who has a disability, regardless of age, who applies for
21 a disabled parking permit under s. 320.0848, may be issued an
22 identification card by the department upon completion of an
23 application ~~and payment of an application fee.~~

24 (a) The application must include the following information
25 regarding the applicant:

26 1. Full name (first, middle or maiden, and last), gender,
27 proof of social security card number satisfactory to the
28 department, which may include a military identification card,

Governor's Budget Recommendation Conforming Bill
Florida Identification Cards

29 county of residence, mailing address, proof of residential
30 address satisfactory to the department, country of birth, and a
31 brief description.

32 2. Proof of birth date satisfactory to the department.

33 3. Proof of identity satisfactory to the department. Such
34 proof must include one of the following documents issued to the
35 applicant:

36 a. A driver license record or identification card record
37 from another jurisdiction that required the applicant to submit
38 a document for identification which is substantially similar to
39 a document required under sub-subparagraph b., sub-subparagraph
40 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
41 f., sub-subparagraph g., or sub-subparagraph h.;

42 b. A certified copy of a United States birth certificate;

43 c. A valid, unexpired United States passport;

44 d. A naturalization certificate issued by the United States
45 Department of Homeland Security;

46 e. A valid, unexpired alien registration receipt card
47 (green card);

48 f. A Consular Report of Birth Abroad provided by the United
49 States Department of State;

50 g. An unexpired employment authorization card issued by the
51 United States Department of Homeland Security; or

52 h. Proof of nonimmigrant classification provided by the
53 United States Department of Homeland Security, for an original
54 identification card. In order to prove nonimmigrant
55 classification, an applicant must provide at least one of the
56 following documents. In addition, the department may require

Governor's Budget Recommendation Conforming Bill
Florida Identification Cards

57 applicants to produce United States Department of Homeland
58 Security documents for the sole purpose of establishing the
59 maintenance of, or efforts to maintain, continuous lawful
60 presence:

61 (I) A notice of hearing from an immigration court
62 scheduling a hearing on any proceeding.

63 (II) A notice from the Board of Immigration Appeals
64 acknowledging pendency of an appeal.

65 (III) A notice of the approval of an application for
66 adjustment of status issued by the United States Citizenship and
67 Immigration Services.

68 (IV) An official documentation confirming the filing of a
69 petition for asylum or refugee status or any other relief issued
70 by the United States Citizenship and Immigration Services.

71 (V) A notice of action transferring any pending matter from
72 another jurisdiction to Florida, issued by the United States
73 Citizenship and Immigration Services.

74 (VI) An order of an immigration judge or immigration
75 officer granting relief that authorizes the alien to live and
76 work in the United States, including, but not limited to,
77 asylum.

78 (VII) Evidence that an application is pending for
79 adjustment of status to that of an alien lawfully admitted for
80 permanent residence in the United States or conditional
81 permanent resident status in the United States, if a visa number
82 is available having a current priority date for processing by
83 the United States Citizenship and Immigration Services.

Governor's Budget Recommendation Conforming Bill
Florida Identification Cards

84 (VIII) On or after January 1, 2010, an unexpired foreign
85 passport with an unexpired United States Visa affixed,
86 accompanied by an approved I-94, documenting the most recent
87 admittance into the United States.

88 An identification card issued based on documents required
89 in sub-subparagraph g. or sub-subparagraph h. is valid for a
90 period not to exceed the expiration date of the document
91 presented or 1 year, whichever occurs first.

92 (b) An application for an identification card must be
93 signed and verified by the applicant in a format designated by
94 the department before a person authorized to administer oaths
95 ~~and payment of the applicable fee pursuant to s. 322.21.~~

96 (c) Each such applicant may include fingerprints and any
97 other unique biometric means of identity.

98 (3) If an identification card issued under this section is
99 lost, destroyed, or mutilated or a new name is acquired, the
100 person to whom it was issued may obtain a duplicate upon
101 furnishing satisfactory proof of such fact to the department ~~and~~
102 ~~upon payment of a fee as provided in s. 322.21. The fee must~~
103 ~~include payment for the color photograph or digital image of the~~
104 ~~applicant.~~ Any person who loses an identification card and who,
105 after obtaining a duplicate, finds the original card shall
106 immediately surrender the original card to the department. The
107 same documentary evidence shall be furnished for a duplicate as
108 for an original identification card.

109 (8)(a) The department shall, ~~upon receipt of the required~~
110 ~~fee,~~ issue to each qualified applicant for an identification
111 card a color photographic or digital image identification card

Governor's Budget Recommendation Conforming Bill
Florida Identification Cards

112 bearing a fullface photograph or digital image of the
113 identification cardholder. Notwithstanding chapter 761 or s.
114 761.05, the requirement for a fullface photograph or digital
115 image of the identification cardholder may not be waived. A
116 space shall be provided upon which the identification cardholder
117 shall affix his or her usual signature, as required in s.
118 322.14, in the presence of an authorized agent of the department
119 so as to ensure that such signature becomes a part of the
120 identification card.

121 (b)1. The word "Veteran" must be exhibited on the
122 identification card of a veteran upon the presentation of a copy
123 of the person's:

124 a. DD Form 214, issued by the United States Department of
125 Defense;

126 b. Veteran health identification card, issued by the United
127 States Department of Veterans Affairs;

128 c. Veteran identification card, issued by the United States
129 Department of Veterans Affairs pursuant to the Veterans
130 Identification Card Act of 2015, Pub. L. No. 114-31; or

131 d. Other acceptable form specified by the Department of
132 Veterans' Affairs.

133 2. Until a veteran's identification card is next renewed,
134 the veteran may have the word "Veteran" added to his or her
135 identification card upon surrender of his or her current
136 identification card and presentation of any of the forms of
137 identification specified in subparagraph 1. ~~If the applicant is~~
138 ~~not conducting any other transaction affecting the~~
139 ~~identification card, a replacement identification card must be~~

Governor's Budget Recommendation Conforming Bill
Florida Identification Cards

140 ~~issued with the word "Veteran" without payment of the fee~~
141 ~~required in s. 322.21(1)(f)3.~~

142 (c) The international symbol for the deaf and hard of
143 hearing shall be exhibited on the identification card of a
144 person who is deaf or hard of hearing upon ~~the payment of an~~
145 ~~additional \$1 fee for the identification card and the~~
146 presentation of sufficient proof that the person is deaf or hard
147 of hearing as determined by the department. Until a person's
148 identification card is next renewed, the person may have the
149 symbol added to his or her identification card upon surrender of
150 his or her current identification card, ~~payment of a \$2 fee to~~
151 ~~be deposited into the Highway Safety Operating Trust Fund, and~~
152 presentation of sufficient proof that the person is deaf or hard
153 of hearing as determined by the department. ~~If the applicant is~~
154 ~~not conducting any other transaction affecting the~~
155 ~~identification card, a replacement identification card may be~~
156 ~~issued with the symbol without payment of the fee required in s.~~
157 ~~322.21(1)(f)3.~~ For purposes of this paragraph, the international
158 symbol for the deaf and hard of hearing is substantially as
159 follows:



160
161 (d) The department shall include symbols representing the
162 following on an identification card ~~upon the payment of an~~
163 ~~additional \$1 fee~~ by an applicant who meets the requirements of
164 subsection (1) and presents his or her:

- 165 1. Lifetime freshwater fishing license;

Governor's Budget Recommendation Conforming Bill
Florida Identification Cards

- 166 2. Lifetime saltwater fishing license;
- 167 3. Lifetime hunting license;
- 168 4. Lifetime sportsman's license; or
- 169 5. Lifetime boater safety identification card.

170 A person may replace his or her identification card before
171 its expiration date with a card that includes his or her status
172 as a lifetime licensee or boater safety cardholder upon
173 surrender of his or her current identification card, ~~payment of~~
174 ~~a \$2 fee to be deposited into the Highway Safety Operating Trust~~
175 ~~Fund,~~ and presentation of the person's lifetime license or card.
176 ~~If the sole purpose of the replacement identification card is~~
177 ~~the inclusion of the applicant's status as a lifetime licensee~~
178 ~~or cardholder, the replacement identification card must be~~
179 ~~issued without payment of the fee required in s. 322.21(1)(f)3.~~

180 (e)1. Upon request by a person who has a developmental
181 disability, or by a parent or guardian of a child or ward who
182 has a developmental disability, the department shall issue an
183 identification card exhibiting a capital "D" for the person,
184 child, or ward if the person or the parent or guardian of the
185 child or ward submits:

186 ~~a. Payment of an additional \$1 fee; and~~

187 ~~b. P~~proof acceptable to the department of a diagnosis by a
188 licensed physician of a developmental disability as defined in
189 s. 393.063.

190 ~~2. The department shall deposit the additional \$1 fee into~~
191 ~~the Agency for Persons with Disabilities Operations and~~
192 ~~Maintenance Trust Fund under s. 20.1971(2).~~

Governor's Budget Recommendation Conforming Bill
Florida Identification Cards

193 ~~3. A replacement identification card that includes the~~
194 ~~designation may be issued without payment of the fee required~~
195 ~~under s. 322.21(1)(f).~~

196 42. The department shall develop rules to facilitate the
197 issuance, requirements, and oversight of developmental
198 disability identification cards under this section.

199 Section 2. Paragraph (c) of subsection (1) of section
200 322.135, Florida Statutes, is amended to read:

201 322.135 Driver license agents.—

202 (1) The department shall, upon application, authorize by
203 interagency agreement any or all of the tax collectors who are
204 constitutional officers under s. 1(d), Art. VIII of the State
205 Constitution in the several counties of the state, subject to
206 the requirements of law, in accordance with rules of the
207 department, to serve as its agent for the provision of specified
208 driver license services.

209 (c) A service fee of \$6.25 must be charged, in addition to
210 the fees set forth in this chapter, for providing all driver
211 license services pursuant to this chapter. The service fee may
212 not be charged for providing identification card services or:

213 1. More than once per customer during a single visit to a
214 tax collector's office.

215 2. For a reexamination requested by the Medical Advisory
216 Board or required pursuant to s. 322.221.

217 3. For a voter registration transaction.

218 4. In violation of any federal or state law.

219 5. To a veteran receiving any service pursuant to this
220 chapter, upon presentation of a copy of the veteran's:

Governor's Budget Recommendation Conforming Bill
Florida Identification Cards

221 a. DD Form 214, issued by the United States Department of
222 Defense;

223 b. Veteran health identification card, issued by the United
224 States Department of Veterans Affairs;

225 c. Veteran identification card, issued by the United States
226 Department of Veterans Affairs pursuant to the Veterans
227 Identification Card Act of 2015, Pub. L. No. 114-31; or

228 d. Other acceptable form specified by the Department of
229 Veterans' Affairs.

230 Section 3. Paragraph (b) of subsection (1) of section
231 322.135, Florida Statutes, are amended to read:

232 322.21 License fees; procedure for handling and collecting
233 fees.—

234 (1) Except as otherwise provided herein, the fee for:

235 (b) An original Class E driver license is \$48, which
236 includes the fee for driver education provided by s. 1003.48.
237 However, if an applicant has completed training and is applying
238 for employment or is currently employed in a public or nonpublic
239 school system that requires a commercial driver license, the fee
240 is the same as for a Class E license. For each original Class E
241 driver license issued by the tax collector, the tax collector
242 shall retain \$3 and the remaining revenues shall be deposited
243 into the General Revenue Fund.

244 Section 4. Paragraph (f) of section (1) of section 322.21,
245 Florida Statutes, is repealed.

246 Section 5. This act shall take effect July 1, 2022.

Governor's Budget Recommendation Conforming Bill
Employment Eligibility

1 A bill to be entitled

2 An act relating to employment eligibility; amending s.
3 448.095, F.S., adding the Department of Economic Opportunity to
4 the entities eligible to request and receive copies of
5 documentation used to verify employment eligibility; providing
6 an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Subsection (3) of section 448.095, Florida
11 Statutes, is amended to read:

12 (3) PRIVATE EMPLOYERS.—

13 (a) Beginning January 1, 2021, a private employer shall,
14 after making an offer of employment which has been accepted by a
15 person, verify such person's employment eligibility. A private
16 employer is not required to verify the employment eligibility of
17 a continuing employee hired before January 1, 2021. However, if
18 a person is a contract employee retained by a private employer,
19 the private employer must verify the employee's employment
20 eligibility upon the renewal or extension of his or her
21 contract.

22 (b) A private employer shall verify a person's employment
23 eligibility by:

- 24 1. Using the E-Verify system; or
25 2. Requiring the person to provide the same documentation
26 that is required by the United States Citizenship and
27 Immigration Services on its Employment Eligibility Verification
28 form (Form I-9). The private employer must retain a copy of the
29 documentation provided under this subparagraph for at least 3

Governor's Budget Recommendation Conforming Bill
Employment Eligibility

30 years after the person's initial date of employment.

31 (c) A private employer that complies with this subsection
32 may not be held civilly or criminally liable under state law for
33 hiring, continuing to employ, or refusing to hire an
34 unauthorized alien if the information obtained under paragraph
35 (b) indicates that the person's work authorization status was
36 not that of an unauthorized alien.

37 (d) For purposes of this subsection, compliance with
38 paragraph (b) creates a rebuttable presumption that a private
39 employer did not knowingly employ an unauthorized alien in
40 violation of s. 448.09(1).

41 (e) For the purpose of enforcement of this section, the
42 following persons or entities may request, and a private
43 employer must provide, copies of any documentation relied upon
44 by the private employer for the verification of a person's
45 employment eligibility, including, but not limited to, any
46 documentation required under paragraph (b):

- 47 1. The Department of Law Enforcement.
- 48 2. The Attorney General.
- 49 3. The state attorney.
- 50 4. The statewide prosecutor.
- 51 5. The Department of Economic Opportunity.

52 A person or entity that makes a request under this paragraph
53 must rely upon the federal government to verify a person's
54 employment eligibility and may not independently make a final
55 determination as to whether a person is an unauthorized alien.

56 (f) If a private employer does not comply with paragraph
57 (b), the department shall require the private employer to
58 provide an affidavit to the department stating that the private

Governor's Budget Recommendation Conforming Bill
Employment Eligibility

59 employer will comply with paragraph (b), the private employer
60 has terminated the employment of all unauthorized aliens in this
61 state, and the employer will not intentionally or knowingly
62 employ an unauthorized alien in this state. If the private
63 employer does not provide the required affidavit within 30 days
64 after the department's request, the appropriate licensing agency
65 shall suspend all applicable licenses held by the private
66 employer until the private employer provides the department with
67 the required affidavit. For purposes of this paragraph, the
68 licenses that are subject to suspension under this paragraph are
69 all licenses that are held by the private employer specific to
70 the business location where the unauthorized alien performed
71 work. If the private employer does not hold a license specific
72 to the business location where the unauthorized alien performed
73 work, but a license is necessary to operate the private
74 employer's business in general, the licenses that are subject to
75 suspension under this paragraph are all licenses that are held
76 by the private employer at the private employer's primary place
77 of business.

78 (g) For any private employer found to have violated
79 paragraph (f) three times within any 36 month period, the
80 appropriate licensing agency shall permanently revoke all
81 licenses that are held by the private employer specific to the
82 business location where the unauthorized alien performed work.
83 If the private employer does not hold a license specific to the
84 business location where the unauthorized alien performed work,
85 but a license is necessary to operate the private employer's
86 business in general, the appropriate licensing agency shall
87 permanently revoke all licenses that are held by the private

Governor's Budget Recommendation Conforming Bill
Employment Eligibility

88 employer at the private employer's primary place of business.

89 Section 2. This act shall take effect July 1, 2022.