

Governor's Budget Recommendation - Implementing Bill

1 A bill to be entitled
2 An act relating to implementing the 2018-2019 General
3 Appropriations Act; providing legislative intent;
4 authorizing the Executive Office of the Governor to
5 transfer funds between departments for purposes of
6 realigning amounts paid for risk management premiums
7 and for purposes of aligning amounts paid for human
8 resource management services; reenacting s.
9 215.32(2)(b), F.S., relating to the source and use of
10 certain trust funds in order to implement the transfer
11 of moneys into the General Revenue Fund from trust
12 funds in the 2018-2019 General Appropriations Act;
13 limiting the use of travel funds to activities that
14 are critical to an agency's mission; incorporating by
15 reference certain calculations of the Florida
16 Education Finance Program for the 2018-2019 fiscal
17 year; amending s. 259.105, F.S.; allocating Florida
18 Forever Trust Fund moneys to the Department of
19 Environmental Protection for land acquisition and land
20 management; amending s. 375.041, F.S.; specifying that
21 certain funds for projects dedicated to restoring Lake
22 Apopka shall be appropriated as provided in the
23 General Appropriations Act; amending s. 215.18, F.S.;
24 authorizing the Governor, if there is a specified
25 deficiency in a land acquisition trust fund in the
26 Department of Agriculture and Consumer Services, the
27 Department of Environmental Protection, the Department
28 of State, or the Fish and Wildlife Conservation

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29 Commission, to transfer funds from other trust funds
30 in the State Treasury as a temporary loan to such
31 trust fund; providing procedures for the transfer and
32 repayment of the loan; providing a legislative
33 determination that the repayment of the temporary loan
34 is a constitutionally allowable use of such moneys;
35 requiring the Department of Environmental Protection
36 to transfer designated proportions of the revenues
37 deposited in the Land Acquisition Trust Fund within
38 the department to land acquisition trust funds in the
39 Department of Agriculture and Consumer Services, the
40 Department of State, and the Fish and Wildlife
41 Conservation Commission according to specified
42 parameters and calculations; defining the term
43 "department"; authorizing the Agency for Health Care
44 Administration to submit a budget amendment to realign
45 funds for the Children's Medical Services program;
46 revising the online procurement system transaction
47 fee; amending s. 216.292, F.S.; authorizing the
48 Executive Office of the Governor to transfer funds
49 between departments for purposes of realigning budget
50 authority based on data processing assessments and
51 preventing transfer of data processing appropriations
52 to other categories; requiring the Department of
53 Juvenile Justice to review county juvenile detention
54 payments to determine if the county has met specified
55 financial responsibilities; requiring amounts owed by
56 the county for such financial responsibilities to be

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57 deducted from certain county funds; amending section
58 216.262, F.S.; delaying the expiration of provisions
59 directing the Department of Corrections to seek a
60 budget amendment for additional positions and
61 appropriations if the inmate population exceeds a
62 certain estimate under certain circumstances;
63 providing for the effect of a veto of one or more
64 specific appropriations or proviso to which
65 implementing language refers; providing for the
66 continued operation of certain provisions
67 notwithstanding a future repeal or expiration provided
68 by the act; providing for severability; providing
69 effective dates.

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

72 Section 1. It is the intent of the Legislature that the
73 implementing and administering provisions of this act apply to
74 the General Appropriations Act for the 2018-2019 fiscal year.

75 Section 2. In order to implement the appropriation of funds
76 in appropriation category "Special Categories-Risk Management
77 Insurance" in the Fiscal Year 2018-19 General Appropriations
78 Act, and pursuant to the notice, review, and objection
79 procedures of s. 216.177, Florida Statutes, the Executive Office
80 of the Governor may transfer funds appropriated in that category
81 between state agencies in order to align the budget authority
82 granted with the premiums paid by each department for risk
83 management insurance. This section expires July 1, 2019.

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84 Section 3. In order to implement the appropriation of funds
85 in the appropriation category "Special Categories-Transfer to
86 Department of Management Services-Human Resources Services
87 Purchased Per Statewide Contract" in the Fiscal Year 2018-19
88 General Appropriations Act, and pursuant to the notice, review,
89 and objection procedures of s. 216.177, Florida Statutes, the
90 Executive Office of the Governor may transfer funds appropriated
91 in that category between state agencies in order to align the
92 budget authority granted with the assessments that must be paid
93 by each agency to the Department of Management Services for
94 human resource management services. This section expires July 1,
95 2019.

96 Section 4. In order to implement the transfer of moneys to
97 the General Revenue Fund from trust funds in the Fiscal Year
98 2018-19 General Appropriations Act, paragraph (b) of subsection
99 (2) of section 215.32, Florida Statutes, is reenacted to read:

100 215.32 State funds; segregation.—

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

103 (b)1. The trust funds shall consist of moneys received by
104 the state which under law or under trust agreement are
105 segregated for a purpose authorized by law. The state agency or
106 branch of state government receiving or collecting such moneys
107 is responsible for their proper expenditure as provided by law.
108 Upon the request of the state agency or branch of state
109 government responsible for the administration of the trust fund,
110 the Chief Financial Officer may establish accounts within the
111 trust fund at a level considered necessary for proper

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112 accountability. Once an account is established, the Chief
113 Financial Officer may authorize payment from that account only
114 upon determining that there is sufficient cash and releases at
115 the level of the account.

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

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

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

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

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

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

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

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

143 To the extent possible, each agency must adjust its
144 internal accounting to use existing trust funds consistent with
145 the requirements of this subparagraph. If an agency does not
146 have trust funds listed in this subparagraph and cannot make
147 such adjustment, the agency must recommend the creation of the
148 necessary trust funds to the Legislature no later than the next
149 scheduled review of the agency's trust funds pursuant to s.
150 215.3206.

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

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

163 b. This subparagraph does not apply to trust funds required
164 by federal programs or mandates; trust funds established for
165 bond covenants, indentures, or resolutions whose revenues are
166 legally pledged by the state or public body to meet debt service
167 or other financial requirements of any debt obligations of the

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168 state or any public body; the Division of Licensing Trust Fund
169 in the Department of Agriculture and Consumer Services; the
170 State Transportation Trust Fund; the trust fund containing the
171 net annual proceeds from the Florida Education Lotteries; the
172 Florida Retirement System Trust Fund; trust funds under the
173 management of the State Board of Education or the Board of
174 Governors of the State University System, where such trust funds
175 are for auxiliary enterprises, self-insurance, and contracts,
176 grants, and donations, as those terms are defined by general
177 law; trust funds that serve as clearing funds or accounts for
178 the Chief Financial Officer or state agencies; trust funds that
179 account for assets held by the state in a trustee capacity as an
180 agent or fiduciary for individuals, private organizations, or
181 other governmental units; and other trust funds authorized by
182 the State Constitution.

183 Section 5. In order to implement the funds appropriated in
184 the Fiscal Year 2018-19 General Appropriations Act for state
185 employee travel, the funds appropriated to each state agency,
186 which may be used for travel by state employees, are limited
187 during the 2018-2019 fiscal year to travel for activities that
188 are critical to each state agency's mission. Funds may not be
189 used to pay for travel by state employees to foreign countries,
190 other states, conferences, staff-training activities, or other
191 administrative functions unless the agency head has approved in
192 writing that such activities are critical to the agency's
193 mission. The agency head must consider the use of
194 teleconferencing and other forms of electronic communication to
195 meet the needs of the proposed activity before approving

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196 mission-critical travel. This section does not apply to travel
197 for law enforcement purposes, military purposes, emergency
198 management activities, or public health activities. This section
199 expires July 1, 2019.

200 Section 6. In order to implement Specific Appropriations 6,
201 7, 8, 92, and 93 of the Fiscal Year 2018-19 General
202 Appropriations Act, the calculations of the Florida Education
203 Finance Program for the 2018-2019 fiscal year in the document
204 entitled "Public School Funding-The Florida Education Finance
205 Program," dated November 14, 2017, and filed with the Executive
206 Office of the Governor are incorporated by reference for the
207 purpose of displaying the calculations used in making
208 appropriations for the Florida Education Finance Program. This
209 section expires July 1, 2019.

210 Section 7. In order to implement Specific Appropriation
211 1549 of the Fiscal Year 2018-19 General Appropriations Act,
212 paragraph (m) is added to subsection (3) of section 259.105,
213 Florida Statutes, to read:

214 259.105 The Florida Forever Act.-

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

221 (m) Notwithstanding paragraphs (a)-(j) and for the 2018-
222 2019 fiscal year only;

223 1. The amount of \$50,000,000 to only the Division of State

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224 Lands within the Department of Environmental Protection for the
225 Board of Trustees Florida Forever Priority List land acquisition
226 projects.

227 This paragraph expires July 1, 2019.

228 Section 8. In order to implement specific appropriations of
229 the Fiscal Year 2018-19 General Appropriations Act associated
230 with the Land Acquisition Trust Fund, paragraph (b) of
231 subsection (3) of section 375.041, Florida Statutes, is amended
232 to read:

233 375.041 Land Acquisition Trust Fund.—

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

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

239 1. A minimum of the lesser of 25 percent or \$200 million
240 shall be appropriated annually for Everglades projects that
241 implement the Comprehensive Everglades Restoration Plan as set
242 forth in s. 373.470, including the Central Everglades Planning
243 Project subject to Congressional authorization; the Long-Term
244 Plan as defined in s. 373.4592(2); and the Northern Everglades
245 and Estuaries Protection Program as set forth in s. 373.4595.
246 From these funds, \$32 million shall be distributed each fiscal
247 year through the 2023-2024 fiscal year to the South Florida
248 Water Management District for the Long-Term Plan as defined in
249 s. 373.4592(2). After deducting the \$32 million distributed
250 under this subparagraph, from the funds remaining, a minimum of
251 the lesser of 76.5 percent or \$100 million shall be appropriated

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252 each fiscal year through the 2025-2026 fiscal year for the
253 planning, design, engineering, and construction of the
254 Comprehensive Everglades Restoration Plan as set forth in s.
255 373.470, including the Central Everglades Planning Project, the
256 Everglades Agricultural Area Storage Reservoir Project, the Lake
257 Okeechobee Watershed Project, the C-43 West Basin Storage
258 Reservoir Project, the Indian River Lagoon-South Project, the
259 Western Everglades Restoration Project, and the Picayune Strand
260 Restoration Project. The Department of Environmental Protection
261 and the South Florida Water Management District shall give
262 preference to those Everglades restoration projects that reduce
263 harmful discharges of water from Lake Okeechobee to the St.
264 Lucie or Caloosahatchee estuaries in a timely manner. For the
265 purpose of performing the calculation provided in this
266 subparagraph, the amount of debt service paid pursuant to
267 paragraph (a) for bonds issued after July 1, 2016, for the
268 purposes set forth under paragraph (b) shall be added to the
269 amount remaining after the payments required under paragraph
270 (a). The amount of the distribution calculated shall then be
271 reduced by an amount equal to the debt service paid pursuant to
272 paragraph (a) on bonds issued after July 1, 2016, for the
273 purposes set forth under this subparagraph.

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

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280 paragraph (b) shall be added to the amount remaining after the
281 payments required under paragraph (a). The amount of the
282 distribution calculated shall then be reduced by an amount equal
283 to the debt service paid pursuant to paragraph (a) on bonds
284 issued after July 1, 2016, for the purposes set forth under this
285 subparagraph.

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

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

306 5. Notwithstanding subparagraph 3, for the 2018-2019 fiscal
307 year, funds shall be appropriated as provided in the General

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308 Appropriations Act. This subparagraph expires July 1, 2019.

309 Section 9. In order to implement specific appropriations from
310 the land acquisition trust funds within the Department of
311 Agriculture and Consumer Services, the Department of
312 Environmental Protection, the Department of State, and the Fish
313 and Wildlife Conservation Commission which are contained in the
314 2018-2019 General Appropriations Act, subsection (3) of section
315 215.18, Florida Statutes, is amended to read:

316 215.18 Transfers between funds; limitation.—

317 (3) Notwithstanding subsection (1) and only with respect to a
318 land acquisition trust fund in the Department of Agriculture and
319 Consumer Services, the Department of Environmental Protection,
320 the Department of State, or the Fish and Wildlife Conservation
321 Commission, whenever there is a deficiency in a land acquisition
322 trust fund which would render that trust fund temporarily
323 insufficient to meet its just requirements, including the
324 timely payment of appropriations from that trust fund, and other
325 trust funds in the State Treasury have moneys that are for the
326 time being or otherwise in excess of the amounts necessary to
327 meet the just requirements, including appropriated obligations,
328 of those other trust funds, the Governor may order a temporary
329 transfer of moneys from one or more of the other trust funds to
330 a land acquisition trust fund in the Department of Agriculture
331 and Consumer Services, the Department of Environmental
332 Protection, the Department of State, or the Fish and Wildlife
333 Conservation Commission. Any action proposed pursuant to this
334 subsection is subject to the notice, review, and objection
335 procedures of s. 216.177, and the Governor shall provide notice

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336 of such action at least 7 days before the effective date of the
337 transfer of trust funds, except that during July 2018 ~~2017~~,
338 notice of such action shall be provided at least 3 days before
339 the effective date of a transfer unless such 3-day notice is
340 waived by the chair and vice-chair of the Legislative Budget
341 Commission. Any transfer of trust funds to a land acquisition
342 trust fund in the Department of Agriculture and Consumer
343 Services, the Department of Environmental Protection, the
344 Department of State, or the Fish and Wildlife Conservation
345 Commission must be repaid to the trust funds from which the
346 moneys were loaned by the end of the 2018-2019 ~~2017-2018~~ fiscal
347 year. The Legislature has determined that the repayment of the
348 other trust fund moneys temporarily loaned to a land acquisition
349 trust fund in the Department of Agriculture and Consumer
350 Services, the Department of Environmental Protection, the
351 Department of State, or the Fish and Wildlife Conservation
352 Commission pursuant to this subsection is an allowable use of
353 the moneys in a land acquisition trust fund because the moneys
354 from other trust funds temporarily loaned to a land acquisition
355 trust fund shall be expended solely and exclusively in
356 accordance with s. 28, Art. X of the State Constitution. This
357 subsection expires July 1, 2019 ~~2018~~.

358 Section 10. (1) In order to implement specific
359 appropriations from the land acquisition trust funds within the
360 Department of Agriculture and Consumer Services, the Department
361 of Environmental Protection, the Department of State, and the
362 Fish and Wildlife Conservation Commission which are contained in
363 the 2018-2019 ~~2017-2018~~ General Appropriations Act, the

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364 Department of Environmental Protection shall transfer revenues
365 from the Land Acquisition Trust Fund within the department to
366 the land acquisition trust funds within the Department of
367 Agriculture and Consumer Services, the Department of State, and
368 the Fish and Wildlife Conservation Commission, as provided in
369 this section. As used in this section, the term "department"
370 means the Department of Environmental Protection.

371 (2) After subtracting any required debt service payments,
372 the proportionate share of revenues to be transferred to each
373 land acquisition trust fund shall be calculated by dividing the
374 appropriations from each of the land acquisition trust funds for
375 the fiscal year by the total appropriations from the Land
376 Acquisition Trust Fund within the department and the land
377 acquisition trust funds within the Department of Agriculture and
378 Consumer Services, the Department of State, and the Fish and
379 Wildlife Commission for the fiscal year. The department shall
380 transfer the proportionate share of the revenues in the Land
381 Acquisition Trust Fund within the department on a monthly basis
382 to the appropriate land acquisition trust funds within the
383 Department of Agriculture and Consumer Services, the Department
384 of State, and the Fish and Wildlife Commission and shall retain
385 its proportionate share of the revenues in the Land Acquisition
386 Trust Fund within the department. Total distributions to a land
387 acquisition trust fund within the Department of Agriculture and
388 Consumer Services, the Department of State, and the Fish and
389 Wildlife Commission may not exceed the total appropriations from
390 such trust fund for the fiscal year.

391 (3) This section expires July 1, 2019 ~~2018~~.

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392 Section 11. In order to implement Specific Appropriations
393 193 through 220 and 524 of the Fiscal Year 2018-19 General
394 Appropriations Act and notwithstanding ss. 216.181 and 216.292,
395 Florida Statutes, the Agency for Health Care Administration, in
396 consultation with the Department of Health, may submit a budget
397 amendment, subject to the notice, review, and objection
398 procedures of s. 216.177, Florida Statutes, to realign funding
399 within and between agencies based on implementation of the
400 Managed Medical Assistance component of the Statewide Medicaid
401 Managed Care program for the Children's Medical Services program
402 of the Department of Health. The funding realignment shall
403 reflect the actual enrollment changes due to the transfer of
404 beneficiaries from fee-for-service to the capitated Children's
405 Medical Services Network. The Agency for Health Care
406 Administration may submit a request for nonoperating budget
407 authority to transfer the federal funds to the Department of
408 Health pursuant to s. 216.181(12), Florida Statutes. This
409 section expires July 1, 2019.

410 Section 12. In order to implement Specific Appropriations
411 2758 through 2770 of the Fiscal Year 2018-19 General
412 Appropriations Act and notwithstanding rule 60A-1.031, Florida
413 Administrative Code, the transaction fee collected for use of
414 the online procurement system, authorized in ss. 287.042(1)(h)1.
415 and 287.057(22)(c), Florida Statutes, shall be seven-tenths of 1
416 percent for the 2018-2019 fiscal year only. This section expires
417 July 1, 2019.

418 Section 13. In order to implement the appropriation of funds
419 in the appropriation category "Data Processing Assessment -

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420 Agency for State Technology" in the Fiscal Year 2018-19 General
421 Appropriations Act, and pursuant to the notice, review, and
422 objection procedures of s. 216.177, Florida Statutes, the
423 Executive Office of the Governor may transfer funds appropriated
424 in that category between departments in order to align the
425 budget authority granted based on the estimated billing cycle
426 and methodology used by the Agency for State Technology. This
427 section expires July 1, 2019.

428 Section 14. In order to implement appropriations authorized
429 in the Fiscal Year 2018-19 General Appropriations Act for data
430 center services, and notwithstanding s. 216.292(2)(a), Florida
431 Statutes, an agency may not transfer funds from a data
432 processing category to a category other than another data
433 processing category. This section expires July 1, 2019.

434 Section 15. In order to implement Specific Appropriations
435 1104 through 1115 of the Fiscal Year 2018-19 General
436 Appropriations Act, the Department of Juvenile Justice is
437 required to review county juvenile detention payments for the
438 purpose of ensuring that counties fulfill their financial
439 responsibilities required in s. 985.686, Florida Statutes. If
440 the Department of Juvenile Justice determines that a county has
441 not met its obligations, the department shall direct the
442 Department of Revenue to deduct the amount owed to the
443 Department of Juvenile Justice from the funds provided to the
444 county under s. 218.23, Florida Statutes. The Department of
445 Revenue shall transfer the funds withheld to the Shared
446 County/State Juvenile Detention Trust Fund. This subsection
447 expires July 1, 2019.

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448 Section 16. In order to implement Specific Appropriations
449 1104 through 1115 of the Fiscal Year 2018-19 General
450 Appropriations Act, the Department of Juvenile Justice may not
451 provide, make, pay, or deduct, and a nonfiscally constrained
452 county may not apply, deduct, or receive any reimbursement or
453 any credit for any previous overpayment of juvenile detention
454 care costs related to or for any previous state fiscal year,
455 against the juvenile detention care costs due from the
456 nonfiscally constrained county in the 2018-2019 fiscal year
457 pursuant to s. 985.686, Florida Statutes, or any other law. This
458 section expires July 1, 2019.

459 Section 17. In order to implement Specific Appropriations
460 583 through 698 and 711 through 745 of the Fiscal Year 2018-19
461 General Appropriations Act, subsection (4) of section 216.262,
462 Florida Statutes, is amended to read:

463 216.262 Authorized Positions. -

464 (4) Notwithstanding the provisions of this chapter relating
465 to increasing the number of authorized positions, and for the
466 2018-2019 ~~2017-2018~~ fiscal year only, if the actual inmate
467 population of the Department of Corrections exceeds the inmate
468 population projections of the July 21, 2017 ~~November 29, 2016~~,
469 Criminal Justice Estimating Conference by 1 percent for 2
470 consecutive months or 2 percent for any month, the Executive
471 Office of the Governor, with the approval of the Legislative
472 Budget Commission, shall immediately notify the Criminal Justice
473 Estimating Conference, which shall convene as soon as possible
474 to revise the estimates. The Department of Corrections may then
475 submit a budget amendment requesting the establishment of

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476 positions in excess of the number authorized by the Legislature
477 and additional appropriations from unallocated general revenue
478 sufficient to provide for essential staff, fixed capital
479 improvements, and other resources to provide classification,
480 security, food services, health services, and other variable
481 expenses within the institutions to accommodate the estimated
482 increase in the inmate population. All actions taken pursuant to
483 this subsection are subject to review and approval by the
484 Legislative Budget Commission. This subsection expires July 1,
485 2019 ~~2018~~.

486 Section 18. Any section of this act which implements a
487 specific appropriation or specifically identified proviso
488 language in the Fiscal Year 2018-19 General Appropriations Act
489 is void if the specific appropriation or specifically identified
490 proviso language is vetoed. Any section of this act which
491 implements more than one specific appropriation or more than one
492 portion of specifically identified proviso language in the
493 Fiscal Year 2018-19 General Appropriations Act is void if all
494 the specific appropriations or portions of specifically
495 identified proviso language are vetoed.

496 Section 19. If any other act passed during the 2018 Regular
497 Session contains a provision that is substantively the same as a
498 provision in this act, but that removes or is otherwise not
499 subject to the future repeal applied to such provision by this
500 act, the Legislature intends that the provision in the other act
501 takes precedence and continues to operate, notwithstanding the
502 future repeal provided by this act.

503 Section 20. If any provision of this act or its application

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504 to any person or circumstance is held invalid, the invalidity
505 does not affect other provisions or applications of the act
506 which can be given effect without the invalid provision or
507 application, and to this end the provisions of this act are
508 severable.

509 Section 21. Except as otherwise expressly provided in this
510 act and except for this section, which shall take effect upon
511 this act becoming a law, this act shall take effect July 1,
512 2018; or, if this act fails to become a law until after that
513 date, it shall take effect upon becoming a law and shall operate
514 retroactively to July 1, 2018.

Governor's Budget Recommendation Conforming Bill
Expand Requirements for Statewide Travel

1 A bill to be entitled

2 An act relating to statewide travel expenses;
3 amending s. 112.061, F.S.; requiring a statewide
4 travel management system to standardize and
5 automate the travel management to include travel
6 planning and approval, expense reporting, and
7 reimbursement; per diem costs for lodging;
8 providing an effective date.

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

11 Section 1. Paragraph (a) of subsection (1) and paragraph
12 (d) of subsection (6) of section 112.061, Florida Statutes, are
13 amended to read:

14 112.061 Per diem and travel expenses of public officers,
15 employees, and authorized persons.

16 (1) LEGISLATIVE INTENT.—To prevent inequities, conflicts,
17 inconsistencies, and lapses in the numerous laws regulating or
18 attempting to regulate travel expenses of public officers,
19 employees, and authorized persons in the state, it is the intent
20 of the Legislature:

21 (a) To establish standard travel reimbursement rates,
22 procedures, and limitations, with certain justifiable exceptions

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Expand Requirements for Statewide Travel

23 and exemptions, applicable to all public officers, employees,
24 and authorized persons whose travel is authorized and paid by a
25 public agency. There shall be a statewide travel management
26 system. The statewide travel management system shall
27 standardize and automate the travel management to include travel
28 planning and approval, expense reporting, and reimbursement.
29 Executive branch state agencies and the judicial branch must use
30 the system.

31 (6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of
32 reimbursement rates and methods of calculation, per diem and
33 subsistence allowances are provided as follows:

34 (d) Costs for lodging associated with a meeting,
35 conference, or convention organized or sponsored in whole or in
36 part by a state agency or the judicial branch may not exceed
37 \$150 per day. An employee may expend his or her own funds for
38 any lodging expenses in excess of \$150 per day.

39 Section 2. This act shall take effect on July 1, 2018.

Governor's Budget Recommendation Conforming Bill
Department of Management Services - Formulary Management

1 A bill to be entitled

2 An act relating to the state employees' prescription drug
3 program; amending s. 110.12315, F.S.; requiring the
4 Department of Management Services to implement formulary
5 management cost-saving measures; providing requirements for
6 such measures; amending ch. 99-255, Laws of Florida;
7 removing the prohibition on the department from
8 implementing a restricted prescription drug formulary or
9 prior authorization program in the state employees'
10 prescription drug program; providing an effective date.

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

13
14 Section 1. Subsection (9) is added to section 110.12315, Florida
15 Statutes, to read:

16 110.12315 Prescription drug program.— The state employees'
17 prescription drug program is established. This program shall be
18 administered by the Department of Management Services, according to
19 the terms and conditions of the plan as established by the relevant
20 provisions of the annual General Appropriations Act and implementing
21 legislation, subject to the following conditions:

22 (9) The department shall implement formulary management cost-saving
23 measures. Such measures must require prescription drugs to be subject
24 to formulary inclusion or exclusion and may not restrict access to the
25 most clinically appropriate, clinically effective, and lowest net-cost

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Department of Management Services - Formulary Management

26 prescription drugs. However, excluded drugs may be available for
27 inclusion if a physician, advanced registered nurse practitioner, or
28 physician assistant prescribing a pharmaceutical clearly states on the
29 prescription that the excluded drug is medically necessary.

30 Section 2. Section 8 of Chapter 99-255, Laws of Florida, is hereby
31 repealed.

32 Section 3. This act shall take effect January 1, 2019.

Governor's Budget Recommendation Conforming Bill
Department of Education - Bright Futures Scholarship Program

1 A bill to be entitled

2 An act relating to the Bright Futures Scholarship Program;
3 providing an effective date.

4
5 Be It Enacted by the Legislature of the State of Florida:

6
7 Section 1. Subsection (7) of section 1009.22, Florida
8 Statutes, is amended to read:

9 1009.22 Workforce education postsecondary student fees.—
10 (7) Each district school board and Florida College System
11 institution board of trustees is authorized to establish a
12 separate fee for technology, not to exceed 5 percent of tuition
13 per credit hour or credit-hour equivalent for resident students
14 and not to exceed 5 percent of tuition and the out-of-state fee
15 per credit hour or credit-hour equivalent for nonresident
16 students. Revenues generated from the technology fee shall be
17 used to enhance instructional technology resources for students
18 and faculty and shall not be included in any award under the
19 Florida Bright Futures Scholarship Program, except as authorized
20 for the Florida Academic Scholars award under s. 1009.534. Fifty
21 percent of technology fee revenues may be pledged by a Florida
22 College System institution board of trustees as a dedicated
23 revenue source for the repayment of debt, including lease-
24 purchase agreements, not to exceed the useful life of the asset
25 being financed. Revenues generated from the technology fee may
26 not be bonded.

27 Section 2. Subsection (10) of section 1009.23, Florida
28 Statutes, is amended to read:

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Department of Education - Bright Futures Scholarship Program

29 1009.23 Florida College System institution student fees.—
30 (10) Each Florida College System institution board of trustees
31 is authorized to establish a separate fee for technology, which
32 may not exceed 5 percent of tuition per credit hour or credit-
33 hour equivalent for resident students and may not exceed 5
34 percent of tuition and the out-of-state fee per credit hour or
35 credit-hour equivalent for nonresident students. Revenues
36 generated from the technology fee shall be used to enhance
37 instructional technology resources for students and faculty. The
38 technology fee may apply to both college credit and
39 developmental education and shall not be included in any award
40 under the Florida Bright Futures Scholarship Program, except as
41 authorized for the Florida Academic Scholars award under s.
42 1009.534. Fifty percent of technology fee revenues may be
43 pledged by a Florida College System institution board of
44 trustees as a dedicated revenue source for the repayment of
45 debt, including lease-purchase agreements, not to exceed the
46 useful life of the asset being financed. Revenues generated from
47 the technology fee may not be bonded.

48 Section 3. Subsection (13) and paragraph (b) of subsection
49 (16) of section 1009.24, Florida Statutes, are amended to read:

50 1009.24 State university student fees.—
51 (13) Each university board of trustees may establish a
52 technology fee of up to 5 percent of the tuition per credit
53 hour. The revenue from this fee shall be used to enhance
54 instructional technology resources for students and faculty. The
55 technology fee may not be included in an any award under the
56 Florida Bright Futures Scholarship Program established pursuant

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57 to ss. 1009.53-1009.538, except as authorized for the Florida
58 Academic Scholars award under s. 1009.534.

59 (16) Each university board of trustees may establish a
60 tuition differential for undergraduate courses upon receipt of
61 approval from the Board of Governors. However, beginning July 1,
62 2014, the Board of Governors may only approve the establishment
63 of or an increase in tuition differential for a state research
64 university designated as a preeminent state research university
65 pursuant to s. 1001.7065(3). The tuition differential shall
66 promote improvements in the quality of undergraduate education
67 and shall provide financial aid to undergraduate students who
68 exhibit financial need.

69 (b) Each tuition differential is subject to the following
70 conditions:

71 1. The tuition differential may be assessed on one or more
72 undergraduate courses or on all undergraduate courses at a state
73 university.

74 2. The tuition differential may vary by course or courses,
75 by campus or center location, and by institution. Each
76 university board of trustees shall strive to maintain and
77 increase enrollment in degree programs related to math, science,
78 high technology, and other state or regional high-need fields
79 when establishing tuition differentials by course.

80 3. For each state university that is designated as a
81 preeminent state research university by the Board of Governors,
82 pursuant to s. 1001.7065, the aggregate sum of tuition and the
83 tuition differential may be increased by no more than 6 percent
84 of the total charged for the aggregate sum of these fees in the

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85 preceding fiscal year. The tuition differential may be increased
86 if the university meets or exceeds performance standard targets
87 for that university established annually by the Board of
88 Governors for the following performance standards, amounting to
89 no more than a 2-percent increase in the tuition differential
90 for each performance standard:

91 a. An increase in the 6-year graduation rate for full-time,
92 first-time-in-college students, as reported annually to the
93 Integrated Postsecondary Education Data System.

94 b. An increase in the total annual research expenditures.

95 c. An increase in the total patents awarded by the United
96 States Patent and Trademark Office for the most recent years.

97 4. The aggregate sum of undergraduate tuition and fees per
98 credit hour, including the tuition differential, may not exceed
99 the national average of undergraduate tuition and fees at 4-year
100 degree-granting public postsecondary educational institutions.

101 5. The tuition differential shall not be included in any
102 award under the Florida Bright Futures Scholarship Program
103 established pursuant to ss. 1009.53-1009.538, except as
104 authorized for the Florida Academic Scholars award under s.
105 1009.534.

106 Section 4. Subsection (2) of section 1009.534, Florida
107 Statutes, is amended to read:

108 1009.534 Florida Academic Scholars award.—

109 (2) A Florida Academic Scholar who is enrolled in a
110 certificate, diploma, associate, or baccalaureate degree program
111 at a public or nonpublic postsecondary education institution is
112 eligible, beginning in the fall 2018 academic semester, for an

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Department of Education - Bright Futures Scholarship Program

113 | award equal to the amount required to pay 100 percent of tuition
114 | and fees established under ss. 1009.22(3), (5), (6), and (7);
115 | 1009.23(3), (4), (7), (8), (10), and (11); and 1009.24(4), (7)-
116 | (13), (14)(r), and (16), as applicable, and is eligible for an
117 | additional \$300 each fall and spring academic semester or the
118 | equivalent for textbooks and college-related ~~specified in the~~
119 | ~~General Appropriations Act to assist with the payment of~~
120 | ~~educational~~ expenses.

121 | Section 5. This act shall take effect July 1, 2018.

Governor's Budget Recommendation Conforming Bill
Florida Board of Governors - Performance Funding Model

1 A bill to be entitled
2 An act relating to state university performance funding;
3 providing an effective date.

4
5 Be It Enacted by the Legislature of the State of Florida:

6
7 Section 1. Subsection (1) of section 1001.92, Florida
8 Statutes, is amended to read:

9 (1) A State University System Performance-Based Incentive shall be
10 awarded to state universities using performance-based metrics
11 adopted by the Board of Governors of the State University System.
12 The performance-based metrics must include 4-year graduation rates;
13 retention rates; postgraduation education rates; degree production;
14 affordability; postgraduation employment and salaries, including
15 wage thresholds that reflect the added value of a baccalaureate
16 degree; access, with benchmarks that reward institutions with
17 access rates at or above 50 percent; and other metrics approved by
18 the board in a formally noticed meeting. The board shall adopt
19 benchmarks to evaluate each state university's performance on the
20 metrics to measure the state university's achievement of
21 institutional excellence or need for improvement and minimum
22 requirements for eligibility to receive performance funding.

23 Section 2. This act shall take effect July 1, 2018.
24

Governor's Budget Recommendation Conforming Bill
Department of Revenue - Notice of Levy for Garnishments

1 A bill to be entitled

2 An act relating to tax administration; amending s. 213.67, F.S.,
3 allowing delivery of a notice of levy to levy by regular mail;
4 providng an effective date.

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

7
8 Section 1. Subsections (1) and (3) of section 213.67, Florida
9 Statutes are amended to read:

10 213.67 Garnishment.-

11 (1) If a person is delinquent in the payment of any taxes,
12 penalties, and interest owed to the department, the executive director
13 or his designee may give notice of the amount of such delinquency by
14 regular ~~registered~~ mail, by personal service, or by electronic means,
15 including but not limited to facsimilie transmissions, electronic data
16 interchange, or use of the Internet, to all persons having possession
17 or under their control any credits or personal property, exclusive of
18 wages, belonging to the delinquent taxpayer, or owing any debts to
19 such delinquent taxpayer at the time of receipt by them of such
20 notice. Thereafter, any person who has been notified may not transfer
21 or make any other disposition of such credits, other personal
22 property, or debts until the executive director or his or her designee
23 consents to the transfer or disposition or until 60 days after the
24 receipt of such notice. However, the credits, other personal
25 property, or debts that exceed the delinquent amount stipulated in the

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Department of Revenue - Notice of Levy for Garnishments

26 | notice are not subject to this section, wherever held, if the taxpayer
27 | does not have a prior history of tax delinquencies. If during the
28 | effective period of the notice to withhold, any person so notified
29 | makes any transfer or disposition of the property or debts required to
30 | be withheld under this section, he or she is liable to the state for
31 | any indebtedness owed to the department by the person with respect to
32 | whose obligation the notice was given to the extent of the value of
33 | the property or the amount of the debts thus transferred or paid if,
34 | solely by reason of such transfer or disposition, the state is unable to
35 | recover the indebtedness of the person with respect to whose
36 | obligation the notice was given. If the delinquent taxpayer contests
37 | the intended levy in circuit court or under Chapter 120, the notice
38 | under this section remains effective until that final resolution of
39 | the contest. Any financial institution receiving such notice will
40 | maintain a right of setoff for any transaction involving a debit card
41 | occurring on or before the date of receipt of such notice.

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

49 | Section 2. This act shall take effect on July 1, 2018.

Governor's Budget Recommendation Conforming Bill
Department of Revenue - Child Support Enforcement Postal Savings

1 A bill to be entitled

2 An act relating to revising mail strategies in the
3 Department of Revenue; amending ss. 61.1301 and
4 409.2574, F.S.; providing for the use of regular mail
5 relating to income deduction orders in alimony or child
6 support cases; providing for the use of regular mail
7 relating to income deduction enforcement in Title IV-D
8 cases; amending ss. 409.256 and 409.2563, F.S.;
9 revising serving notice requirements for genetic
10 testing; revising serving notice requirements for
11 establishing administrative support orders; providing
12 an effective date.

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

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

17 61.1301 Income deduction orders.-

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

20 (a) Upon the entry of an order establishing, enforcing, or
21 modifying an obligation for alimony, for child support, or for alimony
22 and child support, other than a temporary order, the court shall enter
23 a separate order for income deduction if one has not been entered.

24 Upon the entry of a temporary order establishing support or the entry
25 of a temporary order enforcing or modifying a temporary order of

26 support, the court may enter a separate order of income deduction.
27 Copies of the orders shall be furnished ~~served on~~ to the obligee and
28 obligor by regular mail. If the order establishing, enforcing, or
29 modifying the obligation directs that payments be made through the
30 depository, the court shall provide to the depository a copy of the
31 order establishing, enforcing, or modifying the obligation. If the
32 obligee is a recipient of Title IV-D services, the court shall furnish
33 to the Title IV-D agency a copy of the income deduction order and the
34 order establishing, enforcing, or modifying the obligation.

35 1. In Title IV-D cases, the Title IV-D agency may implement
36 income deduction after receiving a copy of an order from the court
37 under this paragraph or a forwarding agency under UIFSA, URESA, or
38 RURESA by issuing an income deduction notice to the payor.

39 2. The income deduction notice must state that it is based upon a
40 valid support order and that it contains an income deduction
41 requirement or upon a separate income deduction order. The income
42 deduction notice must contain the notice to payor provisions specified
43 by paragraph (2)(e). The income deduction notice must contain the
44 following information from the income deduction order upon which the
45 notice is based: the case number, the court that entered the order,
46 and the date entered.

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

50 4. In non-Title IV-D cases, the income deduction notice must be

51 accompanied by a copy of the support order upon which the notice is
52 based. In Title IV-D cases, upon request of a payor, the Title IV-D
53 agency shall furnish the payor a copy of the income deduction order.

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

60 (b) The income deduction order shall:

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

65 2. State the amount of arrearage owed, if any, and direct a payor
66 to withhold an additional 20 percent or more of the periodic amount
67 specified in the order establishing, enforcing, or modifying the
68 obligation, until full payment is made of any arrearage, attorney's
69 fees and costs owed, provided no deduction shall be applied to
70 attorney's fees and costs until the full amount of any arrearage is
71 paid.

72 3. Provide that if a delinquency accrues after the order
73 establishing, modifying, or enforcing the obligation has been entered
74 and there is no order for repayment of the delinquency or a
75 preexisting arrearage, a payor shall deduct an additional 20 percent

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Department of Revenue - Child Support Enforcement Postal Savings

76 | of the current support obligation or other amount agreed to by the
77 | parties until the delinquency and any attorney's fees and costs are
78 | paid in full. No deduction may be applied to attorney's fees and costs
79 | until the delinquency is paid in full.

80 | 4. Direct a payor not to deduct in excess of the amounts allowed
81 | under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.
82 | 1673(b), as amended.

83 | 5. Direct whether a payor shall deduct all, a specified portion,
84 | or no income which is paid in the form of a bonus or other similar
85 | one-time payment, up to the amount of arrearage reported in the income
86 | deduction notice or the remaining balance thereof, and forward the
87 | payment to the governmental depository. For purposes of this
88 | subparagraph, "bonus" means a payment in addition to an obligor's
89 | usual compensation and which is in addition to any amounts contracted
90 | for or otherwise legally due and shall not include any commission
91 | payments due an obligor.

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

94 | 7. In Title IV-D cases, if an obligation to pay current support
95 | is reduced or terminated due to emancipation of a child and the
96 | obligor owes an arrearage, retroactive support, delinquency, or costs,
97 | direct the payor to continue the income deduction at the rate in
98 | effect immediately prior to emancipation until all arrearages,
99 | retroactive support, delinquencies, and costs are paid in full or
100 | until the amount of withholding is modified.

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101 8. Direct that, ~~at such time as the State Disbursement Unit~~
102 ~~becomes operational~~, all payments in those cases in which the obligee
103 is receiving Title IV-D services and in those cases in which the
104 obligee is not receiving Title IV-D services in which the initial
105 support order was issued in this state on or after January 1, 1994,
106 and in which the obligor's child support obligation is being paid
107 through income deduction, be made payable to and delivered to the
108 State Disbursement Unit. Notwithstanding any other statutory provision
109 to the contrary, funds received by the State Disbursement Unit shall
110 be held, administered, and disbursed by the State Disbursement Unit
111 pursuant to the provisions of this chapter.

112 (c) The income deduction order is effective immediately unless
113 the court upon good cause shown finds that the income deduction order
114 shall be effective upon a delinquency in an amount specified by the
115 court but not to exceed 1 month's payment, pursuant to the order
116 establishing, enforcing, or modifying the obligation. In order to find
117 good cause, the court must at a minimum make written findings that:

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

120 2. There is proof of timely payment of the previously ordered
121 obligation without an income deduction order in cases of modification;
122 and

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

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126 b. There is a signed written agreement providing an alternative
127 arrangement between the obligor and the obligee and, at the option of
128 the IV-D agency, by the IV-D agency in IV-D cases in which there is an
129 assignment of support rights to the state, reviewed and entered in the
130 record by the court.

131 (d) The income deduction order shall be effective as long as the
132 order upon which it is based is effective or until further order of
133 the court. Notwithstanding the foregoing, however, ~~at such time as the~~
134 ~~State Disbursement Unit becomes operational,~~ in those cases in which
135 the obligee is receiving Title IV-D services and in those cases in
136 which the obligee is not receiving Title IV-D services in which the
137 initial support order was issued in this state on or after January 1,
138 1994, and in which the obligor's child support obligation is being
139 paid through income deduction, such payments shall be made payable to
140 and delivered to the State Disbursement Unit.

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

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

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

151 amended.

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

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

157 5. That enforcement of the income deduction order may only be
158 contested on the ground of mistake of fact regarding the amount owed
159 pursuant to the order establishing, enforcing, or modifying the
160 obligation, the arrearages, or the identity of the obligor, the payor,
161 or the obligee.

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

166 7. That in a Title IV-D case, if an obligation to pay current
167 support is reduced or terminated due to emancipation of a child and
168 the obligor owes an arrearage, retroactive support, delinquency, or
169 costs, income deduction continues at the rate in effect immediately
170 prior to emancipation until all arrearages, retroactive support,
171 delinquencies, and costs are paid in full or until the amount of
172 withholding is modified.

173 (f) If a support order was entered before January 1, 1994, the
174 court orders the income deduction to be effective upon a delinquency
175 as provided in paragraph (c), or a delinquency has accrued under an

176 order entered before July 1, 2006, that established, modified, or
177 enforced the obligation and there is no order for repayment of the
178 delinquency or a preexisting arrearage, the obligee or, in Title IV-D
179 cases, the Title IV-D agency may enforce the income deduction by
180 serving a notice of delinquency by regular mail on the obligor under
181 this paragraph. Service of the notice is complete upon mailing.

182 1. The notice of delinquency shall state:

183 a. The terms of the order establishing, enforcing, or modifying
184 the obligation.

185 b. The period of delinquency and the total amount of the
186 delinquency as of the date the notice is mailed.

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

188 d. The total amount of income to be deducted for each pay period
189 until the arrearage, and all applicable fees and interest, is paid in
190 full and shall state the total amount of income to be deducted for
191 each pay period thereafter. The amounts deducted may not be in excess
192 of that allowed under s. 303(b) of the Consumer Credit Protection Act,
193 15 U.S.C. s. 1673(b), as amended.

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

196 f. That a copy of the notice of delinquency will be ~~served on~~
197 provided by regular mail to the obligor's payor or payors, together
198 with a copy of the income deduction order or, in Title IV-D cases, the
199 income deduction notice, unless the obligor applies to the court to
200 contest enforcement of the income deduction. If the income deduction

201 order being enforced was rendered by the Title IV-D agency pursuant to
202 s. 409.2563 and the obligor contests the deduction, the obligor shall
203 file a petition for an administrative hearing with the Title IV-D
204 agency. The application or petition shall be filed within 15 days
205 after the date the notice of delinquency was ~~served~~ mailed.

206 g. That enforcement of the income deduction order may only be
207 contested on the ground of mistake of fact regarding the amount owed
208 pursuant to the order establishing, enforcing, or modifying the
209 obligation, the amount of arrearages, or the identity of the obligor,
210 the payor, or the obligee.

211 h. That the obligor is required to notify the obligee of the
212 obligor's current address and current payors and of the address of
213 current payors. All changes shall be reported by the obligor within 7
214 days. If the IV-D agency is enforcing the order, the obligor shall
215 make these notifications to the agency instead of to the obligee.

216 2. The failure of the obligor to receive the notice of
217 delinquency does not preclude subsequent service by regular mail of
218 the income deduction order or, in Title IV-D cases, the income
219 deduction notice on the obligor's payor. A notice of delinquency which
220 fails to state an arrearage does not mean that an arrearage is not
221 owed.

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

224 1. Modify, suspend, or terminate the income deduction order in
225 accordance with a modification, suspension, or termination of the

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226 support provisions in the underlying order; or

227 2. Modify the amount of income deducted when the arrearage has
228 been paid.

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

230 (a) The obligee or his or her agent shall serve an income
231 deduction order and notice to payor, or, in Title IV-D cases, the
232 Title IV-D agency shall issue an income deduction notice, and in the
233 case of a delinquency a notice of delinquency, on the obligor's payor
234 by regular mail unless the obligor has applied for a hearing to
235 contest the enforcement of the income deduction pursuant to paragraph
236 (c).

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

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

244 (c)1. The obligor, within 15 days after service of a notice of
245 delinquency, may apply for a hearing to contest the enforcement of the
246 income deduction on the ground of mistake of fact regarding the amount
247 owed pursuant to an order establishing, enforcing, or modifying an
248 obligation for alimony, for child support, or for alimony and child
249 support, the amount of the arrearage, or the identity of the obligor,
250 the payor, or the obligee. The obligor shall send a copy of the

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251 pleading to the obligee and, if the obligee is receiving IV-D
252 services, to the IV-D agency. The timely filing of the pleading shall
253 stay service by regular mail of an income deduction order or, in Title
254 IV-D cases, income deduction notice on all payors of the obligor until
255 a hearing is held and a determination is made as to whether
256 enforcement of the income deduction order is proper. The payment of a
257 delinquent obligation by an obligor upon entry of an income deduction
258 order shall not preclude service by regular mail of the income
259 deduction order or, in Title IV-D cases, an income deduction notice on
260 the obligor's payor.

261 2. When an obligor timely requests a hearing to contest
262 enforcement of an income deduction order, the court, after due notice
263 to all parties and the IV-D agency if the obligee is receiving IV-D
264 services, shall hear the matter within 20 days after the application
265 is filed. The court shall enter an order resolving the matter within
266 10 days after the hearing. A copy of this order shall be ~~served on~~
267 provided by regular mail to the parties and the IV-D agency if the
268 obligee is receiving IV-D services. If the court determines that
269 income deduction is proper, it shall specify the date the income
270 deduction order must be served by regular mail on the obligor's payor.

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

276 | in the case of a delinquency a notice of delinquency, shall also be
277 | furnished to the obligor.

278 | (e) Notice to payor and income deduction notice. The notice to
279 | payor or, in Title IV-D cases, income deduction notice shall contain
280 | only information necessary for the payor to comply with the order
281 | providing for income deduction. The notice shall:

282 | 1. Provide the obligor's social security number.

283 | 2. Require the payor to deduct from the obligor's income the
284 | amount specified in the income deduction order, and in the case of a
285 | delinquency the amount specified in the notice of delinquency, and to
286 | pay that amount to the obligee or to the depository, as appropriate.
287 | The amount actually deducted plus all administrative charges shall not
288 | be in excess of the amount allowed under s. 303(b) of the Consumer
289 | Credit Protection Act, 15 U.S.C. s. 1673(b);

290 | 3. Instruct the payor to implement income deduction no later than
291 | the first payment date which occurs more than 14 days after the date
292 | the income deduction notice was served on the payor, and the payor
293 | shall conform the amount specified in the income deduction order or,
294 | in Title IV-D cases, income deduction notice to the obligor's pay
295 | cycle. The court should request at the time of the order that the
296 | payment cycle reflect that of the payor;

297 | 4. Instruct the payor to forward, within 2 days after each date
298 | the obligor is entitled to payment from the payor, to the obligee or
299 | to the depository the amount deducted from the obligor's income, a
300 | statement as to whether the amount totally or partially satisfies the

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301 periodic amount specified in the income deduction order or, in Title
302 IV-D cases, income deduction notice, and the specific date each
303 deduction is made. If the IV-D agency is enforcing the order, the
304 payor shall make these notifications to the agency instead of the
305 obligee;

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

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

313 7. State that the notice to payor or, in Title IV-D cases, income
314 deduction notice, and in the case of a delinquency the notice of
315 delinquency, are binding on the payor until further notice by the
316 obligee, IV-D agency, or the court or until the payor no longer
317 provides income to the obligor;

318 8. Instruct the payor that, when he or she no longer provides
319 income to the obligor, he or she shall notify the obligee and shall
320 also provide the obligor's last known address and the name and address
321 of the obligor's new payor, if known; and that, if the payor violates
322 this provision, the payor is subject to a civil penalty not to exceed
323 \$250 for the first violation or \$500 for any subsequent violation. If
324 the IV-D agency is enforcing the order, the payor shall make these
325 notifications to the agency instead of to the obligee. Penalties shall

326 be paid to the obligee or the IV-D agency, whichever is enforcing the
327 income deduction order;

328 9. State that the payor shall not discharge, refuse to employ, or
329 take disciplinary action against an obligor because of the requirement
330 for income deduction and shall state that a violation of this
331 provision subjects the payor to a civil penalty not to exceed \$250 for
332 the first violation or \$500 for any subsequent violation. Penalties
333 shall be paid to the obligee or the IV-D agency, whichever is
334 enforcing the income deduction, if any alimony or child support
335 obligation is owing. If no alimony or child support obligation is
336 owing, the penalty shall be paid to the obligor;

337 10. State that an obligor may bring a civil action in the courts
338 of this state against a payor who refuses to employ, discharges, or
339 otherwise disciplines an obligor because of income deduction. The
340 obligor is entitled to reinstatement and all wages and benefits lost,
341 plus reasonable attorney's fees and costs incurred;

342 11. Inform the payor that the requirement for income deduction
343 has priority over all other legal processes under state law pertaining
344 to the same income and that payment, as required by the notice to
345 payor or income deduction notice, is a complete defense by the payor
346 against any claims of the obligor or his or her creditors as to the
347 sum paid;

348 12. Inform the payor that, when the payor receives notices to
349 payor or income deduction notices requiring that the income of two or
350 more obligors be deducted and sent to the same depository, the payor

351 may combine the amounts that are to be paid to the depository in a
352 single payment as long as the payments attributable to each obligor
353 are clearly identified;

354 13. Inform the payor that if the payor receives more than one
355 notice to payor or income deduction notice against the same obligor,
356 the payor shall contact the court or, in Title IV-D cases, the Title
357 IV-D agency for further instructions. Upon being so contacted, the
358 court or, in Title IV-D cases when all the cases upon which the
359 notices are based are Title IV-D cases, the Title IV-D agency shall
360 allocate amounts available for income deduction as provided in
361 subsection (4); and

362 14. State that in a Title IV-D case, if an obligation to pay
363 current support is reduced or terminated due to the emancipation of a
364 child and the obligor owes an arrearage, retroactive support,
365 delinquency, or costs, income deduction continues at the rate in
366 effect immediately prior to emancipation until all arrearages,
367 retroactive support, delinquencies, and costs are paid in full or
368 until the amount of withholding is modified.

369 (f) At any time an income deduction order is being enforced, the
370 obligor may apply to the court for a hearing to contest the continued
371 enforcement of the income deduction on the same grounds set out in
372 paragraph (c), with a copy to the obligee and, in IV-D cases, to the
373 IV-D agency. If the income deduction order being enforced was rendered
374 by the IV-D agency pursuant to s. 409.2563 and the obligor contests
375 the withholding, the obligor shall file a petition for an

376 administrative hearing with the IV-D agency. The application or
377 petition does not affect the continued enforcement of the income
378 deduction until the court or IV-D agency, if applicable, enters an
379 order granting relief to the obligor. The obligee or the IV-D agency
380 is released from liability for improper receipt of moneys pursuant to
381 an income deduction order upon return to the appropriate party of any
382 moneys received.

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

387 (h)1. When an income deduction order is to be enforced against a
388 payor located outside the state, the obligee who is receiving IV-D
389 services or his or her agent shall promptly request the agency
390 responsible for income deduction in the other state to enforce the
391 income deduction order. The request shall contain all information
392 necessary to enforce the income deduction order, including the amount
393 to be periodically deducted, a copy of the order establishing,
394 enforcing, or modifying the obligation, and a statement of arrearages,
395 if applicable.

396 2. When the IV-D agency is requested by the agency responsible
397 for income deduction in another state to enforce an income deduction
398 order against a payor located in this state for the benefit of an
399 obligee who is being provided IV-D services by the agency in the other
400 state, the IV-D agency shall act promptly pursuant to the applicable

401 provisions of this section.

402 3. When an obligor who is subject to an income deduction order
403 enforced against a payor located in this state for the benefit of an
404 obligee who is being provided IV-D services by the agency responsible
405 for income deduction in another state terminates his or her
406 relationship with his or her payor, the IV-D agency shall notify the
407 agency in the other state and provide it with the name and address of
408 the obligor and the address of any new payor of the obligor, if known.

409 4. a. The procedural rules and laws of this state govern the
410 procedural aspects of income deduction whenever the agency responsible
411 for income deduction in another state requests the enforcement of an
412 income deduction order in this state.

413 b. Except with respect to when withholding must be implemented,
414 which is controlled by the state where the order establishing,
415 enforcing, or modifying the obligation was entered, the substantive
416 law of this state shall apply whenever the agency responsible for
417 income deduction in another state requests the enforcement of an
418 income deduction in this state.

419 c. When the IV-D agency is requested by an agency responsible for
420 income deduction in another state to implement income deduction
421 against a payor located in this state for the benefit of an obligee
422 who is being provided IV-D services by the agency in the other state
423 or when the IV-D agency in this state initiates an income deduction
424 request on behalf of an obligee receiving IV-D services in this state
425 against a payor in another state, pursuant to this section or the

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426 Uniform Interstate Family Support Act, the IV-D agency shall file the
427 interstate income deduction documents, or an affidavit of such request
428 when the income deduction documents are not available, with the
429 depository and if the IV-D agency in this state is responding to a
430 request from another state, provide copies to the payor and obligor in
431 accordance with subsection (1). The depository created pursuant to s.
432 61.181 shall accept the interstate income deduction documents or
433 affidavit and shall establish an account for the receipt and
434 disbursement of child support or child support and alimony payments
435 and advise the IV-D agency of the account number in writing within 2
436 days after receipt of the documents or affidavit.

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

440 (j)1. A person may not discharge, refuse to employ, or take
441 disciplinary action against an employee because of the enforcement of
442 an income deduction order. An employer who violates this subsection is
443 subject to a civil penalty not to exceed \$250 for the first violation
444 or \$500 for any subsequent violation. Penalties shall be paid to the
445 obligee or the IV-D agency, whichever is enforcing the income
446 deduction, if any alimony or child support is owing. If no alimony or
447 child support is owing, the penalty shall be paid to the obligor.

448 2. An employee may bring a civil action in the courts of this
449 state against an employer who refuses to employ, discharges, or
450 otherwise disciplines an employee because of an income deduction

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451 order. The employee is entitled to reinstatement and all wages and
452 benefits lost plus reasonable attorney's fees and costs incurred.

453 (k) When a payor no longer provides income to an obligor, he or
454 she shall notify the obligee and, if the obligee is a IV-D applicant,
455 the IV-D agency and shall also provide the obligor's last known
456 address and the name and address of the obligor's new payor, if known.
457 A payor who violates this subsection is subject to a civil penalty not
458 to exceed \$250 for the first violation or \$500 for a subsequent
459 violation. Penalties shall be paid to the obligee or the IV-D agency,
460 whichever is enforcing the income deduction order.

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

463 (b) In a Title IV-D case, if an obligation to pay current support
464 is reduced or terminated due to the emancipation of a child and the
465 obligor owes an arrearage, retroactive support, delinquency, or costs,
466 income deduction continues at the rate in effect immediately prior to
467 emancipation until all arrearages, retroactive support, delinquencies,
468 and costs are paid in full or until the amount of withholding is
469 modified. Any income-deducted amount that is in excess of the
470 obligation to pay current support shall be credited against the
471 arrearages, retroactive support, delinquency, and costs owed by the
472 obligor. The department shall send notice of this requirement by
473 regular mail to the payor and the depository operated pursuant to s.
474 61.181, and the notice shall state the amount of the obligation to pay
475 current support, if any, and the amount owed for arrearages,

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476 retroactive support, delinquency, and costs. For income deduction
477 orders entered before July 1, 2004, which do not include this
478 requirement, the department shall send by regular ~~certified~~ mail,
479 ~~restricted delivery, return receipt requested,~~ to the obligor at the
480 most recent address provided by the obligor to the tribunal that
481 issued the order or a more recent address if known, notice of this
482 requirement, that the obligor may contest the withholding as provided
483 by paragraph (2)(f), and that the obligor may request the tribunal
484 that issued the income deduction to modify the amount of the
485 withholding. This paragraph provides an additional remedy for
486 collection of unpaid support and applies to cases in which a support
487 order or income deduction order was entered before, on, or after July
488 1, 2004.

489 (c) If a delinquency accrues after an order establishing,
490 modifying, or enforcing a support obligation has been entered, an
491 income deduction order entered after July 1, 2006, is in effect, and
492 there is no order for repayment of the delinquency or a preexisting
493 arrearage, a payor who ~~is served with~~ receives an income deduction
494 order or, in a Title IV-D case, an income deduction notice shall
495 deduct an additional 20 percent of the current support obligation or
496 other amount agreed to by the parties until the delinquency and any
497 attorney's fees and costs are paid in full. No deduction may be
498 applied to attorney's fees and costs until the delinquency is paid in
499 full.

500 Section 2. Subsection (2) of section 409.2574, Florida Statutes,

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501 is amended to read:

502 409.2574 Income deduction enforcement in Title IV-D cases.-

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

508 (b) The department shall serve a notice on the obligor that the
509 income deduction notice has been served on the employers. Service upon
510 an obligor under this section shall be made by regular mail to the
511 obligor's last known address of record with the local depository or a
512 more recent address if known. ~~in the manner prescribed in chapter 48.~~

513 The department shall furnish to the obligor a statement of the
514 obligor's rights, remedies, and duties in regard to the income
515 deduction.

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

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

521 Section 3. Subsection (4) of section 409.256, Florida Statutes,
522 is amended to read:

523 409.256 Administrative proceeding to establish paternity or
524 paternity and child support; order to appear for genetic testing.-

525 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR PATERNITY AND

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526 CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC TESTING; MANNER OF SERVICE;
527 CONTENTS.—The Department of Revenue shall commence a proceeding to
528 determine paternity, or a proceeding to determine both paternity and
529 child support, by serving the respondent with a notice as provided in
530 this section. An order to appear for genetic testing may be served at
531 the same time as a notice of the proceeding or may be served
532 separately. A copy of the affidavit or written declaration upon which
533 the proceeding is based shall be provided to the respondent when
534 notice is served. A notice or order to appear for genetic testing
535 shall be served by certified mail, ~~restricted delivery~~, return receipt
536 requested, or in accordance with the requirements for service of
537 process in a civil action. Service by certified mail is completed when
538 the certified mail is received or refused by the addressee or by an
539 authorized agent as designated by the addressee in writing. If a
540 person other than the addressee signs the return receipt, the
541 department shall attempt to reach the addressee by telephone to
542 confirm whether the notice was received, and the department shall
543 document any telephonic communications. If someone other than the
544 addressee signs the return receipt, the addressee does not respond to
545 the notice, and the department is unable to confirm that the addressee
546 has received the notice, service is not completed and the department
547 shall attempt to have the addressee served personally. For purposes of
548 this section, an employee or an authorized agent of the department may
549 serve the notice or order to appear for genetic testing and execute an
550 affidavit of service. The department may serve an order to appear for

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551 genetic testing on a caregiver. The department shall provide a copy of
552 the notice or order to appear by regular mail to the mother and
553 caregiver, if they are not respondents.

554 Section 4. Subsection (4) of section 409.2563 is amended to read:

555 409.2563 Administrative establishment of child support
556 obligations.-

557 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER.-

558 To commence a proceeding under this section, the department shall
559 provide to the parent from whom support is not being sought and serve
560 the parent from whom support is being sought with a notice of
561 proceeding to establish administrative support order and a blank
562 financial affidavit form. The notice must state:

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

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

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

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

573 (e) That both parents, or parent and caregiver if applicable, are
574 required to promptly notify the department of any change in their
575 mailing addresses to ensure receipt of all subsequent pleadings,

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576 notices, and orders, as provided by paragraph (13)(c);

577 (f) That the department will calculate support obligations based on
578 the child support guidelines schedule in s. 61.30 and using all
579 available information, as provided by paragraph (5)(a), and will
580 incorporate such obligations into a proposed administrative support
581 order;

582 (g) That the department will send by regular mail to both parents, or
583 parent and caregiver if applicable, a copy of the proposed
584 administrative support order, the department's child support
585 worksheet, and any financial affidavits submitted by a parent or
586 prepared by the department;

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

591 (i) That if the parent from whom support is being sought does not
592 file a timely request for hearing after service of the proposed
593 administrative support order, the department will issue an
594 administrative support order that incorporates the findings of the
595 proposed administrative support order, and will send by regular mail a
596 copy of the administrative support order to both parents, or parent
597 and caregiver if applicable;

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

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601 (k) That after an administrative support order is rendered, the
602 department may enforce the administrative support order by any lawful
603 means;

604 (l) That either parent, or caregiver if applicable, may file at any
605 time a civil action in a circuit court having jurisdiction and proper
606 venue to determine parental support obligations, if any, and that a
607 support order issued by a circuit court supersedes an administrative
608 support order rendered by the department;

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

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

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

619 3. If the parent from whom support is being sought submits the
620 request authorized in subparagraph 1., or the statement authorized in
621 subparagraph 2. to the department within 20 days after the receipt of
622 the initial notice, the department shall file a petition in circuit
623 court for the determination of the parent's child support obligations,
624 and shall send to the parent from whom support is being sought a copy
625 of its petition, a notice of commencement of action, and a request for

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626 waiver of service of process as provided in the Florida Rules of Civil
627 Procedure.

628 4. If, within 10 days after receipt of the department's petition and
629 waiver of service, the parent from whom support is being sought signs
630 and returns the waiver of service form to the department, the
631 department shall terminate the administrative proceeding without
632 prejudice and proceed in circuit court.

633 5. In any circuit court action filed by the department pursuant to
634 this paragraph or filed by a parent from whom support is being sought
635 or other person pursuant to paragraph (l) or paragraph (n), the
636 department shall be a party only with respect to those issues of
637 support allowed and reimbursable under Title IV-D of the Social
638 Security Act. It is the responsibility of the parent from whom support
639 is being sought or other person to take the necessary steps to present
640 other issues for the court to consider.

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

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

650 The department may serve the notice of proceeding to establish

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651 administrative support order by certified mail, ~~restricted delivery,~~
652 return receipt requested. Alternatively, the department may serve the
653 notice by any means permitted for service of process in a civil
654 action. For purposes of this section, an authorized employee of the
655 department may serve the notice and execute an affidavit of service.
656 Service by certified mail is completed when the certified mail is
657 received or refused by the addressee or by an authorized agent as
658 designated by the addressee in writing. If a person other than the
659 addressee signs the return receipt, the department shall attempt to
660 reach the addressee by telephone to confirm whether the notice was
661 received, and the department shall document any telephonic
662 communications. If someone other than the addressee signs the return
663 receipt, the addressee does not respond to the notice, and the
664 department is unable to confirm that the addressee has received the
665 notice, service is not completed and the department shall attempt to
666 have the addressee served personally. The department shall provide the
667 parent from whom support is not being sought or the caregiver with a
668 copy of the notice by regular mail to the last known address of the
669 parent from whom support is not being sought or caregiver

670 Section 5. This act shall take effect on July 1, 2018.

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

1 A bill to be entitled
2 An act relating to a sales tax holiday; providing an
3 exemption from the sales and use tax for the retail sale
4 of certain clothing, school supplies, and personal
5 computers and personal computer-related accessories during
6 a specified period; providing exceptions to the exemption;
7 authorizing the Department of Revenue to adopt emergency
8 rules; providing an appropriation to the department for
9 implementation purposes; providing an effective date.

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

12
13 Section 1. Clothing, school supplies, and personal
14 computers and personal computer-related accessories sales tax
15 holiday.-

16 (1) The tax levied under chapter 212, Florida Statutes, may
17 not be collected during the period from 12:01 a.m. on August 3,
18 2018, through 11:59 p.m. on August 12, 2018, on the retail sale
19 of:

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

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

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Back to School Sales Tax Holiday

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

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

37 (2) The tax levied under chapter 212, Florida Statutes, may
38 not be collected during the period from 12:01 a.m. on August 3,
39 2018, through 11:59 p.m. on August 12, 2018, on personal
40 computers or personal computer-related accessories purchased for
41 noncommercial home or personal use and having a sales price of
42 \$1000 or less per item. For purposes of this subsection, the
43 term:

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

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

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55 peripherals that are designed or intended primarily for
56 recreational use.

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

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

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

68 (5) For the 2018-2019 fiscal year, the sum of \$243,814 in
69 nonrecurring funds is appropriated from the General Revenue Fund
70 to the Department of Revenue for the purpose of implementing
71 this section.

72 Section 2. This act shall take effect July 1, 2018.

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

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

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

11
12 Section 1. Disaster preparedness supplies; sales tax
13 holiday.—

14 (1) The tax levied under chapter 212, Florida Statutes, may
15 not be collected during the period from 12:01 a.m. on April 1,
16 2018, through 11:59 p.m. on April 7, 2018; from 12:01 a.m. on
17 May 1, 2018, through 11:59 p.m. on May 7, 2018; and from 12:01
18 a.m. on June 1, 2018, through 11:59 p.m. on June 7, 2018, on the
19 sale of:

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

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

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

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

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

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Disaster Preparedness Sales Tax Holiday

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

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

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

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

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

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

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

Governor's Budget Recommendation Conforming Bill
Highway Safety Fee Reduction

1 A bill to be entitled
2 An act relating to Department of Highway Safety and
3 Motor Vehicles; amending s. 322.21, F.S.; decreasing
4 driver license and identification card fees; providing
5 an effective date.

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

8
9 Section 1. Subsection (1) of section 322.21, Florida
10 Statutes, is amended to read:

11 322.21 License fees; procedure for handling and collecting
12 fees.—

13 (1) Except as otherwise provided herein, the fee for:

14 (a) An original or renewal commercial driver license is \$67
15 ~~\$75~~, which shall include the fee for driver education provided
16 by s. 1003.48. However, if an applicant has completed training
17 and is applying for employment or is currently employed in a
18 public or nonpublic school system that requires the commercial
19 license, the fee is the same as for a Class E driver license. A
20 delinquent fee of \$15 shall be added for a renewal within 12
21 months after the license expiration date.

22 (b) An original Class E driver license is \$27 ~~\$48~~, which
23 includes the fee for driver education provided by s. 1003.48.
24 However, if an applicant has completed training and is applying
25 for employment or is currently employed in a public or nonpublic
26 school system that requires a commercial driver license, the fee
27 is the same as for a Class E license.

28 (c) The renewal or extension of a Class E driver license or

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

Governor's Budget Recommendation Conforming Bill
Highway Safety Fee Reduction

29 | of a license restricted to motorcycle use only is \$20 ~~\$48~~,
30 | except that a delinquent fee of \$15 shall be added for a renewal
31 | or extension made within 12 months after the license expiration
32 | date. The fee provided in this paragraph includes the fee for
33 | driver education provided by s. 1003.48.

34 | (d) An original driver license restricted to motorcycle use
35 | only is \$27 ~~\$48~~, which includes the fee for driver education
36 | provided by s. 1003.48.

37 | Section 2. This act shall take effect July 1, 2018.

Governor's Budget Recommendation Conforming Bill
State Courts System

A bill to be entitled

An act relating to the state judicial system; amending s. 318.14, F.S.; enacting a reduction in penalties for noncriminal traffic infractions for attending a basic driver improvement course; amending s. 28.241, F.S.; amending distribution of fees received from each attorney appearing pro hac vice; amending s. 741.01, F.S.; amending distribution of fees received upon issuance of a marriage license; providing an effective date.

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

Section 1. Subsection (9) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(9) Any person who does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial motor vehicle for an infraction under this section other than a violation of s. 316.183(2), s. 316.187, or s. 316.189 when the driver exceeds the posted limit by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s.322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld; any

Governor's Budget Recommendation Conforming Bill
State Courts System

29 civil penalty that is imposed by s. 318.18(3) must be reduced by
30 18 percent; and points, as provided by s. 322.27, may not be
31 assessed. However, a person may not make an election under this
32 subsection if the person has made an election under this
33 subsection in the preceding 12 months. A person may not make
34 more than five elections within his or her lifetime under this
35 subsection. The requirement for community service under
36 s. 318.18(8) is not waived by a plea of nolo contendere or by
37 the withholding of adjudication of guilt by a court. ~~If a person~~
38 ~~makes an election to attend a basic driver improvement course~~
39 ~~under this subsection, 18 percent of the civil penalty imposed~~
40 ~~under s. 318.18(3) shall be deposited in the State Courts~~
41 ~~Revenue Trust Fund; however, that portion is not revenue for~~
42 ~~purposes of s. 28.36 and may not be used in establishing the~~
43 ~~budget of the clerk of the court under that section or s. 28.35.~~

44 Section 2. Paragraph (b) of subsection (1) of section
45 318.15, Florida Statutes, is amended to read:

46 318.15 Failure to comply with civil penalty or to appear;
47 penalty.—

48 (1)

49 (b) However, a person who elects to attend driver
50 improvement school and has paid the civil penalty as provided in
51 s. 318.14(9), but who subsequently fails to attend the driver
52 improvement school within the time specified by the court shall
53 be deemed to have admitted the infraction and shall be
54 adjudicated guilty. In such a case in which there is ~~was~~ an 18-
55 percent reduction pursuant to s. 318.14(9) ~~as it existed before~~
56 ~~February 1, 2009~~, the person must pay the clerk of the court

Governor's Budget Recommendation Conforming Bill
State Courts System

57 that amount and a processing fee of up to \$18, after which no
58 additional penalties, court costs, or surcharges may not ~~shall~~
59 be imposed for the violation. In all other such cases, the
60 person must pay the clerk a processing fee of up to \$18, after
61 which no additional penalties, court costs, or surcharges may
62 not ~~shall~~ be imposed for the violation. The clerk of the court
63 shall notify the department of the person's failure to attend
64 driver improvement school and points shall be assessed pursuant
65 to s. 322.27.

66 Section 3. Subsection (6) of section 28.241, Florida
67 Statutes, is amended to read:

68 28.241 Filing fees for trial and appellate proceedings.—

69 (6) From each attorney appearing pro hac vice, the clerk of
70 the circuit court shall collect a fee of \$100 for deposit into
71 the State Courts Revenue Trust Fund ~~General Revenue Fund~~.

72 Section 4. Subsection (3) of section 741.01, Florida
73 Statutes, is amended to read:

74 741.01 County court judge or clerk of the circuit court to
75 issue marriage license; fee.—

76 (3) An additional fee of \$25 shall be paid to the clerk
77 upon receipt of the application for issuance of a marriage
78 license. The moneys collected shall be remitted by the clerk to
79 the Department of Revenue, monthly, for deposit in the State
80 Courts Revenue Trust Fund ~~General Revenue Fund~~.

81 Section 5. This act shall take effect July 1, 2018.

Governor's Budget Recommendation Conforming Bill
Department of Highway Safety and Motor Vehicles -
Terminate Working Capital Trust Fund

1 A bill to be entitled
2 An act relating to trust funds of the Department
3 of Highway Safety and Motor Vehicles; terminating
4 the Working Capital Trust Fund; providing an
5 effective date.

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

8
9 Section 1. (1) The Working Capital Trust Fund within
10 the Department of Highway Safety and Motor Vehicles, FLAIR
11 number 76-2-792, is terminated.

12 (2) All current balances remaining in, and all
13 revenues of, the trust fund, shall be transferred to the
14 General Revenue Fund.

15 (3) The Department of Highway Safety and Motor
16 Vehicles shall pay any outstanding debts and obligations of
17 the terminated fund as soon as practicable, and the Chief
18 Financial Officer shall close out and remove the terminated
19 fund from the various state accounting systems using
20 generally accepted accounting principles concerning
21 warrants outstanding, assets, and liabilities.

22
23 Section 2. This act shall take effect July 1, 2018.

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 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
25 Section 2. This act shall take effect July 1, 2018.

Governor's Budget Recommendation Conforming Bill
Department of Military Affairs -
Terminate Welfare Transition Trust Fund

1 A bill to be entitled
2 An act relating to trust funds of the Department
3 of Military Affairs; repealing s. 250.175(5),
4 F.S.; terminating the Welfare Transition Trust
5 Fund; providing an effective date.

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

8
9 Section 1. (1) The Welfare Transition Trust Fund
10 within the Department of Military Affairs, FLAIR number 62-
11 2-401, is terminated.

12 (2) All current balances remaining in, and all
13 revenues of, the trust fund, shall be transferred to the
14 Federal Grants Trust Fund, FLAIR number 62-2-261.

15 (3) The Department of Military Affairs shall pay any
16 outstanding debts and obligations of the terminated fund as
17 soon as practicable, and the Chief Financial Officer shall
18 close out and remove the terminated fund from the various
19 state accounting systems using generally accepted
20 accounting principles concerning warrants outstanding,
21 assets, and liabilities.

22 Section 2. Subsection (5) of section 250.175, Florida
23 Statutes, is hereby repealed.

24 Section 3. This act shall take effect July 1, 2018.