



# Florida's Federal **Grants: Special Handling Required**

Discovering the true cost of "free" federal money

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## Introduction

It happens in every state every year. The federal government takes tax dollars and redistributes money back to the states in the form of grants. These may be used to supplement state budgets for things like education, transportation, environmental protection, caring for veterans, or maintaining a justice system, just to name a few. At times, these grants come "with a catch" such as matching money, hidden costs, or requirements to comply with boatloads of bureaucratic administrative mandates. But even worse, sometimes the grants don't come back at

all or they are returned with less than promised. This can wreak havoc on a state's budget.

State budgets have long been placed in jeopardy by the federal government's spending problem, evidenced by the recurring "fiscal cliff" crises. Federal spending in the states has increased almost exponentially in the last 50 years.<sup>1</sup> As more and more money is taken out of the states and filtered through Washington, control is lost over how those funds are spent. When federal money runs out, states are left to foot the bill for vital constituent services. Photos of toddlers standing before closed national parks make for sad headlines, but are not near as heartbreaking as closed schools, hospitals, and crumbling bridges. States must check the demands that federal funds place on state budgets in order to assure not only a proper balance of powers, but continuation of crucial government services.

This report will examine Florida's federal grant process through the mechanisms the State of Florida has put in place to shine a light on its federal spending. Several examples highlight the hidden costs of grants, the risk of relying on them, and the importance of transparency measures to show grant use. Florida has already taken steps to integrate federal funds into the state budget; however, this analysis will outline policy prescriptions to improve accountability.

## Florida's Most Federal-Dependent Agencies According to FCATS

# of Federal Grants	Total Amount
10	\$ 53,812,752,930
1468	\$ 39,894,357,698
331	\$ 13,918,395,232
85	\$ 6,057,097,166
297	\$ 3,737,728,184
344	\$ 3,660,393,229
239	\$ 630,416,096
99	\$ 557,759,616
290	\$ 247,302,872
37	\$ 205,643,198
	Federal Grants  10  1468  331  85  297  344  239  99  290

Inter-agency grants are excluded; totals reflect what agencies self-reported.3

Florida stands on a unique frontier to exemplify an appropriate balance between state and federal duties, as a model for other states. With large populations

of retirees and veterans, combined with 13 percent federally-owned land,<sup>2</sup> Florida must coordinate with the federal government on joint responsibilities such as Medicaid, veterans' affairs, national parks, and education – just to name a few. Even so, Florida still has a high reliance on federal funds. From 2012-2015, Florida's federal grant receipts were on average 12 percent of total receipts, over \$23 billion annually. On a scale where 1 is the most dependent state and 50 is the least dependent state, Florida ranks 30th.

While Florida has been a leader on financial accountability so far, more can be done. Florida's next steps should include more consistent reporting by agencies, more thorough integration of grants into the budget process, and strict scrutiny for grants.

When states utilize high levels of federal funding many problems are presented, including the risk of reliance on federal funds, hidden costs of accepting funds, and a lack of transparency in how funds are spent. This report provides an in-depth assessment of these areas, with federal grant examples in Florida and recommendations to improve policies for the future.

State authority through fiscal federalism cannot be just an idea; it needs to be made a reality through policy implementation.

## What is Fiscal Federalism?

Federalism is built on the idea that policy decisions are best made locally, by those closest to the people who best understand the affected community. This means checking federal overreach from interfering in state and local affairs and empowering locally-elected officials. It is easier for citizens to hold local leaders accountable compared to bureaucrats in far-off Washington. Moreover, state legislators and local elected officials have an obligation to provide for their citizens no matter which way the winds decide to blow in D.C.

Fiscal Federalism is an idea of freedom and a principle of economics that applies accountability to state finances. When states choose to depend on federal funding, they sacrifice local accountability in favor of commitments to the federal government that often contradict local opinion as to what is best. States should be 50 frontiers for change, able to implement policies that best suit their unique circumstances and take advantage of lessons learned from other states' successes and failures without having to accept one-size-fits-all mandates.

This ideal form of decentralization is difficult to implement. Without a decrease in federal taxes, there is a strong incentive to "get back" what money has been taken from states. Unfunded mandates exacerbate this problem by placing immediate implementation costs on the states, leading to a scramble to capture federal money in order to balance budgets. Until federal revenue sources are turned back to the states, that incentive will remain. Such adverse conditions are no excuse for risky behavior. If anything, states have even more responsibility to protect the interest of their citizens. States can take actions to limit their risk by fully understanding the hidden costs of federal funds, diversifying risk by preventing concentrated federal dependence, and planning for future cuts to federal spending

Financial Ready Florida asks the state to prioritize the long-term costs of accepting federal money when choosing whether to apply for grants. Existing grants should also be scrutinized to weigh the realized costs and benefits promised so that grants can be discontinued as necessary. This way Florida can better balance its budgets in the event that federal money goes away. No state should be at risk of fiscal insolvency for the sake of taking "free" taxpayer money.

To implement Financial Ready, Florida must see how much federal money is accepted, measure how that money impacts local budgets, and act to prevent interference with vital services and local control. This means reducing the risk of reliance on federal funds by seeing how dependent each department is, understanding the hidden costs of accepting grants by measuring them accurately, and taking action to account for all funds in the budget process.

#### Fiscal Federalism:

- See the federal funds that states accept by identifying agency grants.
- Detail the strings attached to federal money that place demands on state budgets.
- Measure the risk of dependency on federal funds and impacts of each grant's stipulations.
- Make grants part of the legislative committee process to ensure grants complement state interests.
- Take action to prepare the state for reduced federal funds.

## Reliance Risk

A wake-up call for states came in early 2013 when a federal government shutdown caused sequestration and immediate (and large) funding cuts to states. Florida lost almost \$54.4 million in previously guaranteed funds overnight.<sup>4</sup> Among the cuts were student services, Medicaid services, and a loss of \$2.4 million from a federal grant providing equipment for emergency first responders.<sup>5</sup>

The risk of relying on federal funds rather than managing services in-house has proven a problem in Florida several times, through education grants in particular. More than 330 federal grants were awarded to the Florida Department of Education (FLDOE) from 1991 to 2016. This makes the Florida DOE the third most federally-dependent state agency after the State Courts and Department of Children and Families. Most grants come from the U.S. DOE, unsurprisingly including grants tied to No Child Left Behind (NCLB), the American Recovery and Reinvestment Act (ARRA), and Title 1 of the Elementary and Secondary Education Act, among many others.

### **NCLB** and Title 1 Grants

Below is a list of several NCLB grants given to the Florida DOE, each covering a period of two years. They are listed here by grant ID: 1184A, 1185B, 1186B, 1187B.

## NCLB Grants Given to FLDOE Since 2013

Year	Original Grant Amount	Actual Award
2013-2015 <sup>6</sup>	\$12,295,753	\$5,916,505
2014-2016 <sup>7</sup>	\$12,847,921	\$8,452,932
2015-2017 <sup>8</sup>	\$11,624,977	\$7,869,945
2016-20189	\$11,662,513	N/A

The disparity of actual awards and original grant amounts is staggering. Trying to accurately plan for costs becomes immensely difficult without predictable revenues, and this puts states at risk of over-spending. These individual grants are a small part of the almost \$11 billion that comprises over half the FLDOE budget. In Importantly, each grant that makes up that

\$11 billion carries stipulations for how it must be spent, either on professional development, teacher training, technology purchases, etc. There is no wiggle-room for schools when they have to meet all the demands of these grants before they can consider what is best for their students.

Six years after the start of NCLB, there was a funding crisis that jeopardized every state. The federal funds that had covered the costs of implementing standardized testing and reporting were suddenly gone. A local Florida superintendent, Sue Summers, had this to say in 2011, "If they cut \$100,000 from my budget, I'll have to cut something big. I won't be able to open schools. I won't be able to provide transportation, or I won't be able to provide lunches."

There are two strategies at play here. The first is called "seed" money, wherein the federal government gives states just enough starter money to get the program upand-running. After the infrastructure to get the federal grant is already established it is hard to cut back, no one wants to have to cut jobs and services, but the long-term funding to support that infrastructure is not guaranteed. Second, when the funds are gone, the first services cut are highly visible, increasing sympathy and encouraging immediate, and often drastic, action to restore funding, often by sacrificing less visible funds.

Seed money is only the tip of the iceberg of federal grants. Maintenance of effort (MOE) requirements are common stipulations for grants and are included so that the federal government can be sure the state is committed to providing a service and thereby committed to continuing to spend for the program after initial grant funds are gone.

For education grants like the ones above, that means that a state must maintain 90 percent of funding per student year to year or federal funds are reduced by an equivalent amount.<sup>12</sup> For example, if there is an overall decrease of \$100,000, equaling more than a 10 percent reduction, the next year the federal government would reduce their match by the same amount equaling a total reduction of \$200,000.

MOE requirements mean states are forced to commit to levels of spending in future years without knowledge of needs or budget in those years. Additionally, in the event that states spend less in a given year because federal funds were not available, matching funds could be reduced for years to come.

Grant requirements such as these also hurt existing state efforts to provide quality education. Before NCLB,

Florida was already testing strategies to increase public and private school-choice options, improve learning in core subjects, and hire and retain effective school teachers, but all were eliminated by 2002 in favor of federal plans to improve education.<sup>13</sup> This has happened several times in the past, federal funds are pushed onto the states, those states are obligated to commit matching funds, and other programs are ended to compensate for the lack of budget. States lost control of their education policy and options were reduced because the federal government claimed to know the needs of a particular state better than that state's leadership.

Standardized one-size-fits-all education policy limits options for states and for students. There may be some strategies hidden in federal mandates that would work for Florida, but without flexibility to test those strategies and take advantage of existing initiatives, the benefits of those strategies get lost in the rat race of bureaucratic compliance. State-controlled education that is free from federal funds provides the opportunity for more choice and more accountability for students and their parents. Shouldn't education answer to those that use it?

### **Hidden Costs**

One of the biggest challenges with federal funds is estimating their actual cost. The incentive of a short-term injection of funds may make it easier to provide services in a given year, but like the classic white elephant, the future costs of stipulations may outweigh the benefits.

For education, this might mean employing a certain number of teacher assistants to boost job numbers, or for infrastructure, producing a certain amount of energy-using alternative resources to comply with national or global environmental goals. The long-term costs of maintaining those kinds of projects can often be more expensive than the original amount of federal funding promised. Building more classrooms to put teachers in, or building utility lines for new plants are long-term costs that are often unaccounted for. It is estimated that every federal grant dollar spent in the states leads to a 40 cent tax increase to account for on-going costs.<sup>14</sup>

There are two evident instances of hidden costs putting a significant burden on Florida. First, when construction standards were changed for veterans' nursing homes, the cost of operating these nursing homes went up. The second case involves three environmental protection grants where long-term costs outweighed the initial benefits of federal funds.

## *Veterans' Nursing Homes Grants*

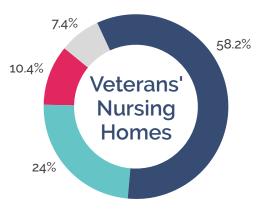
Providing for the common defense is an enumerated duty of the federal government, which includes the responsibility of caring for veterans that have sacrificed to provide that defense. The duty to provide for veterans is not up for debate, but how to serve them is. Florida has the third-largest veteran population in the nation, 1.6 million, 800,000 of which are age 65 or older. This amounts to 8.5 percent of the total elderly veteran population in America, illustrating that Florida bears a disproportionate amount of costs when compared to other states.

Perhaps it is understandable that with such a large portion of senior veterans, Florida has fallen into a reliance on the federal government to share costs. The result has been poor service, inadequate funding, and over-budget projects. An in-state solution using only state money might have escaped the costs of federal compliance and resulted in better service.

Florida's existing six veterans' nursing homes are all operating at or above 99 percent capacity. Each has 120 beds for a total of 720, or one bed per 1,000 plus veterans. Rather than change direction, Florida has opted to build another facility with federal grants. To

Two federal grants were applied for and accepted, one for \$1.3 million<sup>18</sup> and another for \$1.8 million<sup>19</sup> for a total of \$3.1 million. As it stands, the veterans' homes are being funded by the state with only 35 percent state matching funds to 65 percent federal funds. Even with most funds coming from the federal government, it is projected that the matching requirements will deplete Florida's trust funds for veterans' affairs, requiring general fund appropriations of \$1.4 million<sup>20</sup> for FY 2015-16 alone.

Quality care for Florida's veterans should be a top priority. However, already the new nursing home in St. Lucie has doubled in cost due to quietly-announced new building standards, halting construction that was already delayed through 2018.<sup>21</sup> Evidently, the homes are not a high priority for the federal government. Funding priorities of the U. S. Department of Veterans Affairs (VA) are released every year. Over the last three years, federal grants for new construction in Florida have gone up<sup>22</sup> and down<sup>23</sup> every year, only reaching priority number 10 last year.<sup>24</sup> The federal VA prioritizes much smaller safety measures like security cameras to existing nursing homes in other states, ignoring the desperate need for more bed space in Florida. Florida cannot accept that lack of priority.



- General Revenue
- Operations & Maintenance Trust Fund
- Federal Grants Trust Fund
- State Homes Veterans Trust Fund

Florida's public officials cannot blame the federal government for not prioritizing the state's needs when they themselves have been the ones to continuously rely on federal grants without maintaining state funds. More bed spaces are needed, but federal mandates on construction were not. The federal grants applied for could only be used to cover initial construction costs, which are projected to increase as much as 16 times next year, and exclude land acquisition costs. The funds cannot be used for inevitable maintenance costs and actual service costs which are likely to dwarf the cost of initial construction.

What does it say to Florida citizens that such vital services are left to chance in the budget process? Closed doors and long lines are no way to thank veterans that have placed their lives on the line and prioritized their nation ahead of themselves. Legislators should demand accountability in the budget process, making sure that trust funds and rainy-day funds are adequately financed before reaching out for more federal money and making unsecured investments with taxpayer funds. After all they've done for us, we owe it to our veterans to ensure they get access to consistent and quality care in their golden years.

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## Environmental Protection and Conservation Grants

Grants to Florida's Department of Environmental Protection (DEP) and Fish and Wildlife Commission are not as large and cumbersome as education grant leviathans, but they also come with stipulations that add up. Most grants are seemingly innocuous amounts of money (under \$1 million), but this makes them prime targets for unaccountable spending because they do not typically receive the same degree of scrutiny and media coverage as other grants.

#### 1. Florida Coastal Zone Management Grant<sup>26</sup>

This grant of \$1.4 million had 17 amendments in three years, 10 of which changed the scope of the grant including a final transfer of funds to another grant altogether. That grant could not be found, but the grant entry in Florida's Contract Accountability Tracking System does include documentation on each amendment, making it impossible to account for use of those funds, or the ongoing costs.

#### 2. Landowner Incentive Program<sup>27</sup>

The incentives encourage changes to private land use that protect and restore habitats of at-risk species. These changes could include closing grazing pastures<sup>28</sup> and prescribed fires.<sup>29</sup> While it is encouraging that local studies are included based on the individual property, it is problematic that the federal government tries to command use of private property. Without local control of land access, Florida will continue to lose ground, literally and figuratively.

#### 3. Capitalization Grant for Clean Water<sup>30</sup>

In a totally different type of scheme, the U.S. EPA is willing to give Florida's DEP approximately \$47 million annually from taxpayer funds that may then be loaned back to individual communities and state agencies. In essence, the federal EPA takes taxpayer money and offers it back to the same taxpayers with interest as a loan while dictating how it must be spent. As it turns out, the merry-go-round of federal funds doesn't have to end when the states accept grants, it can continue on down the line as long as states let it happen. Without usable land, manufacturing and agricultural production could be reduced, representing an important opportunity cost.

## **Transparency**

In 2015, Florida accepted the challenge to shine a light on the volume of federal grants the state accepts. Two systems, the Federal Grants Tracking System (FGTS) and the Florida Contract Accountability Tracking System (FCATS) were established through Florida Statutes 216.103 and 216.212. FGTS is the clearinghouse that all agencies use to report their grant applications and awards, while FCATS is the publicly-available database of the results.

## Federal Grants Tracking System (FGTS)

Collecting data is tedious and sometimes painstaking work. If done incorrectly, information collected may not be useful and resources will have been wasted. Resources can be easily wasted if agencies are asked to report either too little or too much data. Florida has asked every agency to designate an individual with direct reporting authority to be responsible for reporting information to the intra-governmental database. That individual is given secure access to the clearinghouse to input data directly. The database is overseen by the Executive Office of the Governor (EOG) with reports available only to the Governor's Office of Policy and Budget, the House, and Senate.

#### Details reported to the clearinghouse on each grant:

- Agency and Policy Area
- Catalog of Federal Domestic Assistance Number<sup>31</sup>
- Total Grant Award Amount
- Beginning and Ending Date of Award
- EOG Tracking Number
- Description of Program
- Impact of Non-approval of Cessation
- Federal Funding Type (Mandatory/Discretionary)
- Payment Period
- Supporting Documents
- Appropriations Information
  - Budget entity, appropriation category, matching fund appropriation, budget amendment log number
- Positions (Full-Time Employees/Other Personnel Services)

Importantly, Florida has not forgotten that reporting compliance requires diverting agency resources from other responsibilities. To make adoption easier, the Executive Office of the Governor has provided training manuals and videos that allow reporting agents to easily learn how to fulfill their responsibilities without traveling to workshops or otherwise consuming agency resources. There is even a direct contact available for hands-on training and troubleshooting.

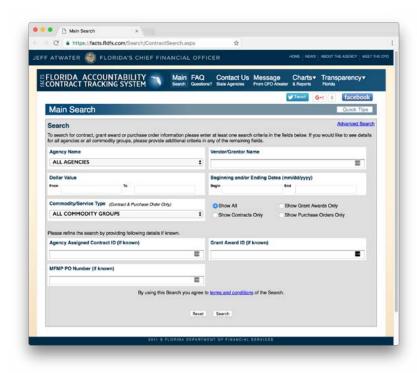
## Florida Contract Accountability Tracking System (FCATS)

While the FGTS is an internal system, the FCATS is the public counterpart showing the results of agency reporting. It is available through Florida's Chief Financial Officer's website.<sup>32</sup> Most of the same details in the FGTS are made public and easily searchable by department, date, vendor, grant ID and more.

The results of a search are rich with details, including specific payments made under a grant (with associated document numbers) along with Catalog of Federal Domestic Assistance (CFDA) numbers to fact-check what strings are attached to grants, amendments, and supporting documents. While some grants have more detailed information than others, it shows a great advance that there is space for all information to be publicly available.

Information from agencies, if needed, by providing clear direction and ensuring that information is already collected. Without this second database, Florida's efforts would not be truly transparent. The budget process would be more balanced, but money would still be spent under citizens' noses without oversight.

These two tools are good examples for other states because they have focused on accessibility for both those that report to the database and those that search it. Both are necessary for accountability and transparency. Citizens and watchdog groups must have access to grant information in order to hold public officials accountable. Different branches must be able to keep each other in check, with the House and Senate able to see what funds agencies are requesting and intervene if necessary.



## Statewide Cost Allocation Plan (SCAP)

Accountability cannot be achieved through transparency measures alone. For the legislature to check the power of other agencies, federal funds need to be made part of the budget process. On this count, Florida has been a leader by taking small steps to internalize the costs of federal grants through the Statewide Cost Allocation Plan (SCAP). The reports ask agencies to show that they have considered the impacts of funds being cut, have taken efforts to internalize compliance and maintenance costs, and that they are using funds for appropriate services. It is often too easy for the legislature to approve a grant initially and then fail to follow up on how that money is being spent.

SCAP helps with initial accountability by asking agencies applying for federal grants to detail a prorated share of costs to implement the grant.<sup>33</sup> Later, if the grant is approved and accepted into the budget, the applying agency shall make a deposit into the general revenue fund equal to the shared cost of implementation so that the state is refunded for costs encountered to pursue the grant.<sup>34</sup> Even so, it is often impossible for agencies to accurately state the costs they will incur because explicit requirements of grants change over time, and implicit costs are difficult to account for.

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## Priority Listings of Budget Issues for Possible Reduction

To follow up internalized costs, Florida agencies are also asked to internalize the risk of reduced matching funds. Priority listings<sup>35</sup> are ordered by program with the appropriated amounts from all state sources, and ranked so that if budgets tighten, agencies would know beforehand what services would be cut. Consequently, the legislature may review the possible reductions and priorities to be included in that year's general appropriations. This allows agencies to plan ahead, so that critical services such as school lunches are not used in emotional "Washington Monument" style cuts in order to get more funds for particular agencies during a budget crisis.

Unfortunately, these priority listings do not allow the legislature to actively provide recommendations or formal feedback to the agencies; only passively reject what they do not like from agency proposals. The tool does at least show that the Sunshine State is attempting to provide information and maintain oversight.

## **Budget Stabilization Fund**

In the name of saving for a rainy day, Florida has established a Budget Stabilization Fund, which functions like a direct deposit for state savings. At least 5 percent, but no more than 10 percent, of net revenues for the state are put away each year. Withdrawals from this fund must be accompanied with a restoration plan to protect the fund from depletion. Many states have similar accounts, but these trust funds are segregated from general funds, thus they escape legislative oversight.

Due to this lack of oversight, the proactive caution of automatic saving is not used for all trust funds and expenditure accounts. As in Florida's VA trust fund case, accounts are often drained without replenishing funds. The next step toward financial accountability should include trust funds in legislative oversight and encourage the use of automatic savings to plan for future reductions in federal funds.

## Policy Recommendations – Florida's Next Steps

While Florida has been a leader in small steps, there is still far to go. Recommendations to provide transparency have already been implemented, but seeing federal funds is only the first step to being financially ready. The next step is ensuring that the legislature is able to act to prevent costly grants from being accepted.

## Financial Ready 2.0

The next steps will require Florida to defend its balanced budget by challenging the notion that federal money is free. The costs of accepting grants must continue to be internalized to agencies so that cases like the VA nursing home construction, Title 1, NCLB, and EPA grants do not occur again. Matching funds represent a demand on local budgets that must be picked up by the legislature if state agencies fail to budget adequately.

As it stands, Florida would need another \$1 billion on hand to fulfill its budgetary duties if another deep recession hits.<sup>37</sup> State agencies still have broad authority to apply for federal money, only reporting to the Governor's office that they have applied and accepted a grant, without any direct oversight from the legislature. It is not enough to rubber stamp acceptance of every grant that agencies apply for. Ideas without teeth do not defend against federal overreach, which has proven to slow progress and implement one-size-fits-all mandates that do little to provide individualized services to those that are in need. Florida's next actions must include efforts to:

- 1. Identify federal funds at the local level that bypass legislative oversight.
- 2. Create a watch list of maintenance of effort (MOE) requirements to identify future funding mandates.
- 3. Identify unnecessary grants and those grants that deviate from state authority and legislative priorities.
- 4. Restrain ability for state agencies to apply for federal grants unchallenged. Avoid rubber-stamping grants.
- 5. Integrate federal money into the budget through committee and budget processes.
- 6. Make grant amendments transparent to avoid "moving target" grant requirements.

### Conclusion

The bounding strides toward fiscal federalism that Florida has already taken give the state a lot of momentum to make even more improvements. However, without legislative action that momentum will be lost.

There must be a continued conversation on what the numbers from the Federal Grants Tracking System mean about unexpected costs and commitments from federal grants. The Statewide Cost Allocation Plan must be expanded to include changes to grants, to avoid chasing a moving target as grants are amended, more are applied for, and the strings attached become more and more entangled. The example set by the Budget Stabilization Fund must be extended to other funds, to avoid cases like the State Homes for Veterans Trust Fund being depleted to meet matching costs of federal grants.

Grants still represent "leveraged" federal money with commitments that can harm state budgets. States can even be blackmailed into accepting funds if other grants, like those for transportation and education, are held hostage in exchange for accepting another federal policy.

Individuals and families take action to keep their finances independent, and to put away savings for a rainy day. Is it too much to ask the state – and your elected officials – to prioritize the long-term costs of federal money when choosing whether to go after federal grants?

With more transparency and procedural accountability, Florida can better balance its budgets in the event that federal money goes away. No state should be at risk of fiscal insolvency for the sake of taking easy money. To avoid more grant horror stories like the ones shown here, the Florida Legislature needs to explore recommendations and take action to make Florida Financial Ready.

#### What Florida has done well:

- Made reporting of federal money adoptable and accessible to both agencies and watchdogs.
- Made agencies prioritize spending issues to prepare for cuts in available funding.
- Detailed grant reports to include Catalog of Federal Financial Aid numbers, matching requirements, and maintenance of effort stipulations.
- Made the Office of the Governor and Legislature aware when agencies apply for grants.

#### Issues to be addressed:

- Require reporting from small local agencies that may apply to funds directly and bypass the legislative budget process.
- Priority Listings of Budget Issues for Possible Reduction should actively allow the legislature to provide recommendations to check agency budgets and spending.
- Trust funds must be adequately replenished, not depleted to meet matching and MOE requirements.
- Avoid "rubber stamping" grants by approving appropriations for any grant. Grants should be continuously monitored for mission creep and cost increases.
- Make sure the amount of federal dollars being spent each year is listed in the state budget so lawmakers, even those not on the appropriations committees; can see what impact federal dollars are having on Florida's overall state budget.

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