

# CHAPTER 97-259

## House Bill No. 1835

An act relating to general government; amending s. 372.672, F.S.; clarifying uses of funds in the Florida Panther Research and Management Trust Fund; amending s. 376.11, F.S.; clarifying uses of funds in the Florida Coastal Protection Trust Fund; amending s. 253.783, F.S.; eliminating a provision prohibiting use of general revenue funds to repay interest owed to counties of the Cross Florida Barge Canal Navigation District; amending s. 61.1812, F.S.; revising funding and uses of the Child Support Incentive Trust Fund; amending s. 215.3206, F.S.; prohibiting encumbrance of funds in a terminated trust fund; authorizing the Department of Environmental Protection to loan the South Florida Water Management District a specified amount from the Water Management Lands Trust Fund upon certain conditions; providing guidelines for expenditure of citizenship outreach grant program funds; included in the Governor's recommended budget; amending s. 216.292, F.S.; repealing a limitation on transfer of moneys to or from performance-based programs; authorizing funds for the Uniform Traffic Citation Program; providing funds for a Legal Immigrant's Temporary Income Bridge Program, to be administered by the Department of Children and Family Services; providing for eligibility, restrictions, and priorities; providing guidelines for administrative charges; providing conditions under which the funds shall not be expended; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 372.672, Florida Statutes, is amended to read:

372.672 Florida Panther Research and Management Trust Fund.—

(2) Money from the fund shall be spent only for the following purposes:

(a) To manage and protect existing Florida panther populations by increasing panther food sources where food is a limiting factor, determining conflicts between public use and panther survival, ~~and maintaining sufficient genetic variability in existing populations, and undertaking management and enforcement activities that protect panther habitat.~~

Section 2. Paragraph (j) is added to subsection (4) of section 376.11, Florida Statutes, 1996 Supplement, to read:

376.11 Florida Coastal Protection Trust Fund.—

(4) Moneys in the Florida Coastal Protection Trust Fund shall be disbursed for the following purposes and no others:

(j) Funding for marine law enforcement.

Section 3. Paragraph (e) of subsection (2) of section 253.783, Florida Statutes, is amended to read:

253.783 Additional powers and duties of the department; disposition of surplus lands; payments to counties.—

(2) It is declared to be in the public interest that the department shall do and is hereby authorized to do any and all things and incur and pay from the Cross Florida Barge Canal Trust Fund, for the public purposes described herein, any and all expenses necessary, convenient, and proper to:

(e) Refund to the counties of the Cross Florida Canal Navigation District moneys pursuant to this paragraph from the funds remaining in the Cross Florida Barge Canal Trust Fund from the funds derived from the conveyance of lands of the project to the Federal Government or any agency thereof, pursuant to s. 253.781, and from the sales of surplus lands pursuant to this section. Following federal deauthorization of the project, such refunds shall consist of the \$9,340,720 principal in ad valorem taxes contributed by the counties and the interest which had accrued on that amount from the time of payment to June 30, 1985. In no event shall the counties be paid less than the aggregate sum of \$32 million in cash or the appraised values of the surplus lands. Such refunds shall be in proportion to the ad valorem tax share paid to the Cross Florida Canal Navigation District by the respective counties. Should the remaining funds in the Cross Florida Barge Canal Trust Fund and the funds derived from the conveyance of lands of the project to the Federal Government for payment or from the sale of surplus land be inadequate to pay the total of the principal plus interest, first priority shall be given to repaying the principal and second priority shall be given to repaying the interest. Interest to be refunded to the counties shall be compounded annually at the following rates: 1937-1950, 4 percent; 1951-1960, 5 percent; 1961-1970, 6 percent; 1971-1975, 7 percent; 1976-June 30, 1985, 8 percent. In computing interest, amounts already repaid to the counties shall not be subject to further assessments of interest. Any partial repayments provided to the counties under this act shall be considered as contributing to the total repayment owed to the counties. Should the funds generated by conveyance to the Federal Government and sales of surplus lands be more than sufficient to repay said counties in accordance with this section, such excess funds may be used for the maintenance of the greenways corridor. ~~In no case shall general revenue funds be used to repay interest owed to the counties.~~

Section 4. Subsection (1) of section 61.1812, Florida Statutes, is amended to read:

61.1812 Child Support Incentive Trust Fund.—

(1) The Child Support Incentive Trust Fund is hereby created, to be administered by the Department of Revenue. All child support enforcement incentive earnings and that portion of the state share of Title IV-A public assistance collections recovered in fiscal year 1996-1997 by the Title IV-D program of the department which is in excess of the amount estimated by

the February 1997 Social Services Estimating Conference to be recovered in fiscal year 1996-1997 shall be credited to the trust fund, and no other receipts, except interest earnings, shall be credited thereto. For fiscal years beginning with 1997-1998, in addition to incentive earnings and interest earnings, that portion of the state share of Title IV-A public assistance collections recovered in each fiscal year by the Title IV-D program of the department which is in excess of the amount estimated by the February 1997 Social Services Estimating Conference to be recovered in fiscal year 1997-1998 shall be credited to the trust fund. The purpose of the trust fund is to account for federal incentive payments to the state for child support enforcement and to support the activities of the child support enforcement program under Title IV-D of the Social Security Act. The department shall invest the money in the trust fund pursuant to ss. 215.44-215.52, and retain all interest earnings in the trust fund. The department shall separately account for receipts credited to the trust fund. When all general revenue appropriations for the Child Support Enforcement Program have been shifted to the trust fund, then annually thereafter, on June 30, if revenues deposited into the trust fund, including federal child support incentive earnings, have exceeded state expenditures for the child support enforcement program administered by the department for the prior 12-month period, the revenues in excess of cash flow needs are transferred to the General Revenue Fund.

Section 5. Subsection (2) of section 215.3206, Florida Statutes, is amended to read:

215.3206 Trust funds; termination or re-creation.—

(2) If the trust fund is terminated and not immediately re-created, all cash balances and income of the trust fund shall be deposited into the General Revenue Fund. The agency or Chief Justice shall pay any outstanding debts of the trust fund as soon as practicable, and the Comptroller shall close out and remove the trust fund from the various state accounting systems, using generally accepted accounting practices concerning warrants outstanding, assets, and liabilities. No appropriation or budget amendment shall be construed to authorize any encumbrance of funds from a trust fund after the date on which the trust fund is terminated or is judicially determined to be invalid.

Section 6. The Department of Environmental Protection is authorized to loan the South Florida Water Management District up to \$23.9 million from the Water Management Lands Trust Fund, contingent on execution of an agreement among the Department of Environmental Protection, the South Florida Water Management District, and the United States Army Corps of Engineers. These funds shall be used by the district for the Everglades Construction Project; however, none of these funds shall be expended on STA-1-E. The South Florida Water Management District will pursue receiving federal funds by the end of FY 1999 for the purpose of reimbursing the Water Management Lands Trust Fund. If this deadline is not met, the district would be required to repay half of any outstanding balance by December 31, 1999, with the remaining amount to be paid by December 31, 2002.

Section 7. Notwithstanding the proviso language following Specific Appropriation 1499B of the 1997-1998 General Appropriations Act, funds provided in that specific appropriation shall be expended according to the following guidelines:

(1) The Department of State shall provide grants to community-based organizations, school districts, and local governments to provide outreach and assistance to legally immigrated permanent residents seeking citizenship or an exemption thereto.

(2) The program shall be designed to provide services to legal immigrants, 65 years of age or older, who are residents of this state and who under the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 have become ineligible for federal benefits.

(3) No community-based organization shall be reimbursed for any costs that exceed \$10 per case (except those application fees required by the U.S. Immigration and Naturalization Service to process such applications). No community-based organization or local governmental entity shall receive more than \$250,000 from the Department of State under this program, except any school district offering citizenship educational classes to legal immigrants.

(4) Specific Appropriation 1499B includes funds for reimbursing any county for auditable and documented direct cash expenditures incurred prior to May 2, 1997, while implementing the Immigration Reform Project. A maximum of \$500,000 is appropriated in Specific Appropriation 1499B for this purpose. If auditable and documented direct cash expenditures for all counties exceed \$500,000, these funds shall be reimbursed to the counties on a prorated basis.

Section 8. Subsection (2) of section 216.292, Florida Statutes, 1996 Supplement, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(2) A lump sum appropriated for a performance-based program must be distributed by the Governor for state agencies or the Chief Justice for the judicial branch into the traditional expenditure categories in accordance with s. 216.181(4)(b). At any time during the year, the agency head or Chief Justice may transfer funds between those categories with no limit on the amount of the transfer. ~~However, no transfer from any other budget entity may be made into the performance-based program, nor may any funds be transferred from the performance-based program to another budget entity, except pursuant to s. 216.177.~~ Authorized revisions of the original approved operating budget, together with related changes, if any, must be transmitted by the state agency or by the judicial branch to the Comptroller for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such revisions shall be furnished, within 7 working days, to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative appropriations committees, the Office of Program Policy Analysis and Government Accountability, and the Auditor General. Such authorized revisions shall be

consistent with the intent of the approved operating budget, shall be consistent with legislative policy and intent, and shall not conflict with specific spending policies specified in the General Appropriations Act. Additionally, subsection (3) shall not apply to programs operating under program-performance based budgets.

Section 9. The Executive Office of the Governor is authorized to increase the 1997-1998 Approved Operating Budget of the Department of Highway Safety and Motor Vehicles \$1,500,000 from the Highway Safety Operating Trust Fund, effective July 1, 1997, to continue the implementation of the Uniform Traffic Citation program.

Section 10. Notwithstanding the proviso language following Specific Appropriation 1499A of the 1997-1998 General Appropriations Act, funds are provided to establish and implement a Legal Immigrant's Temporary Income Bridge Program. The program shall be administered by the Department of Children and Family Services. The program will provide temporary income assistance to legal immigrants who will lose their benefits while they are awaiting completion of the citizenship process; or an exemption thereto. All relevant state agencies are instructed to cooperate with the Department of Children and Family Services to implement this program.

(1) The program shall be designed to provide temporary income assistance to legal immigrants, 65 years of age or older, who were residents of the State of Florida prior to February 1, 1997; who, after August 1, 1997, under the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, have become ineligible for federal benefits, specifically Supplemental Security Income (SSI) and/or food stamp benefits; who will be screened to verify that there exists no other sustainable means of support or assistance to make up for these lost benefits; and who can demonstrate that they are engaged in the process of becoming United States citizens or are seeking an exemption thereto. The total amount of temporary income assistance provided to an individual shall not exceed the Supplemental Security Income (SSI) and/or food stamps benefits for which they have become ineligible. The department shall give priority to dually eligible persons, disabled persons, and persons who as a direct result of losing their federal benefits may lose their housing, including long-term-care facilities.

(2) The Department of Children and Family Services' total administrative charges for this program shall not exceed 1 percent of the funds provided. Total administrative charges for contracted service providers for this program shall not exceed 3 percent of the funds provided in each service contract.

(3) If the United States Congress acts to extend the implementation date of portions of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which apply to noncitizens in order to allow states to prepare for said Act, no funds provided in this specific appropriation will be expended.

Section 11. This act shall take effect July 1, 1997.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.