

House Bill No. 29-E

An act implementing the 2002-2003 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2002-2003 fiscal year; amending s. 229.085, F.S.; exempting personnel employed to plan and administer grants or contracts for specific educational projects from requirements for positions in excess of those authorized; amending s. 236.7011, F.S.; deferring application of a restriction on the expenditure of funds received from the indirect cost allowance on federal grants; providing limitation on state appropriations for Knott Data Center and Projects, Contracts, and Grants Programs; amending s. 240.4015, F.S.; extending the time initial award recipients have to complete certain examinations under the Florida Bright Futures Scholarship Testing Program; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; amending s. 230.23024, F.S.; providing for Land Acquisition and Facilities Maintenance Operations Advisory Boards to assist district school boards with deficiencies related to growth in student population; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 401.113, F.S.; providing that moneys in the Emergency Medical Services Trust Fund may also be used for the purpose of funding the rural hospital capital improvement grant program; amending s. 295.182, F.S.; authorizing contributions to the Florida World War II Veterans Memorial Matching Trust Fund from public bodies; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 381.0066, F.S.; continuing the additional fee on new construction permits for onsite sewage treatment and disposal systems the proceeds of which are used for system research, demonstration, and training projects; amending s. 409.1671, F.S.; authorizing the Department of Children and Family Services to combine current community-based care lead agency contracts for Sarasota, Manatee, and DeSoto Counties into a single contract; amending s. 385.207, F.S.; authorizing appropriation of funds in the Epilepsy Services Trust Fund for epilepsy case management services; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or

operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 860.158, F.S.; providing directives for the use of moneys in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 985.4075, F.S.; prohibiting the use of juvenile justice appropriations made for operations as one-time startup funding for fixed capital outlay; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 932.7055, F.S.; allowing municipal special law enforcement trust funds to be used to reimburse certain loans from municipalities; amending s. 375.041, F.S.; providing for use of moneys allocated to the Land Acquisition Trust Fund as provided in the General Appropriations Act; amending s. 259.032, F.S.; providing for additional uses of funds of the Conservation and Recreation Lands Trust Fund; amending s. 215.555, F.S.; providing for disbursement of certain funds in the Florida Hurricane Catastrophe Fund to the Ecosystem Management and Restoration Trust Fund; amending s. 581.184, F.S.; requiring notice to the property owner of the removal of infected citrus trees or citrus trees exposed to infection; amending s. 581.1845, F.S.; revising eligibility for compensation of homeowners under the citrus canker eradication program; prescribing the amount of compensation for trees taken in the citrus canker eradication program; amending s. 373.470, F.S.; removing a requirement to deposit certain funds into the Save Our Everglades Trust Fund; amending s. 403.7095, F.S.; prescribing conditions on solid waste management and recycling grants; amending s. 215.981, F.S.; exempting certain citizen support organizations for the Department of Environmental Protection from the requirement to have an independent audit; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 403.1838, F.S.; authorizing waiver of certain reserve requirements for state grants to small communities for construction of wastewater facilities; amending s. 550.09515, F.S.; exempting thoroughbred permitholders from certain tax requirements; amending s. 550.5251, F.S.; exempting thoroughbred permitholders from certain performance requirements; amending s. 110.116, F.S.; authorizing the Department of Management Services to contract with a vendor to provide a personnel information system; amending s. 110.152, F.S.; authorizing the Department of Management Services to make lump-sum payments for adoption benefits for state employees; amending s. 110.2035, F.S.; revising provisions governing the classification and compensation program for state employees; requiring the Department of Management Services to adopt rules, including emergency rules, necessary to implement such program; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the

funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 121.71, F.S.; providing for recognition and usage of current available excess assets of the Florida Retirement System Trust Fund to offset employer contribution rates for the Florida Retirement System; amending s. 489.118, F.S.; providing for issuance of certification to certain applicant contractors upon successful completion of an oral examination; authorizing the Department of Business and Professional Regulation to transfer positions and resources to begin implementation of certain reengineering issues; providing for retention of knowledge experts within the Division of Florida Land Sales, Condominiums, and Mobile Homes and the Division of Alcoholic Beverages and Tobacco; revising a trust fund assessment methodology applicable to those divisions; providing for maintenance of sanitation and safety inspectors in the field offices; providing for roles and responsibilities of the Division of Hotels and Restaurants and the compliance entity; delineating the authority to submit certain legislative acts for preclearance under the federal Voting Rights Act; authorizing the payment of certain executive activities from legislative appropriations; providing for retroactive application; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund, including use of certain funds as state match for federally approved Hazard Mitigation Grant Program projects; amending s. 288.063, F.S.; providing that certain transportation projects may be designated and funded by the Legislature as necessary for economic development; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 125.35, F.S.; authorizing counties to lease certain property in empowerment zones for certain public purposes; amending s. 338.2216, F.S.; providing that certain positions under the Florida Turnpike Enterprise remain in the career service; amending s. 339.12, F.S.; deferring application of a provision granting preference to certain counties for transportation grants under specified circumstances; amending s. 411.01, F.S.; providing priority for placement of children in the school readiness program; amending s. 215.20, F.S.; appropriating the service charges on certain income and trust funds to the General Revenue Fund; amending s. 215.22, F.S.; exempting certain income and trust funds from such appropriation; amending s. 18.10, F.S.; appropriating certain investment earnings to the General Revenue Fund; amending s. 18.125, F.S.; revising investment requirements for certain trust funds; amending ss. 14.2015, 240.4075, 385.207, 860.158, and 938.01, F.S., to conform; prohibiting expenditure of certain state funds for advertising in support of or in opposition to any candidate or ballot issue and providing for enforcement and penalties; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations

made in the 2002-2003 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing effective dates.

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

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 2002-2003.

Section 2. In order to implement Specific Appropriations 7C-7H, 11A, and 166S-181A and Section 9 of the 2002-2003 General Appropriations Act:

(1) Universities in the State University System shall utilize the state accounting system (FLAIR) for fiscal year 2002-2003 but are not required to provide funds to the Department of Banking and Finance for its utilization.

(2) Notwithstanding the provisions of ss. 216.181, 216.292, and 240.2094, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, funds appropriated or reappropriated to the state universities in the 2002-2003 General Appropriations Act, or any other act passed by the 2002 Legislature containing appropriations, shall be distributed to each university according to the 2002-2003 fiscal year operating budget approved by the university board of trustees. Each university board of trustees shall have authority to amend the operating budget as circumstances warrant. The operating budget may utilize traditional appropriation categories or it may consolidate the appropriations into a special category appropriation account. The Comptroller or Chief Financial Officer, upon the request of the university board of trustees, shall record by journal transfer the distribution of the appropriated funds and releases according to the approved operating budget to the appropriation accounts established for disbursement purposes for each university within the state accounting system (FLAIR).

(3) Notwithstanding the provisions of ss. 216.181, 216.292, 240.241, and 240.277, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, each university board of trustees shall include in an approved operating budget the revenue in trust funds supported by student and other fees as well as the trust funds within the Contract, Grants, and Donations, Auxiliary Enterprises, and Sponsored Research budget entities. The university board of trustees shall have the authority to amend the operating budget as circumstances warrant. The operating budget may utilize traditional appropriation categories or it may consolidate the trust fund spending authority into a special category appropriation account. The Comptroller or Chief Financial Officer, upon the request of the university board of trustees, shall record the distribution of the trust fund spending authority and releases according to the approved operating budget to the appropriation accounts established for disbursement purposes for each university within the state accounting system (FLAIR).

(4) This section expires July 1, 2003.

Section 3. In order to implement Specific Appropriations 71-166R of the 2002-2003 General Appropriations Act, subsection (2) of section 229.085, Florida Statutes, as amended by section 31 of chapter 2001-170, Laws of Florida, is amended to read:

229.085 Custody of educational funds.—

(2)(a) There is created in the Department of Education the Projects, Contracts, and Grants Trust Fund. The personnel employed to plan and administer grants or contracts for specific projects shall be considered in time-limited employment not to exceed the duration of the grant or until completion of the project, whichever first occurs. Such employees shall not acquire retention rights under the Career Service System. Any employee holding permanent career service status in a Department of Education position who is appointed to a position under the Projects, Contracts, and Grants Trust Fund shall retain such permanent status in the career service position.

(b) If, in executing the terms of such grants or contracts for specific projects, the employment of personnel shall be required, such personnel shall not be subject to the requirements of s. 216.262(1)(a). This paragraph expires July 1, 2003.

Section 4. In order to implement Specific Appropriations 71-166R of the 2002-2003 General Appropriations Act, section 236.7011, Florida Statutes, is amended to read:

236.7011 Federal grants; maximization of indirect cost allowance.—The Department of Education shall maximize the available federal indirect cost allowed on all federal grants. Beginning with the ~~2003-2004~~ 2002-2003 fiscal year, none of the funds received from indirect cost allowance shall be expended by the department without specific appropriation by the Legislature. Funds received pursuant to s. 240.241 are specifically exempt from this provision.

Section 5. In order to implement Specific Appropriations 71-166R of the 2002-2003 General Appropriations Act:

(1) The Knott Data Center and Projects, Contracts, and Grants Programs under the management of the Department of Education are exempt from the requirements of s. 216.023, Florida Statutes. The Department of Education, in consultation with the legislative appropriations committees, shall approve an estimated level of expenditures, salary rates, and positions for the Knott Data Center and for Projects, Contracts, and Grants Programs. If such expenditures exceed the prior year level by more than 10 percent, the full membership of the legislative appropriations committees shall be notified of the increase.

(2) No new state appropriations shall be obligated as a source of matching funds for potential federal or private contracts or grants. Upon termination of any federal or private contracts or grants, the state shall not be obligated to provide continued funding for personnel or project costs related to such contracts or grants.

(3) This section expires July 1, 2003.

Section 6. In order to implement Specific Appropriation 7B of the 2002-2003 General Appropriations Act, subsection (3) of section 240.4015, Florida Statutes, is amended to read:

240.4015 Florida Bright Futures Scholarship Testing Program.—

(3)(a) Beginning with initial award recipients for the 2002-2003 academic year and continuing thereafter, students eligible for a Florida Academic Scholars award or a Florida Merit Scholars award who are admitted to and enroll in a community college or state university shall, prior to registering for courses that may be earned through a CLEP examination and no later than registration for their second term, complete at least five examinations from those specified in subsection (1) in the following areas: English; humanities; mathematics; natural sciences; and social sciences. Successful completion of dual enrollment courses, Advanced Placement examinations, and International Baccalaureate examinations taken prior to high school graduation satisfy this requirement. The Articulation Coordinating Committee shall identify the examinations that satisfy each component of this requirement.

(b) Notwithstanding the provisions of paragraph (a), and for the 2002-2003 fiscal year only, initial award recipients for the 2002-2003 academic year who are eligible for a Florida Academic Scholars award or a Florida Merit Scholars award and who are admitted to and enroll in a community college or state university shall, prior to registering for courses that may be earned through a CLEP examination and no later than the end of the 2002-2003 academic year, complete at least five examinations from those specified in subsection (1) in the following areas: English; humanities; mathematics; natural sciences; and social sciences. Successful completion of dual enrollment courses, Advanced Placement examinations, and International Baccalaureate examinations taken prior to high school graduation satisfy this requirement. The Articulation Coordinating Committee shall identify the examinations that satisfy each component of this requirement. This paragraph expires July 1, 2003.

Section 7. In order to implement Specific Appropriation 161 of the 2002-2003 General Appropriations Act, and notwithstanding s. 240.35(11)(c), Florida Statutes, or any other provision of law to the contrary, a minimum of 75 percent of the balance of the funds for new awards under that paragraph or its successor shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. This section expires July 1, 2003.

Section 8. In order to implement Specific Appropriations 13 and 14 of the 2002-2003 General Appropriations Act, section 230.23024, Florida Statutes, is amended to read:

230.23024 Land Acquisition and Facilities Maintenance Operations Advisory Board.—

(1) The Legislature recognizes that effective land acquisition and facilities maintenance operations are essential components of Florida district school boards' ability ~~to provide facilities~~ to accommodate the growing student population in the state. To support and assist the school districts, it is appropriate for the Legislature to make advisory resources available to aid districts in meeting those needs. For the purposes of this section, facilities maintenance operations include transportation and procurement.

(2) If the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA) or the Auditor General determines in a review or examination that significant deficiencies exist in a school district's land acquisition and facilities maintenance operational processes, he or she shall certify to the President of Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, and the Governor that the deficiency exists. The Legislative Budget Commission shall determine whether funds for the school district will be placed in reserve until the deficiencies are corrected.

(3) After receipt of that certification, the President of the Senate, the Speaker of the House of Representatives, and the Governor may name a Land Acquisition and Facilities Maintenance Operations Advisory Board for any district that has not previously had such a board and shall name or continue a Land Acquisition and Facilities Maintenance Operations Advisory Board to provide expert advice and assist in improving the district's land acquisition and facilities maintenance operational processes. Each Land Acquisition and Facilities Maintenance Operations Advisory Board shall consist of seven members and shall possess specific expertise needed to assist the school district in improving its deficient processes. The President of the Senate and the Speaker of the House of Representatives shall each appoint two members, and the Governor shall appoint three members of the advisory board. Membership of each advisory board may be different for each district. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in accordance with s. 112.061.

(4) Within 30 days of its formation, the Land Acquisition and Facilities Maintenance Operations Advisory Board shall convene in the district and make all reasonable efforts to help the district correct deficiencies noted in the examination or audit of the district. The district must cooperate with the advisory board and provide information as requested.

(5) Within 60 days of convening, the Land Acquisition and Facilities Maintenance Operations Advisory Board shall assess the district's progress and corrective actions and report to the Commissioner of Education. The advisory board's report must address the release of any funds placed in reserve by the Executive Office of the Governor. Any recommendation from the advisory board for the release of funds shall include a certification that policies established, procedures followed, and expenditures made by the school board related to site acquisition and facilities planning, ~~and~~ construction, and maintenance operations are consistent with recommendations of the Land Acquisition and Facilities Maintenance Operations Advisory Board and will accomplish corrective action and address recommendations made by the Office of Program Policy Analysis and Government Accountability and the Auditor General. If the advisory board does not recommend

release of the funds held in reserve, they shall provide additional assistance and submit a subsequent report 60 days after the previous report.

(6) Upon certification by the advisory board that corrective action has been taken, or June 30, 2003, whichever is later, each Land Acquisition and Facilities Maintenance Operations Advisory Board shall be disbanded.

Section 9. The amendment of section 230.23024, Florida Statutes, by this act shall expire on July 1, 2003, and the text of that section shall revert to that in existence on June 30, 2002, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 10. In order to implement Specific Appropriations 458-474 of the 2002-2003 General Appropriations Act, paragraph (b) of subsection (1) of section 430.204, Florida Statutes, is amended to read:

430.204 Community-care-for-the-elderly core services; departmental powers and duties.—

(1)

(b) For fiscal year 2002-2003 ~~2001-2002~~ only, ~~in each county having a population over 2 million~~, the department shall fund, through each area agency on aging in each county as defined in s. 125.011(1), more than one community care service system the primary purpose of which is the prevention of unnecessary institutionalization of functionally impaired elderly persons through the provision of community-based core services. This paragraph expires July 1, 2003 ~~2002~~.

Section 11. In order to implement Specific Appropriations 458-474 of the 2002-2003 General Appropriations Act, paragraph (b) of subsection (1) of section 430.205, Florida Statutes, is amended to read:

430.205 Community care service system.—

(1)

(b) For fiscal year 2002-2003 ~~2001-2002~~ only, ~~in each county having a population over 2 million~~, the department ~~shall fund~~, through the area agency on aging in each county as defined in s. 125.011(1), ~~shall fund in each planning and service area~~ more than one community care service system that provides case management and other in-home and community services as needed to help elderly persons maintain independence and prevent or delay more costly institutional care. This paragraph expires July 1, 2003 ~~2002~~.

Section 12. In order to implement Specific Appropriations 303-338 of the 2002-2003 General Appropriations Act, subsection (12) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(12) For the ~~2002-2003~~ ~~2001-2002~~ fiscal year only and notwithstanding the other provisions of this section, the Department of Children and Family Services may transfer funds within the family safety program identified in the General Appropriations Act from identical funding sources between the following appropriation categories without limitation as long as such a transfer does not result in an increase to the total recurring general revenue or trust fund cost of the agency in the subsequent fiscal year: adoption services and subsidy; family foster care; and emergency shelter care. Such transfers must be consistent with legislative policy and intent and must not adversely affect achievement of approved performance outcomes or outputs in the family safety program. Notice of proposed transfers under this authority must be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 5 working days before their implementation. This subsection expires July 1, ~~2003~~ ~~2002~~.

Section 13. In order to implement Specific Appropriation 644A of the 2002-2003 General Appropriations Act, subsection (4) of section 401.113, Florida Statutes, as created by section 6 of chapter 2001-380, Laws of Florida, is amended to read:

401.113 Department; powers and duties.—

(4) For the ~~2002-2003~~ ~~2001-2002~~ state fiscal year only, and notwithstanding the provisions of subsections (1) and (2), moneys in the Emergency Medical Services Trust Fund may also be used for the purpose of funding the rural hospital capital improvement grant program in accordance with the provisions of s. 395.6061. This subsection expires July 1, ~~2003~~ ~~2002~~.

Section 14. In order to implement Specific Appropriation 672 of the 2002-2003 General Appropriations Act, section 295.182, Florida Statutes, is amended to read:

295.182 Florida World War II Veterans Memorial Matching Trust Fund; contributions; use.—

(1) The Florida World War II Veterans Memorial Matching Trust Fund, if created by law, within the Department of Veterans' Affairs shall receive private contributions and matching state funds specifically appropriated by the Legislature for the purpose of matching private donations deposited into the trust fund to build a Florida World War II Veterans Memorial as provided by this act. The department is authorized to use moneys in the trust fund, if created by law, in a manner which will generate increased funding for the Florida World War II Veterans Memorial. Contributions to the Florida World War II Veterans Memorial Matching Trust Fund must be returned to those entities or individuals contributing to the trust fund if the Florida World War II Veterans Memorial is not constructed as provided for in s. 295.183.

(2) For the 2002-2003 fiscal year only, the department may receive contributions from public bodies as defined in s. 1.01(8). Public bodies are authorized to appropriate funds, in lump sum or otherwise, for the purpose of making contributions to the trust fund. This subsection expires July 1, 2003.

Section 15. In order to implement Section 29 of the 2002-2003 General Appropriations Act, subsection (4) of section 561.121, Florida Statutes, as amended by section 4 of chapter 2001-380, Laws of Florida, is amended to read:

561.121 Deposit of revenue.—

(4)(a) State funds collected pursuant to s. 561.501 shall be paid into the State Treasury and credited to the following accounts:

1.(a) Twenty-seven and two-tenths percent of the surcharge on the sale of alcoholic beverages for consumption on premises shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Children and Family Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.

2.(b) The remainder of collections shall be credited to the General Revenue Fund.

(b) For the 2002-2003 state fiscal year only, and notwithstanding the provisions of subparagraph (a)1., moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults. This paragraph expires July 1, 2003.

(c) Notwithstanding paragraph (a), the Legislature may authorize the Department of Children and Family Services to transfer moneys in the Children and Adolescents Substance Abuse Trust Fund to the Administrative Trust Fund, as provided in Senate Bill 2-C. This paragraph expires July 1, 2002.

Section 16. In order to implement Specific Appropriation 558 of the 2002-2003 General Appropriations Act, paragraph (k) of subsection (2) of section 381.0066, Florida Statutes, is amended to read:

381.0066 Onsite sewage treatment and disposal systems; fees.—

(2) The minimum fees in the following fee schedule apply until changed by rule by the department within the following limits:

(k) Research: An additional \$5 fee shall be added to each new system construction permit issued during fiscal years ~~1996-2003~~ ~~1996-2002~~ to be used for onsite sewage treatment and disposal system research, demonstration, and training projects. Five dollars from any repair permit fee collected under this section shall be used for funding the hands-on training centers described in s. 381.0065(3)(j).

The funds collected pursuant to this subsection must be deposited in a trust fund administered by the department, to be used for the purposes stated in this section and ss. 381.0065 and 381.00655.

Section 17. In order to implement Specific Appropriations 321-325A of the 2002-2003 General Appropriations Act, paragraph (k) is added to sub-

section (1) of section 409.1671, Florida Statutes, as amended by section 4 of chapter 2002-219, Laws of Florida, to read:

409.1671 Foster care and related services; privatization.—

(1)

(k) Notwithstanding the provisions of paragraph (a) and chapter 287, and for the 2002-2003 fiscal year only, the Department of Children and Family Services may combine the current community-based care lead agency contracts for Sarasota, Manatee, and DeSoto Counties into a single contract. This paragraph expires July 1, 2003.

Section 18. In order to implement Specific Appropriation 517 of the 2002-2003 General Appropriations Act, subsection (6) is added to section 385.207, Florida Statutes, to read:

385.207 Care and assistance of persons with epilepsy; establishment of programs in epilepsy control.—

(6) For the 2002-2003 fiscal year only, funds in the Epilepsy Services Trust Fund may be appropriated for epilepsy case management services. This subsection expires July 1, 2003.

Section 19. Consistent with the provisions of s. 216.163, Florida Statutes, in accordance with performance-based program budgeting requirements, and notwithstanding the provisions of s. 216.181, Florida Statutes, the Department of Law Enforcement may transfer up to one-half of 1 percent of the funds in Specific Appropriations 1195, 1215A, 1216, 1225, 1237, 1240, 1245, 1252, 1260, and 1266 of the 2002-2003 General Appropriations Act for salary bonuses for departmental employees at the discretion of the executive director, provided that such bonuses are given only to selected employees for meritorious performance, instead of being given as across-the-board bonuses for all employees. The department, after consultation with the Executive Office of the Governor, shall provide a plan to the chairs of the legislative appropriations committees responsible for producing the General Appropriations Act for review before awarding such bonuses. This section expires July 1, 2003.

Section 20. In order to implement Specific Appropriations 1195-1272 of the 2002-2003 General Appropriations Act, subsection (17) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(17) Notwithstanding any other provision of this section to the contrary, and for the ~~2002-2003~~ 2001-2002 fiscal year only, the Department of Law Enforcement may transfer up to 20 positions and associated budget between budget entities, provided the same funding source is used throughout each transfer. The department may also transfer up to 10 percent of the initial approved salary rate between budget entities, provided the same funding source is used throughout each transfer. The department must provide notice to the Executive Office of the Governor, the chair of the Senate Budget

Committee, and the chair of the House Committee on Criminal Justice Appropriations for all transfers of positions or salary rate. This subsection expires July 1, ~~2003~~ 2002.

Section 21. In order to implement proviso language following Specific Appropriation 1178 of the 2002-2003 General Appropriations Act, the Correctional Privatization Commission may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the Correctional Privatization Commission or a facility under the authority of the Department of Juvenile Justice which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county. This section expires July 1, 2003.

Section 22. In order to implement Specific Appropriation 1291 of the 2002-2003 General Appropriations Act, paragraph (b) of subsection (3) of section 16.555, Florida Statutes, as created by section 8 of chapter 2001-380, Laws of Florida, is amended to read:

16.555 Crime Stoppers Trust Fund; rulemaking.—

(3)

(b) For the ~~2002-2003~~ 2001-2002 state fiscal year only, and notwithstanding any provision of this section to the contrary, moneys in the trust fund may also be used to pay for salaries and benefits and other expenses of the department. This paragraph expires July 1, ~~2003~~ 2002.

Section 23. In order to implement Specific Appropriations 1291 and 1322 of the 2002-2003 General Appropriations Act, paragraph (b) of subsection (2) of section 860.158, Florida Statutes, as created by section 9 of chapter 2001-380, Laws of Florida, is amended to read:

860.158 Florida Motor Vehicle Theft Prevention Trust Fund.—

(2)

(b) For the ~~2002-2003~~ 2001-2002 fiscal year only, and notwithstanding s. 320.08046, the use of funds allocated to the Florida Motor Vehicle Theft Prevention Trust Fund may also be as provided in the General Appropriations Act Senate Bill 2-C. This paragraph expires July 1, ~~2003~~ 2002.

Section 24. In order to implement Specific Appropriations 1112-1194A of the 2002-2003 General Appropriations Act, section 985.4075, Florida Statutes, is amended to read:

985.4075 One-time startup funding for juvenile justice purposes.—

(1) Funds from juvenile justice appropriations may be utilized as one-time startup funding for juvenile justice purposes that include, but are not limited to, remodeling or renovation of existing facilities, construction costs,

leasing costs, purchase of equipment and furniture, site development, and other necessary and reasonable costs associated with the startup of facilities or programs.

(2) The department may not use appropriations made for operations, pursuant to the provisions of this section, as one-time startup funding for fixed capital outlay as defined in s. 216.011. This subsection expires July 1, 2003.

Section 25. In order to implement Specific Appropriations 691-806 and 843-857 of the 2002-2003 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the 2002-2003 ~~2001-2002~~ fiscal year only:²

(a) if the actual inmate population of the Department of Corrections exceeds by 2 percent for 2 consecutive months or more the inmate population projected by the most recent Criminal Justice Estimating Conference ~~on February 16, 2001~~, the Executive Office of the Governor may request positions in excess of the number authorized by the Legislature and sufficient funding from the Working Capital Fund to operate the additional prison bed capacity necessary to accommodate the actual inmate population.

~~(b) If, by October 1, 2001, a contract with a private vendor or vendors for the delivery of health care services at institutions located in Department of Corrections Region IV has not been executed, up to 97 positions in excess of the number authorized and appropriate salary rate may be approved, provided that sufficient funds are available to pay salaries and benefits. If a contract for the provision of health care services in the Department of Corrections Region IV is subsequently executed, the Executive Office of the Governor shall place these positions and associated salary rate into reserve.~~

~~(c) In order to implement a Close Management Consolidation Plan in the Department of Corrections, positions in excess of the number authorized and appropriate salary rate may be approved provided that the Secretary of Corrections certifies that there are no vacant positions that may be used for this purpose.~~

~~Such requests are subject to the budget amendment and consultation provisions of this chapter. This subsection expires July 1, 2003 2002.~~

Section 26. In order to implement Specific Appropriation 1233 of the 2002-2003 General Appropriations Act, paragraph (d) is added to subsection (4) of section 932.7055, Florida Statutes, to read:

932.7055 Disposition of liens and forfeited property.—

(4)

(d) Notwithstanding any other provision of this subsection, and for the 2002-2003 fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001. This paragraph expires July 1, 2003.

Section 27. In order to implement Specific Appropriations 1760A and 1798A of the 2002-2003 General Appropriations Act, subsection (6) is added to section 375.041, Florida Statutes, to read:

375.041 Land Acquisition Trust Fund.—

(6) For the 2002-2003 fiscal year only, the use of funds allocated to the Land Acquisition Trust Fund shall be as provided in the General Appropriations Act. This subsection expires July 1, 2003.

Section 28. In order to implement Specific Appropriation 1760A of the 2002-2003 General Appropriations Act, subsection (16) is added to section 259.032, Florida Statutes, as amended by section 7 of chapter 2002-2, Laws of Florida, to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(16) Notwithstanding other provisions of law relating to the purpose of the Conservation and Recreation Lands Trust Fund, and for the 2002-2003 fiscal year only, the purposes of the trust fund shall include funding issues provided in the General Appropriations Act. This subsection expires July 1, 2003.

Section 29. In order to implement Specific Appropriation 1769 of the 2002-2003 General Appropriations Act, subsection (16) is added to section 215.555, Florida Statutes, to read:

215.555 Florida Hurricane Catastrophe Fund.—

(16) For the 2002-2003 fiscal year only, the State Board of Administration shall disburse funds, by nonoperating transfer, from the Florida Hurricane Catastrophe Fund to the Ecosystem Management and Restoration Trust Fund of the Department of Environmental Protection in an amount equal to 8.47 percent of the appropriation made from the Ecosystem Management and Restoration Trust Fund for “Grants and Aids to Local Governments and Non-State Entities - Fixed Capital Outlay, Statewide Restoration Projects” in the 2002-2003 General Appropriations Act. This subsection expires July 1, 2003.

Section 30. In order to implement Specific Appropriation 1478 of the 2002-2003 General Appropriations Act, subsection (2) of section 581.184, Florida Statutes, as created by section 1 of chapter 2002-11, Laws of Florida, is amended to read:

581.184 Adoption of rules; citrus canker eradication; voluntary destruction agreements.—

(2)(a) The department shall remove and destroy all infected citrus trees and all citrus trees exposed to infection. Notice of the removal of such trees, by immediate final order, may be provided to the owner of the property on which such trees are located. An immediate final order issued by the department pursuant to this section shall notify the property owner that the citrus trees that are the subject of the immediate final order will be removed and destroyed unless the property owner, no later than 10 days after delivery of the immediate final order pursuant to subsection (3), requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The property owner shall not be required to seek a stay of the immediate final order by the department prior to seeking the stay from the district court of appeal.

(b) Notwithstanding the provisions of paragraph (a), and for the 2002-2003 fiscal year only, notice of the removal of infected citrus trees and citrus trees exposed to infection, by immediate final order, shall be provided to the owner of the property on which such trees are located. This paragraph expires July 1, 2003.

Section 31. In order to implement Specific Appropriation 1480A of the 2002-2003 General Appropriations Act, subsection (2) of section 581.1845, Florida Statutes, and subsection (6) of said section, as created by section 11 of chapter 2001-380, Laws of Florida, are amended to read:

581.1845 Citrus canker eradication; compensation to homeowners whose trees have been removed.—

(2)(a) To be eligible to receive compensation under the program, a homeowner must:

1.(a) Be the homeowner of record on the effective date of this act for residential property where one or more citrus trees have been removed as part of a citrus canker eradication program;

2.(b) Have had one or more citrus trees removed from the property by a tree-cutting contractor as part of a citrus canker eradication program on or after January 1, 1995; and

3.(c) Have received no commercial compensation and is not eligible to receive commercial compensation from the United States Department of Agriculture for citrus trees removed as part of a citrus canker eradication program.

(b) Notwithstanding subparagraph (a)1., and for compensation during the 2002-2003 fiscal year only, to be eligible to receive compensation under the program for residential property where one or more citrus trees have been removed on or after July 1, 2001, as part of a citrus canker eradication program, a homeowner must be the homeowner of record on the date the trees were removed. This paragraph expires July 1, 2003.

(6)(a) For the 2001-2002 fiscal year only and notwithstanding the \$100-compensation amount specified in subsection (3); in subsection (3) of section 45 of chapter 2001-254, Laws of Florida; and in proviso following Specific

Appropriation 1488A of chapter 2001-253, Laws of Florida, the amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be \$55. This paragraph subsection expires July 1, 2002.

(b) For the 2002-2003 fiscal year only and notwithstanding the \$100-compensation amount specified in subsection (3), the amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be \$55. This paragraph expires July 1, 2003.

Section 32. If House Bill 813, Enrolled, 2002 Regular Session, does not become law, in order to implement Specific Appropriation 1645 of the 2002-2003 General Appropriations Act, paragraph (b) of subsection (5) of section 373.470, Florida Statutes, is amended to read:

373.470 Everglades restoration.—

(5) SAVE OUR EVERGLADES TRUST FUND SUPPLEMENTED.—

(b)1. For each year of the 10 consecutive years beginning with fiscal year 2000-2001, the department shall deposit \$25 million of the funds allocated to the district by the department under s. 259.105(11)(a) into the Save Our Everglades Trust Fund created by s. 373.472.

2. For fiscal year 2002-2003 only, the provisions of subparagraph 1. shall not apply. This subparagraph expires July 1, 2003.

Section 33. If Council Substitute for House Bill 851, Enrolled, 2002 Regular Session, does not become law, in order to implement Specific Appropriation 1819 of the 2002-2003 General Appropriations Act, subsection (8) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(8) Notwithstanding the provisions of this section, for fiscal year 2002-2003 ~~2001-2002~~ only, the department shall provide solid waste management and recycling grants only to counties with populations under 100,000. Such grants must be at least 80 percent of the level of funding they received in fiscal year 2000-2001. This subsection expires July 1, 2003 ~~2002~~.

Section 34. If Council Substitute for House Bill 851, Enrolled, 2002 Regular Session, becomes law, in order to implement Specific Appropriation 1819 of the 2002-2003 General Appropriations Act, subsection (7) is added to section 403.7095, Florida Statutes, as amended by section 8 of said bill, to read:

403.7095 Solid waste management grant program.—

(7) Notwithstanding the provisions of this section, for fiscal year 2002-2003 only, the department shall provide solid waste management and recycling grants only to counties with populations under 100,000. Such grants must be at least 80 percent of the level of funding they received in fiscal year 2000-2001. This subsection expires July 1, 2003.

Section 35. In order to implement Specific Appropriation 1852 of the 2002-2003 General Appropriations Act, section 215.981, Florida Statutes, is amended to read:

215.981 Audits of state agency direct-support organizations and citizen support organizations.—

(1) Each direct-support organization and each citizen support organization, created or authorized pursuant to law, and created, approved, or administered by a state agency, other than a university, district board of trustees of a community college, or district school board, shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the state agency that created, approved, or administers the direct-support organization or citizen support organization. The audit report shall be submitted within 9 months after the end of the fiscal year to the Auditor General and to the state agency responsible for creation, administration, or approval of the direct-support organization or citizen support organization. Such state agency, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the organization or from the independent auditor any records relative to the operation of the organization.

(2) Notwithstanding the provisions of subsection (1), and for the 2002-2003 fiscal year only, citizen support organizations for the Department of Environmental Protection that are not for profit and that have annual expenditures of less than \$100,000 are not required to have an independent audit. This subsection expires July 1, 2003.

Section 36. In order to implement Specific Appropriations 2776-2782 of the 2002-2003 General Appropriations Act, subsection (4) of section 287.161, Florida Statutes, is amended to read:

287.161 Executive aircraft pool; assignment of aircraft; charge for transportation.—

(4) Notwithstanding the requirements of subsections (2) and (3) and for the ~~2002-2003~~ ~~2001-2002~~ fiscal year only, the Department of Management Services shall charge all persons receiving transportation from the executive aircraft pool a rate not less than the mileage allowance fixed by the Legislature for the use of privately owned vehicles. Fees collected for persons traveling by aircraft in the executive aircraft pool shall be deposited into the Bureau of Aircraft Trust Fund and shall be expended for costs incurred to operate the aircraft management activities of the department. It is the intent of the Legislature that the executive aircraft pool be operated on a full cost recovery basis, less available funds. This subsection expires July 1, ~~2003~~ ~~2002~~.

Section 37. In order to implement Specific Appropriation 1771 of the 2002-2003 General Appropriations Act, subsection (4) is added to section 403.1838, Florida Statutes, to read:

403.1838 Small Community Sewer Construction Assistance Act.—

(4) The department may waive the requirement in a funding agreement on a grant for construction of wastewater facilities under this section that a grantee must accumulate, during the design life of the grant-funded project, moneys in an amount equivalent to the grant amount, adjusted for inflationary cost increases, if the grantee certifies to the department's satisfaction that an equivalent amount of money will be used to pay outstanding obligations resulting from improvements to its sewer system. This subsection expires July 1, 2003.

Section 38. In order to implement Specific Appropriations 2359-2382 of the 2002-2003 General Appropriations Act, subsection (7) is added to section 550.09515, Florida Statutes, as amended by section 12 of chapter 2002-2, Laws of Florida, to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(7) If a thoroughbred permitholder fails to operate all performances on its 2001-2002 license, failure to pay tax on handle for a full schedule of live races for those performances in the 2001-2002 fiscal year does not constitute failure to pay taxes on handle for a full schedule of live races in a fiscal year for the purposes of subsection (3). This subsection may not be construed as forgiving a thoroughbred permitholder from paying taxes on performances conducted at its facility pursuant to its 2001-2002 license other than for failure to operate all performances on its 2001-2002 license. This subsection expires July 1, 2003.

Section 39. In order to implement Specific Appropriations 2359-2382 of the 2002-2003 General Appropriations Act, subsections (6) and (7) are added to section 550.5251, Florida Statutes, to read:

550.5251 Florida thoroughbred racing; certain permits; operating days.—

(6) Notwithstanding the provisions of subsection (2), a thoroughbred permitholder who fails to operate all performances on its 2001-2002 license does not lose its right to retain its permit. Such thoroughbred permitholder is eligible for issuance of an annual license pursuant to s. 550.0115 for subsequent thoroughbred racing seasons. The division shall take no disciplinary action against such thoroughbred permitholder for failure to operate all licensed performances for the 2001-2002 license pursuant to this section or s. 550.01215. This section may not be interpreted to prohibit the division from taking disciplinary action against a thoroughbred permitholder for failure to pay taxes on performances operated pursuant to its 2001-2002 license. This subsection expires July 1, 2003.

(7) A thoroughbred permitholder shall file an amendment with the division no later than July 1, 2002, that indicates that it will not be able to operate the performances scheduled on its 2002-2003 license without imposition of any penalty for failure to operate all licensed performances provided in this chapter. This subsection expires July 1, 2003.

Section 40. In order to implement Specific Appropriation 2818 of the 2002-2003 General Appropriations Act, section 110.116, Florida Statutes, is amended to read:

110.116 Personnel information system; payroll procedures.—

(1) The Department of Management Services shall establish and maintain, in coordination with the payroll system of the Department of Banking and Finance, a complete personnel information system for all authorized and established positions in the state service, with the exception of employees of the Legislature. The specifications shall be developed in conjunction with the payroll system of the Department of Banking and Finance and in coordination with the Auditor General. The Department of Banking and Finance shall determine that the position occupied by each employee has been authorized and established in accordance with the provisions of s. 216.251. The Department of Management Services shall develop and maintain a position numbering system that will identify each established position, and such information shall be a part of the payroll system of the Department of Banking and Finance. With the exception of employees of the Legislature, this system shall include all career service positions and those positions exempted from career service provisions, notwithstanding the funding source of the salary payments, and information regarding persons receiving payments from other sources. Necessary revisions shall be made in the personnel and payroll procedures of the state to avoid duplication insofar as is feasible. A list shall be organized by budget entity to show the employees or vacant positions within each budget entity. This list shall be available to the Speaker of the House of Representatives and the President of the Senate upon request.

(2) For the 2002-2003 fiscal year only, and notwithstanding the requirements of s. 215.94(5) that the department design, implement, and operate the system and of s. 110.201(1)(e) that the individual employing agencies maintain records and reports, the department is authorized to contract with a vendor to provide the personnel information system for state agencies. The vendor may assist the department in compiling and reporting personnel data and may assist the employing agencies in maintaining personnel records. This subsection expires July 1, 2003.

Section 41. In order to implement Specific Appropriation 2815A of the 2002-2003 General Appropriations Act, paragraph (a) of subsection (1) of section 110.152, Florida Statutes, is amended to read:

110.152 Adoption benefits for state employees; parental leave.—

(1)(a)1. Any full-time or part-time employee of the state who is paid from regular salary appropriations and who adopts a special-needs child, as defined in paragraph (b), is eligible to receive a monetary benefit in the amount of \$10,000 per child, \$5,000 of which is payable in equal monthly installments over a 2-year period. Any employee of the state who adopts a child whose permanent custody has been awarded to the Department of Children and Family Services or to a Florida-licensed child-placing agency, other than a special-needs child as defined in paragraph (b), shall be eligible to receive a monetary benefit in the amount of \$5,000 per child, \$2,000 of which is

payable in equal monthly installments over a 2-year period. Benefits paid under this subsection to a part-time employee must be prorated based on the employee's full-time-equivalency status at the time of applying for the benefits.

2. For the 2002-2003 fiscal year only, the Department of Management Services is authorized to make lump-sum payments for adoption benefits awarded during fiscal years 2000-2001 and 2001-2002. This subparagraph expires July 1, 2003.

Section 42. In order to implement Specific Appropriation 2163 and Section 8 of the 2002-2003 General Appropriations Act, and effective upon this act becoming a law, section 110.2035, Florida Statutes, is amended to read:

110.2035 Classification and compensation program.—

(1) ~~The Department of Management Services, in consultation with the Executive Office of the Governor and the Legislature, shall establish and maintain~~ develop a classification and compensation program addressing. ~~This program shall be developed for use by all state agencies and shall address Career Service, Selected Exempt Service, and Senior Management Service positions classes.~~

(2) The program shall consist of the following:

(a) A position classification system using no more than ~~38~~ 50 occupational groups and up to a 6-class series structure for each occupation within an occupational group. Additional occupational groups may be established only by the Executive Office of the Governor after consultation with the Legislature.

(b) A pay plan that shall provide broad-based salary ranges for each occupational group and shall consist of no more than 25 pay bands.

(3) The following goals shall be considered in ~~designing and implementing~~ and maintaining the program:

(a) The classification system must significantly reduce the need to reclassify positions due to work assignment and organizational changes by decreasing the number of classification changes required.

(b) The classification system must establish broad-based classes allowing flexibility in organizational structure and must reduce the levels of supervisory classes.

(c) The classification system and pay plan must emphasize pay administration and job-performance evaluation by management rather than emphasize use of the classification system to award salary increases.

(d) The pay administration system must contain provisions to allow managers the flexibility to move employees through the pay ranges and provide for salary increase additives and lump-sum bonuses if authorized by the Legislature.

(4) The classification system shall be structured such that each confidential, managerial, and supervisory employee shall be included in the Selected Exempt Service, in accordance with part V of this chapter.

~~(5) The Department of Management Services shall submit the proposed design of the classification and compensation program to the Executive Office of the Governor, the presiding officers of the Legislature, and the appropriate legislative fiscal and substantive standing committees on or before December 1, 2001.~~

~~(5)(6)~~ The department shall establish, by rule, guidelines with respect to, and shall delegate to the employing agencies, where appropriate, the authority to administer the following:

- (a) Shift differentials.
- (b) On-call fees.
- (c) Hazardous-duty pay.
- (d) Advanced appointment rates.
- (e) Salary increase and decrease corrections.
- (f) Lead-worker pay.
- (g) Temporary special duties pay.
- (h) Trainer-additive pay.
- (i) Competitive area differentials.
- (j) Coordinator pay.
- (k) Critical market pay.

The employing agency must use such pay additives as are appropriate within the guidelines established by the department and shall advise the department in writing of the plan for implementing such pay additives prior to the implementation date. Any action by an employing agency to implement temporary special duties pay, competitive area differentials, or critical market pay may be implemented only after the department has reviewed and recommended such action; however, an employing agency may use temporary special duties pay for up to 3 months without prior review by the department. The department shall annually provide a summary report of the pay additives implemented pursuant to this section.

(6) The department shall adopt any rules necessary to implement the classification and compensation program to include Career Service, Selected Exempt Service, and Senior Management Service positions consistent with the plan submitted to the Legislature on December 1, 2001; however, the adopted plan shall include pay bandwidths of 150 percent for each occupational group except the manager and executive occupational groups. The

department may adopt emergency rules if necessary to implement this program by July 1, 2002.

Section 43. The amendment of section 110.2035, Florida Statutes, by this act shall expire on July 1, 2003, and the text of that section shall revert to that in existence on June 30, 2002, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 44. In order to implement Section 8 of the 2002-2003 General Appropriations Act, subsection (7) of section 110.12315, Florida Statutes, is amended to read:

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

(7) ~~Notwithstanding the provisions of subsections (1) and (2),~~ Under the state employees’ prescription drug program copayments must be made as follows:

(a) Effective January 1, 2001:

- 1. For generic drug with card \$7.
- 2. For preferred brand name drug with card \$20.
- 3. For nonpreferred brand name drug with card \$35.
- 4. For generic mail order drug \$10.50.
- 5. For preferred brand name mail order drug \$30.
- 6. For nonpreferred brand name drug \$52.50.

(b) The Department of Management Services shall create a preferred brand name drug list to be used in the administration of the state employees’ prescription drug program.

This subsection expires July 1, ~~2003~~ 2002.

Section 45. In order to implement Section 8 of the 2002-2003 General Appropriations Act, section 110.1239, Florida Statutes, is amended to read:

110.1239 State group health insurance program funding.—For the ~~2002-2003~~ ~~2001-2002~~ fiscal year only, it is the intent of the Legislature that the state group health insurance program be managed, administered, operated, and funded in such a manner as to maximize the protection of state employee health insurance benefits. Inherent in this intent is the recognition

that the health insurance liabilities attributable to the benefits offered state employees should be fairly, orderly, and equitably funded. Accordingly:

(1) The division shall determine the level of premiums necessary to fully fund the state group health insurance program for the next fiscal year. Such determination shall be made after each Self-Insurance revenue Estimating Conference on health insurance as provided in s. 216.136(11)(1), but not later than December 1 and April 1 of each fiscal year.

(2) The Governor, in the Governor's recommended budget, shall provide premium rates necessary for full funding of the state group health insurance program, and the Legislature shall provide in the General Appropriations Act for a premium level necessary for full funding of the state group health insurance program.

(3) For purposes of funding, any additional appropriation amounts allocated to the state group health insurance program by the Legislature shall be considered as a state contribution and thus an increase in the state premiums.

(4) This section expires July 1, 2003 ~~2002~~.

Section 46. In order to implement Sections 2-7 of the 2002-2003 General Appropriations Act, paragraph (c) of subsection (5) and paragraph (d) of subsection (6) of section 112.061, Florida Statutes, are amended to read:

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

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.—For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(c) For the 2002-2003 ~~2001-2002~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2003 ~~2002~~.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are divided into the following groups and rates:

(d) For the 2002-2003 ~~2001-2002~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2003 ~~2002~~.

Section 47. In order to implement Specific Appropriation 2169 of the 2002-2003 General Appropriations Act, subsection (4) is added to section 121.71, Florida Statutes, as created by section 1 of chapter 2002-177, Laws of Florida, to read:

121.71 Uniform rates; process; calculations; levy.—

(4) Notwithstanding the provisions of subsection (3), and for the fiscal year 2002-2003 only, the state actuary shall recognize and use an appropriate level of available excess assets of the Florida Retirement System Trust Fund to offset the difference between the normal costs of the Florida Retirement System and the statutorily prescribed contribution rates. This subsection expires July 1, 2003.

Section 48. In order to implement Specific Appropriation 2355I of the 2002-2003 General Appropriations Act, subsection (2) of section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(2)(a) Has, for that category, passed a written examination that the board finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, NAI/Block, Experior Assessments, Professional Testing, Inc., or Assessment Systems, Inc., shall be considered to be substantially similar to the examination required to be licensed as a certified contractor. The board may not impose or make any requirements regarding the nature or content of these cited examinations.

(b) Has, for the 2002-2003 fiscal year only and in lieu of passing the written examination required by paragraph (a), successfully passed an oral examination that the board finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. This paragraph applies only to applicants who are disabled. This paragraph expires July 1, 2003.

Applicants wishing to obtain a certificate pursuant to this section must make application by November 1, 2004.

Section 49. In order to implement Specific Appropriations 2396-2417A of the 2002-2003 General Appropriations Act:

(1) The Department of Business and Professional Regulation is authorized to transfer no more than 34 positions and the resources identified in the reengineering issues from Compliance and Enforcement, no more than 12 positions and the resources identified in the reengineering issues from Standards and Licensure, and no more than 20 positions and the resources identified in the reengineering issues from Tax Collection to begin implementation of the on-line licensing and reengineering project. To ensure current service delivery levels pertaining to regulation, licensing, compliance, enforcement, and tax collection, the department shall retain positions in the current programs to facilitate migration to the new business process. The transfer must be completed prior to June 30, 2003. The Executive Office of the Governor is authorized to establish positions in excess of the current

programs to meet these requirements, subject to the provisions of s. 216.177, Florida Statutes.

(2) In completing the reengineering and technology project, the department shall retain sufficient numbers of knowledge experts within the Division of Alcoholic Beverages and Tobacco to handle specialized and complex inquiries, document filings, and statutory duties within the subject areas of licensing, auditing, and law enforcement. A dedicated corps of knowledge experts shall be retained within each of these three areas. The reengineering and technology project shall be structured so as to direct specialized inquiries to these knowledge experts in the most efficient and customer-friendly manner possible.

(3) The methodology used for the Administrative Trust Fund assessment charged to the division shall be based on the number of positions, number of transactions, and administrative activities directly related to the support of division activities. The assessment shall be reconciled quarterly and available for public inspection.

(4) This section expires July 1, 2003.

Section 50. In order to implement the provisions of Specific Appropriations 2418-2433 of the 2002-2003 General Appropriations Act:

(1) The Department of Business and Professional Regulation is authorized to transfer positions and resources identified in the reengineering issues to begin implementation of the on-line reengineering and technology project. To ensure current service delivery levels pertaining to regulation, licensing, compliance, and enforcement, the department shall retain positions in the current programs to facilitate migration to the new business process. The transfer must be completed prior to June 30, 2003. The Executive Office of the Governor is authorized to establish positions in excess of the current programs to meet these requirements subject to the provisions of s. 216.177, Florida Statutes.

(2) In completing the reengineering and technology project, the department shall retain sufficient numbers of knowledge experts within the Division of Florida Land Sales, Condominiums, and Mobile Homes to handle specialized and complex inquiries, document filings, and statutory duties within the subject areas of condominiums, mobile homes, and timeshares. A dedicated corps of knowledge experts shall be retained within each of these three areas. The reengineering and technology project shall be structured so as to direct specialized inquiries to these knowledge experts in the most efficient and customer-friendly manner possible.

(3) The methodology used for the Administrative Trust Fund assessment charged to the division shall be based on the number of positions, number of transactions, and administrative activities directly related to the support of division activities. The assessment shall be reconciled quarterly and available for public inspection.

(4) This section expires July 1, 2003.

Section 51. In order to implement the provisions of Specific Appropriations 2383-2395 of the 2002-2003 General Appropriations Act:

(1) The Department of Business and Professional Regulation is authorized to transfer positions and resources identified in the reengineering issues to begin implementation of the on-line licensing and reengineering project. To ensure current service delivery levels pertaining to regulation, licensing, compliance, and enforcement, the department shall retain positions in the current programs to facilitate migration to the new business process. The transfer must be completed prior to June 30, 2003. The Executive Office of the Governor is authorized to establish positions in excess of the current programs to meet these requirements, subject to the provisions of s. 216.177, Florida Statutes.

(2) The department shall maintain in each field office a dedicated corps of sanitation and safety inspectors in the compliance entity who shall perform only inspections of public food service and public lodging establishments regulated under chapter 509, Florida Statutes, and the rules adopted pursuant thereto, and who shall be the only inspectors performing public food service and public lodging establishment inspections. In addition, each field office shall have a designated lead public food service and public lodging establishment inspector supervising these dedicated corps inspectors.

(3)(a) Prior to implementation, the department shall draft a service-level agreement identifying the roles and responsibilities of the Division of Hotels and Restaurants and the compliance entity for future operations.

(b) The responsibilities of the director of the Division of Hotels and Restaurants shall include, but not be limited to:

1. All statutory powers currently assigned to the division.
2. Final authority over resolution of adverse incidents involving licenses.
3. Final authority regarding license fines and disciplinary actions.
4. Final authority regarding hiring and firing of inspectors by the compliance entity.
5. The Hospitality Education Program, which shall remain in the division.

(4) This section expires July 1, 2003.

Section 52. (1) In order to implement Specific Appropriations 2454-2458 and 2699-2701 of the 2002-2003 General Appropriations Act and to avoid the unnecessary duplication of expenses during the 2002-2003 fiscal year, with respect to changes in congressional districting plans the appropriate state officials who shall continue to be responsible for the submission of information relating to the preclearance under Section 5 of the federal Voting Rights Act of such plans shall be the Governor, the President of the Senate, and the Speaker of the House of Representatives, jointly. To the extent determined necessary by the President of the Senate or the Speaker

of the House of Representatives, the presiding officer of either house may provide to the Executive Office of the Governor, from the funds appropriated to such house, the payment of salaries, fees, and expenses related to the preclearance process or to the defense of any judicial challenge to any such apportionment or districting plan.

(2) In order to implement Specific Appropriations 2699-2701 of the 2002-2003 General Appropriations Act and to avoid the unnecessary duplication of expenses during the 2002-2003 fiscal year, with respect to changes in state legislative apportionment or districting plans the appropriate state officials who shall continue to be responsible for the submission of information relating to the preclearance under Section 5 of the federal Voting Rights Act of such plans shall be the President of the Senate and the Speaker of the House of Representatives, jointly.

(3) Effective upon this act becoming a law, and retroactive to the date of any submission made to the United States Department of Justice by the Governor, the President of the Senate, or the Speaker of the House of Representatives, relating to the federal preclearance of any congressional or state legislative apportionment or districting plans adopted by the Florida Legislature during 2002, such submission to the United States Department of Justice regarding such plans made by such officials is hereby confirmed as having been made by the appropriate state officials.

(4) This section expires July 1, 2003.

Section 53. In order to implement Specific Appropriations 1511, 1523, and 1523A of the 2002-2003 General Appropriations Act, paragraph (b) of subsection (1) of section 252.373, Florida Statutes, is amended, and paragraph (c) is added to said subsection, to read:

252.373 Allocation of funds; rules.—

(1)

(b) Notwithstanding the provisions of paragraph (a), and for the 2002-2003 2001-2002 fiscal year only, the use up to \$2.2 million of the unencumbered balance of the Emergency Management, Preparedness, and Assistance Trust Fund shall be as provided in the General Appropriations Act utilized to improve, and increase the number of, disaster shelters within the state and improve local disaster preparedness. This paragraph expires on July 1, 2003 2002.

(c) Notwithstanding the provisions of paragraph (a), and for the 2002-2003 fiscal year only, the Department of Community Affairs shall conduct a review of funds available in the Emergency Management, Preparedness, and Assistance Trust Fund. By December 1, 2002, when actual receipts for the 2001-2002 fiscal year are determined, the Department of Community Affairs may identify any funds that were unspent or unencumbered in the 2001-2002 fiscal year that are not required to implement appropriations for the 2002-2003 fiscal year from the Emergency Management, Preparedness, and Assistance Trust Fund, and such funds may be transferred to the Grants and Donations Trust Fund to be used for the state portion of the

match requirements for federally approved Hazard Mitigation Grant Program projects. This paragraph expires July 1, 2003.

Section 54. In order to implement Specific Appropriation 2486 of the 2002-2003 General Appropriations Act, subsection (11) is added to section 288.063, Florida Statutes, to read:

288.063 Contracts for transportation projects.—

(11) In addition to the other provisions of this section, projects that the Legislature deems necessary to facilitate the economic development and growth of the state may be designated and funded in the General Appropriations Act. Such transportation projects create new employment opportunities, expand transportation infrastructure, improve mobility, or increase transportation innovation. The Office of Tourism, Trade, and Economic Development shall enter into contracts with, and make expenditures to, the appropriate entities for the costs of transportation projects designated in the General Appropriations Act. This subsection expires July 1, 2003.

Section 55. In order to implement proviso language in Specific Appropriation 2236E of the 2002-2003 General Appropriations Act, section 402.3017, Florida Statutes, is amended to read:

402.3017 Teacher Education and Compensation Helps (TEACH) scholarship program.—

(1) The Legislature finds that the level of early child care teacher education and training is a key predictor for determining program quality. The Legislature also finds that low wages for child care workers prevent many from obtaining increased training and education and contribute to high turnover rates. The Legislature therefore intends to help fund a program which links teacher training and education to compensation and commitment to the field of early childhood education.

(2) The Department of Children and Family Services is authorized to contract for the administration of the Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes.

(3) The department shall adopt rules as necessary to implement this section.

(4) For the 2002-2003 fiscal year only, the Agency for Workforce Innovation shall administer this section. This subsection expires July 1, 2003.

Section 56. In order to implement Specific Appropriation 1574B of the 2002-2003 General Appropriations Act, subsection (4) is added to section 125.35, Florida Statutes, to read:

125.35 County authorized to sell real and personal property and to lease real property.—

(4) For fiscal year 2002-2003 only, the board of county commissioners is authorized to lease, under terms and conditions negotiated by the board, a parcel of real property of 5 acres or less that is located in an area designated as an empowerment zone under the Taxpayer Relief Act of 1997 for the purpose of:

(a) Enhancement, promotion, or improvement of economic activity or revitalization;

(b) Urban development or redevelopment;

(c) Tourism;

(d) Transportation; or

(e) Opportunities for gainful employment.

Such purposes are hereby found and declared to be public purposes. This subsection expires July 1, 2003.

Section 57. In order to implement Specific Appropriations 2161A and 2161G of the 2002-2003 General Appropriations Act, subsection (5) is added to section 338.2216, Florida Statutes, as created by section 18 of chapter 2002-20, Laws of Florida, to read:

338.2216 Florida Turnpike Enterprise; powers and authority.—

(5) For the 2002-2003 fiscal year only, any toll collector or laborer retained in a position temporarily continued under the authority provided by proviso following Specific Appropriations 2161A and 2161G of the 2002-2003 General Appropriations Act shall remain in the career service. This subsection expires July 1, 2003.

Section 58. In order to implement Specific Appropriation 2075 of the 2002-2003 General Appropriations Act, subsection (10) of section 339.12, Florida Statutes, as created by section 83 of chapter 2002-20, Laws of Florida, is amended to read:

339.12 Aid and contributions by governmental entities for department projects; federal aid.—

(10) Beginning with the 2003-2004 fiscal year, any county with a population greater than 50,000 that levies the full 6 cents of local option fuel tax pursuant to ss. 206.41(1)(e) and 206.87(1)(c), or that dedicates 35 percent or more of its discretionary sales surtax, pursuant to s. 212.055, for improvements to the state transportation system or to local projects directly upgrading the state transportation system within the county's boundaries shall receive preference for receipt of any transportation grant for which the county applies. This subsection shall not apply to loans or nonhighway grant programs.

Section 59. In order to implement Specific Appropriation 2236E of the 2002-2003 General Appropriations Act, subsection (13) is added to section 411.01, Florida Statutes, to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.—

(13) Notwithstanding any other provision of this section to the contrary, and for fiscal year 2002-2003 only, the first children to be placed in the school readiness program shall be those from families receiving temporary cash assistance and subject to federal work requirements. Subsequent placements shall be pursuant to the provisions of this section. This subsection expires July 1, 2003.

Section 60. In order to implement Specific Appropriations 349, 1170, 2877, and 3119 of the 2002-2003 General Appropriations Act, section 215.20, Florida Statutes, as amended by section 2 of chapter 2002-46, Laws of Florida, and by section 920 of Senate Bill 20-E, Enrolled, 2002 Special Session E, is amended to read:

(Substantial rewording of section. See s. 215.20, F.S., for present text.)

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(1) A service charge of 7 percent, representing the estimated pro rata share of the cost of general government paid from the General Revenue Fund, is hereby appropriated from all income of a revenue nature deposited in all trust funds except those enumerated in s. 215.22. Income of a revenue nature shall include all earnings received or credited by such trust funds, including the interest or benefit received from the investment of the principal of such trust funds as may be permitted by law. This provision shall be construed in favor of the General Revenue Fund in each instance. All such appropriations shall be deposited in the General Revenue Fund.

(2) Notwithstanding the provisions of subsection (1):

(a) The trust funds of the Department of Citrus and the Department of Agriculture and Consumer Services, including funds collected in the General Inspection Trust Fund for marketing orders and in the Florida Citrus Advertising Trust Fund, shall be subject to a 3-percent service charge, which is hereby appropriated to the General Revenue Fund. This paragraph does not apply to the Conservation and Recreation Lands Program Trust Fund, the Florida Quarter Horse Racing Promotion Trust Fund, the Citrus Inspection Trust Fund, the Florida Forever Program Trust Fund, the Florida Preservation 2000 Trust Fund, the Market Improvements Working Capital Trust Fund, the Pest Control Trust Fund, the Plant Industry Trust Fund, or other funds collected in the General Inspection Trust Fund in the Department of Agriculture and Consumer Services.

(b) The Save the Manatee Trust Fund in the Fish and Wildlife Conservation Commission shall be subject to a 3-percent service charge, which is hereby appropriated to the General Revenue Fund.

(3) A service charge of 0.3 percent is hereby appropriated from income of a revenue nature deposited in the trust funds enumerated in subsection (4).

Income of a revenue nature shall include all earnings received or credited by such trust funds, including the interest or benefit received from the investment of the principal of such trust funds as may be permitted by law. This provision shall be construed in favor of the General Revenue Fund in each instance. All such appropriations shall be deposited in the General Revenue Fund.

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the appropriations authorized by subsection (3) shall be made:

(a) Within the Agency for Health Care Administration:

1. The Florida Organ and Tissue Donor Education and Procurement Trust Fund.

2. The Health Care Trust Fund.

3. The Resident Protection Trust Fund.

(b) Within the Agency for Workforce Innovation, the Employment Security Administration Trust Fund.

(c) Within the Department of Agriculture and Consumer Services:

1. The Conservation and Recreation Lands Program Trust Fund.

2. The Florida Quarter Horse Racing Promotion Trust Fund.

3. The General Inspection Trust Fund and subsidiary accounts thereof, unless a different percentage is authorized by s. 570.20.

(d) Within the Department of Banking and Finance:

1. The Administrative Trust Fund.

2. The Anti-Fraud Trust Fund.

3. The Financial Institutions' Regulatory Trust Fund.

4. The Mortgage Brokerage Guaranty Fund.

5. The Regulatory Trust Fund.

(e) Within the Department of Business and Professional Regulation:

1. The Administrative Trust Fund.

2. The Alcoholic Beverage and Tobacco Trust Fund.

3. The Cigarette Tax Collection Trust Fund.

4. The Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund.

5. The Hotel and Restaurant Trust Fund, with the exception of those fees collected for the purpose of funding of the hospitality education program as stated in s. 509.302.

6. The Professional Regulation Trust Fund.

7. The trust funds administered by the Division of Pari-mutuel Wagering.

(f) Within the Department of Children and Family Services:

1. The Administrative Trust Fund.

2. The Child Welfare Training Trust Fund.

3. The Children and Adolescents Substance Abuse Trust Fund.

4. The Domestic Violence Trust Fund.

5. The Grants and Donations Trust Fund.

6. The Operations and Maintenance Trust Fund.

(g) Within the Department of Citrus, the Florida Citrus Advertising Trust Fund, including transfers from any subsidiary accounts thereof, unless a different percentage is authorized in s. 601.15(7).

(h) Within the Department of Community Affairs, the Operating Trust Fund.

(i) Within the Department of Education:

1. The Educational Certification and Service Trust Fund.

2. The Phosphate Research Trust Fund.

(j) Within the Department of Elderly Affairs:

1. The Administrative Trust Fund.

2. The Federal Grants Trust Fund.

3. The Grants and Donations Trust Fund.

4. The Operations and Maintenance Trust Fund.

(k) Within the Department of Environmental Protection:

1. The Administrative Trust Fund.

2. The Air Pollution Control Trust Fund.

3. The Conservation and Recreation Lands Trust Fund.

4. The Ecosystem Management and Restoration Trust Fund.

5. The Environmental Laboratory Trust Fund.
6. The Florida Coastal Protection Trust Fund.
7. The Florida Permit Fee Trust Fund.
8. The Forfeited Property Trust Fund.
9. The Grants and Donations Trust Fund.
10. The Inland Protection Trust Fund.
11. The Internal Improvement Trust Fund.
12. The Land Acquisition Trust Fund.
13. The Minerals Trust Fund.
14. The Nonmandatory Land Reclamation Trust Fund.
15. The State Park Trust Fund.
16. The Water Quality Assurance Trust Fund.
17. The Working Capital Trust Fund.
- (l) Within the Department of Health:
 1. The Administrative Trust Fund.
 2. The Brain and Spinal Cord Injury Program Trust Fund.
 3. The Donations Trust Fund.
 4. The Emergency Medical Services Trust Fund.
 5. The Epilepsy Services Trust Fund.
 6. The Florida Drug, Device, and Cosmetic Trust Fund.
 7. The Grants and Donations Trust Fund.
 8. The Medical Quality Assurance Trust Fund.
 9. The Nursing Student Loan Forgiveness Trust Fund.
 10. The Planning and Evaluation Trust Fund.
 11. The Radiation Protection Trust Fund.
- (m) Within the Department of Highway Safety and Motor Vehicles, the DUI Programs Coordination Trust Fund.
- (n) Within the Department of Insurance:
 1. The Agents and Solicitors County Tax Trust Fund.

2. The Insurance Commissioner's Regulatory Trust Fund.

(o) Within the Department of Labor and Employment Security or, if such department is terminated, within the agency or department to which the named trust fund has been transferred:

1. The Special Disability Trust Fund.

2. The Special Employment Security Administration Trust Fund.

3. The Workers' Compensation Administration Trust Fund.

(p) Within the Department of Legal Affairs, the Crimes Compensation Trust Fund.

(q) Within the Department of Management Services:

1. The Administrative Trust Fund.

2. The Architects Incidental Trust Fund.

3. The Bureau of Aircraft Trust Fund.

4. The Florida Facilities Pool Working Capital Trust Fund.

5. The Grants and Donations Trust Fund.

6. The Motor Vehicle Operating Trust Fund.

7. The Police and Firefighters' Premium Tax Trust Fund.

8. The Public Employees Relations Commission Trust Fund.

9. The State Personnel System Trust Fund.

10. The Supervision Trust Fund.

11. The Working Capital Trust Fund.

(r) Within the Department of Revenue:

1. The Additional Court Cost Clearing Trust Fund.

2. The Administrative Trust Fund.

3. The Apalachicola Bay Oyster Surcharge Clearing Trust Fund.

4. The Certification Program Trust Fund.

5. The Fuel Tax Collection Trust Fund.

6. The Land Reclamation Trust Fund.

7. The Local Alternative Fuel User Fee Clearing Trust Fund.

8. The Local Option Fuel Tax Trust Fund.

9. The Motor Vehicle Rental Surcharge Clearing Trust Fund.
10. The Motor Vehicle Warranty Trust Fund.
11. The Oil and Gas Tax Trust Fund.
12. The Secondhand Dealer and Secondary Metals Recycler Clearing Trust Fund.
13. The Severance Tax Solid Mineral Trust Fund.
14. The State Alternative Fuel User Fee Clearing Trust Fund.
15. All taxes levied on motor fuels other than gasoline levied pursuant to the provisions of s. 206.87(1)(a).
- (s) Within the Department of State:
1. The Division of Licensing Trust Fund.
2. The Records Management Trust Fund.
3. The trust funds administered by the Division of Historical Resources.
- (t) Within the Department of Transportation, all income derived from outdoor advertising and overweight violations which is deposited in the State Transportation Trust Fund.
- (u) Within the Department of Veterans' Affairs:
1. The Grants and Donations Trust Fund.
2. The Operations and Maintenance Trust Fund.
3. The State Homes for Veterans Trust Fund.
- (v) Within the Division of Administrative Hearings, the Administrative Trust Fund.
- (w) Within the Fish and Wildlife Conservation Commission:
1. The Conservation and Recreation Lands Program Trust Fund.
2. The Florida Panther Research and Management Trust Fund.
3. The Land Acquisition Trust Fund.
4. The Marine Resources Conservation Trust Fund, with the exception of those fees collected for recreational saltwater fishing licenses as provided in s. 372.57.
- (x) Within the Florida Public Service Commission, the Florida Public Service Regulatory Trust Fund.
- (y) Within the Justice Administrative Commission, the Indigent Criminal Defense Trust Fund.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

(5) There is appropriated from the proper respective trust funds from time to time such sums as may be necessary to pay to the General Revenue Fund the service charges imposed by this section.

Section 61. The amendment of section 215.20, Florida Statutes, by this act shall expire on July 1, 2003, and the text of that section shall revert to that in existence on June 30, 2002, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 62. In order to implement Specific Appropriations 349, 1170, 2877, and 3119 of the 2002-2003 General Appropriations Act, subsection (1) of section 215.22, Florida Statutes, is amended to read:

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the appropriation ~~deduction~~ required by s. 215.20(1):

- (a) Student financial aid or prepaid tuition receipts.
- (b) Trust funds administered by the Department of the Lottery.
- (c) Departmental administrative assessments for administrative divisions.
- (d) Funds charged by a state agency for services provided to another state agency, by a state agency for services provided to the judicial branch, or by the judicial branch for services provided to a state agency.
- (e) State, agency, or political subdivision investments by the Treasurer.
- (f) Retirement or employee benefit funds.
- (g) Self-insurance programs administered by the Treasurer.
- (h) Funds held for the payment of citrus canker eradication and compensation.
- (i) Medicaid, Medicare, or third-party receipts for client custodial care.
- (j) Bond proceeds or revenues dedicated for bond repayment, except for the Documentary Stamp Clearing Trust Fund administered by the Department of Revenue.
- (k) Trust funds administered by the Department of Education.

- (l) Trust funds administered by the Department of Transportation.
- (m) The following trust funds administered by the Department of Agriculture and Consumer Services:
1. The Citrus Inspection Trust Fund.
 2. The Florida Forever Program Trust Fund.
 3. The Florida Preservation 2000 Trust Fund.
 4. The Market Improvements Working Capital Trust Fund.
 5. The Pest Control Trust Fund.
 6. The Plant Industry Trust Fund.
- (n) The Motor Vehicle License Clearing Trust Fund.
- (o) The Solid Waste Management Trust Fund.
- (p) The Coconut Grove Playhouse Trust Fund.
- (q) The Communications Working Capital Trust Fund of the Department of Management Services.
- (r) The Camp Blanding Management Trust Fund.
- ~~(s) The Indigent Criminal Defense Trust Fund.~~
- ~~(s)(t)~~ That portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee collected pursuant to s. 320.08(1)(c).
- ~~(u) The Save the Manatee Trust Fund.~~
- ~~(t)(v)~~ Tobacco Settlement Trust Funds administered by any agency.
- ~~(u)(w)~~ The Save Our Everglades Trust Fund.

Section 63. The amendment of subsection (1) of section 215.22, Florida Statutes, by this act shall expire on July 1, 2003, and the text of that subsection shall revert to that in existence on June 30, 2002, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 64. In order to implement Specific Appropriations 349, 1170, and 3119 of the 2002-2003 General Appropriations Act, subsection (4) of section 18.10, Florida Statutes, is amended to read:

18.10 Deposits and investments of state money.—

(4) All earnings on any investments made pursuant to this section are hereby appropriated ~~shall be credited~~ to the General Revenue Fund, except

that earnings attributable to moneys made available pursuant to s. 18.125(3)(a) and (b) shall be credited pro rata to the funds from which such moneys were made available.

Section 65. The amendment of subsection (4) of section 18.10, Florida Statutes, by this act shall expire on July 1, 2003, and the text of that subsection shall revert to that in existence on June 30, 2002, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 66. In order to implement Specific Appropriations 349, 1170, and 3119 of the 2002-2003 General Appropriations Act, subsection (3) of section 18.125, Florida Statutes, is amended to read:

18.125 Treasurer; powers and duties in the investment of certain funds.—

(3)(a) Except as otherwise provided in this subsection, it is the duty of each state agency, and of the judicial branch, now or hereafter charged with the administration of the funds referred to in subsection (1) to make such moneys available for investment as fully as is consistent with the cash requirements of the particular fund and to authorize investment of such moneys by the Treasurer.

(b) Monthly, and more often as circumstances require, such agency or judicial branch shall notify the Treasurer of the amount available for investment; and the moneys shall be invested by the Treasurer. Such notification shall include the name and number of the fund for which the investments are to be made and the life of the investment if the principal sum is to be required for meeting obligations. This subsection, however, shall not be construed to make available for investment any funds other than those referred to in subsection (1).

(c) Except as provided in this paragraph and except for moneys described in paragraph (d), the following agencies shall not invest trust fund moneys as provided in this section, but shall retain such moneys in their respective trust funds for investment, with interest appropriated to the General Revenue Fund, pursuant to s. 18.10:

1. The Agency for Health Care Administration, except for the Tobacco Settlement Trust Fund.

2. The Department of Children and Family Services, except for:

a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

b. The Community Resources Development Trust Fund.

c. The Refugee Assistance Trust Fund.

d. The Social Services Block Grant Trust Fund.

- e. The Tobacco Settlement Trust Fund.
- f. The Working Capital Trust Fund.
- 3. The Department of Community Affairs, only for the Operating Trust Fund.
- 4. The Department of Corrections.
- 5. The Department of Elderly Affairs, except for:
 - a. The Federal Grants Trust Fund.
 - b. The Tobacco Settlement Trust Fund.
- 6. The Department of Health, except for:
 - a. The Federal Grants Trust Fund.
 - b. The Grants and Donations Trust Fund.
 - c. The Maternal and Child Health Block Grant Trust Fund.
 - d. The Tobacco Settlement Trust Fund.
- 7. The Department of Highway Safety and Motor Vehicles, only for:
 - a. The DUI Programs Coordination Trust Fund.
 - b. The Security Deposits Trust Fund.
- 8. The Department of Juvenile Justice.
- 9. The Department of Labor and Employment Security, only for the Administrative Trust Fund.
- 10. The Department of Law Enforcement.
- 11. The Department of Legal Affairs.
- 12. The Department of State, only for:
 - a. The Grants and Donations Trust Fund.
 - b. The Records Management Trust Fund.
- 13. The Executive Office of the Governor, only for:
 - a. The Economic Development Transportation Trust Fund.
 - b. The Economic Development Trust Fund.
- 14. The Florida Public Service Commission, only for the Florida Public Service Regulatory Trust Fund.
- 15. The Justice Administrative Commission.

16. The state courts system.

(d) Moneys in any trust funds of the agencies in paragraph (c) may be invested pursuant to the provisions of this section if:

1. Investment of such moneys and the retention of interest is required by federal programs or mandates;

2. Investment of such moneys and the retention of interest is required by bond covenants, indentures, or resolutions;

3. Such moneys are held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; or

4. The Executive Office of the Governor determines, after consultation with the Legislature pursuant to the procedures of s. 216.177, that federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 67. The amendment of subsection (3) of section 18.125, Florida Statutes, by this act shall expire on July 1, 2003, and the text of that subsection shall revert to that in existence on June 30, 2002, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 68. Effective July 30, 2002, in order to implement Specific Appropriation 3119 of the 2002-2003 General Appropriations Act, paragraph (f) of subsection (2) of section 14.2015, Florida Statutes, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

(f1. Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, the tax-refund program for qualified defense contractors under s. 288.1045, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the expedited permitting process under s. 403.973, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Certified Capital Company Act under s. 288.99, the Florida State Rural Development Council, the Rural Economic

Development Initiative, and other programs that are specifically assigned to the office by law, by the appropriations process, or by the Governor. Notwithstanding any other provisions of law, the office may expend interest earned from the investment of program funds deposited in the ~~Economic Development Trust Fund~~, the Grants and Donations Trust Fund ~~and~~, the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund, ~~and the Economic Development Transportation Trust Fund~~ to contract for the administration of the programs, or portions of the programs, enumerated in this paragraph or assigned to the office by law, by the appropriations process, or by the Governor. Such expenditures shall be subject to review under chapter 216.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, tax incentives under chapters 212 and 220, tax incentives under the Certified Capital Company Act in chapter 288, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law, by the appropriations process, or by the Governor.

Section 69. The amendment of paragraph (f) of subsection (2) of section 14.2015, Florida Statutes, by this act shall expire on July 1, 2003, and the text of that paragraph shall revert to that in existence on July 29, 2002, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 70. In order to implement Specific Appropriation 349 of the 2002-2003 General Appropriations Act, subsection (8) of section 240.4075, Florida Statutes, as renumbered by section 2 of chapter 2002-230, Laws of Florida, is amended to read:

240.4075 Nursing Student Loan Forgiveness Program.—

(8)(a) Funds contained in the Nursing Student Loan Forgiveness Trust Fund which are to be used for loan forgiveness for those nurses employed by hospitals, birth centers, and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions, except that this provision shall not apply to state-operated medical and health care facilities, public schools, county health departments, federally sponsored community health centers, teaching hospitals as defined in s. 408.07, family practice teaching hospitals as defined in s. 395.805, or specialty hospitals for children as used in s. 409.9119. If in any given fiscal quarter there are insufficient funds in the trust fund to grant all eligible applicant requests, awards shall be based on the following priority of employer: county health departments; federally sponsored community health centers; state-operated medical and health care facilities; public schools; teaching hospitals as defined in s. 408.07; family practice teaching hospitals as defined in s. 395.805;

specialty hospitals for children as used in s. 409.9119; and other hospitals, birth centers, and nursing homes.

~~(b) All Nursing Student Loan Forgiveness Trust Fund moneys shall be invested pursuant to s. 18.125. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for loan forgiveness and scholarships. Pledged contributions shall not be eligible for matching prior to the actual collection of the total private contribution for the year.~~

Section 71. The amendment of subsection (8) of section 240.4075, Florida Statutes, by this act shall expire on July 1, 2003, and the text of that subsection shall revert to that in existence on June 30, 2002, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 72. In order to implement Specific Appropriation 349 of the 2002-2003 General Appropriations Act, subsection (3) of section 385.207, Florida Statutes, is amended to read:

385.207 Care and assistance of persons with epilepsy; establishment of programs in epilepsy control.—

(3) Revenue for statewide implementation of programs for epilepsy prevention and education pursuant to this section shall be derived pursuant to the provisions of s. 318.21(6) and shall be deposited in the Epilepsy Services Trust Fund, which is hereby established to be administered by the Department of Health. ~~All funds deposited into the trust fund shall be invested pursuant to the provisions of s. 18.125. Interest income accruing to such invested funds shall increase the total funds available under this subsection.~~

Section 73. The amendment of subsection (3) of section 385.207, Florida Statutes, by this act shall expire on July 1, 2003, and the text of that subsection shall revert to that in existence on June 30, 2002, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 74. In order to implement Specific Appropriation 1170 of the 2002-2003 General Appropriations Act, subsection (1) of section 860.158, Florida Statutes, is amended to read:

860.158 Florida Motor Vehicle Theft Prevention Trust Fund.—

(1) There is hereby established within the Department of Legal Affairs the Florida Motor Vehicle Theft Prevention Trust Fund, which shall be administered by the executive director of the authority at the direction of the board. ~~All interest earned from the investment or deposit of moneys accumulated in the trust fund shall be deposited in the trust fund.~~ The trust fund shall be funded from the surcharge collected under s. 320.08046.

Section 75. The amendment of subsection (1) of section 860.158, Florida Statutes, by this act shall expire on July 1, 2003, and the text of that subsection shall revert to that in existence on June 30, 2002, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 76. In order to implement Specific Appropriation 1170 of the 2002-2003 General Appropriations Act, subsection (1) of section 938.01, Florida Statutes, as amended by section 18 of chapter 2002-55, Laws of Florida, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess \$3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, \$3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be remitted to the Department of Revenue as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All costs collected by the courts pursuant to this subsection shall be remitted to the Department of Revenue in accordance with administrative rules adopted by the executive director of the Department of Revenue for deposit in the Additional Court Cost Clearing Trust Fund. These funds and the funds deposited in the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21(2)(c) shall be distributed as follows:

1. Ninety-two percent to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.

2. Six and three-tenths percent to the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program.

3. One and seven-tenths percent to the Department of Children and Family Services Domestic Violence Trust Fund for the domestic violence program pursuant to s. 39.903(3).

~~(b) The funds deposited in the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund, the Department of Law Enforcement Operating Trust Fund, and the Department of Children and Family Services Domestic Violence Trust Fund may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall remain in the respective trust fund.~~

(b)(e) All funds in the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund shall be disbursed only in compliance with s. 943.25(9).

Section 77. The amendment of subsection (1) of section 938.01, Florida Statutes, by this act shall expire on July 1, 2003, and the text of that subsection shall revert to that in existence on June 30, 2002, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 78. It is the policy of the state that no state agency or local governmental entity receiving any funds pursuant to the 2002-2003 General Appropriations Act shall expend any such funds for newspaper, magazine, direct mail, radio, television, or outdoor advertising in support of, or in opposition to, any candidate or issue appearing on the ballot. Any violation of this policy shall result in the forfeiture and reversion of 5 percent of state funds appropriated or distributed to that agency or entity in the 2002-2003 General Appropriations Act. The Comptroller or Chief Financial Officer shall be responsible for the enforcement of this section.

Section 79. A section of this act that implements a specific appropriation or specifically identified proviso language in the 2002-2003 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2002-2003 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 80. If any other act passed in 2002 contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.

Section 81. The agency performance measures and standards in the document entitled "Florida's Budget 2002 Agency Performance Measures and Standards Approved by the Legislature for Fiscal Year 2002-03" dated May 10, 2002, and filed with the Clerk of the House of Representatives are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2002-2003, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their long-range program plans required under s. 216.013, Florida Statutes, to be consistent with these performance measures and standards.

Section 82. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 83. Except as otherwise provided in this act, this act shall take effect July 1, 2002; or, in the event this act fails to become a law until after

that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2002.

Became a law without the Governor's approval June 13, 2002.

Filed in Office Secretary of State June 7, 2002.