

Senate Bill No. 4-A

An act implementing the 2003-2004 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2003-2004 fiscal year; authorizing school districts to use funds received pursuant to ss. 206.41(4)(e) and 206.625, F.S., for student transportation services; authorizing the Department of Education to conduct a pilot program for school districts to purchase used instructional materials from third-party vendors; amending s. 17.076, F.S.; providing an exception to a public records exemption; amending s. 112.215, F.S.; including employees of state university boards of trustees in the definition of "employee" for purposes of the deferred compensation program; amending s. 287.064, F.S.; authorizing state universities to continue to participate in the consolidated equipment financing program; amending s. 440.38, F.S.; including state universities as self-insurers for purposes of workers' compensation; creating s. 1010.10, F.S.; creating the Florida Uniform Management of Institutional Funds Act; providing definitions; providing for expenditure of endowment funds by a governing board; providing for a standard of conduct; providing investment authority; providing for delegation of investment management; providing for investment costs; providing for uniformity of application and construction; providing for a demonstration project at Florida Agricultural and Mechanical University; renaming Chipola Junior College and Miami-Dade Community College; providing for a transfer of certain lands from the University of Florida to Florida Atlantic University; amending s. 1011.71, F.S.; allowing school boards to make payments toward the cost of school buses owned by certain student transportation contract providers; providing requirements; requiring grant funds appropriated for districts with high growth in student enrollment to be awarded to districts that meet specified criteria; providing a methodology for calculating grants; 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. 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. 385.207, F.S.; authorizing appropriation of funds in the Epilepsy Services Trust Fund for epilepsy case management services; amending s. 409.1671, F.S.; requiring that funds for privatized foster care and related services be allocated in accordance with a methodology adopted by the Department of Children and Family Services by rule and granting rulemaking authority for such purpose; providing for

lump sum funding in the Department of Children and Family Services to provide for continuity of foster care under certain circumstances; amending s. 394.908, F.S.; providing for substance abuse and mental health funding equity as provided in the General Appropriations Act; amending s. 20.19, F.S.; requiring specific authority for transfer of funds by the Department of Children and Family Services; amending s. 381.79, F.S.; providing conditions for disbursement of funds appropriated for brain and spinal cord injury research; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budgets 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. 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; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 932.7055, F.S.; allowing municipal special law enforcement trust funds to be used to reimburse certain loans from municipalities; 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. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending ss. 121.1115, 121.1122, F.S., relating to purchase of retirement credits; permitting purchase of additional years of out-of-state and federal service not aggregated with certain in-state service; establishing the rate of increase for legislative salaries; providing for the budget of the Council for Education Policy Research and Improvement to be administered by the Auditor General; providing that the council is otherwise independent; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; 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. 468.404, F.S.; requiring talent agency license fees equal to costs of regulation; amending s. 378.035, F.S.; permitting expenditure of moneys appropriated for abatement of imminent hazards caused by, and for closure of, abandoned phosphogypsum stacks; amending s. 215.96, F.S.; requiring the Financial Management Information Board to provide certain policies, procedures, and processes for integration of central administrative and

financial information systems; requiring a task force; specifying membership and responsibilities; requiring recommendations on specific information systems and projects; amending s. 601.15, F.S.; permitting the Florida Citrus Commission to reduce certain statutory citrus tax rates by majority vote; amending s. 372.561, F.S.; permitting counties to retain certain hunting and fishing fees until the Fish and Wildlife Conservation Commission implements an automated licensing system; amending s. 376.86, F.S.; revising certain restrictions on investing funds maintained in the Nonmandatory Land Reclamation Trust Fund; providing for a schedule for legislative review of the Brownfield Areas Loan Guarantee Program; providing for future repeal or expiration; 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. 253.025, F.S.; providing that the use of funds allocated to the Relocation and Construction Trust Fund shall be as provided in the General Appropriations Act; amending s. 570.544, F.S.; reducing consumer complaint processing responsibilities of the Division of Consumer Services of the Department of Agriculture and Consumer Services; amending ss. 526.3135, 559.921, F.S., to conform; amending s. 259.105, F.S.; permitting an additional allocation of Florida Forever moneys appropriated for water management districts; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction of an agricultural interdiction station in Escambia County; prohibiting the Department of Business and Professional Regulation and the Florida Engineers Management Corporation from taking actions against certain persons; amending s. 195.022, F.S.; limiting the responsibility of the Department of Revenue to furnish certain ad valorem tax forms to specified local officials; requiring certain counties to reproduce the forms; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund, including the use of certain funds as state matching funds for federally approved Hazard Mitigation Grant Program projects; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps (TEACH) scholarship program by the Agency for Workforce Innovation; amending s. 411.01, F.S.; providing priority for placement of children in the school readiness program; amending s. 288.063, F.S.; providing for funds for certain transportation projects approved by the Office of Tourism, Trade, and Economic Development to be subject to reversion; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 339.08, F.S.; transferring \$200 million

from the State Transportation Trust Fund to the General Revenue Fund; reducing the amount transferred from certain transportation calculation requirements; amending s. 445.048, F.S.; continuing and expanding the Passport to Economic Progress demonstration project; postponing the repeal of ss. 288.9511, 288.9515, 288.9517, F.S., relating to technology development activities of Enterprise Florida, Inc.; amending s. 376.875, F.S.; providing additional uses of the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund; requiring the Chief Financial Officer to report on costs of court-related services provided by the counties; providing specific requirements; providing for reimbursement of certain expenses; amending s. 413.4021, F.S.; requiring additional revenues from the tax collection enforcement diversion program to be used for the personal care attendant pilot program and for state attorney contracts; amending s. 27.701, F.S.; providing for a pilot program using a registry of attorneys instead of the capital collateral regional counsel in the northern region of the state; requiring certain qualification; requiring a report; amending s. 27.709, F.S.; expanding the jurisdiction of the Commission on Capital Cases; amending s. 27.711, F.S.; providing for compensation of counsel in the pilot program; providing for limitations on such counsel; amending s. 27.702, F.S.; requiring reports from attorneys participating in the pilot program; amending enrolled House Bill 439 from the 2003 Regular Session; repealing certain authority for attorney ad litem demonstration projects; transferring a position on an earlier date; providing for the effect of a veto of a specific appropriation or proviso to which implementing provisions refer; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2003-2004 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994, including measures and standards specifically applicable to the Department of Environmental Protection; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing for severability; providing for retroactive application; 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 2003-2004.

Section 2. In order to implement Specific Appropriations 7-11, 12A-14E, 123-127, and 130 and sections 9-11 of the 2003-2004 General Appropriations Act:

(1) Each university that has not made the transition, effective July 1, 2003, from the state accounting system (FLAIR) shall utilize the state accounting system for fiscal year 2003-2004 but is not required to provide funds to the Department of Financial Services for its utilization.

(2) Notwithstanding the provisions of sections 216.181, 216.292, and 1011.4105, Florida Statutes, and pursuant to section 216.351, Florida Statutes, funds appropriated or reappropriated to the state universities in the 2003-2004 General Appropriations Act, or any other act passed by the 2003 Legislature containing appropriations, shall be distributed to each university according to the 2003-2004 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 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 sections 216.181, 216.292, and 1011.4105, Florida Statutes, and pursuant to section 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 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) Notwithstanding those provisions of sections 216.181, 216.292, and 1011.4105, Florida Statutes, which are inconsistent with the provisions of this subsection and pursuant to section 216.351, Florida Statutes, fixed capital outlay funds appropriated or reappropriated in the 2003-2004 General Appropriations Act, or any other act passed by the 2003 Legislature containing fixed capital outlay appropriations, for universities that have made the transition, effective July 1, 2003, from the state accounting system (FLAIR) shall be administered by the Department of Education and shall be distributed to the universities as needed for projects based upon estimated invoices to be paid during the following 30 days or as required by bond documents. For undisbursed fixed capital outlay appropriations from prior fiscal years for universities that have made the transition, effective July 1, 2003, from the state accounting system (FLAIR), the Executive Office of the Governor and the Chief Financial Officer shall have authority to transfer such undisbursed fixed capital outlay appropriations into appropriations under the Department of Education for distribution to the universities as needed for projects based on estimated invoices to be paid during the following 30 days or as required by bond documents. Expenditure of fixed capital outlay appropriations shall be consistent with legislative policy and intent.

(5) This section expires July 1, 2004.

Section 3. In order to implement Specific Appropriation 62 of the 2003-2004 General Appropriations Act, notwithstanding the provisions of sections 206.41(4)(e) and 206.625(2), Florida Statutes, for the 2003-2004 fiscal year only, a district school board that has completely addressed district needs associated with the construction, reconstruction, and maintenance of roads and has a fund balance remaining may expend such balance for student transportation services. Funds transferred pursuant to this section for student transportation services shall not exceed the actual amount expended for such services. This section expires July 1, 2004.

Section 4. In order to implement Specific Appropriation 60 of the 2003-2004 General Appropriations Act, notwithstanding the provisions of section 1006.37, Florida Statutes, for the 2003-2004 fiscal year only, the Department of Education may conduct a pilot program to enable selected school districts to realize cost savings without loss of quality or availability for individual students in the purchase of used instructional materials. The school districts of Hernando County, Pasco County, Seminole County, and Polk County may participate in the pilot program. Charter schools in such school districts shall be eligible to participate in the pilot program. When a secondhand book dealer or other third-party book vendor provides used adopted instructional materials to a school district, the dealer or vendor must certify the availability of the used instructional material, provide the International Standard Book Number of each of the used instructional materials, and certify that such materials are not samples or first printings, are the most currently adopted, Florida-specific instructional materials, and conform to the Sunshine State Standards. The state is not responsible for financial loss caused by the school district's deviating from the requirements of section 1006.37, Florida Statutes. The Department of Education shall submit to the President of the Senate and the Speaker of the House of Representatives for consideration during the 2004 Regular Session a report of the cost savings to school districts based on results of the pilot program. This section expires July 1, 2004.

Section 5. In order to implement Specific Appropriations 123-130 of the 2003-2004 General Appropriations Act, subsection (5) of section 17.076, Florida Statutes, is amended to read:

17.076 Direct deposit of funds.—

(5) All direct deposit records made prior to October 1, 1986, are exempt from the provisions of s. 119.07(1). With respect to direct deposit records made on or after October 1, 1986, the names of the authorized financial institutions and the account numbers of the beneficiaries are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Notwithstanding this exemption and the provisions of s. 119.07(3)(dd), the department may provide a state university, upon request, with that university's employee or vendor direct deposit authorization information on file with the department in order to accommodate the transition to the university accounting system. The state university shall maintain the confidentiality of all such information provided by the department.

Section 6. The amendment of section 17.076, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 7. In order to implement Specific Appropriations 123-130 of the 2003-2004 General Appropriations Act, subsection (2) of section 112.215, Florida Statutes, is amended to read:

112.215 Government employees; deferred compensation program.—

(2) For the purposes of this section, the term “employee” means any person, whether appointed, elected, or under contract, providing services for the state; any state agency or county or other political subdivision of the state; any municipality; any state university board of trustees; or any constitutional county officer under s. 1(d), Art. VIII of the State Constitution for which compensation or statutory fees are paid.

Section 8. The amendment of section 112.215, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 9. In order to implement Specific Appropriations 123-130 of the 2003-2004 General Appropriations Act, subsections (1) through (6) of section 287.064, Florida Statutes, are amended to read:

287.064 Consolidated financing of deferred-payment purchases.—

(1) The Division of Bond Finance of the State Board of Administration and the Comptroller shall plan and coordinate deferred-payment purchases made by or on behalf of the state or its agencies or by or on behalf of state universities or state community colleges participating under this section pursuant to s. 1001.74(5) or s. 1001.64(26), respectively. The Division of Bond Finance shall negotiate and the Comptroller shall execute agreements and contracts to establish master equipment financing agreements for consolidated financing of deferred-payment, installment sale, or lease purchases with a financial institution or a consortium of financial institutions. As used in this act, the term “deferred-payment” includes installment sale and lease-purchase.

(a) The period during which equipment may be acquired under any one master equipment financing agreement shall be limited to not more than 3 years.

(b) Repayment of the whole or a part of the funds drawn pursuant to the master equipment financing agreement may continue beyond the period established pursuant to paragraph (a).

(c) The interest rate component of any master equipment financing agreement shall be deemed to comply with the interest rate limitation imposed in s. 287.063 so long as the interest rate component of every interagency, state university, or community college agreement entered into under such master equipment financing agreement complies with the interest rate limitation imposed in s. 287.063. Such interest rate limitation does not apply when the payment obligation under the master equipment financing agreement is rated by a nationally recognized rating service in any one of the three highest classifications, which rating services and classifications are determined pursuant to rules adopted by the Comptroller.

(2) Unless specifically exempted by the Comptroller, all deferred-payment purchases, including those made by a state university or community college that is participating under this section, shall be acquired by funding through master equipment financing agreements. The Comptroller is authorized to exempt any purchases from consolidated financing when, in his or her judgment, alternative financing would be cost-effective or otherwise beneficial to the state.

(3) The Comptroller may require agencies to enter into interagency agreements and may require participating state universities or community colleges to enter into systemwide agreements for the purpose of carrying out the provisions of this act.

(a) The term of any interagency or systemwide agreement shall expire on June 30 of each fiscal year but shall automatically be renewed annually subject to appropriations and deferred-payment schedules. The period of any interagency or systemwide agreement shall not exceed the useful life of the equipment for which the agreement was made as determined by the Comptroller.

(b) The interagency or systemwide agreements may include, but are not limited to, equipment costs, terms, and a pro rata share of program and issuance expenses.

(4) Each state university or community college may choose to have its purchasing agreements involving administrative and instructional materials consolidated under this section.

(5) The Comptroller is authorized to automatically debit each agency's or state university's funds and each community college's portion of the Community College Program Fund consistently with the deferred-payment schedules.

(6) There is created the Consolidated Payment Trust Fund in the Comptroller's office for the purpose of implementing the provisions of this act. All funds debited from each agency, state university, and ~~each~~ community college may be deposited in the trust fund and shall be used to meet the financial obligations incurred pursuant to this act. Any income from the investment of funds may be used to fund administrative costs associated with this program.

Section 10. The amendment of section 287.064, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 11. In order to implement specific Appropriations 123-130 of the 2003-2004 General Appropriations Act, subsection (6) of section 440.38, Florida Statutes, is amended to read:

440.38 Security for compensation; insurance carriers and self-insurers.—

(6) The state and its boards, bureaus, departments, and agencies and all of its political subdivisions which employ labor, and the state universities, shall be deemed self-insurers under the terms of this chapter, unless they elect to procure and maintain insurance to secure the benefits of this chapter to their employees; and they are hereby authorized to pay the premiums for such insurance.

Section 12. The amendment of section 440.38, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 13. In order to implement Specific Appropriations 123-130 of the 2003-2004 General Appropriations Act, effective upon this act becoming a law and applicable retroactive to January 7, 2003, section 1010.10, Florida Statutes, is created to read:

1010.10 Florida Uniform Management of Institutional Funds Act.—

(1) SHORT TITLE.—This section may be cited as the “Florida Uniform Management of Institutional Funds Act.”

(2) DEFINITIONS.—As used in this section, the term:

(a) “Endowment fund” means an institutional fund, or any part thereof, not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument.

(b) “Governing board” means the body responsible for the management of an institution or of an institutional fund.

(c) “Institution” means an incorporated or unincorporated organization organized and operated exclusively for the advancement of educational purposes, or a governmental entity to the extent that it holds funds exclusively for educational purposes.

(d) “Institutional fund” means a fund held by an institution for its exclusive use, benefit, or purposes. The term excludes a fund held for an institu-

tion by a trustee that is not an institution. The term also excludes a fund in which a beneficiary that is not an institution has an interest, other than possible rights that could arise upon violation or failure of the purposes of the fund.

(e) "Instrument" means a will; deed; grant; conveyance; agreement; memorandum; electronic record; writing; or other governing document, including the terms of any institutional solicitations from which an institutional fund resulted, under which property is transferred to or held by an institution as an institutional fund.

(3) EXPENDITURE OF ENDOWMENT FUNDS.—

(a) A governing board may expend so much of an endowment fund as the governing board determines to be prudent for the uses and purposes for which the endowment fund is established, consistent with the goal of conserving the purchasing power of the endowment fund. In making its determination the governing board shall use reasonable care, skill, and caution in considering the following:

1. The purposes of the institution;
2. The intent of the donors of the endowment fund;
3. The terms of the applicable instrument;
4. The long-term and short-term needs of the institution in carrying out its purposes;
5. The general economic conditions;
6. The possible effect of inflation or deflation;
7. The other resources of the institution; and
8. Perpetuation of the endowment.

Expenditures made under this paragraph will be considered prudent if the amount expended is consistent with the goal of preserving the purchasing power of the endowment fund.

(b) A restriction upon the expenditure of an endowment fund may not be implied from a designation of a gift as an endowment or from a direction or authorization in the instrument to use only "income," "interest," "dividends," or "rents, issues or profits," or "to preserve the principal intact," or words of similar import.

(c) The provisions of paragraph (a) shall not apply to instruments if the instrument so indicates by stating, "I direct that the expenditure provision of paragraph (a) of subsection (3) of the Florida Uniform Management of Institutional Funds Act not apply to this gift" or words of similar import.

(d) This subsection does not limit the authority of a governing board to expend funds as permitted under other law, the terms of the instrument, or the charter of the institution.

(e) Except as otherwise provided, this subsection applies to instruments executed or in effect before or after the effective date of this section.

(4) STANDARD OF CONDUCT.—

(a) Members of a governing board shall invest and manage an institutional fund as a prudent investor would, by considering the purposes, distribution requirements, and other circumstances of the fund. In satisfying this standard, the governing board shall exercise reasonable care, skill, and caution.

(b) A governing board's investment and management decisions about individual assets shall be made not in isolation but in the context of the institutional fund's portfolio of investments as a whole and as a part of an overall investment strategy that provides risk and return objectives reasonably suited to the fund and to the institution.

(c) Among circumstances that a governing board shall consider are:

1. Long-term and short-term needs of the institution in carrying out its purposes;

2. Its present and anticipated financial resources;

3. General economic conditions;

4. The possible effect of inflation or deflation;

5. The expected tax consequences, if any, of investment decisions or strategies;

6. The role that each investment or course of action plays within the overall investment portfolio of the institutional fund;

7. The expected total return from income and the appreciation of its investments;

8. Other resources of the institution;

9. The needs of the institution and the institutional fund for liquidity, regularity of income, and preservation or appreciation of capital; and

10. An asset's special relationship or special value, if any, to the purposes of the applicable gift instrument or to the institution.

(d) A governing board shall make a reasonable effort to verify the facts relevant to the investment and management of institutional fund assets.

(e) A governing board shall diversify the investments of an institutional fund unless the board reasonably determines that, because of special circumstances, the purposes of the fund are better served without diversifying.

(f) A governing board shall invest and manage the assets of an institutional fund solely in the interest of the institution.

(5) INVESTMENT AUTHORITY.—In addition to an investment otherwise authorized by law or by the applicable gift instrument, and without restriction to investments a fiduciary may make, the governing board, subject to any specific limitations in the applicable gift instrument or in the applicable law, other than law relating to investments by a fiduciary:

(a) Within a reasonable time after receiving property, shall review the property and make and implement decisions concerning the retention and disposition of the assets, in order to bring the portfolio of the institutional fund into compliance with the purposes, terms, distribution requirements, and other circumstances of the institution, and with the requirements of this section;

(b) May invest in any kind of property or type of investment consistent with the standards of this section;

(c) May include all or any part of an institutional fund in any pooled or common fund maintained by the institution; and

(d) May invest all or any part of the institutional fund in any other pooled or common fund available for investment, including shares or interests in regulated investment companies, mutual funds, common trust funds, investment partnerships, real estate investment trusts, or similar organizations in which funds are commingled and investment determinations are made by persons other than the governing board.

(6) DELEGATION OF INVESTMENT MANAGEMENT.—

(a) Except as otherwise provided by applicable law relating to governmental institutions or funds, a governing board may delegate investment and management functions that a prudent governing body could properly delegate under the circumstances. A governing board shall exercise reasonable care, skill, and caution in:

1. Selecting an agent;
2. Establishing the scope and terms of the delegation, consistent with the purposes of the institutional fund; and
3. Periodically reviewing the agent's actions to monitor the agent's performance and the agent's compliance with the terms of the delegation.

(b) In performing a delegated function, an agent owes a duty to the governing board to exercise reasonable care to comply with the terms of the delegation.

(c) The members of a governing board who comply with the requirements of paragraph (a) are not liable for the decisions or actions of the agent to whom the function was delegated.

(d) By accepting the delegation of an investment or management function from a governing board of an institution that is subject to the laws of this state, an agent submits to the jurisdiction of the courts of this state in all actions arising from the delegation.

(7) INVESTMENT COSTS.—In investing and managing trust assets, a governing board may only incur costs that are appropriate and reasonable in relation to the assets and the purposes of the institution.

(8) RELEASE OF RESTRICTIONS ON USE OR INVESTMENT.—

(a) With the written consent of the donor, a governing board may release, in whole or in part, a restriction imposed by the applicable instrument on the use or investment of an institutional fund.

(b) If written consent of the donor cannot be obtained by reason of the donor's death, disability, unavailability, or impossibility of identification, a governing board may release, in whole or in part, a restriction imposed by the applicable instrument on the use or investment of an institutional fund if the fund has a total value of less than \$100,000 and if the governing board, in its fiduciary judgment, concludes that the value of the fund is insufficient to justify the cost of administration as a separate institutional fund.

(c) If written consent of the donor cannot be obtained by reason of the donor's death, disability, unavailability, or impossibility of identification, a governing board may apply in the name of the institution to the circuit court of the county in which the institution is located for release of a restriction imposed by the applicable instrument on the use or investment of an institutional fund. The Attorney General shall be notified of the application and shall be given an opportunity to be heard. If the court finds that the restriction is unlawful, impracticable, impossible to achieve, or wasteful, it may by order release the restriction in whole or in part. A release under this subsection may not change an endowment fund to a fund that is not an endowment fund.

(d) A release under this subsection may not allow a fund to be used for purposes other than the educational purposes of the institution affected.

(e) This subsection does not limit the application of the doctrine of cy pres.

(9) UNIFORMITY OF APPLICATION AND CONSTRUCTION.—This act shall be applied and construed so as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

(10) This section expires July 1, 2004.

Section 14. In order to implement Specific Appropriation 123 of the 2003-2004 General Appropriations Act and notwithstanding any provision of law to the contrary, Florida Agricultural and Mechanical University (FAMU) may implement a demonstration project that uses one or more private developers to finance, construct, and lease to FAMU a replacement building for the Commons Building located on the FAMU campus. Florida Agricultural and Mechanical University may use plant operations and maintenance appropriations included in the 2003-2004 General Appropriations Act for the Commons Building, to make lease payments for the replacement building. Selection of developers shall comply with all applicable provisions of law. This section expires July 1, 2004.

Section 15. In order to implement Specific Appropriation 6 of the 2003-2004 General Appropriations Act, in order to meet SACS requirements for baccalaureate degree programs, Chipola Junior College and Miami-Dade Community College shall also be known as Chipola College and Miami-Dade College when awarding baccalaureate degrees to students in those programs approved by the State Board of Education on May 15, 2002, pursuant to section 1007.33, Florida Statutes. This section expires July 1, 2004.

Section 16. In order to implement Specific Appropriation 124 of the 2003-2004 General Appropriations Act and notwithstanding any provision of law to the contrary, the Board of Trustees of the University of Florida shall transfer the leasehold interest of 25 acres of land in Davie, Florida, used by the University of Florida Institute of Food and Agricultural Sciences (UF IFAS) to the Board of Trustees of the Florida Atlantic University (FAU). This land shall be used by FAU for the expansion of academic programs in Broward County according to the FAU Master Plan. Florida Atlantic University shall make available to the UF IFAS at least 10,000 square feet of space from any facilities constructed on this land, pursuant to plans agreed to by both institutions.

Section 17. In order to implement Specific Appropriation 62 of the 2003-2004 General Appropriations Act, paragraph (i) is added to subsection (2) of section 1011.71, Florida Statutes, to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 2 mills against the taxable value for school purposes to fund:

(i) For the 2003-2004 fiscal year only, the payment of the cost of school buses when a school district contracts with a private entity to provide student transportation services if the district meets the requirements of this paragraph. This paragraph expires July 1, 2004.

1. The district's contract must require that the private entity purchase, own, operate, and maintain one or more school buses of a specific type and size that meet the requirements of s. 1006.25.

2. Each such school bus shall be used for the daily transportation of public school students in the manner required by the school district.

3. Payment for each such school bus shall not exceed 10 percent of the purchase price of the state pool bid.

4. The proposed expenditure of the funds for this purpose must have been included in the district school board's notice of proposed tax for school capital outlay as provided in s. 200.065(9).

Violations of these expenditure provisions shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

Section 18. The amendment of section 1011.71, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continued 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 19. (1) In order to implement Section 19 of the 2003-2004 General Appropriations Act, grant funds provided by that section may only be used to construct new student stations. In order to qualify for a grant from the funds from that section, a school district must meet the following criteria:

(a) The district must have levied the full 2 mills of nonvoted discretionary capital outlay authorized in section 235.25(2), Florida Statutes, for each of the past 4 years;

(b) Fifty percent of the revenue derived from the 2-mill nonvoted capital outlay levy for the past 4 years, when divided by the district's growth in capital outlay FTE students over this period, produces a value that is less than the average cost per student station calculated pursuant to section 235.216(2), Florida Statutes, for the 2000-2001 fiscal year, and weighted by statewide enrollment in elementary, middle, and high school;

(c) The Commissioner of Education has released all funds allocated to the district from the Classrooms First Program authorized in section 235.187, Florida Statutes, and these funds were fully expended by the district as of February 1, 2002; and

(d) The total capital outlay FTE of the district is greater than 15,000 students.

(2) These funds shall be allocated pursuant to the following methodology:

(a) For each eligible district, the Department of Education shall calculate the value of 50 percent of the revenue derived from the 2-mill nonvoted discretionary capital outlay tax for the past 4 fiscal years divided by the increase in capital outlay FTE for the same period.

(b) The Department of Education shall determine, for each eligible district, the amount that must be added to the value calculated in paragraph (a) to produce the weighted average value per student station calculated in paragraph (1)(b) for fiscal year 2000-2001.

(c) The value calculated for each eligible district in paragraph (b) shall be multiplied by the total increase in capital outlay FTE for the past 4 years to determine the maximum amount of a grant that may be awarded to a district pursuant to this section.

(d) In the event the funds provided in Section 19 of the 2003-2004 General Appropriations Act are insufficient to fully fund the maximum grants calculated in paragraph (c), the Department of Education shall allocate the funds based on each district's prorated share of the total maximum award amount calculated for all eligible districts.

Section 20. In order to implement Specific Appropriations 426-441 of the 2003-2004 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 ~~2003-2004~~ 2002-2003 only, 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, ~~2004~~ 2003.

Section 21. In order to implement Specific Appropriations 426-441 of the 2003-2004 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 ~~2003-2004~~ 2002-2003 only, the department shall fund, through the area agency on aging in each county as defined in s. 125.011(1), 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, ~~2004~~ 2003.

Section 22. In order to implement Specific Appropriations 271, 274, and 276 of the 2003-2004 General Appropriations Act, subsection (12) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(12) For the ~~2003-2004~~ 2002-2003 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, ~~2004~~ 2003.

Section 23. In order to implement Sections 353 and 357 of the 2003-2004 General Appropriations Act, subsection (4) of section 561.121, Florida Statutes, 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 2003-2004 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, 2004.

Section 24. In order to implement Specific Appropriation 519 of the 2003-2004 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 1996-2004 ~~1996-2003~~ 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 25. In order to implement Specific Appropriation 477 of the 2003-2004 General Appropriations Act, subsection (6) 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.—

(6) For the 2003-2004 ~~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, 2004 ~~2003~~.

Section 26. In order to implement Specific Appropriation 269A of the 2003-2004 General Appropriations Act, subsection (7) of section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.—

(7) The department, in consultation with existing lead agencies, shall develop a proposal regarding the long-term use and structure of a statewide shared earnings program which addresses the financial risk to eligible lead community-based providers resulting from unanticipated caseload growth or from significant changes in client mixes or services eligible for federal reimbursement. The recommendations in the statewide proposal must also be available to entities of the department until the conversion to community-based care takes place. At a minimum, the proposal must allow for use of federal earnings received from child welfare programs, which earnings are determined by the department to be in excess of the amount appropriated in the General Appropriations Act, to be used for specific purposes. These purposes include, but are not limited to:

- (a) Significant changes in the number or composition of clients eligible to receive services.
- (b) Significant changes in the services that are eligible for reimbursement.
- (c) Significant changes in the availability of federal funds.
- (d) Shortfalls in state funds available for eligible or ineligible services.
- (e) Significant changes in the mix of available funds.
- (f) Scheduled or unanticipated, but necessary, advances to providers or other cash-flow issues.
- (g) Proposals to participate in optional Medicaid services or other federal grant opportunities.
- (h) Appropriate incentive structures.
- (i) Continuity of care in the event of lead agency failure, discontinuance of service, or financial misconduct.

The department shall further specify the necessary steps to ensure the financial integrity of these dollars and their continued availability on an ongoing basis. The final proposal shall be submitted to the Legislative Budget Commission for formal adoption before December 31, 2002. If the Legislative Budget Commission refuses to concur with the adoption of the proposal, the department shall present its proposal in the form of recommended legislation to the President of the Senate and the Speaker of the House of Representatives before the commencement of the next legislative session. For fiscal year 2003-2004 and annually thereafter, the department of ~~Children and Family Services~~ may request in its legislative budget request, and the Governor may recommend, the funding necessary to carry out paragraph (i) from excess federal earnings. The General Appropriations Act shall include any funds appropriated for this purpose in a lump sum in the department Administered Funds Program, which funds constitute partial security for lead agency contract performance. The department shall use

this appropriation to offset the need for a performance bond for that year after a comparison of risk to the funds available. In no event shall this performance bond exceed 2.5 percent of the annual contract value. The department may separately require a bond to mitigate the financial consequences of potential acts of malfeasance, misfeasance, or criminal violations by the provider. Prior to the release of any funds in the lump sum, the department shall submit a detailed operational plan, which must identify the sources of specific trust funds to be used. The release of the trust fund shall be subject to the notice and review provisions of s. 216.177. However, the release shall not require approval of the Legislative Budget Commission.

Section 27. The amendment of subsection (7) of section 409.1671, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that subsection shall revert to that in existence on June 30, 2003, 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 28. In order to implement Specific Appropriations 324-357 of the 2003-2004 General Appropriations Act, subsection (8) of section 394.908, Florida Statutes, is amended to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity among service districts of the former Department of Health and Rehabilitative Services in the funding of substance abuse and mental health services, and in order to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be adhered to:

(8) For fiscal year ~~2003-2004~~ ~~2002-2003~~ only, and notwithstanding the provisions of this section, all new funds received in excess of fiscal year ~~2002-2003~~ ~~2001-2002~~ recurring appropriations shall be allocated in accordance with the provisions of the General Appropriations Act; however, no district shall receive an allocation of recurring funds less than its initial approved operating budget, plus any distributions of lump sum appropriations or reductions in unfunded budget, for fiscal year ~~2002-2003~~ ~~2001-2002~~. This subsection expires July 1, ~~2004~~ 2003.

Section 29. In order to implement Specific Appropriation 242 of the 2003-2004 General Appropriations Act, paragraph (b) of subsection (5) of section 20.19, Florida Statutes, is amended to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(5) SERVICE DISTRICTS.—

(b)1. The secretary shall appoint a district administrator for each of the service districts. The district administrator shall serve at the pleasure of the secretary and shall perform such duties as assigned by the secretary. Subject to the approval of the secretary, such duties shall include transferring

up to 10 percent of the total district budget, the provisions of ss. 216.292 and 216.351 notwithstanding.

2. For the 2003-2004 fiscal year only, the transfer authority provided in this subsection must be specifically appropriated in the 2003-2004 General Appropriations Act and shall be pursuant to the requirements of s. 216.292. This subparagraph expires July 1, 2004.

Section 30. In order to implement Specific Appropriation 598A of the 2003-2004 General Appropriations Act, subsection (7) is added to section 381.79, Florida Statutes, to read:

381.79 Brain and Spinal Cord Injury Program Trust Fund.—

(7) For the 2003-2004 fiscal year and notwithstanding the provisions of this section, the department shall disburse all funds appropriated for brain and spinal cord injury research in Specific Appropriation 598A of the 2003-2004 General Appropriations Act in equal payments at the end of each quarter. This subsection expires July 1, 2004.

Section 31. In order to implement Specific Appropriations 1118-1201 of the 2003-2004 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 2003-2004 ~~2002-2003~~ 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, 2004 ~~2003~~.

Section 32. In order to implement proviso language following Specific Appropriation 1103 of the 2003-2004 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, 2004.

Section 33. In order to implement Specific Appropriation 1218 of the 2003-2004 General Appropriations Act, paragraph (b) of subsection (3) of section 16.555, Florida Statutes, is amended to read:

16.555 Crime Stoppers Trust Fund; rulemaking.—

(3)

(b) For the ~~2003-2004~~ 2002-2003 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, ~~2004~~ 2003.

Section 34. In order to implement Specific Appropriations 1045-1117 of the 2003-2004 General Appropriations Act, subsection (2) of section 985.4075, Florida Statutes, is amended to read:

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

(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, ~~2004~~ 2003.

Section 35. In order to implement Specific Appropriations 643-739 and 775-789 of the 2003-2004 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 ~~2003-2004~~ 2002-2003 fiscal year only, 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, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, may request positions in excess of the number authorized by the Legislature and sufficient funding from the Working 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. This subsection expires July 1, ~~2004~~ 2003.

Section 36. Consistent with the provisions of section 216.163, Florida Statutes, in accordance with performance-based program budgeting requirements, and notwithstanding the provisions of section 216.181, Florida Statutes, the Department of Law Enforcement may transfer up to one-half of 1 percent of the funds in Specific Appropriations 1118, 1139, 1148, 1156, 1168, 1170, 1175, 1181, 1190, and 1195 of the 2003-2004 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, 2004.

Section 37. In order to implement Specific Appropriation 1164 of the 2003-2004 General Appropriations Act, paragraph (d) of subsection (4) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(4)

(d) Notwithstanding any other provision of this subsection, and for the 2003-2004 ~~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, 2004 ~~2003~~.

Section 38. In order to implement Specific Appropriations 2592-2598A of the 2003-2004 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 ~~2003-2004~~ ~~2002-2003~~ 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, 2004 ~~2003~~.

Section 39. In order to implement Section 8 of the 2003-2004 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) Under the state employees’ prescription drug program copayments must be made as follows:

(a) Effective January 1, 2001, through December 31, 2003:

- 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) Effective January 1, 2004:

- 1. For generic drug with card \$10.
- 2. For preferred brand name drug with card \$25.
- 3. For nonpreferred brand name drug with card \$40.
- 4. For generic mail order drug \$20.
- 5. For preferred brand name mail order drug \$50.
- 6. For nonpreferred brand name drug \$80.

~~(c)~~(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, ~~2004~~ 2003.

Section 40. In order to implement Sections 2-7 of the 2003-2004 General Appropriations Act and for the 2003-2004 fiscal year only, paragraph (c) of subsection (1) of section 121.1115, Florida Statutes, is amended to read:

121.1115 Purchase of retirement credit for out-of-state and federal service.—Effective January 1, 1995, a member of the Florida Retirement System may purchase creditable service for periods of public employment in another state and receive creditable service for such periods of employment. Service with the Federal Government, including any military service, may be claimed. Upon completion of each year of service earned under the Florida Retirement System, a member may purchase up to 1 year of retirement credit for his or her out-of-state service, subject to the following provisions:

(1) LIMITATIONS AND CONDITIONS.—To receive credit for the out-of-state service:

(c) Not more than 10 ~~5~~ years of creditable service may be claimed for creditable service aggregated under the provisions of this section ~~and s. 121.1122.~~

Section 41. The amendment of section 121.1115, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 42. In order to implement Sections 2-7 of the 2003-2004 General Appropriations Act and for the 2003-2004 fiscal year only, paragraph (b) of subsection (2) of section 121.1122, Florida Statutes, is amended to read:

121.1122 Purchase of retirement credit for in-state public service and in-state service in accredited nonpublic schools and colleges, including charter schools and charter technical career centers.—Effective January 1, 1998, a member of the Florida Retirement System may purchase creditable service for periods of certain public or nonpublic employment performed in this state, as provided in this section.

(2) LIMITATIONS AND CONDITIONS.—

(b) A member may not purchase and receive credit for more than 5 years of creditable service ~~aggregated~~ under the provisions of this section ~~and s. 121.1115~~.

Section 43. The amendment of section 121.1122, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 Specific Appropriations 2526 and 2527 of the 2003-2004 General Appropriations Act, and notwithstanding section 11.13(1)(b), Florida Statutes, or any other law, the salary of members of the Senate and the House of Representatives shall not be calculated according to that paragraph; instead, the annual salaries of these members for the 2002-2003 fiscal year shall be increased 2 percent for the 2003-2004 fiscal year. This section expires June 30, 2004.

Section 45. In order to implement Specific Appropriation 2545 of the 2003-2004 General Appropriations Act, effective July 1, 2003, and notwithstanding the provisions of section 1008.51, Florida Statutes, the budget for the Council for Education Policy Research and Improvement shall be administered by the Auditor General. However, the Council for Education Policy Research and Improvement shall remain independent of the Auditor General for all programmatic purposes, serving as a citizen board for conducting and reviewing education research, providing independent analysis on education progress, and providing independent evaluation of education issues of statewide concern, as prescribed in section 1008.51, Florida Statutes. All work products of the Council for Education Policy Research and Improvement are advisory in nature. This section expires July 1, 2004.

Section 46. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2003-2004 General Appropriations Act, and pursuant to the notice, review, and objection procedures of section 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2003-2004 General Appropriations Act between departments in order to align the budget au-

thority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2004.

Section 47. In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2003-2004 General Appropriations Act, and pursuant to the notice, review, and objection procedures of section 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2003-2004 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2004.

Section 48. In order to implement Section 8 of the 2003-2004 General Appropriations Act, section 110.1239, Florida Statutes, is amended to read:

110.1239 State group health insurance program funding.—For the ~~2003-2004~~ 2002-2003 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 Estimating Conference as provided in s. 216.136(11), 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, ~~2004~~ 2003.

Section 49. In order to implement Sections 2-7 of the 2003-2004 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 ~~2003-2004~~ 2002-2003 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, ~~2004~~ 2003.

(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 ~~2003-2004~~ 2002-2003 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, ~~2004~~ 2003.

Section 50. In order to implement Specific Appropriations 2132-2155 of the 2003-2004 General Appropriations Act, subsection (1) of section 468.404, Florida Statutes, is amended to read:

468.404 License; fees; renewals.—

(1)(a) The department by rule shall establish biennial fees for initial licensing, renewal of license, and reinstatement of license, none of which fees shall exceed \$400. The department may by rule establish a delinquency fee of no more than \$50. The fees shall be adequate to proportionately fund the expenses of the department which are allocated to the regulation of talent agencies and shall be based on the department's estimate of the revenue required to administer this part.

(b) For the 2003-2004 fiscal year only, notwithstanding the provisions of paragraph (a), the department shall assess talent agency license fees at a level sufficient to cover the cost of regulation appropriated in the 2003-2004 General Appropriations Act, or any other act passed by the 2003 Legislature containing appropriations for such purpose. This paragraph expires July 1, 2004.

Section 51. In order to implement Specific Appropriations 1617, 1618, 1619, 1622, 1630, 1635, and 1637A of the 2003-2004 General Appropriations Act, subsection (10) is added to section 378.035, Florida Statutes, to read:

378.035 Department responsibilities and duties with respect to Nonmandatory Land Reclamation Trust Fund.—

(10) For the 2003-2004 fiscal year only, notwithstanding the provisions of subsections (5) and (6), the department is authorized to expend the moneys appropriated in the General Appropriations Act for the abatement of imminent hazards caused by, and for the closure of, abandoned phosphogypsum stack systems as provided in subsections 403.4154(3) and (5), respectively. This subsection expires July 1, 2004.

Section 52. In order to implement Specific Appropriation 2286AT of the 2003-2004 General Appropriations Act, subsection (4) is added to section 215.96, Florida Statutes, to read:

215.96 Coordinating council and design and coordination staff.—

(4) The Financial Management Information Board, through the coordinating council, shall provide the necessary planning, implementation, and integration policies, coordination procedures, and reporting processes to facilitate the successful and efficient integration of the central administrative and financial management information systems, including the Florida Accounting Information Resource system (FLAIR), Cash Management System (CMS), and FLAIR/CMS replacement project, the payroll system in the Department of Financial Services, the Legislative Appropriations System/ Planning and Budgeting Subsystem (LAS/PBS), the State Purchasing System (SPURS) and MyFlorida Marketplace project, the Cooperative Personnel Employment Subsystem (COPES) and the PeopleFirst Outsourcing project, and the State Unified Tax system (SUNTAX).

(a) To fulfill this role, the coordinating council shall establish an Enterprise Resource Planning Integration Task Force, which shall consist of the coordinating council members plus the Chief Information Officer in the State Technology Office and the Executive Director or designee in the Department of Revenue, who shall serve with voting rights on the task force. The nonvoting ex officio members of the coordinating council shall be nonvoting members of the task force.

(b) The task force shall be established by August 1, 2003, and shall remain in existence until the integration goals have been achieved among the FLAIR/CMS Replacement project, SPURS and MyFlorida Marketplace project, COPES and PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system, or until June 30, 2005, whichever is later. The task force shall hold its initial meeting no later than September 1, 2003, and shall meet at the call of the chair or at least once every 60 days. In its initial meeting, task force members shall:

1. Adopt a task force charter that identifies major objectives, activities, milestones and deliverables, significant assumptions, and constraints on the task force functions and major stakeholder groups interested in the outcome of the task force.

2. Consider and adopt processes by which information will be collected and business process and technical integration issues will be raised for analysis and recommendation by the task force.

3. Elect a member to serve as vice chair. Any vacancy in the vice chair position shall be filled by similar election within 30 days after the date the vacancy is effective.

(c) The coordinating council shall provide administrative and technical support to the task force as is reasonably necessary for the task force to effectively and timely carry out its duties and responsibilities. The cost of

providing such support may be paid from funds appropriated for the operation of the council or the FLAIR/CMS Replacement project. The task force also may contract for services to obtain specific expertise to analyze, facilitate, and formulate recommendations to address process and technical integration problems that need to be resolved.

(d) Using information and input from project teams and stakeholders responsible for the FLAIR/CMS Replacement project, SPURS and MyFlorida Marketplace project, COPEs and PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system, the responsibilities of the task force shall include, but not be limited to:

1. Identifying and documenting central administrative and financial management policies, procedures, and processes that need to be integrated and recommending steps for implementation.

2. Collecting information from the subsystem owners and project teams and developing and publishing a consolidated list of enterprise resource planning functional and technical integration requirements.

3. Publishing integration plans and timelines based on information collected from task force members.

4. Forming committees, workgroups, and teams as provided in subsection (3).

5. Developing recommendations for the Financial Management Information Board which clearly describe any business or technical problems that need to be addressed, the options for resolving the problem, and the recommended actions.

6. Developing and implementing plans for reporting status of integration efforts.

(e) The task force shall provide recommendations to the Financial Management Information Board for review and approval regarding the technical, procedural, policy, and process requirements and changes that are needed to successfully integrate, implement, and realize the benefits of the enterprise resource planning initiatives associated with the FLAIR/CMS Replacement project, SPURS and MyFlorida Marketplace project, COPEs and PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system. The first of these reports should be provided no later than October 3, 2003.

(f) The task force shall monitor, review, and evaluate the progress of the FLAIR/CMS Replacement project, SPURS and MyFlorida Marketplace project, COPEs and PeopleFirst project, payroll system, LAS/PBS and SUNTAX system, in implementing the process and technical integration requirements and changes approved by the Financial Management Information Board and in achieving the necessary integration among the central administrative and financial management information systems represented on the task force. The task force shall prepare and submit quarterly reports to the Executive Office of the Governor, the chairs of the Senate Appropriations Committee and the House Appropriations Committee, and the Financial

Management Information Board. Each quarterly report shall identify and describe the technical, procedural, policy, and process requirements and changes proposed and adopted by the board and shall describe the status of the implementation of these integration efforts, identify any problems, issues, or risks that require executive-level action, and report actual costs related to the Enterprise Resource Planning Integration Task Force.

(g) By January 15, 2004, and annually thereafter, until it is disbanded, the Enterprise Resource Planning Integration Task Force shall report to the Financial Management Information Board, the Speaker of the House of Representatives, and the President of the Senate the results of the task force's monitoring, review, and evaluation of enterprise resource planning integration activities and requirements, and any recommendations for statutory changes to be considered by the Legislature.

(h) This subsection expires July 1, 2004.

Section 53. In order to implement Specific Appropriation 2285 of the 2003-2004 General Appropriations Act, paragraph (f) is added to subsection (3) of section 601.15, Florida Statutes, to read:

601.15 Advertising campaign; methods of conducting; excise tax; emergency reserve fund; citrus research.—

(3)

(f) For the 2003-2004 fiscal year only and notwithstanding the provisions of paragraph (e), the commission, upon a majority vote, may reduce the tax rates specified in this subsection. This paragraph expires July 1, 2004.

Section 54. In order to implement Specific Appropriations 1782 and 1783 of the 2003-2004 General Appropriations Act, subsection (9) is added to section 372.561, Florida Statutes, to read:

372.561 Recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life; issuance; costs; reporting.—

(9) Effective July 1, 2003, the license and permit fees, reporting, and recordkeeping requirements of subsection (6) shall not take effect for any county until the Fish and Wildlife Conservation Commission has implemented an automated licensing system that incorporates the county. Until such system is implemented for each county, the provisions of subsection (6) which were law on June 30, 2003, shall apply. This subsection expires July 1, 2004.

Section 55. In order to implement Specific Appropriation 1637A of the 2003-2004 General Appropriations Act, subsections (3) and (8) of section 376.86, Florida Statutes, are amended to read:

376.86 Brownfield Areas Loan Guarantee Program.—

(3) The council may enter into an investment agreement with the Department of Environmental Protection and the State Board of Administra-

tion concerning the investment of the earnings accrued and collected upon the investment of the balance of funds maintained in the Nonmandatory Land Reclamation Trust Fund. The investment must be limited as follows:

(a) Not more than ~~\$1.5~~ \$5 million of the investment earnings earned on the investment of the minimum balance of the Nonmandatory Land Reclamation Trust Fund in a fiscal year may be at risk at any time on loan guarantees or as loan loss reserves. Of that amount, 15 percent shall be reserved for investment agreements involving predominantly minority-owned businesses which meet the requirements of subsection (4).

(b) ~~Such funds at risk at any time~~ The investment earnings may not be used to guarantee any loan guaranty or loan loss reserve agreement for a period longer than 5 years.

(8) The council shall provide an annual report to the Legislature by February 1 of each year describing its activities and agreements approved relating to redevelopment of brownfield areas. This section shall be reviewed by the Legislature by ~~June 30, 2004~~ October 1, 2003, and a determination made related to the need to continue or modify this section. New loan guarantees may not be approved in ~~2004~~ 2003 until the review by the Legislature has been completed and a determination has been made as to the feasibility of continuing the use of the Nonmandatory Land Reclamation Trust Fund to guarantee portions of loans under this section.

Section 56. The amendment of section 376.86, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 57. In order to implement Specific Appropriation 1394A of the 2003-2004 General Appropriations Act, paragraph (b) of subsection (2) of section 581.184, Florida Statutes, is amended to read:

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

(2)

(b) Notwithstanding the provisions of paragraph (a), and for the ~~2003-2004~~ 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, ~~2004~~ 2003.

Section 58. In order to implement Specific Appropriation 1396A of the 2003-2004 General Appropriations Act, paragraph (b) of subsection (2) and subsection (6) of section 581.1845, Florida Statutes, are amended to read:

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

(2)

(b) Notwithstanding subparagraph (a)1., and for compensation during the 2003-2004 ~~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, 2004 ~~2003~~.

(6) For the 2003-2004 ~~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 subsection expires July 1, 2004 ~~2003~~.

Section 59. In order to implement Specific Appropriation 1303A of the 2003-2004 General Appropriations Act, paragraph (e) is added to subsection (13) of section 253.025, Florida Statutes, to read:

253.025 Acquisition of state lands for purposes other than preservation, conservation, and recreation.—

(13)

(e) For the 2003-2004 fiscal year only, the use of funds allocated to the Relocation and Construction Trust Fund shall be as provided in the General Appropriations Act. This paragraph expires July 1, 2004.

Section 60. In order to implement Specific Appropriations 1335-1339 of the 2003-2004 General Appropriations Act, section 570.544, Florida Statutes, is amended to read:

570.544 Division of Consumer Services; director; powers; ~~processing of complaints~~; records.—

(1) The director of the Division of Consumer Services shall be appointed by and serve at the pleasure of the commissioner.

(2) The Division of Consumer Services may:

(a) Conduct studies and make analyses of matters affecting the interests of consumers.

(b) Study the operation of laws for consumer protection.

(c) Advise and make recommendations to the various state agencies concerned with matters affecting consumers.

(d) Assist, advise, and cooperate with local, state, or federal agencies and officials in order to promote the interests of consumers.

(e) Make use of the testing and laboratory facilities of the department for the detection of consumer fraud.

(f) Report to the appropriate law enforcement officers any information concerning violation of consumer protection laws.

(g) Assist, develop, and conduct programs of consumer education and consumer information through publications and other informational and educational material prepared for dissemination to the public, in order to increase the competence of consumers.

(h) Organize and hold conferences on problems affecting consumers.

(i) Recommend programs to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion, and sale of consumer goods and services.

~~(3) In addition to the powers, duties, and responsibilities authorized by this or any other chapter, the Division of Consumer Services shall serve as a clearinghouse for matters relating to consumer protection, consumer information, and consumer services generally. It shall receive complaints and grievances from consumers and promptly transmit them to that agency most directly concerned in order that the complaint or grievance may be expeditiously handled in the best interests of the complaining consumer. If no agency exists, the Division of Consumer Services shall seek a settlement of the complaint using formal or informal methods of mediation and conciliation and may seek any other resolution of the matter in accordance with its jurisdiction.~~

~~(4) If any complaint received by the Division of Consumer Services concerns matters which involve concurrent jurisdiction in more than one agency, duplicate copies of the complaint shall be referred to those offices deemed to have concurrent jurisdiction.~~

~~(3)(5)(a)~~ Any agency, office, bureau, division, or board of state government receiving a complaint which deals with consumer fraud or consumer protection and which is not within the jurisdiction of the receiving agency, office, bureau, division, or board originally receiving it, shall immediately refer the complaint to the Division of Consumer Services.

(b) Upon receipt of such a complaint, the Division of Consumer Services shall make a determination of the proper jurisdiction to which the complaint relates and shall immediately refer the complaint to the agency, office, bureau, division, or board which does have the proper regulatory or enforcement authority to deal with it.

~~(6)(a) The office or agency to which a complaint has been referred shall within 30 days acknowledge receipt of the complaint and report on the disposition made of the complaint. In the event a complaint has not been disposed of within 30 days, the receiving office or agency shall file progress reports with the Division of Consumer Services no less frequently than 30 days until final disposition.~~

~~(b) The report shall contain at least the following information:~~

~~1. A finding of whether the receiving agency has jurisdiction of the subject matter involved in the complaint.~~

~~2. Whether the complaint is deemed to be frivolous, sham, or without basis in fact or law.~~

~~3. What action has been taken and a report on whether the original complainant was satisfied with the final disposition.~~

~~4. Any recommendation regarding needed changes in law or procedure which in the opinion of the reporting agency or office will improve consumer protection in the area involved.~~

~~(7)(a) If the office or agency receiving a complaint fails to file a report as contemplated in this section, that failure shall be construed as a denial by the receiving office or agency that it has jurisdiction of the subject matter contained in the complaint.~~

~~(b) If an office or agency receiving a complaint determines that the matter presents a prima facie case for criminal prosecution or if the complaint cannot be settled at the administrative level, the complaint together with all supporting evidence shall be transmitted to the Department of Legal Affairs or other appropriate enforcement agency with a recommendation for civil or criminal action warranted by the evidence.~~

~~(4)(8) The records of the Division of Consumer Services are public records. However, customer lists, customer names, and trade secrets are confidential and exempt from the provisions of s. 119.07(1). Disclosure necessary to enforcement procedures shall not be construed as violative of this prohibition.~~

~~(5)(9) It shall be the duty of the Division of Consumer Services to maintain records and compile summaries and analyses of consumer complaints under its jurisdiction and their eventual disposition, which data may serve as a basis for recommendations to the Legislature and to state regulatory agencies.~~

Section 61. The amendment of section 570.544, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 1335-1339 of the 2003-2004 General Appropriations Act, section 526.3135, Florida Statutes, is amended to read:

526.3135 Reports by the Division of Standards.—The Division of Standards is directed to compile a report pursuant to s. 570.544 of all complaints received by the Department of Agriculture and Consumer Services pursuant to this act. Such report shall ~~contain at least the information required by s. 570.544(6)(b)2-4. and shall~~ be presented to the Speaker of the House of Representatives and the President of the Senate no later than January 1 of each year.

Section 63. The amendment of section 526.3135, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 1335-1339 of the 2003-2004 General Appropriations Act, subsection (2) of section 559.921, Florida Statutes, is amended to read:

559.921 Remedies.—

(2) The department shall refer ~~process~~ consumer complaints to the Division of Consumer Services according to ss. 570.07 and 570.544.

Section 65. The amendment of subsection (2) of section 559.921, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that subsection shall revert to that in existence on June 30, 2003, 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 Section 63 of the 2003-2004 General Appropriations Act, subsection (21) is added to section 259.105, Florida Statutes, to read:

259.105 The Florida Forever Act.—

(21) For the 2003-2004 fiscal year only and notwithstanding the provisions of subsection (11), the distribution of funds to water management districts for the purposes of funding projects pursuant to paragraph (3)(a) shall include the additional amount appropriated in the 2003-2004 General Appropriations Act to the South Florida Water Management District to offset the amount vetoed in chapter 2002-394, Laws of Florida. This subsection expires July 1, 2004.

Section 67. Notwithstanding the provisions of section 403.7095, Florida Statutes, in order to implement Specific Appropriation 1677A of the 2003-2004 General Appropriations Act, the Department of Environmental Protection shall award:

(1) \$4,000,000 in grants equally to counties with populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.

(2) \$1,750,000 in waste tire grants to counties, on a per capita basis, with populations of 100,000 or more.

(3) \$750,000 in competitive innovative grants to cities and counties on the prioritized list of projects submitted by the Department of Environmental Protection to the Legislature.

Section 68. In order to implement Specific Appropriation 1379A of the 2003-2004 General Appropriations Act and notwithstanding any provision of chapter 287 or chapter 337, Florida Statutes, from the funds appropriated to the Department of Agriculture and Consumer Services for the 2002-2003 and 2003-2004 fiscal years for the purpose of constructing an agricultural interdiction station on Interstate 10 in Escambia County, the Department of Agriculture and Consumer Services shall enter into an agreement with the Department of Transportation wherein the Department of Transportation, on behalf of the Department of Agriculture and Consumer Services, shall proceed with the construction of the station under the authority established in chapter 337, Florida Statutes. The Department of Agriculture and Consumer Services shall be authorized to execute all contracts resulting from such Department of Transportation selection of contractors in compliance with chapter 337, Florida Statutes. This section expires July 1, 2004.

Section 69. In order to implement Specific Appropriations 2132 through 2169 of the 2003-2004 General Appropriations Act and notwithstanding the provisions of section 471.003, Florida Statutes, neither the Department of Business and Professional Regulation nor the Florida Engineers Management Corporation may utilize any funds to investigate, prosecute, or maintain any action against any employee or contractor of a sole proprietorship, firm, limited liability company, partnership, joint stock association, corporation, or other business entity that:

(1) Provides products, services, or a project described in section 288.1045(1)(i), Florida Statutes, to an agency or department of the United States or the government of a foreign country which involves the design, development, production, sale, or provision of defense or aerospace products or services;

(2) Consists of or supports commercial aircraft and the entity holds a certificate issued by the Federal Aviation Administration under Chapter 21, Title 14, Code of Federal Regulations;

(3) Consists of space vehicles or space services that are subject to licensing or regulation by an agency or department of the United States under Title 14, Title 47, or Title 48 of the Code of Federal Regulations or for sale or use outside the United States;

(4) Allows the use of the term "engineer" or "engineering" in a job title or personnel classification by an employee or contractor to the extent that the use of the title or classification is related to activities described in subsections (1)-(3) and such employee or contractor is authorized under the terms of a contract described in subsections (1)-(3) to provide such services;
or

(5) Is employed by an entity not offering engineering services to either the public or providing services described in subsections (1)-(3). Such employee or contractor may use the title "engineer" or any title listed in paragraph 471.031(1)(b), Florida Statutes, except "professional engineer," "licensed engineer," or "registered engineer," so long as such use does not indicate that the person is duly licensed and is authorized to practice engineering beyond the scope of the exemptions set forth in section 471.003(2),

Florida Statutes. Provided, however, that a person described in this subsection shall have obtained a baccalaureate degree in engineering.

(6) This section expires July 1, 2004.

Section 70. In order to implement Specific Appropriations 2776 and 2783 of the 2003-2004 General Appropriations Act, section 195.022, Florida Statutes, is amended to read:

195.022 Forms to be prescribed by Department of Revenue.—The Department of Revenue shall prescribe ~~and furnish~~ all forms to be used by property appraisers, tax collectors, clerks of the circuit court, and value adjustment boards in administering and collecting ad valorem taxes. The department shall prescribe a form for each purpose. For counties with a population of 100,000 or fewer, the Department of Revenue shall furnish the forms. For counties with a population greater than 100,000, the county officer shall reproduce forms for distribution at the expense of his or her office. A county officer may use a form other than the form prescribed by the department, ~~but only at the expense of his or her office and upon obtaining written permission from the executive director of the department; however, provided that~~ no county officer shall use a form the substantive content of which is at variance with the form prescribed by the department for the same or a similar purpose. If the executive director finds good cause to grant such permission he or she may do so. The county officer may continue to use such approved form until the law which specifies the form is amended or repealed or until the officer receives written disapproval from the executive director. Otherwise, all such officers and their employees shall use the forms, and follow the instructions applicable to the forms, which are prescribed furnished to them by the department. The department, upon request of any property appraiser or, in any event, at least once every 3 years, shall prescribe and furnish such aerial photographs and nonproperty ownership maps to the property appraisers as are necessary to ensure that all real property within the state is properly listed on the roll. All forms and maps furnished by the department shall be paid for by the department as provided by law. All forms and maps and instructions relating to their use shall be substantially uniform throughout the state. An officer may employ supplemental forms and maps, at the expense of his or her office, which he or she deems expedient for the purpose of administering and collecting ad valorem taxes. The forms required in ss. 193.461(3)(a) and 196.011(1) for renewal purposes shall require sufficient information for the property appraiser to evaluate the changes in use since the prior year. If the property appraiser determines, in the case of a taxpayer, that he or she has insufficient current information upon which to approve the exemption, or if the information on the renewal form is inadequate for him or her to evaluate the taxable status of the property, he or she may require the resubmission of an original application.

Section 71. The amendment of section 195.022, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 1439K of the 2003-2004 General Appropriations Act, paragraphs (b) and (c) of subsection (1) of section 252.373, Florida Statutes, are amended to read:

252.373 Allocation of funds; rules.—

(1)

(b) Notwithstanding the provisions of paragraph (a), and for the 2003-2004 ~~2002-2003~~ fiscal year only, the use of the Emergency Management, Preparedness, and Assistance Trust Fund shall be as provided in the General Appropriations Act. This paragraph expires on July 1, 2004 ~~2003~~.

(c) Notwithstanding the provisions of paragraph (a), and for the 2003-2004 ~~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 31 ~~1~~, 2003 ~~2002~~, when actual receipts for the 2002-2003 ~~2001-2002~~ fiscal year are determined, the Department of Community Affairs may identify any funds that were unspent or unencumbered in the 2002-2003 ~~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 disaster Hazard Mitigation Grant Program ~~projects~~. This paragraph expires July 1, 2004 ~~2003~~.

Section 73. In order to implement proviso language in Specific Appropriation 2014A of the 2003-2004 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 2003-2004 ~~2002-2003~~ fiscal year only, the Agency for Workforce Innovation shall administer this section. This subsection expires July 1, 2004 ~~2003~~.

Section 74. In order to implement Specific Appropriation 2014A of the 2003-2004 General Appropriations Act, subsection (13) of section 411.01, Florida Statutes, is amended to read:

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

(13) PLACEMENTS.—Notwithstanding any other provision of this section to the contrary, and for fiscal year ~~2003-2004~~ ~~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, ~~2004~~ ~~2003~~.

Section 75. In order to implement Section 40 of the 2003-2004 General Appropriations Act, subsection (10) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(10)(a) Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.

(b) For the 2003-2004 fiscal year only and notwithstanding paragraph (a), funds appropriated for this purpose in previous years are subject to the reversion requirements of s. 216.301. This paragraph expires July 1, 2004.

Section 76. In order to implement Specific Appropriation 2315D of the 2003-2004 General Appropriations Act, paragraph (b) of subsection (9) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term “major sports events” means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men’s and women’s National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders’ Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Develop-

ment. These funds must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used by the Florida Sports Foundation to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Office of Tourism, Trade, and Economic Development.

3. The Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

4. For the 2003-2004 fiscal year only and notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games. This subparagraph expires July 1, 2004.

Section 77. In order to implement Section 62 of the 2003-2004 General Appropriations Act, subsection (5) is added to section 339.08, Florida Statutes, to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(5) For the 2003-2004 fiscal year only and notwithstanding the provisions of this section and s. 339.09(1), \$200 million may be transferred from the State Transportation Trust Fund to the General Revenue Fund in the 2003-2004 General Appropriations Act. Such transfer may be comprised of several smaller transfers made during the 2003-2004 fiscal year. Notwithstanding ss. 206.46(3) and 206.606(2), the total amount transferred shall be reduced from total state revenues deposited into the State Transportation Trust Fund for the calculation requirements of ss. 206.46(3) and 206.606(2). This subsection expires July 1, 2004.

Section 78. In order to implement Specific Appropriation 1979A of the 2003-2004 General Appropriations Act, section 445.048, Florida Statutes, is amended to read:

445.048 Passport to Economic Progress demonstration program.—

(1) AUTHORIZATION.—Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and the Agency for Workforce Innovation, shall implement a Passport to Economic Progress demonstration program ~~by November 1, 2001,~~ consistent with the provisions of this section in Hillsborough, ~~and~~

Manatee, and Sarasota counties. Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the department which serve the demonstration areas and must encourage community input into the implementation process.

(2) **WAIVERS.**—If Workforce Florida, Inc., in consultation with the Department of Children and Family Services, finds that federal waivers would facilitate implementation of the demonstration program, the department shall immediately request such waivers, and Workforce Florida, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives if any refusal of the federal government to grant such waivers prevents the implementation of the demonstration program. If Workforce Florida, Inc., finds that federal waivers to provisions of the Food Stamp Program would facilitate implementation of the demonstration program, the Department of Children and Family Services shall immediately request such waivers in accordance with s. 414.175.

~~(3) **INCOME DISREGARD.**—In order to provide an additional incentive for employment, and notwithstanding the amount specified in s. 414.095(12), for individuals residing in the areas designated for this demonstration program, the first \$300 plus one-half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of s. 414.095(12) shall continue to apply to such individuals.~~

~~(3)(4) **TRANSITIONAL BENEFITS AND SERVICES.**—In order to assist them in making the transition to economic self-sufficiency, former recipients of temporary cash assistance residing within the areas designated for this demonstration program shall be eligible for the following benefits and services:~~

~~(a) Notwithstanding the time period specified in s. 445.030, transitional education and training support services as specified in s. 445.030 for up to 4 years after the family is no longer receiving temporary cash assistance;~~

~~(b) Notwithstanding the time period specified in s. 445.031, transitional transportation support services as specified in s. 445.031 for up to 4 years after the family is no longer receiving temporary cash assistance; and~~

~~(c) Notwithstanding the time period specified in s. 445.032, transitional child care as specified in s. 445.032 for up to 4 years after the family is no longer receiving temporary cash assistance.~~

All other provisions of ss. 445.030, 445.031, and 445.032 shall apply to such individuals, as appropriate. This subsection does not constitute an entitlement to transitional benefits and services. If funds are insufficient to provide benefits and services under this subsection, the board of directors of Workforce Florida, Inc., may limit such benefits and services or otherwise establish priorities for the provisions of such benefits and services.

~~(4) **INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.**—~~

(a) The Legislature finds that:

1. There are former recipients of temporary cash assistance who are working full time but whose incomes are below the poverty level.

2. Having incomes below the federal poverty level makes such individuals particularly vulnerable to reliance on public assistance despite their best efforts to achieve or maintain economic independence through employment.

3. It is necessary to implement a performance-based program that defines economic incentives for achieving specific benchmarks toward self-sufficiency while the individual is working full time.

(b) Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation, shall offer performance-based incentive bonuses as a component of the Passport to Economic Progress demonstration program in the areas of the state which are designated for the demonstration program. The bonuses do not represent a program entitlement and shall be contingent on achieving specific benchmarks prescribed in the self-sufficiency plan. If the funds appropriated for this purpose are insufficient to provide this financial incentive, the board of directors of Workforce Florida, Inc., shall reduce or suspend the bonuses in order not to exceed the appropriation.

~~(5) WAGE SUPPLEMENTATION.—~~

~~(a) The Legislature finds that:~~

~~1. There are former recipients of temporary cash assistance who are working full time but whose incomes are below the federal poverty level.~~

~~2. Having incomes below the federal poverty level makes such individuals particularly vulnerable to reliance on public assistance despite their best efforts to achieve or maintain economic independence through employment.~~

~~3. It is necessary to supplement the wages of such individuals for a limited period of time in order to assist them in fulfilling the transition to economic self-sufficiency.~~

~~(b) Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation, shall create a transitional wage supplementation program by November 1, 2001, as a component of the Passport to Economic Progress demonstration program in the areas designated for the demonstration program. This wage supplementation program does not constitute an entitlement to wage supplementation. If funds appropriated are insufficient to provide wage supplementation, the board of directors of Workforce Florida, Inc., may limit wage supplementation or otherwise establish priorities for wage supplementation.~~

~~(c) To be eligible for an incentive bonus wage supplementation under this subsection, an individual must:~~

1. Be a former recipient of temporary cash assistance who last received such assistance on or after January 1, 2000;
2. Be employed full time, which for the purposes of this subsection means employment averaging at least 32 hours per week, until the United States Congress enacts legislation reauthorizing the Temporary Assistance for Needy Families block grant and, after the reauthorization, means employment complying with the employment requirements of the reauthorized law; and
3. Have an average family income for the 6 months preceding the date of application for ~~an incentive bonus wage supplementation~~ which is less than 100 percent of the federal poverty level.

~~(d) Workforce Florida, Inc., shall determine the schedule for the payment of wage supplementation under this subsection. An individual eligible for wage supplementation under this subsection may receive a payment that equals the amount necessary to bring the individual's total family income for the period covered by the payment to 100 percent of the federal poverty level. An individual may not receive wage supplementation payments for more than a total of 12 months.~~

~~(e) The wage supplementation program authorized by this subsection shall be administered through the regional workforce boards and the one-stop delivery system, under policy guidelines, criteria, and applications developed by Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation. To the maximum extent possible, the regional workforce boards shall use electronic debit card technologies to provide wage supplementation payments under this program.~~

~~(5)(6) EVALUATIONS AND RECOMMENDATIONS.—~~Workforce Florida, Inc., in conjunction with the Department of Children and Family Services, the Agency for Workforce Innovation, and the regional workforce boards in the areas designated for this demonstration program, shall conduct a comprehensive evaluation of the effectiveness of the demonstration program operated under this section. By January 1, ~~2005~~ 2003, Workforce Florida, Inc., shall submit a report on such evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include recommendations as to whether the demonstration program should be expanded to other service areas or statewide and whether the program should be revised to enhance its administration or effectiveness.

~~(6)(7) CONFLICTS.—~~If there is a conflict between the implementation procedures described in this section and federal requirements and regulations, federal requirements and regulations shall control.

Section 79. The amendment of section 445.048, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 80. In order to implement Specific Appropriation 2315E of the 2003-2004 General Appropriations Act, and notwithstanding section 14 of chapter 93-187, Laws of Florida, sections 288.9511, 288.9515, and 288.9517, Florida Statutes, relating to technology development activities of Enterprise Florida, Inc., shall not stand repealed on December 31, 2003, as scheduled by such chapter law, but are repealed on July 1, 2004.

Section 81. In order to implement Specific Appropriations 2315F, 2315L, and 2315M of the 2003-2004 General Appropriations Act, subsection (6) is added to section 376.875, Florida Statutes, to read:

376.875 Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund.—

(6) For the 2003-2004 fiscal year only, and notwithstanding the provisions of subsection (1), moneys in the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund may also be used for the purpose of funding military base protection activities or rural defense fixed capital outlay infrastructure grants as provided in the General Appropriations Act. This subsection expires July 1, 2004.

Section 82. In order to implement Specific Appropriation 2286AP, of the 2003-2004 General Appropriations Act:

(1) The Chief Financial Officer shall provide to the Legislature detailed information on all costs of court-related services provided by the counties for the county fiscal year that ended September 30, 2002. The required information must be provided to the Chief Financial Officer by the clerks of the court, or the appropriate county officer in counties where the clerk of the court is not the county's chief financial officer, in such manner as is prescribed by the Chief Financial Officer and subject to reporting deadlines prescribed by the Chief Financial Officer. The clerks of the court, state attorneys, public defenders, court administrators, boards of county commissioners, and sheriffs must provide such assistance to the Chief Financial Officer in gathering the necessary cost data as is requested by the Chief Financial Officer. The Legislative Committee on Intergovernmental Relations also shall assist in gathering and assessing the cost data and provide technical assistance as requested by the Chief Financial Officer. The Auditor General shall provide technical advice with respect to the gathering and analysis of the cost data.

(2) Cost information shall be reported to the Chief Financial Officer at the transaction code level and, for specific transaction codes specified by the Chief Financial Officer, object and sub-object level, as set forth in the Uniform Accounting System Manual developed by the Chief Financial Officer pursuant to section 218.33, Florida Statutes. In addition, costs must be reported for such specific programs or purposes categories as are determined necessary by the Chief Financial Officer. Cost information provided for such programs or purposes includes identification of the specific account classifications within the Uniform Accounting System Manual to which the costs

were recorded. The clerks of the court, or the appropriate county officer in counties where the clerk of the court is not the county's chief financial officer, must reconcile the cost information provided to the Chief Financial Officer with the Annual Financial Report, which is required by section 218.32, Florida Statutes. The clerks of the court must provide the Chief Financial Officer with written certification, signed by the clerks of the court, state attorneys, public defenders, court administrators, boards of county commissions' chairpersons, and sheriffs attesting to the accuracy of the cost information.

(3) The Chief Financial Officer shall reimburse individuals for travel costs incurred as a result of participation in the gathering and analysis of the cost data from funds specifically appropriated for such purpose.

(4) The Chief Financial Officer shall provide a report to the chairs of the Senate and House of Representatives appropriations committees no later than November 1, 2003, summarizing the court-related cost information submitted by the clerks of the court.

Section 83. In order to implement Specific Appropriations 835, 836, 870, 872, 880, 882, 890, 900, and 902 of the 2003-2004 General Appropriations Act, subsection (4) is added to section 413.4021, Florida Statutes, to read:

413.4021 Pilot program participant county selection; tax collection enforcement diversion program.—The Department of Revenue, in coordination with the Florida Association of Centers for Independent Living and the Florida Prosecuting Attorneys Association, shall select four counties in which to operate the pilot program. The association and the state attorneys' offices in Duval County and the four pilot program counties shall develop and implement a tax collection enforcement diversion program, which shall collect revenue due from persons who have not remitted their collected sales tax. The criteria for referral to the tax collection enforcement diversion program shall be determined cooperatively between the state attorneys' offices in those counties and the Department of Revenue.

(4) For the 2003-2004 fiscal year only and notwithstanding the provisions of subsection (1), 50 percent of the revenues collected from the tax collection enforcement diversion program shall be deposited into the operating account of the Florida Endowment Foundation for Vocational Rehabilitation, to be used to implement the personal care attendant pilot program and to contract with the state attorneys participating in the tax collection enforcement diversion program in an amount of not more than \$50,000 for each state attorney. This subsection expires July 1, 2004.

Section 84. In order to implement Specific Appropriation 818 of the 2003-2004 General Appropriations Act, section 27.701, Florida Statutes, is amended to read:

27.701 Capital collateral regional counsels.—

(1) There are created three regional offices of capital collateral counsel, which shall be located in a northern, middle, and southern region of the state. The northern region shall consist of the First, Second, Third, Fourth,

Eighth, and Fourteenth Judicial Circuits; the middle region shall consist of the Fifth, Sixth, Seventh, Ninth, Tenth, Twelfth, Thirteenth, and Eighteenth Judicial Circuits; and the southern region shall consist of the Eleventh, Fifteenth, Sixteenth, Seventeenth, Nineteenth, and Twentieth Judicial Circuits. Each regional office shall be administered by a regional counsel. A regional counsel must be, and must have been for the preceding 5 years, a member in good standing of The Florida Bar or a similar organization in another state. Each capital collateral regional counsel shall be appointed by the Governor, and is subject to confirmation by the Senate. The Supreme Court Judicial Nominating Commission shall recommend to the Governor three qualified candidates for each appointment as regional counsel. The Governor shall appoint a regional counsel for each region from among the recommendations, or, if it is in the best interest of the fair administration of justice in capital cases, the Governor may reject the nominations and request submission of three new nominees by the Supreme Court Judicial Nominating Commission. Each capital collateral regional counsel shall be appointed to a term of 3 years. Vacancies in the office of capital collateral regional counsel shall be filled in the same manner as appointments. A person appointed as a regional counsel may not run for or accept appointment to any state office for 2 years following vacation of office.

(2) For the 2003-2004 fiscal year only and notwithstanding the provisions of subsection (1), the responsibilities of the regional office of capital collateral counsel for the northern region of the state shall be met through a pilot program using only attorneys from the registry of attorneys maintained pursuant to s. 27.710. Each attorney participating in the pilot must be qualified to provide representation in federal court. The Auditor General shall present a status report on the implementation of the pilot program to the President of the Senate and the Speaker of the House of Representatives by February 27, 2004. The Auditor General shall also schedule a performance review of the pilot program to determine the effectiveness and efficiency of using attorneys from the registry compared to the capital collateral regional counsels. The review, at a minimum, shall include comparisons of the timeliness and costs of the pilot and the counsels and shall be submitted to the President of the Senate and the Speaker of the House of Representatives by January 30, 2007. This subsection expires July 1, 2004.

Section 85. In order to implement Specific Appropriation 818 of the 2003-2004 General Appropriations Act, paragraphs (a) and (c) of subsection (2) of section 27.709, Florida Statutes, are amended to read:

27.709 Commission on Capital Cases.—

(2)(a) The commission shall review the administration of justice in capital collateral cases, receive relevant public input, review the operation of the capital collateral regional counsel and private counsel appointed pursuant to ss. 27.710 and 27.711, and advise and make recommendations to the Governor, Legislature, and Supreme Court.

(c) In addition, the commission shall receive complaints regarding the practice of any office of regional counsel and private counsel appointed pursuant to ss. 27.710 and 27.711 and shall refer any complaint to The

Florida Bar, the State Supreme Court, or the Commission on Ethics, as appropriate.

Section 86. The amendment of section 27.709, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 87. In order to implement Specific Appropriation 818 of the 2003-2004 General Appropriations Act, subsections (3) and (9) of section 27.711, Florida Statutes, are amended, and subsection (14) is added to that section, to read:

27.711 Terms and conditions of appointment of attorneys as counsel in postconviction capital collateral proceedings.—

(3) An attorney appointed to represent a capital defendant is entitled to payment of the fees set forth in this section only upon full performance by the attorney of the duties specified in this section and approval of payment by the trial court, and the submission of a payment request by the attorney, subject to the availability of sufficient funding specifically appropriated for this purpose. An attorney may not be compensated under this section for work performed by the attorney before July 1, 2003, while employed by the northern regional office of the capital collateral counsel. The Comptroller shall notify the executive director and the court if it appears that sufficient funding has not been specifically appropriated for this purpose to pay any fees which may be incurred. The attorney shall maintain appropriate documentation, including a current and detailed hourly accounting of time spent representing the capital defendant. The fee and payment schedule in this section is the exclusive means of compensating a court-appointed attorney who represents a capital defendant. When appropriate, a court-appointed attorney must seek further compensation from the Federal Government, as provided in 18 U.S.C. s. 3006A or other federal law, in habeas corpus litigation in the federal courts.

(9) An attorney may not represent more than five ~~capital~~ capital defendants in capital postconviction litigation at any one time.

(14) Each attorney participating in the pilot program in the northern region pursuant to s. 27.701(2), as a condition of payment pursuant to this section, shall report on the performance measures adopted by the Legislature for the capital collateral regional counsels.

Section 88. The amendment of section 27.711, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 89. In order to implement Specific Appropriation 818 of the 2003-2004 General Appropriations Act, paragraph (b) of subsection (4) of section 27.702, Florida Statutes, is amended to read:

27.702 Duties of the capital collateral regional counsel; reports.—

(4)

(b) Each capital collateral regional counsel and each attorney participating in the pilot program in the northern region pursuant to s. 27.701(2) shall provide a quarterly report to the President of the Senate, the Speaker of the House of Representatives, and the Commission on Capital Cases which details the number of hours worked by investigators and legal counsel per case and the amounts per case expended during the preceding quarter in investigating and litigating capital collateral cases.

Section 90. The amendment of section 27.702, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, 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 91. In order to implement Specific Appropriations 819A-819D of the 2003-2004 General Appropriations Act, paragraph (b) of subsection (2) of section 1 of enrolled House Bill 439 from the 2003 regular legislative session and subsection (2) of section 2 of that bill are amended to read:

Section 1. Statewide Guardian Ad Litem Office; legislative findings and intent; creation; appointment of executive director; duties of office.—

(2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a Statewide Guardian Ad Litem Office within the Justice Administrative Commission. The Justice Administrative Commission shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the commission. The Statewide Guardian Ad Litem Office shall not be subject to control, supervision, or direction by the Justice Administrative Commission in the performance of its duties.

(b) The Statewide Guardian Ad Litem Office shall, within available resources, have oversight responsibilities for and provide technical assistance to all guardian ad litem and attorney ad litem programs located within the judicial circuits.

1. The office shall identify the resources required to implement methods of collecting, reporting, and tracking reliable and consistent case data.

2. The office shall review the current guardian ad litem programs in Florida and other states.

3. The office, in consultation with local guardian ad litem offices, shall develop statewide performance measures and standards.

4. The office shall develop a guardian ad litem training program. The office shall establish a curriculum committee to develop the training program specified in this subparagraph. The curriculum committee shall include, but not be limited to, dependency judges, directors of circuit guardian ad litem programs, active certified guardians ad litem, a mental health professional who specializes in the treatment of children, a member of a child advocacy group, a representative of the Florida Coalition Against Domestic Violence, and a social worker experienced in working with victims and perpetrators of child abuse.

5. The office shall review the various methods of funding guardian ad litem programs, shall maximize the use of those funding sources to the extent possible, and shall review the kinds of services being provided by circuit guardian ad litem programs.

6. ~~The office shall continue the attorney ad litem demonstration projects through at least October 1, 2004, and may conduct or contract for other demonstration projects, within funds appropriated or through gifts, grants, or contributions for such purposes, to determine the feasibility or desirability of new concepts of organization, administration, financing, or service delivery designed to preserve the civil and constitutional rights and fulfill other needs of dependent children.~~

7. No later than October 1, 2004, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. No later than October 1, 2004, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed plan including alternatives for meeting the state's guardian ad litem and attorney ad litem needs. This plan may include recommendations for less than the entire state, may include a phase-in system, and shall include estimates of the cost of each of the alternatives. Each year thereafter, the office shall provide a status report and provide further recommendations to address the need for guardian ad litem services and related issues.

Section 2. Transfer of existing programs.—

(1) The pilot program for attorneys ad litem for dependent children established in s. 39.4086, Florida Statutes, shall be transferred from the State Courts System to the Statewide Guardian Ad Litem Office within the Justice Administrative Commission. The Statewide Guardian Ad Litem Office shall submit the final report required by s. 39.4086(2)(h), Florida Statutes, by October 1, 2004.

(2) All funds and positions associated with the Guardian Ad Litem Program within the State Courts System are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Statewide Guardian Ad Litem Office within the Justice Administrative Commission on January 1, 2004, except that up to \$35,000 and one full-time equivalent position shall be transferred to the Justice Administrative Commission effective October 1, ~~2003~~ 2004, to pay for the salary and expenses of an executive director.

Section 92. A section of this act that implements a specific appropriation or specifically identified proviso language in the 2003-2004 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 2003-2004 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 93. If any other act passed in 2003 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 94. (1) The agency performance measures and standards in the document entitled "Performance Measures and Standards Approved by the Legislature for Fiscal Year 2003-2004" dated May 12, 2003, and filed with the Secretary of the Senate are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2003-2004, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their long-range program plans required under section 216.013, Florida Statutes, to be consistent with these performance measures and standards.

(2) For the Department of Environmental Protection, the approved performance measures incorporated by reference for the 2003-2004 Fiscal Year shall be those revised activity-based measures developed by the department pursuant to its Fiscal Year 2002-2003 review of approved activities and measures. Such revised activities and measures shall be incorporated into the department's Long-Range Program Plan for Fiscal Years 2004-2005 to 2008-2009 and shall be used as the basis for all activity references and performance measurement exhibits required in the department's Legislative Budget Request for the Fiscal Year 2004-2005. Current performance standards shall be retained where applicable. Standards shall be proposed in June 2004 and adopted for Fiscal Year 2004-2005, based upon Fiscal Year 2003-2004 performance data for measures without current performance standards. As of July 1, 2003, expenditure data will be entered into the Florida Accounting Information Resource system at the revised activity level.

Section 95. If any law that is amended by this act was also amended by a law enacted at the 2003 Regular Session of the Legislature, such laws shall be construed as if they had been enacted during the same session of the Legislature, and full effect should be given to each if that is possible.

Section 96. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does 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 severable.

Section 97. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2003; or, if 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, 2003.

Became a law without the Governor's approval July 3, 2003.

Filed in Office Secretary of State June 25, 2003.