

## House Bill No. 1837

An act implementing the 2004-2005 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2004-2005 fiscal year; authorizing Florida State University to construct a classroom building from certain funds; 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. 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. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a mental health treatment facility; 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. 20.19, F.S.; authorizing Department of Children and Family Services to transfer of a portion of total district budget; amending s. 381.79, F.S.; providing for use of funds in the Brain and Spinal Cord Injury Program Trust Fund for spinal cord injury and brain injury research at the University of Miami; providing for enrollment in the Florida KidCare program; amending s. 402.305, F.S.; providing for the child care competency examination to be given in Spanish; amending s. 402.33, F.S.; suspending authority of the Department of Children and Family Services to use funds in excess of fee collections; authorizing contracting with private vendors for eligibility determination functions of the Economic Self-Sufficiency Services Program; amending s. 216.181, F.S.; providing for state match for the LifeSaver Rx program; revising proviso to provide for a plan to identify funding necessary for an integrated, long-term care, fixed payment, delivery system for Medicaid beneficiaries age 65 and older; providing for evaluation of the reimbursement methodology for Medicaid nursing home services; requiring a report to the Governor and Legislature; requiring the Florida Substance Abuse and Mental Health Corporation to include in its annual report a specific analysis of managed care contracts and the impact of these contracts on the mental health service delivery system in the state; requiring the Department of Health to review and

examine how state and local fees are charged in the regulation of onsite sewage treatment and disposal systems; authorizing the Department of Corrections and the Department of Juvenile Justice 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 respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; 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. 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; 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; 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; 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. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; establishing the rate of increase for legislative salaries; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; amending s. 375.041, F.S.; providing for use of funds allocated to the Land Acquisition Trust Fund for water quality issues; amending s. 375.045, F.S.; providing for use of certain moneys from the Florida Preservation 2000 Trust Fund for the Florida Forever Trust Fund; providing directives to the State Technology Office with respect to information technology; amending s. 373.4137, F.S.; providing for water management districts to use specified funds in certain surface water improvement and management or invasive plant control projects; amending s. 468.404, F.S.; requiring talent agency fees to cover the costs of regulation; amending s. 120.551, F.S.; continuing Internet publication of certain notices of the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund; amending s. 259.032, F.S.; authorizing use of certain funds in the Conservation and Lands Recreation Trust Fund for the Lake Jesup restoration project; amending s. 403.121, F.S.; specifying minimum administrative penalties for violations relating to public water systems; amending s. 403.08725, F.S.; providing exemption

from certain air pollution construction and operation requirements for citrus juice processing facilities; amending s. 570.191, F.S.; authorizing use of funds in the Agricultural Emergency Eradication Trust Fund for insect control; amending s. 570.207, F.S.; authorizing use of funds in the Conservation and Recreation Lands Program Trust Fund for conservation easements and agreements; 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. 411.01, F.S.; providing priority for placement of children in the school readiness program; 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. 311.07, F.S.; continuing eligibility of seaport security infrastructure measures for funding by grant under the Florida Seaport Transportation and Economic Development Program; amending s. 445.048, F.S.; continuing and expanding the Passport to Economic Progress demonstration project; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach and Orange Counties; amending s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 265.702, F.S.; providing a limit on the annual amount of individual cultural facilities grants; amending s. 11, ch. 2003-401, Laws of Florida; providing for separate funding of certain listed library construction projects; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; correcting a reference in proviso; amending s. 288.1045, F.S.; extending the qualified defense contractor tax refund program; amending s. 288.106, F.S.; extending the tax refund program for qualified target industry businesses; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due process appropriations; 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; providing for continuity of health and life insurance coverage of employees transferring from county employment to employment in the state courts system, the office of a state attorney, or the office of a public defender; providing responsibilities of former and new employers; 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; providing for expenditure of funds from

the Working Capital Fund to offset deficiencies in due process services; reenacting s. 215.32(2)(b), F.S., relating to the source and use of trust funds; providing finding of best interest of the state for authorization and issuance of certain debt; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2004-2005 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing applicability to other legislation; providing severability; providing an effective date.

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 2004-2005.

Section 2. In order to implement Specific Appropriations 13-18, 20, 21, 23, 24, 27B-28, and 156-165 of the 2004-2005 General Appropriations Act:

(1) Each university that has not made the transition, effective July 1, 2004, from the state accounting system (FLAIR) shall utilize the state accounting system for fiscal year 2004-2005 but is not required to provide funds to the Department of Financial Services for its utilization.

(2) Notwithstanding the provisions of ss. 216.181, 216.292, and 1011.4105, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, funds appropriated or reappropriated to the state universities in the 2004-2005 General Appropriations Act, or any other act passed by the 2004 Legislature containing appropriations, shall be distributed to each university according to the 2004-2005 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 ss. 216.181, 216.292, and 1011.4105, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, each university board of trustees shall include in an approved operating budget the revenue in trust funds supported by student and other fees as well as the trust funds within the Contracts, 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 ss. 216.181, 216.292, and 1011.4105, Florida Statutes, which are inconsistent with the provisions of this subsection and pursuant to s. 216.351, Florida Statutes, fixed capital outlay funds appropriated or reappropriated in the 2004-2005 General Appropriations Act, or any other act passed by the 2004 Legislature containing fixed capital outlay appropriations, for universities that have made the transition, effective July 1, 2004, 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, 2004, 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, 2005.

Section 3. In order to implement Specific Appropriation 156 and section 9 of the 2004-2005 General Appropriations Act, and notwithstanding the provisions of section 216.292(5)(d), Florida Statutes, the Florida State University is authorized to construct a classroom building from the funding received pursuant to the 2004-2005 General Appropriations Act. This section expires July 1, 2005.

Section 4. In order to implement Specific Appropriations 303, 306, and 308 of the 2004-2005 General Appropriations Act, subsection (12) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(12) For the 2004-2005 ~~2003-2004~~ 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, 2005 ~~2004~~.

Section 5. In order to implement Specific Appropriation 388 of the 2004-2005 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. 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. The remainder of collections shall be credited to the General Revenue Fund.

(b) For the ~~2004-2005~~ 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, 2005 ~~2004~~.

Section 6. In order to implement Specific Appropriation 301B of the 2004-2005 General Appropriations Act, subsection (7) of section 409.1671, Florida Statutes, as amended by section 27 of chapter 2003-399, Laws of Florida, 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, ~~2004~~ 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 7. The amendment of subsection (7) of section 409.1671, Florida Statutes, by this act shall expire on July 1, 2005, and the text of that subsection shall revert to that in existence on June 30, 2004, 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 8. In order to implement Specific Appropriations 382-388 of the 2004-2005 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 2004-2005 ~~2003-2004~~ only, and notwithstanding the provisions of this section, all new funds received in excess of fiscal year ~~2003-2004~~ ~~2002-2003~~ 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 ~~2003-2004~~ ~~2002-2003~~. This subsection expires July 1, ~~2005~~ 2004.

Section 9. In order to implement Specific Appropriations 436-445 of the 2004-2005 General Appropriations Act, subsection (14) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(14)(a) Contracts for commodities or contractual services may be renewed for a period that may not exceed 3 years or the term of the original contract, whichever period is longer. Renewal of a contract for commodities or contractual services shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract. If the commodity or contractual service is purchased as a result of the solicitation of bids, proposals, or replies, the price of the commodity or contractual service to be renewed shall be specified in the bid, proposal, or reply. A renewal contract may not include any compensation for costs associated with the renewal. Renewals shall be contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds. Exceptional purchase contracts pursuant to s. 287.057(5)(a) and (c) may not be renewed.

(b) Notwithstanding paragraph (a), the Department of Children and Family Services may enter into agreements, not to exceed 20 years, with a private provider to finance, design, and construct a treatment facility, as defined in s. 394.455, of at least 200 beds and to operate all aspects of daily operations within the treatment facility. The selected contractor is authorized to sponsor the issuance of tax-exempt certificates of participation or other securities to finance the project, and the state is authorized to enter into a lease-purchase agreement for the treatment facility. The Department of Children and Family Services shall begin the implementation of this privatization initiative by January 1, 2005. This paragraph expires July 1, 2005.

Section 10. In order to implement Specific Appropriation 545 of the 2004-2005 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 1996-2005 ~~1996-2004~~ 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 11. In order to implement Specific Appropriation 510 of the 2004-2005 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 ~~2004-2005~~ ~~2003-2004~~ fiscal year only, funds in the Epilepsy Services Trust Fund may be appropriated for epilepsy case management services. This subsection expires July 1, 2005 ~~2004~~.

Section 12. In order to implement Specific Appropriation 251-445 of the 2004-2005 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.

3. For the 2004-2005 fiscal year only, the transfer authority provided in this subsection is available to the department without further restriction other than as contained in this subsection. This subparagraph expires July 1, 2005.

Section 13. In order to implement Specific Appropriation 588 of the 2004-2005 General Appropriations Act, subsection (3) of section 381.79, Florida Statutes, is amended to read:

381.79 Brain and Spinal Cord Injury Program Trust Fund.—

(3)(a) Annually, 5 percent of the revenues deposited monthly in the fund pursuant to s. 318.21(2)(d) shall be appropriated to the University of Florida and 5 percent to the University of Miami for spinal cord injury and brain injury research. The amount to be distributed to the universities shall be calculated based on the deposits into the fund for each quarter in the fiscal year, but may not exceed \$500,000 per university per year. Funds distributed under this subsection shall be made in quarterly payments at the end of each quarter during the fiscal year.

(b) For the 2004-2005 fiscal year only, and notwithstanding paragraph (a), revenues deposited in the fund pursuant to s. 318.21(2)(d) may be appropriated for spinal cord injury and brain injury research at the University of Miami. The amount appropriated in the 2004-2005 General Appropriations Act shall be distributed in equal quarterly payments at the end of each quarter during the fiscal year. This paragraph expires July 1, 2005.

Section 14. Effective upon this act becoming a law, in order to implement Specific Appropriation 174-178 of the 2004-2005 General Appropriations Act, and notwithstanding section 409.8134, Florida Statutes, as amended by chapter 2004-1, Laws of Florida:

(1) The first potential Florida KidCare program open enrollment period for fiscal year 2004-2005 is January 1, 2005, through January 30, 2005.

(2) Children eligible for the Florida KidCare program who were on the Florida KidCare wait list prior to March 12, 2004, are eligible to be enrolled upon this act becoming a law.

(3) This section expires July 1, 2005.

Section 15. In order to implement Specific Appropriation 284 of the 2004-2005 General Appropriations Act, paragraph (g) is added to subsection (2) of section 402.305, Florida Statutes, to read:

402.305 Licensing standards; child care facilities.—

(2) PERSONNEL.—Minimum standards for child care personnel shall include minimum requirements as to:

(g) The Department of Children and Families shall provide at least one Child Care Competency Exam in Spanish during the 2004-2005 fiscal year. This paragraph expires July 1, 2005.

Section 16. In order to implement Specific Appropriations 251-445 of the 2004-2005 General Appropriations Act, subsection (10) of section 402.33, Florida Statutes, is amended to read:

402.33 Department authority to charge fees for services provided.—

(10)(a) Unless otherwise specified by the Legislature, fee collections, including third-party reimbursements, in excess of fee-supported appropriations may be used in conformance with the provisions of chapter 216 to fund nonrecurring expenditures for direct client services and to fund administrative costs of improving the fee collection program of the department. No more than one-sixth of the amount of collections in excess of the amount of appropriations may be used to fund such improvements to the program. Priority consideration for the expenditure of excess collections shall be given to those districts and programs most responsible for the excess. A plan for the use of excess collections not spent in the fiscal year in which collected shall be subject to approval by the Executive Office of the Governor within 90 days from the end of the state fiscal year in which the excess occurs.

(b) For the 2004-2005 fiscal year only, the provisions of paragraph (a) shall not apply. This paragraph expires July 1, 2005.

Section 17. Effective upon this act becoming a law, in order to implement Specific Appropriations 389-393 of the 2004-2005 General Appropriations Act, in its Economic Self-Sufficiency Services Program, the Department of Children and Family Services may provide its eligibility determination functions either with the department staff or through contract with at least two private vendors or with a combination of at least one private vendor and department employees, with the following restrictions:

(1) With the exception of information technology, no contract with a private vendor shall be for a geographic area larger than a combined seven districts or combined three zones without the prior approval of the Legislative Budget Commission; and

(2) Department employees must provide the functions in at least one zone or combined three districts of the state if their proposed cost is competitive with private vendors.

This section expires July 1, 2005.

Section 18. In order to implement Specific Appropriation 216 of the 2004-2005 General Appropriations Act, subsection (18) is added to section 216.181, Florida Statutes, to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(18) In order to implement Specific Appropriation 216 of the 2004-2005 General Appropriations Act, if the federal Centers for Medicare and Medicaid approve LifeSaver Rx during the 2004-2005 fiscal year, the Agency for Health Care Administration may submit a budget amendment certifying the amount of funds necessary and requesting additional appropriations from the General Revenue Fund sufficient to provide the state match for the program and related trust fund appropriations. All actions taken pursuant to the authority granted in this subsection shall be subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2005.

Section 19. In order to implement Specific Appropriations 228-237 of the 2004-2005 General Appropriations Act, the proviso immediately preceding Specific Appropriation 227 of the 2004-2005 General Appropriations Act, is amended to read:

From the funds in Specific Appropriations 228 through 237, the Agency for Health Care Administration, in partnership with the Department of Elder Affairs, shall develop a plan which identifies ~~identify~~ funding necessary ~~for to develop and implement~~ an integrated, long-term care, fixed payment, delivery system for Medicaid beneficiaries age 65 and older. Identified funds shall include funds for Medicaid Home and Community-Based waiver services, all Medicaid services authorized in sections 409.905 and 409.906, Florida Statutes, including Medicaid nursing home services and funds paid for Medicare premiums, coinsurance and deductibles for persons dually eligible for Medicaid and Medicare as prescribed in section 409.908(13), Florida Statutes. The plan shall provide for the program shall transition of all Medicaid services for eligible elderly individuals into an integrated care management model designed to serve consumers in their community. The agency and the department shall consult with the appropriations committees and the appropriate substantive committees of the Legislature during the development of the plan. The plan shall include specific pilot project sites and may include strategies for the phase-in of statewide coverage. The plan to implement the pilot project and any necessary budget amendments shall be presented to the Legislative Budget Commission no later than December 31, 2004, for approval. This long-term care model shall operate in Hillsborough, Polk, Orange and Seminole counties.

The plan shall provide for integration of agency shall, pursuant to Chapter 216, Florida Statutes, move the proportional share of Medicaid funding from specified budget entities and categories to fund the integrated long-term care delivery system. Upon approval, the agency is authorized to integrate all funding for Medicaid services provided to individuals over the age of 65 into the integrated system. The agency is authorized to seek federal waivers as necessary to implement this project.

The plan shall provide for a competitive procurement to operate the project agency, in consultation with the Department of Elder Affairs, is authorized to contract through competitive procurement with two organizations to operate the project. The agency shall insure that rates proposed in the plan are actuarially sound and reflect the intent of the project to provide quality care in the least restrictive setting. The agency shall also insure that the plan provides for organizations to develop a service provider credentialing system and ~~require that the organizations to~~ contract with all Gold Seal nursing homes and exclude, where feasible, chronically poor performing nursing homes. In the absence of a contract between the organization and the nursing home, the plan shall provide that current Medicaid rates shall prevail. The plan shall provide that if the consumer resides in a non-contracted nursing home at the time the program is initiated, the consumer shall be permitted to continue to reside in the non-contracted home for not less than twelve months. The agency and the Department of Elder Affairs shall jointly develop procedures to manage the services provided through this project to

ensure quality and consumer choice. The project shall be implemented by January 1, 2005.

Section 20. In order to implement Specific Appropriation 232 of the 2004-2005 General Appropriations Act, the Agency for Health Care Administration, in conjunction with the Florida Health Care Association and the Florida Association of Homes for the Aging, shall evaluate the reimbursement methodology for Medicaid nursing home services to determine the adequacy of current payment rates in meeting the costs of providing care to Florida's Medicaid residents. The agency shall report its findings to the Speaker of the House of Representatives, the President of the Senate, and the Governor by December 1, 2004. The report must make recommendations for changes in the current payment methodology or for development of a new payment methodology necessary to ensure a stable financial environment in which reimbursement is adequate to meet the costs of providing nursing home care for Florida's Medicaid residents served by a majority of nursing home providers.

Section 21. In order to implement Specific Appropriation 372 of the 2004-2005 General Appropriations Act, the annual report required by section 394.655(10), Florida Statutes, for 2004 shall include a specific analysis of managed care contracts and the impact of these contracts on the mental health service delivery system in Florida. Provider and client outcomes must be assessed from the perspectives of cost effectiveness, quality of care, and access to care. Additionally, a comparison of levels of benefit packages must be included. This paragraph expires July 1, 2005.

Section 22. In order to implement Specific Appropriation 545 of the 2004-2005 General Appropriations Act, the Department of Health shall review and examine how state and local fees are charged in the regulation of onsite sewage treatment and disposal systems. The department shall work with the affected county governments, home building industry and septic tank contracting interests, and the Technical Review and Advisory Panel (TRAP) in arriving at recommendations. Preliminary recommendations shall be submitted to TRAP for comment and input no later than November 15, 2004. Final recommendations shall be submitted to the Governor, the Speaker of the House of Representatives, the President of the Senate, the chair and vice chair of the House Appropriations Committee, and the chair and vice chair of the Senate Appropriations Committee no later than January 15, 2005.

Section 23. In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 667, 681, 693, and 1138 of the 2004-2005 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice 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 respective department 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, 2005.

Section 24. In order to implement Specific Appropriations 655-751 and 781-794 of the 2004-2005 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 2004-2005 ~~2003-2004~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the February 16, 2004 ~~July 9, 2003~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from the General Revenue Fund or the Working Capital Fund sufficient to provide for essential staff and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to the authority granted in this subsection shall be subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2005 ~~2004~~.

Section 25. In order to implement Specific Appropriation 1232 of the 2004-2005 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 2004-2005 ~~2003-2004~~ 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, 2005 ~~2004~~.

Section 26. In order to implement Specific Appropriation 2321 of the 2004-2005 General Appropriations Act, subsection (4) of section 215.96, Florida Statutes, is amended 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 (Aspire) 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 Aspire 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, The 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 ~~Aspire 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 ~~Aspire 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 Aspire 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 Aspire 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, ~~2005~~ 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, ~~2005~~ 2004.

Section 27. In order to implement Specific Appropriations 1403 and 1405 of the 2004-2005 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, 2003-2004, and 2004-2005 fiscal years for the purpose of constructing and operating 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, 2005.

Section 28. In order to implement Specific Appropriation 2589 of the 2004-2005 General Appropriations Act, effective July 1, 2004, and notwithstanding the provisions of s. 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 s. 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, 2005.

Section 29. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2004-2005 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 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 2004-2005 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2005.

Section 30. In order to implement section 8 of the 2004-2005 General Appropriations Act, section 110.1239, Florida Statutes, is amended to read:

110.1239 State group health insurance program funding.—For the ~~2004-2005~~ 2003-2004 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, 2005 2004.

Section 31. 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 2004-2005 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 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 2004-2005 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, 2005.

Section 32. In order to implement sections 2 through 7 of the 2004-2005 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 2004-2005 ~~2003-2004~~ 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, 2005 ~~2004~~.

(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 ~~2004-2005~~ 2003-2004 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, ~~2005~~ 2004.

Section 33. In order to implement Section 8 of the 2004-2005 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.~~

~~(a)(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.

~~(b)(c)~~ 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, ~~2005~~ 2004.

Section 34. In order to implement Specific Appropriations 2573 and 2574 of the 2004-2005 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 2003-2004 fiscal year shall not be increased for the 2004-2005 fiscal year. Further, members of the Senate and the House of Representatives shall not be eligible for any bonus payments during the 2004-2005 fiscal year. This section expires June 30, 2005.

Section 35. Notwithstanding the provisions of section 403.7095, Florida Statutes, in order to implement Specific Appropriation 1741 of the 2004-2005 General Appropriations Act, the Department of Environmental Protection shall award:

(1) \$6,500,000 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) \$2,639,999 in waste tire grants to counties, on a per capita basis, with populations of 100,000 or more.

(3) \$1,347,570 in competitive innovative grants to cities and counties on the prioritized list of projects submitted by the Department of Environmental Protection to the Legislature.

This section expires July 1, 2005.

Section 36. In order to implement Specific Appropriation 1684 of the 2004-2005 General Appropriations Act, subsection (6) is added to section 375.041, Florida Statutes, to read:

375.041 Land Acquisition Trust Fund.—

(6) For the 2004-2005 fiscal year only, funds allocated to the Land Acquisition Trust Fund may also be appropriated for water quality issues in the General Appropriations Act. This subsection expires July 1, 2005.

Section 37. In order to implement Specific Appropriation 1584A of the 2004-2005 General Appropriations Act, subsection (5) is added to section 375.045, Florida Statutes, to read:

375.045 Florida Preservation 2000 Trust Fund.—

(5) For the 2004-2005 fiscal year only, any unobligated moneys in the Florida Preservation 2000 Trust Fund resulting from interest earnings and from reversions of prior appropriations to any agency may be appropriated to the Florida Forever Trust Fund for use pursuant to s. 259.1051. This subsection expires July 1, 2005.

Upon a determination by the Department of Environmental Protection that proceeds being held in the trust fund to support distributions outside the Department of Environmental Protection are not likely to be disbursed in accordance with the foregoing considerations, the Department of Environmental Protection shall petition the Governor and Cabinet to allow for the

immediate disbursement of such funds for the acquisition of projects approved for purchase pursuant to the provisions of chapter 259.

Section 38. In order to implement Specific Appropriations 2652-2654 of the 2004-2005 General Appropriations Act and for the 2004-2005 fiscal year only, the State Technology Office is directed to implement the provisions of subsection (2) of section 282.102, Florida Statutes, related to rulemaking on best practices for acquiring, using, upgrading, modifying, replacing, or disposing of information technology, no later than December 31, 2004. The State Technology Office is further directed to include in the agency and state information technology resource inventory lists required by sections 282.3063(2)(f) and 282.310(2)(g), Florida Statutes, the methods used for final disposition of the resources. This section expires July 1, 2005.

Section 39. In order to implement Specific Appropriations 1677-1703 of the 2004-2005 General Appropriations Act, paragraph (c) of subsection (4) of section 373.4137, Florida Statutes, is amended to read:

373.4137 Mitigation requirements.—

(4) Prior to December 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. This plan shall also address significant invasive plant problems within wetlands and other surface waters. In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs and shall focus on activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) waterbodies and lands identified for potential acquisition for preservation, restoration, and enhancement, to the extent that such activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344. In determining the activities to be included in such plans, the districts shall also consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include such purchase as a part of the mitigation plan when such purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be preliminarily approved by the water management district governing board and shall be submitted to the secretary of the Department of Environmental Protection for review and final approval. The preliminary approval by the water management district governing board does not constitute a decision that affects substantial interests as provided by s. 120.569. At least 30 days prior to preliminary approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy.

(c) Surface water improvement and management or invasive plant control projects undertaken using the \$12 million advance transferred from the Department of Transportation to the Department of Environmental Protection in fiscal year 1996-1997 which meet the requirements for mitigation under this part and 33 U.S.C. s. 1344 shall remain available for mitigation until the \$12 million is fully credited up to and including fiscal year 2005-2006 ~~2004-2005~~. When these projects are used as mitigation, the \$12 million advance shall be reduced by \$75,000 per acre of impact mitigated. For any fiscal year through and including fiscal year 2005-2006 ~~2004-2005~~, to the extent the cost of developing and implementing the mitigation plans is less than the amount transferred pursuant to subsection (3), the difference shall be credited towards the \$12 million advance. Except as provided in this paragraph, any funds not directed to implement the mitigation plan should, to the greatest extent possible, be directed to fund invasive plant control within wetlands and other surface waters.

Section 40. In order to implement Specific Appropriations 2160-2184 of the 2004-2005 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 2004-2005 ~~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 2004-2005 ~~2003-2004~~ General Appropriations Act, or any other act passed by the 2004 ~~2003~~ Legislature containing appropriations for such purpose. This paragraph expires July 1, 2005 ~~2004~~.

Section 41. In order to implement Specific Appropriation 1670 of the 2004-2005 General Appropriations Act, subsection (3) of section 120.551, Florida Statutes, is amended to read:

120.551 Internet publication.—

(3) This section is repealed effective July 1, 2005 ~~2004~~, unless reviewed and reenacted by the Legislature before that date.

Section 42. In order to implement Specific Appropriation 1922K of the 2004-2005 General Appropriations Act, subsection (16) is added to section 259.032, Florida Statutes, to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(16) For the 2004-2005 fiscal year only, moneys in the Conservation and Recreation Lands Trust Fund reserved pursuant to paragraph (e) of subsec-

tion (11) may be appropriated for the Lake Jesup restoration project. This subsection expires July 1, 2005.

Section 43. In order to implement Specific Appropriation 1701 of the 2004-2005 General Appropriations Act, paragraph (b) of subsection (2), paragraph (f) of subsection (4), and subsection (5) of section 403.121, Florida Statutes, are amended to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1).

(2) Administrative remedies:

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed \$10,000 per assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty assessed pursuant to subsection (3), subsection (4), or subsection (5) against a public water system serving a population of more than 10,000 shall be not less than \$1,000 per day per violation. The department shall not impose administrative penalties in excess of \$10,000 in a notice of violation. The department shall not have more than one notice of violation seeking administrative penalties pending against the same party at the same time unless the violations occurred at a different site or the violations were discovered by the department subsequent to the filing of a previous notice of violation.

(4) In an administrative proceeding, in addition to the penalties that may be assessed under subsection (3), the department shall assess administrative penalties according to the following schedule:

(f) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to prepare, submit, maintain, or use required reports or other required documentation, \$500.

(5) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to comply with any other departmental regulatory statute or rule requirement not otherwise identified in this section, the department may assess a penalty of \$500.

Section 44. The amendment of section 403.121, Florida Statutes, by this act shall expire on July 1, 2005, 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 45. In order to implement Specific Appropriations 1805-1820 of the 2004-2005 General Appropriations Act, subsection (9) of section 403.08725, Florida Statutes, is amended to read:

403.08725 Citrus juice processing facilities.—

(9)(a) ENVIRONMENTAL PROTECTION AGENCY APPROVAL.—No later than February 1, 2001, the department shall submit this act to the United States Environmental Protection Agency as a revision of Florida's state implementation plan and as a revision of Florida's approved state Title V program. If the United States Environmental Protection Agency fails to approve this act as a revision of Florida's state implementation plan within 3 years after submittal, this act shall not apply with respect to construction requirements for facilities subject to regulation under the act, and the facilities subject to regulation thereunder must comply with all construction permitting requirements, including those for prevention of significant deterioration, and must make application for construction permits for any construction or modification at the facility which was not undertaken in compliance with all permitting requirements of Florida's state implementation plan, within 3 months thereafter. If the United States Environmental Protection Agency fails to approve this act as a revision of Florida's approved state Title V program within 3 years after submittal, this act shall not apply with respect to operation requirements, and all facilities subject to regulation under the act must immediately comply with all Title V program requirements and must make application for Title V operation permits within 3 months thereafter.

(b) Notwithstanding the provisions of paragraph (a) and for the 2004-2005 fiscal year only, if the United States Environmental Protection Agency fails to approve this act as a revision of Florida's state implementation plan within 4 years after submittal, this act shall not apply with respect to construction requirements for facilities subject to regulation under the act, and the facilities subject to regulation thereunder must comply with all construction permitting requirements, including those for prevention of significant deterioration, and must make application for construction permits for any construction or modification at the facility which was not undertaken in compliance with all permitting requirements of Florida's state implementation plan, within 3 months thereafter. If the United States Environmental Protection Agency fails to approve this act as a revision of Florida's approved state Title V program within 4 years after submittal, this act shall not apply with respect to operation requirements, and all facilities subject to regulation under the act must immediately comply with all Title V program requirements and must make application for Title V operation permits within 3 months thereafter. This paragraph expires July 1, 2005.

Section 46. In order to implement Specific Appropriation 1358A of the 2004-2005 General Appropriations Act, section 570.191, Florida Statutes, is amended to read:

570.191 Agricultural Emergency Eradication Trust Fund.—There is created in the office of the commissioner the Agricultural Emergency Eradication Trust Fund. Funds in the trust fund;

(1) May be made available upon certification by the commissioner that an agricultural emergency exists and that funds specifically appropriated for the emergency's purpose are exhausted or insufficient to eliminate the agricultural emergency. The term "agricultural emergency" means an animal or plant disease, insect infestation, or plant or pest endangering or threatening the horticultural, aquacultural, or other agricultural interests in this state.

(2) May be appropriated for insect control. This subsection expires July 1, 2005.

Section 47. In order to implement Specific Appropriation 1322A of the 2004-2005 General Appropriations Act, subsection (4) is added to section 570.207, Florida Statutes, to read:

570.207 Conservation and Recreation Lands Program Trust Fund of the Department of Agriculture and Consumer Services.—

(4) For the 2004-2005 fiscal year only, funds in the Conservation and Recreation Lands Program Trust Fund may be appropriated for conservation easements and agreements pursuant to s. 570.71. This subsection expires July 1, 2005.

Section 48. In order to implement Specific Appropriation 1496 of the 2004-2005 General Appropriations Act, section 252.373, Florida Statutes, is amended to read:

252.373 Allocation of funds; rules.—

(1)(a) Funds appropriated from the Emergency Management, Preparedness, and Assistance Trust Fund shall be allocated by the Department of Community Affairs for the following purposes as follows:

1. ~~Sixty percent~~ To implement and administer state and local emergency management programs, including administration, training, and operations of which ~~20 percent shall be used by the division and 80 percent shall be allocated to local emergency management agencies and programs. Of this 80 percent, at least 80 percent shall be allocated to counties.~~

~~2. Twenty percent to provide for state relief assistance for nonfederally declared disasters, including but not limited to grants and below interest-rate loans to businesses for uninsured losses resulting from a disaster.~~

~~2.3. Twenty percent~~ For grants and loans to state or regional agencies, local governments, and private organizations to implement projects that will further state and local emergency management objectives. These projects must include, but need not be limited to, projects that will promote public education on disaster preparedness and recovery issues, enhance coordination of relief efforts of statewide private sector organizations, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan, including the State Fire Marshal's Office for coordinating the Florida fire services. The division shall establish criteria and procedures for competitive

allocation of these funds by rule. No more than 5 percent of any award made pursuant to this subparagraph may be used for administrative expenses. This competitive criteria must give priority consideration to hurricane evacuation shelter retrofit projects.

3. To meet any matching requirements imposed as a condition of receiving federal disaster relief assistance.

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

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

~~(2) The distribution formula provided in subsection (1) may be adjusted proportionally when necessary to meet any matching requirements imposed as a condition of receiving federal disaster relief assistance or planning funds.~~

~~(2)(3)~~ The department shall allocate funds from the Emergency Management, Preparedness, and Assistance Trust Fund to local emergency management agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a local emergency management agency either:

1. Have a program director who works at least 40 hours a week in that capacity; or

2. If the county has fewer than 75,000 population or is party to an inter-jurisdictional emergency management agreement entered into pursuant to s. 252.38(3)(b), that is recognized by the Governor by executive order or rule, have an emergency management coordinator who works at least 20 hours a week in that capacity.

(b) Specifying a formula that establishes a base grant allocation and weighted factors for funds to be allocated over the base grant amount.

(c) Specifying match requirements.

(d) Preferential funding to provide incentives to counties and municipalities to participate in mutual aid agreements.

(3)(4) If adequate funds are available as determined by the division, every county shall receive funds at least sufficient to fund a dedicated, full-time emergency preparedness officer position.

Section 49. In order to implement Specific Appropriations 2122F and 2122G of the 2004-2005 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 ~~2004-2005~~ 2003-2004 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, ~~2005~~ 2004.

Section 50. In order to implement Specific Appropriation 2480M of the 2004-2005 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 Development. 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 ~~2004-2005~~ ~~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, ~~2005~~ 2004.

Section 51. In order to implement Specific Appropriation 1993 of the 2004-2005 General Appropriations Act, paragraph (b) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.
2. The dredging or deepening of channels, turning basins, or harbors.
3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.
4. The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.
5. The acquisition of land to be used for port purposes.
6. The acquisition, improvement, enlargement, or extension of existing port facilities.
7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improve-

ments to existing and future spoil sites; or which result from the funding of eligible projects listed in this paragraph.

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

10. Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of \$5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

11. Seaport security measures. Such measures include:

a. Infrastructure security measures required by seaport security plans approved by the Office of Drug Control and the Department of Law Enforcement under s. 311.12, including security gates, physical barriers, and security-related lighting systems, equipment, or facilities to be used for seaport security monitoring and recording, remote surveillance systems, concealed recording systems, or other security infrastructure, technology, vulnerability assessments, or equipment that contributes to the overall security of the seaport and its facilities as specified in the security plans approved by the Office of Drug Control and the Department of Law Enforcement under s. 311.12 or as otherwise specifically found by the Department of Law Enforcement to be a measure consistent with and supportive of such an approved plan. Program funds for such measures may come from funds made available under subsection (2) and s. 320.20(3) or (4). Infrastructure measures required by an approved seaport security plan or as otherwise found by the Department of Law Enforcement to be consistent with and supportive of an approved plan as authorized in this sub-subparagraph are not subject to the matching fund requirements of paragraph (a) or s. 320.20(3) or (4).

b. Law enforcement measures mandated by federal, state, or local governmental agencies, including the deployment of the Florida National Guard, local law enforcement personnel, seaport security personnel, private sector security personnel, or any combination thereof to provide operational security services at any seaport identified in s. 311.09(1). Program funds for such measures may come from funds made available under subsection (2). Law enforcement measures are subject to the matching fund requirements of paragraph (a), except that any funds provided for the Florida National Guard shall remain exempt from the matching fund requirements of paragraph (a) through April 30, 2002.

Notwithstanding s. 339.135(7) or any other provision of law to the contrary, seaports may request that the department change the purpose of a project in the 2000-2001 and 2001-2002 work programs to a purpose authorized under this subparagraph. Additional consideration shall be given to seaports having operating revenues of \$14 million or less for operational security and law enforcement measures for grants not to exceed \$350,000. Any

federal funds that are provided for port security infrastructure improvements of which funds seaports in this state are the beneficiaries shall be allocated in a manner consistent with federal requirements and guidelines. Federal funds obtained by a seaport for a specific security infrastructure project, which project has also received state seaport transportation and economic development funds, shall be used to reimburse the state funds received by the seaport under this subparagraph for the specific project. These reimbursement funds must be used for projects and measures authorized under subparagraphs 1.-10. This subparagraph shall expire June 30, 2005 ~~2004~~.

Section 52. In order to implement Specific Appropriation 2100 of the 2004-2005 General Appropriations Act, section 445.048, Florida Statutes, as amended by section 79 of chapter 2003-399, Laws of Florida, 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 150 100 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 53. The amendment of section 445.048, Florida Statutes, by this act shall expire on July 1, 2005, 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 54. In order to implement section 27 of the 2004-2005 General Appropriations Act, subsection (13) is added to section 253.034, Florida Statutes, to read:

253.034 State-owned lands; uses.—

(13) Notwithstanding the provisions of this section, funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach and Orange Counties are authorized to be deposited into the Highway Safety Operating Trust Fund to facilitate the exchange as provided in the General Appropriations Act, provided that at the conclusion of both exchanges the values are equalized. This subsection expires July 1, 2005.

Section 55. In order to implement proviso language in Specific Appropriation 2122F of the 2004-2005 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 scholar-

ships 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 ~~2004-2005~~ ~~2003-2004~~ fiscal year only, the Agency for Workforce Innovation shall administer this section. This subsection expires July 1, ~~2005~~ ~~2004~~.

Section 56. In order to implement Specific Appropriation 2871BM of the 2004-2005 General Appropriations Act, subsection (7) of section 265.702, Florida Statutes, is amended to read:

265.702 Regional cultural facilities; grants for acquisition, renovation, or construction; funding; approval; allocation.—

(7)(a) The annual amount of a grant made under this section may not exceed the lesser of \$2.5 million or 10 percent of the total costs of the regional cultural facility. The total amount of the grants awarded to a regional cultural facility in a 5-year period may not exceed the lesser of \$10 million or 10 percent of the total costs of a regional cultural facility. The total cost of a regional cultural facility must be calculated with respect to the primary scope of the original proposal as submitted under this section and may not include the cost of any additions that change the scope of the regional cultural facility, such as additional facilities or significant design alterations.

(b) For the 2004-2005 fiscal year only, the annual amount of a grant made under this section may not exceed the amount specified in the General Appropriations Act or the amount specified in paragraph (a), whichever is less. This paragraph expires July 1, 2005.

Section 57. In order to implement Specific Appropriation 2871AU of the 2004-2005 General Appropriations Act, section 11 of chapter 2003-401, Laws of Florida, is amended to read:

Section 11. A project that is ranked but not funded for the fiscal year 2003-2004 grant cycle under the Department of State's Historical Facilities Special Category Fixed Capital Outlay Grants Program, Cultural Facilities Fixed Capital Outlay Grants Program, or Regional Cultural Facilities Grants Program, ~~or Library Construction Fixed Capital Outlay Grants Program~~ shall, if it continues to meet applicable criteria for the grant program for which it is ranked, maintain its relative ranking for the fiscal year 2004-2005 grant cycle and shall receive priority ranking over new projects applying for the fiscal year 2004-2005 grant cycle. A project that is ranked but not funded for the fiscal year 2003-2004 grant cycle under the Department of State's Library Construction Fixed Capital Outlay Grants Program shall, if it continues to meet applicable criteria for the grant program for which it is ranked, and notwithstanding the requirements of Chapter 1B-2, Florida Administrative Code, be carried forward as the 2003-2004 list of ranked projects recommended to the 2004 Legislature along with the 2004-2005 list

of ranked projects submitted by the department. Each list may be considered separately for funding by the 2004 Legislature.

Section 58. In order to implement Specific Appropriation 2871H of the 2004-2005 General Appropriations Act, paragraph (f) of subsection (5) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(5) When the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, no purchase of commodities or contractual services may be made without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies unless:

(f) The following contractual services and commodities are not subject to the competitive-solicitation requirements of this section:

1. Artistic services.
2. Academic program reviews.
3. Lectures by individuals.
4. Auditing services.
5. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.
7. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.
8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Agency for Health Care Administration. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed by the agency.
9. Family placement services.
10. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

11. Training and education services provided to injured employees pursuant to s. 440.49(1).
12. Contracts entered into pursuant to s. 337.11.
13. Services or commodities provided by governmental agencies.
14. Voter education activities of the Department of State or the supervisors of elections funded by Specific Appropriation 2871H of the 2004-2005 General Appropriations Act, either individually or in the aggregate or with their respective professional associations. This subparagraph expires July 1, 2005.

Section 59. In order to implement Specific Appropriation 2480K of the 2004-2005 General Appropriations Act, reference therein to "Streetscape Lee County" is changed to "Streetscape Design and Construction Enhancements - City of Ft. Myers."

Section 60. In order to implement Specific Appropriation 2480G of the 2004-2005 General Appropriations Act, subsection (7) of section 288.1045, Florida Statutes, is amended to read:

288.1045 Qualified defense contractor tax refund program.—

(7) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 2005 ~~2004~~.

Section 61. In order to implement Specific Appropriation 2480G of the 2004-2005 General Appropriations Act, subsection (7) of section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(7) EXPIRATION.—This section expires June 30, 2005 ~~2004~~.

Section 62. In order to implement Specific Appropriation 2934C of the 2004-2005 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, funds in Specific Appropriation 2934C of the 2004-2005 General Appropriations Act may be transferred from the courts to the Justice Administrative Commission in order to address unanticipated shortfalls in due process services appropriations in excess of the contingency fund provided in Specific Appropriation 829A of the 2004-2005 General Appropriations Act. This section expires July 1, 2005.

Section 63. In order to implement Specific Appropriation 831 of the 2004-2005 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 2004-2005 ~~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, 2005 ~~2004~~.

Section 64. In order to implement Specific Appropriation 831 of the 2004-2005 General Appropriations Act, paragraphs (a) and (c) of subsection (2) of section 27.709, Florida Statutes, as amended by section 86 of chapter 2003-399, Laws of Florida, 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 65. The amendment of section 27.709, Florida Statutes, by this act shall expire on July 1, 2005, 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 66. In order to implement Specific Appropriation 831 of the 2004-2005 General Appropriations Act, subsections (3) and (9) of section 27.711, Florida Statutes, as amended by section 88 of chapter 2003-399, Laws of Florida, are amended, and subsection (14) is added to said 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 Chief Financial Officer 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 67. The amendment of section 27.711, Florida Statutes, by this act shall expire on July 1, 2005, 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 68. In order to implement Specific Appropriation 831 of the 2004-2005 General Appropriations Act, paragraph (b) of subsection (4) of section 27.702, Florida Statutes, as amended by section 90 of chapter 2003-399, Laws of Florida, 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 69. The amendment of section 27.702, Florida Statutes, by this act shall expire on July 1, 2005, 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 70. In order to implement Specific Appropriations 812-1066 and 2919-2968 of the 2004-2005 General Appropriations Act and for the 2004-2005 fiscal year only, all personnel moving from county government to positions in the state courts system, an office of the state attorney, or an office of the public defender as a part of the implementation of Revision 7 to Article V of the Florida Constitution who were eligible for coverage under a county-sponsored group insurance program June 30, 2004, and who elect and are qualified to be covered under the State Group Insurance Program in the Department of Management Services shall be enrolled for health and life insurance effective July 1, 2004. The state courts system and the respective offices of the state attorney or the offices of the public defender shall be responsible for ensuring affected employees' health and life insurance benefit enrollment elections are made and processed by June 23, 2004, and shall make a one-time total premium payment to the Division of State Group Insurance of the Department of Management Services not later than July 15, 2004, for coverage for the month of July 2004. For health and life insurance coverage only, the premium remittance mechanism for each such premium payment shall be in the form of a separate journal transfer. Accompanying documentation, as prescribed by the Division of State Group Insurance, is required to distinguish employee from employer contributions, by subscriber. Subsequent premium payments and eligibility determinations shall be made in accordance with existing laws and administrative rules to ensure continuity of employee benefit coverage. This section shall take effect upon becoming law. This section expires July 1, 2005.

Section 71. In order to implement Specific Appropriations 853, 854, 892, 895, 903, 906, 915, 927, and 929 of the 2004-2005 General Appropriations Act, subsection (4) of section 413.4021, Florida Statutes, is amended 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 ~~2004-2005~~ 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, ~~2005~~ 2004.

Section 72. In order to implement Specific Appropriations 825A, 825B, 826A, 826B, and 2956A of the 2004-2005 General Appropriations Act, if a deficit is projected by the Justice Administrative Commission or the state courts in any specific appropriation provided for due process services, the Governor or the Chief Justice of the Supreme Court, respectively, may submit a budget amendment for consideration by the Legislative Budget Commission to authorize the expenditure of funds from the Working Capital Fund to offset such deficiency. Any budget amendment submitted by the Governor to the Legislative Budget Commission shall contain certification by the Justice Administrative Commission that all actions required by section 29.015, Florida Statutes, have been completed and that no funds exist in any contingency fund appropriation available to the entity projected to experience the deficiency. Any budget amendment submitted by the Supreme Court shall contain certification that the court has completed all actions required by section 29.016, Florida Statutes, and that no funds exist in any contingency fund available to the state courts system. This section expires July 1, 2005.

Section 73. In order to implement the transfer of moneys to the Working Capital Fund from trust funds in the 2004-2005 General Appropriations Act, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted to read:

215.32 State funds; segregation.—

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

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state govern-

ment responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In order to maintain a minimum number of trust funds in the State Treasury, each state agency or the judicial branch may consolidate, if permitted under the terms and conditions of their receipt, the trust funds administered by it; provided, however, the agency or judicial branch employs effectively a uniform system of accounts sufficient to preserve the integrity of such trust funds; and provided, further, that consolidation of trust funds is approved by the Governor or the Chief Justice.

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

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and Working Capital Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the Board of Regents, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 74. In order to implement the issuance of new debt authorized in the 2004-2005 General Appropriations Act, and pursuant to the requirements of section 215.98, Florida Statutes, the Legislature determines that the authorization and issuance of debt for the 2004-2005 fiscal year is in the best interest of the state and should be implemented.

Section 75. A section of this act that implements a specific appropriation or specifically identified proviso language in the 2004-2005 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 2004-2005 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 76. If any other act passed in 2004 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 77. It is the intent of the Legislature that, notwithstanding section 76 of this act, section 17 shall take precedence in fiscal year 2004-2005 over any other substantive law regarding this issue with respect to the Economic Self-Sufficiency Services Program initiative.

Section 78. The agency performance measures and standards in the document entitled "Performance Measures and Standards Approved by the Legislature for Fiscal Year 2004-2005" dated April 30, 2004, and filed with the Clerk of the House of Representatives are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2004-2005, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their long-range program plans required under s. 216.013, Florida Statutes, to be consistent with these performance measures and standards.

Section 79. If any law that is amended by this act was also amended by a law enacted at the 2004 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 80. 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 81. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2004; 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, 2004.

Approved by the Governor May 28, 2004.

Filed in Office Secretary of State May 28, 2004.