

Senate Bill No. 2602

An act implementing the 2005-2006 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; creating s. 1004.065, F.S.; providing a limitation on university and direct-support organization financings; disbanding the Miami-Dade Land Acquisition and Facilities Maintenance Operation Advisory Board; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a forensic mental health treatment facility; 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; amending s. 394.76, F.S.; providing a local match ratio for contracted community alcohol and mental health services and programs funded through the Department of Children and Family Services; amending s. 215.18, F.S.; authorizing extension of repayment periods for moneys transferred between funds as a result of hurricanes striking the state in 2004; requiring the Agency for Persons with Disabilities to report to the Governor and the Legislature with respect to the financial status of the Home and Community Based Services Waiver; providing for budget adjustments; amending s. 440.02, F.S.; redefining the term "employee," for purposes of workers' compensation, to exclude certain Medicaid-enrolled clients enrolled in workshop settings for the purpose of training; 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. 287.057, F.S.; authorizing the Department of Management Services to issue an invitation to negotiate for additional beds at specified correctional facilities; providing guidelines on such negotiation; providing a time requirement for any additional bed procurement; requiring reports with respect to adding such additional beds; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due-process appropriations; providing for expenditure of funds from the Working Capital Fund to offset deficiencies in due-process services; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; amending s. 932.7055, F.S.; allowing municipalities to reimburse their general funds from moneys they advanced to their own special law enforcement trust funds; 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; 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. 287.17, F.S.; authorizing the use of state aircraft for commuting; 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; creating s. 376.30715, F.S.; providing conditions on state financial assistance in restoration of contaminated petroleum storage or retail sites; amending s. 376.3071, F.S.; providing for use of funds from the Inland Protection Trust Fund to clean up certain petroleum-contaminated sites and to purchase generators for emergency fuel supply; 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. 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. 373.4145, F.S.; prescribing an interim permitting program for the Northwest Florida Water Management District; authorizing the appropriation of moneys in the Conservation and Recreation Lands Trust Fund to pay for replacement of motor vehicles for the Department of Agriculture and Consumer Services; creating the Florida Pork Producers Transition Grant Program within the Department of Agriculture and Consumer Services; entitling certain persons using farming methods described in the Florida Constitution on a certain date to apply for a grant; providing a cap on such grants and authorizing the department to adopt rules to implement the grant program; amending s. 11.151, F.S.; increasing the contingency fund for the legislative presiding officers; 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. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determining eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; 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 County; amending

s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 259.032, F.S.; providing for use of certain funds for constructing replacement museum facilities; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 339.135, F.S.; authorizing increased appropriations for certain projects in the Department of Transportation; creating s. 320.0846, F.S.; providing for free motor vehicle license plates for active members of the Florida National Guard; amending s. 216.292, F.S.; authorizing the Governor to recommend fixed capital outlay projects funded by Federal Emergency Management Agency grants; providing for review by the Legislative Budget Commission; amending s. 380.511, F.S.; providing for transfer of unappropriated balances from the Florida Communities Trust Fund to the Emergency Management Preparedness and Assistance Trust Fund; amending s. 420.0005, F.S.; providing for transfer of unappropriated balances from the State Housing Trust Fund in the Department of Community Affairs to the Emergency Management Preparedness and Assistance Trust Fund; amending s. 420.36, F.S.; providing for transfer of unappropriated balances from the Energy Consumption Trust Fund to the Emergency Management Preparedness and Assistance Trust Fund; providing for transfer of unappropriated balances from the Grants and Donations Trust Fund of the Department of Community Affairs to the Emergency Management Preparedness and Assistance Trust Fund; authorizing state agencies to make cash awards to state employees demonstrating satisfactory service to the agency or the state; providing limits on such awards; requiring a report with respect thereto; 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; amending s. 216.181, F.S.; providing an additional procedure for requesting, and for approval of, budget amendments authorizing expenditures from the Working Capital Fund; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2005-2006 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing effective dates.

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

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 2005-2006.

Section 2. In order to implement Specific Appropriations 5, 6, and 73-79 of the 2005-2006 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2005-2006 fiscal year in the document entitled "Public School Funding The Florida Education Finance Program" dated May 3, 2005, and filed with the Secretary of the Senate are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program.

Section 3. In order to implement section 20 of the 2005-2006 General Appropriations Act, section 1004.065, Florida Statutes, is created to read:

1004.065 Limitation on university and direct-support organization financings.—No project may be financed by or on behalf of a university or a direct-support organization pursuant to s. 1001.74(5), s. 1004.28(6), s. 1010.60(2), s. 1013.15, s. 1013.16, s. 1013.17, s. 1013.171, s. 1013.74, or s. 1013.78, or through any financing mechanism, including, but not limited to, revenue bonds, promissory notes, certificates of participation, lease-purchase agreements, or any other form of indebtedness, without prior approval of the project by the Legislature by an act relating to appropriations or general law. This section expires July 1, 2006.

Section 4. In order to implement Section 23 of the 2005-2006 General Appropriations Act, and notwithstanding section 1013.512(6), Florida Statutes, the Miami-Dade Land Acquisition and Facilities Maintenance Operations Advisory Board is hereby disbanded.

Section 5. In order to implement Specific Appropriations 296, 299, and 301 of the 2005-2006 General Appropriations Act, subsection (12) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(12) For the 2005-2006 ~~2004-2005~~ 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, 2006 ~~2005~~.

Section 6. In order to implement Specific Appropriations 395-404 of the 2005-2006 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 paragraphs (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 forensic treatment facility, as defined in s. 916.106(8) ~~s. 394.455~~, of at least 200 beds and to operate all aspects of daily operations within the forensic 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 forensic 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, 2006 ~~2005~~.

Section 7. In order to implement Specific Appropriation 272 of the 2005-2006 General Appropriations Act, paragraph (g) of subsection (2) of section 402.305, Florida Statutes, is amended 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 Family Services shall provide at least one Child Care Competency Exam in Spanish during the 2005-2006 ~~2004-2005~~ fiscal year. This paragraph expires July 1, 2006 ~~2005~~.

Section 8. In order to implement Specific Appropriations 238-404 of the 2005-2006 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 ~~2005-2006~~ ~~2004-2005~~ fiscal year only, the provisions of paragraph (a) shall not apply. This paragraph expires July 1, ~~2006~~ ~~2005~~.

Section 9. In order to implement Specific Appropriations 325, 327, and 336 of the 2005-2006 General Appropriations Act, paragraph (b) of subsection (3) of section 394.76, Florida Statutes, is amended to read:

394.76 Financing of district programs and services.—If the local match funding level is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, such funding level shall be provided as follows:

(3) The state share of financial participation shall be determined by the following formula:

(b)1. Residential and case management services which are funded as part of a deinstitutionalization project shall not require local matching funds and shall not be used as local matching funds. The state and federal financial participation portions of Medicaid earnings pursuant to Title XIX of the Social Security Act, except for the amount of general revenue equal to the amount appropriated in 1985-1986 plus all other general revenue that is shifted from any other alcohol, drug abuse, and mental health appropriation category after fiscal year 1986-1987 or substance abuse and mental health appropriation category after fiscal year 2000-2001, shall not require local matching funds and shall not be used as local matching funds. Local matching funds are not required for general revenue transferred by the department into substance abuse and mental health appropriations categories during a fiscal year to match federal funds earned from Medicaid services provided for mental health clients in excess of the amounts initially appropriated. Funds for children's services which were provided through the Children, Youth, and Families Services budget which did not require local match prior to being transferred to the Substance Abuse and Mental Health Services budget shall be exempt from local matching requirements. All other contracted community alcohol and mental health services and programs, except as identified in s. 394.457(3), shall require local participation on a 75-to-25 state-to-local ratio.

2. For the 2005-2006 fiscal year, notwithstanding the conflicting requirement of this paragraph or of s. 394.457, all other contracted community alcohol and mental health services and programs shall require local participation on a 75-to-25 state-to-local ratio. This subparagraph expires July 1, 2006.

Section 10. Effective upon this act becoming a law, in order to implement Specific Appropriations 1512 and 1514 of the 2005-2006 General Appropriations Act, section 215.18, Florida Statutes, is amended to read:

215.18 Transfers between funds; limitation.—Whenever there exists in any fund provided for by s. 215.32 a deficiency which would render such fund insufficient to meet its just requirements, and there shall exist in the other funds in the State Treasury moneys which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds, the Governor may order a temporary transfer of moneys from one fund to another in order to meet temporary deficiencies in a particular fund without resorting to the necessity of borrowing money and paying interest thereon.

(1) Except as otherwise provided in s. 216.222(1)(a)2., the fund from which any money is temporarily transferred shall be repaid the amount transferred from it not later than the end of the fiscal year in which such transfer is made, the date of repayment to be specified in the order of the Governor.

(2) Notwithstanding subsection (1) and for the 2005-2006 fiscal year only, the repayment period for funds temporarily transferred in fiscal year 2004-2005 to meet deficiencies resulting from hurricanes striking this state in 2004 may be extended until grants awarded by the Federal Emergency Management Agency for FEMA Disaster Declarations 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, and 1561-DR-FL are received. This subsection expires July 1, 2006.

Section 11. In order to implement Specific Appropriations 604 through 614 of the 2005-2006 General Appropriations Act, the Agency for Persons with Disabilities shall submit quarterly status reports to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council regarding the financial status of the Home and Community Based Services Waiver, including but not limited to information about the number of current clients being served through the waiver and actual and projected cost information as compared with the appropriation available to the program. If at any time, based upon an analysis by the agency, the cost of waiver services is expected to exceed the appropriated amount, based upon the current rates as implemented November 1, 2003, the agency shall implement any adjustment necessary pursuant to section 393.0661(4), Florida Statutes, to stay within the appropriation. This section expires July 1, 2006.

Section 12. In order to implement Specific Appropriation 614 of the 2005-2006 General Appropriations Act, paragraph (d) of subsection (15) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(15)

(d) “Employee” does not include:

1. An independent contractor who is not engaged in the construction industry.

a. In order to meet the definition of independent contractor, at least four of the following criteria must be met:

(I) The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

(II) The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal regulations;

(III) The independent contractor receives compensation for services rendered or work performed and such compensation is paid to a business rather than to an individual;

(IV) The independent contractor holds one or more bank accounts in the name of the business entity for purposes of paying business expenses or other expenses related to services rendered or work performed for compensation;

(V) The independent contractor performs work or is able to perform work for any entity in addition to or besides the employer at his or her own election without the necessity of completing an employment application or process; or

(VI) The independent contractor receives compensation for work or services rendered on a competitive-bid basis or completion of a task or a set of tasks as defined by a contractual agreement, unless such contractual agreement expressly states that an employment relationship exists.

b. If four of the criteria listed in sub-subparagraph a. do not exist, an individual may still be presumed to be an independent contractor and not an employee based on full consideration of the nature of the individual situation with regard to satisfying any of the following conditions:

(I) The independent contractor performs or agrees to perform specific services or work for a specific amount of money and controls the means of performing the services or work.

(II) The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform.

(III) The independent contractor is responsible for the satisfactory completion of the work or services that he or she performs or agrees to perform.

(IV) The independent contractor receives compensation for work or services performed for a commission or on a per-job basis and not on any other basis.

(V) The independent contractor may realize a profit or suffer a loss in connection with performing work or services.

(VI) The independent contractor has continuing or recurring business liabilities or obligations.

(VII) The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

c. Notwithstanding anything to the contrary in this subparagraph, an individual claiming to be an independent contractor has the burden of proving that he or she is an independent contractor for purposes of this chapter.

2. A real estate licensee, if that person agrees, in writing, to perform for remuneration solely by way of commission.

3. Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish the necessary motor vehicle equipment and all costs incidental to the performance of the contract, including, but not limited to, fuel, taxes, licenses, repairs, and hired help; and the owner-operator is paid a commission for transportation service and is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term "volunteer" includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the department; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Unless otherwise prohibited by this chapter, any officer of a corporation who elects to be exempt from this chapter. Such officer is not an employee for any reason under this chapter until the notice of revocation of election filed pursuant to s. 440.05 is effective.

8. An officer of a corporation that is engaged in the construction industry who elects to be exempt from the provisions of this chapter, as otherwise permitted by this chapter. Such officer is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

9. An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

10. A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

11. A person who performs services as a sports official for an entity sponsoring an interscholastic sports event or for a public entity or private, nonprofit organization that sponsors an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term "sports official" means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.

12. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Home and Community-Based Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage.

13. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Family and Supported Living Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage. This subparagraph expires July 1, 2006.

Section 13. In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 676, 688, 698, and 1136 of the 2005-2006 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, 2006.

Section 14. In order to implement Specific Appropriations 666-761 and 797-811 of the 2005-2006 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 ~~2005-2006~~ 2004-2005 fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the ~~February 14, 2005~~ February 16, 2004, 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, fixed capital improvements, 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, ~~2006~~ 2005.

Section 15. In order to implement Specific Appropriations 676 and 688 of the 2005-2006 General Appropriations Act, subsection (25) is added to section 287.057, Florida Statutes, to read:

287.057 Procurement of commodities or contractual services.—

(25) For the 2005-2006 fiscal year only, notwithstanding any specific provision of this chapter or chapter 255 to the contrary, the Department of Management Services is authorized to issue an invitation to negotiate to contract for 384 additional beds for expansion at the Gadsden Correctional Facility to house medium-custody female inmates and for 235 additional beds for expansion at the Bay Correctional Facility and 235 additional beds at Moore Haven Correctional Facility to house medium-custody and close-custody inmates. Any such invitation to negotiate shall be limited to modifications of existing contracts between the Department of Management Services and firms currently operating private correctional facilities and shall be for design, financing, acquisition, leasing, construction, and operation of the additional beds. By October 1, 2005, and quarterly thereafter, the department shall report to the President of the Senate and the Speaker of the House of Representatives on the specific activities completed and remaining to be completed, along with timeframes for each activity, to add the additional beds. Procurement should be completed in a manner that allows

sufficient time for the new beds to become operational by July 2007. This subsection expires July 1, 2006.

Section 16. In order to implement Specific Appropriations 842 and 2999 of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of section 216.177, Florida Statutes, funds in Specific Appropriation 2999 of the 2005-2006 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 842 of the 2005-2006 General Appropriations Act. This section expires July 1, 2006.

Section 17. In order to implement Specific Appropriations 836, 837, 839, 840, and 3020 of the 2005-2006 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, 2006.

Section 18. In order to implement Specific Appropriations 1274 and 1277 of the 2005-2006 General Appropriations Act, the Department of Legal Affairs is authorized to expend appropriated funds in Specific Appropriations 1274 and 1277 on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years.

Section 19. In order to implement Specific Appropriation 1201 of the 2005-2006 General Appropriations Act, paragraph (d) is added to subsection (4) of section 932.7055, Florida Statutes, to read:

932.7055 Disposition of liens and forfeited property.—

(4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:

(d) Notwithstanding any other provision of this subsection, and for the 2005-2006 fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001. This paragraph expires July 1, 2006.

Section 20. In order to implement Specific Appropriations 1442 and 1444 of the 2005-2006 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, 2004-2005, and 2005-2006 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, 2006.

Section 21. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of section 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2005-2006 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, 2006.

Section 22. 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 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of section 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2005-2006 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, 2006.

Section 23. In order to implement sections 2-7 of the 2005-2006 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 2005-2006 ~~2004-2005~~ 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, ~~2006~~ 2005.

(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 ~~2005-2006~~ 2004-2005 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, ~~2006~~ 2005.

Section 24. In order to implement Specific Appropriations 2088 and 2658-2665 of the 2005-2006 General Appropriations Act, paragraph (a) of subsection (3) and subsection (7) of section 287.17, Florida Statutes, are amended to read:

287.17 Limitation on use of motor vehicles and aircraft.—

(3)(a) The term “official state business” may not be construed to permit the use of a motor vehicle ~~or aircraft~~ for commuting purposes, unless special assignment of a motor vehicle is authorized as a perquisite by the Department of Management Services, required by an employee after normal duty hours to perform duties of the position to which assigned, or authorized for an employee whose home is the official base of operation.

(7) It is the intention of the Legislature that persons traveling on state aircraft for purposes consistent with, but not necessarily constituting, official state business may travel only when accompanying persons who are traveling on official state business and that such persons shall pay the state for all costs associated with such travel. Notwithstanding paragraph (3)(a), a person traveling on state aircraft for purposes other than official state business shall pay for any trip not exclusively for state business by paying a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft.

Section 25. The amendment of section 287.17, Florida Statutes, shall expire July 1, 2006, and the text of that section shall revert to that in existence on June 30, 2005, 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 this section.

Section 26. Notwithstanding section 403.7095, Florida Statutes, in order to implement Specific Appropriation 1761 of the 2005-2006 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) \$1,242,168 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, 2006.

Section 27. In order to implement Specific Appropriation 1703 of the 2005-2006 General Appropriations Act, subsection (6) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(6) For the ~~2005-2006~~ ~~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, ~~2006~~ ~~2005~~.

Section 28. In order to implement Specific Appropriation 1742 of the 2005-2006 General Appropriations Act, section 376.30715, Florida Statutes, is created to read:

376.30715 Innocent victim petroleum storage system restoration.—A contaminated site acquired prior to July 1, 1990, which ceased operating as a petroleum storage or retail business prior to January 1, 1985, is eligible for financial assistance pursuant to s. 376.305(6), notwithstanding s. 376.305(6)(a). Eligible sites shall be ranked in accordance with s. 376.3071(5). This section expires July 1, 2006.

Section 29. In order to implement Specific Appropriations 1742 and 1751A, subsection (14) is added to section 376.3071, Florida Statutes, to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(14) ADDITIONAL USES OF FUNDS FOR SPECIFIED FISCAL YEAR.—Notwithstanding subsection (4) and s. 376.30711, for the 2005-2006 fiscal year only funds from the Inland Protection Trust Fund may be used to clean up petroleum contaminated sites registered in a state-funded program that have been identified as viable affordable housing sites by the Department of Community Affairs together with local governments and may be used to purchase generators for emergency fuel supply. This subsection expires July 1, 2006.

Section 30. In order to implement Specific Appropriations 1697-1722 of the 2005-2006 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 2006-2007 ~~2005-2006~~. 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 2006-2007 ~~2005-2006~~, 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 31. In order to implement Specific Appropriation 1690 of the 2005-2006 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, 2006 ~~2005~~, unless reviewed and reenacted by the Legislature before that date.

Section 32. In order to implement Specific Appropriations 1629-1635 of the 2005-2006 General Appropriations Act and notwithstanding the repeal of subsections (1), (2), (3), and (4) of section 373.4145, Florida Statutes,

scheduled for July 1, 2005, those subsections are reenacted, and subsection (6) of that section is amended, to read:

373.4145 Interim part IV permitting program for the Northwest Florida Water Management District.—

(1) Within the geographical jurisdiction of the Northwest Florida Water Management District, the permitting authority of the department under this part shall consist solely of the following, notwithstanding the rule adoption deadline in s. 373.414(9):

(a) Chapter 17-25, Florida Administrative Code, shall remain in full force and effect, and shall be implemented by the department. Notwithstanding the provisions of this section, chapter 17-25, Florida Administrative Code, may be amended by the department as necessary to comply with any requirements of state or federal laws or regulations, or any condition imposed by a federal program, or as a requirement for receipt of federal grant funds.

(b) Rules adopted pursuant to the authority of ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, in effect prior to July 1, 1994, shall remain in full force and effect, and shall be implemented by the department. However, the department is authorized to establish additional exemptions and general permits for dredging and filling, if such exemptions or general permits do not allow significant adverse impacts to occur individually or cumulatively. However, for the purpose of chapter 17-312, Florida Administrative Code, the landward extent of surface waters of the state identified in rule 17-312.030(2), Florida Administrative Code, shall be determined in accordance with the methodology in rules 17-340.100 through 17-340.600, Florida Administrative Code, as ratified in s. 373.4211, upon the effective date of such ratified methodology. In implementing s. 373.421(2), the department shall determine the extent of those surface waters and wetlands within the regulatory authority of the department as described in this paragraph. At the request of the petitioner, the department shall also determine the extent of surface waters and wetlands which can be delineated by the methodology ratified in s. 373.4211, but which are not subject to the regulatory authority of the department as described in this paragraph.

(c) The department may implement chapter 40A-4, Florida Administrative Code, in effect prior to July 1, 1994, pursuant to an interagency agreement with the Northwest Florida Water Management District adopted under s. 373.046(4).

(2) The authority of the Northwest Florida Water Management District to implement this part or to implement any authority pursuant to delegation by the department shall not be affected by this section. The rule adoption deadline in s. 373.414(9) shall not apply to said district.

(3) The division of permitting responsibilities in s. 373.046(4) shall not apply within the geographical jurisdiction of the Northwest Florida Water Management District.

(4) If the United States Environmental Protection Agency approves an assumption of the federal program to regulate the discharge of dredged or fill material by the department or the water management districts, or both, pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.; the United States Army Corps of Engineers issues one or more state programmatic general permits under the referenced statutes; or the United States Environmental Protection Agency or the United States Corps of Engineers approves any other delegation of regulatory authority under the referenced statutes, then the department may implement any permitting authority granted in this part within the Northwest Florida Water Management District which is prescribed as a condition of granting such assumption, general permit, or delegation.

(6) Subsections (1), (2), (3), and (4) shall be repealed effective July 1, 2006 2005.

Section 33. In order to implement Specific Appropriations 1315, 1384, 1435, 1445, 1453, and 1461 of the 2005-2006 General Appropriations Act, notwithstanding the limitations imposed on the Conservation and Recreation Lands Trust Fund by section 259.032, Florida Statutes, moneys in the Conservation and Recreation Lands Trust Fund may be appropriated for the 2005-2006 fiscal year to the Department of Agriculture and Consumer Services to pay for replacement of motor vehicles in programs other than forest and resource protection/land management. This section expires July 1, 2006.

Section 34. (1) In order to implement Specific Appropriation 1453A of the 2005-2006 General Appropriations Act, there is hereby created the Florida Pork Producers Transition Grant Program within the Department of Agriculture and Consumer Services to provide assistance to any person or persons or entities that were using farming methods described in Article X, Section 21 of the Florida Constitution on November 5, 2002. The purpose of the program is to assist Florida pork producers in reducing encumbered debt on stranded investment in equipment and in transitioning into other farming or agriculture activities.

(2) Any person or persons or entities that were using farming methods described in Article X, Section 21 of the Florida Constitution on November 5, 2002, are entitled to apply for a grant from the program if that person or entity signs a letter of intent to cease or has ceased using farming methods described in Article X, Section 21 of the Florida Constitution on land within this state and agrees in writing to continue to use the land as actively engaged in an agricultural or farming activity other than pork production until at least November 2008.

(3) The department shall provide grants of not more than \$275,000 to each person or persons or entities who meet the criteria for the program and who enter into such a letter of intent with the department, on a first-come first-served basis; provided that the application for the grant is made on or before December 29, 2005. The department may adopt rules to implement the Florida Pork Producers Transition Grant Program.

(4) This section expires July 1, 2006.

Section 35. In order to implement Specific Appropriations 2590 and 2591 of the 2005-2006 General Appropriations Act, section 11.151, Florida Statutes, is amended to read:

11.151 Annual legislative appropriation to contingency fund for use of Senate President and House Speaker.—

(1) There is established a legislative contingency fund consisting of \$10,000 for the President of the Senate and \$10,000 for the Speaker of the House of Representatives, which amounts shall be set aside annually from moneys appropriated for legislative expense. These funds shall be disbursed by the Chief Financial Officer upon receipt of vouchers authorized by the President of the Senate or the Speaker of the House of Representatives. Such funds may be expended at the unrestricted discretion of the President of the Senate or the Speaker of the House of Representatives in carrying out their official duties during the entire period between the date of their election as such officers at the organizational meeting held pursuant to s. 3(a), Art. III of the State Constitution and the next general election.

(2) For the 2005-2006 fiscal year only, the contingency fund amounts in subsection (1) are increased to \$20,000. This subsection expires July 1, 2006.

Section 36. In order to implement Specific Appropriation 2501 of the 2005-2006 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 promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; 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 2005-2006 ~~2004-2005~~ 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, 2006 ~~2005~~.

Section 37. In order to implement Specific Appropriation 2121 of the 2005-2006 General Appropriations Act, section 445.048, Florida Statutes, as amended by section 53 of chapter 2004-269, 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 counties.~~ Workforce Florida, Inc., may designate regional workforce boards to participate in the program. Expenses for the program may come from appropriated revenues or from funds otherwise available to a regional workforce board which may be legally used for such purposes. Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the Department of Children and Family Services ~~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., or its agent, may limit such benefits and services or otherwise establish priorities for the provisions of such benefits and services.

~~(4)(5) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY 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 implement a performance-based program that defines economic incentives for achieving specific benchmarks toward self-sufficiency while the individual is working full-time 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 offer performance-based incentive bonuses 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. 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 wage supplementation, the board of directors of Workforce Florida, Inc., may reduce or suspend the bonuses in order not to exceed the appropriation or may direct the regional boards to use resources otherwise given to the regional workforce to pay such bonuses if such payments comply with applicable state and federal laws 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 reauthorization; 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 200 ~~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. Evaluations and recommendations for the program shall be submitted by Workforce Florida, Inc., as part of its annual report to the Legislature. By January 1, 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 38. The amendment of section 445.048, Florida Statutes, by this act shall expire on July 1, 2006, 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 39. In order to implement section 37 of the 2005-2006 General Appropriations Act, subsection (13) of section 253.034, Florida Statutes, is amended 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 County 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, 2006 2005.

Section 40. In order to implement proviso language in Specific Appropriation 2162G of the 2005-2006 General Appropriations Act, section 402.3017, Florida Statutes, is amended to read:

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

(1) The Legislature finds that the level of early child care teacher education and training is a key predictor for determining program quality. The Legislature also finds that low wages for child care workers prevent many

from obtaining increased training and education and contribute to high turnover rates. The Legislature therefore intends to help fund a program which links teacher training and education to compensation and commitment to the field of early childhood education.

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

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

(4) For the ~~2005-2006~~ 2004-2005 fiscal year only, the Agency for Workforce Innovation shall administer this section. This subsection expires July 1, ~~2006~~ 2005.

Section 41. In order to implement Specific Appropriation 2982D of the 2005-2006 General Appropriations Act, paragraph (g) is added to subsection (11) of section 259.032, Florida Statutes, to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(11)

(g) In addition to the purposes specified in paragraph (b), funds from the 1.5 percent of the cumulative total of funds ever deposited into the Florida Preservation 2000 Trust Fund and the Florida Forever Trust Fund may be appropriated for the 2005-2006 fiscal year for the construction of replacement museum facilities. This paragraph expires July 1, 2006.

Section 42. In order to implement Specific Appropriation 1995 of the 2005-2006 General Appropriations Act, section 311.22, Florida Statutes, is created to read:

311.22 Additional authorization for funding certain dredging projects.—

(1) The Florida Seaport Transportation and Economic Development Council shall establish a program to fund dredging projects in counties having a population of fewer than 300,000 according to the last official census. Funds made available under this program may be used to fund approved projects for the dredging or deepening of channels, turning basins, or harbors on a 50-50 matching basis with any port authority, as such term is defined in s. 315.02(2), which complies with the water quality provisions of s. 403.061 and the local financial management and reporting provisions of part III of chapter 218.

(2) The council shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an administrative review process by the council which is similar to the process contained in ss. 311.09(5)-(12), and provide for a review by the

Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development of all projects submitted for funding under this section.

(3) This section expires July 1, 2006.

Section 43. In order to implement Specific Appropriations 1989-2003, 2017-2019, 2021-2026, 2028-2038, and 2074-2084 of the 2005-2006 General Appropriations Act, subsection (8) is added to section 339.135, Florida Statutes, to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(8) INCREASED APPROPRIATIONS.—Notwithstanding any requirement of subsections (4) and (5), s. 339.08, or s. 339.175, the Legislature may appropriate increased revenues identified by the March 4, 2005, consensus estimating conference for projects funded within the Department of Transportation. The funding for such projects may not be deducted from funds otherwise distributed to districts. This subsection expires July 1, 2006.

Section 44. In order to implement Specific Appropriation 2575 of the 2005-2006 General Appropriations Act, section 320.0846, Florida Statutes, is created to read:

320.0846 Free motor vehicle license plates to active members of the Florida National Guard.—

(1) Any owner or lessee of a motor vehicle who resides in this state and is an active member of the Florida National Guard may, upon application and proof of eligibility, be issued one standard license plate without charge. Applications for any additional license plates must be accompanied by appropriate fees established in this chapter.

(2) Eligible applicants of the Florida National Guard may apply for a specialty license plate as provided in s. 320.08056 upon payment of the fees required in that section. All other fees will be waived. Applications for any additional specialty license plates must be accompanied by all appropriate fees established in this chapter.

(3) This section expires July 1, 2006.

Section 45. In order to implement Specific Appropriations 1512 and 1514 of the 2005-2006 General Appropriations Act, paragraph (g) is added to subsection (5) of section 216.292, Florida Statutes, to read:

216.292 Appropriations nontransferable; exceptions.—

(5)

(g) Notwithstanding paragraph (d), and for the 2005-2006 fiscal year only, the Governor may recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Emergency Management

Agency for FEMA Disaster Declarations 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, and 1561-DR-FL. All actions taken pursuant to the authority granted in this paragraph are subject to review and approval by the Legislative Budget Commission. This paragraph expires July 1, 2006.

Section 46. In order to implement Specific Appropriation 1567A of the 2005-2006 General Appropriations Act, subsection (3) of section 380.511, Florida Statutes, is amended to read:

380.511 Florida Communities Trust Fund.—

(3)(a) The trust may disburse moneys in the Florida Communities Trust Fund to pay all necessary expenses to carry out the purposes of this part, except as limited by s. 380.510(7).

(b) For the 2005-2006 fiscal year only, any unappropriated balance in the Florida Communities Trust Fund may be transferred by the General Appropriations Act to the Emergency Management Preparedness and Assistance Trust Fund. This paragraph expires July 1, 2006.

Section 47. In order to implement Specific Appropriation 1543A of the 2005-2006 General Appropriations Act, section 420.0005, Florida Statutes, is amended to read:

420.0005 State Housing Trust Fund; State Housing Fund.—

(1) There is hereby established in the State Treasury a separate trust fund to be named the “State Housing Trust Fund.” There shall be deposited in the fund all moneys appropriated by the Legislature, or moneys received from any other source, for the purpose of this chapter, and all proceeds derived from the use of such moneys. The fund shall be administered by the Florida Housing Finance Corporation on behalf of the department, as specified in this chapter. Money deposited to the fund and appropriated by the Legislature must, notwithstanding the provisions of chapter 216 or s. 420.504(3), be transferred quarterly in advance, to the extent available, or, if not so available, as soon as received into the State Housing Trust Fund, and subject to the provisions of s. 420.5092(6)(a) and (b) by the Chief Financial Officer to the corporation upon certification by the Secretary of Community Affairs that the corporation is in compliance with the requirements of s. 420.0006. The certification made by the secretary shall also include the split of funds among programs administered by the corporation and the department as specified in chapter 92-317, Laws of Florida, as amended. Moneys advanced by the Chief Financial Officer must be deposited by the corporation into a separate fund established with a qualified public depository meeting the requirements of chapter 280 to be named the “State Housing Fund” and used for the purposes of this chapter. Administrative and personnel costs incurred in implementing this chapter may be paid from the State Housing Fund, but such costs may not exceed 5 percent of the moneys deposited into such fund. To the State Housing Fund shall be credited all loan repayments, penalties, and other fees and charges accruing to such fund under this chapter. It is the intent of this chapter that all loan repayments, penalties, and other fees and charges collected be credited in full to the program account from which the loan originated. Moneys in the State

Housing Fund which are not currently needed for the purposes of this chapter shall be invested in such manner as is provided for by statute. The interest received on any such investment shall be credited to the State Housing Fund.

(2) For the 2005-2006 fiscal year only, any unappropriated balance in the State Housing Trust Fund in the Department of Community Affairs may be transferred by the General Appropriations Act to the Emergency Management Preparedness and Assistance Trust Fund. This subsection expires July 1, 2006.

Section 48. In order to implement Specific Appropriation 1543A of the 2005-2006 General Appropriations Act, subsection (4) of section 420.36, Florida Statutes, is amended to read:

420.36 Low-income Emergency Home Repair Program.—There is established within the Department of Community Affairs the Low-income Emergency Home Repair Program to assist low-income persons, especially the elderly and physically disabled, in making emergency repairs which directly affect their health and safety.

(4)(a) Funds appropriated to the department for the program shall be deposited in the Energy Consumption Trust Fund. Administrative and personnel costs incurred by the department in implementing the provisions of this section may be paid from the fund.

(b) The grantee may subgrant these funds to a subgrantee if the grantee is unable to serve all of the county or the target population. Grantee and subgrantee eligibility shall be determined by the department.

(c) Funds shall be distributed to grantees and subgrantees as follows:

1. For each county, a base amount of at least \$3,000 shall be set aside from the total funds available, and such amount shall be deducted from the total amount appropriated by the Legislature.

2. The balance of the funds appropriated by the Legislature shall be divided by the total poverty population of the state, and this quotient shall be multiplied by each county's share of the poverty population. That amount plus the base of at least \$3,000 shall constitute each county's share. A grantee which serves more than one county shall receive the base amount plus the poverty population share for each county to be served. Contracts with grantees may be renewed annually.

3. The funds allocated to each county shall be offered first to an existing weatherization assistance program grantee in good standing, as determined by the department, that can provide services to the target population of low-income persons, low-income elderly persons, and low-income physically disabled persons throughout the county.

4. If a weatherization assistance program grantee is not available to serve the entire county area, the funds shall be distributed through the following process:

a. An announcement of funding availability shall be provided to the county. The county may elect to administer the program.

b. If the county elects not to administer the program, the department shall establish rules to address the selection of one or more public or private not-for-profit agencies that are experienced in weatherization, rehabilitation, or emergency repair to administer the program.

5. If no eligible agency agrees to serve a county, the funds for that county shall be distributed to grantees having the best performance record as determined by department rule. At the end of the contract year, any uncontracted or unexpended funds shall be returned to the Energy Consumption Trust Fund and reallocated under the next year's contracting cycle.

(d) For the 2005-2006 fiscal year only, any unappropriated balance in the Energy Consumption Trust Fund may be transferred by the General Appropriations Act to the Emergency Management Preparedness and Assistance Trust Fund. This paragraph expires July 1, 2006.

Section 49. In order to implement Specific Appropriation 1543A of the 2005-2006 General Appropriations Act, and for the 2005-2006 fiscal year only, any unappropriated balance in the Grants and Donations Trust Fund of the Department of Community Affairs may be transferred by the General Appropriations Act to the Emergency Management Preparedness and Assistance Trust Fund. This section expires July 1, 2006.

Section 50. In order to implement specific appropriations for salaries and benefits in the 2005-2006 General Appropriations Act, notwithstanding the provisions of section 110.1245(4), Florida Statutes, and for the 2005-2006 fiscal year only, agencies may additionally use funds for cash awards to state employees who demonstrate satisfactory service in the agency or to the state, in appreciation and recognition of such service. Awards may not exceed \$100 each and will be allocated from an agency's existing budget. By March 1, 2006, agencies that elect to make cash awards will report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives the dollar value and number of such awards given. If available, any additional information concerning employee satisfaction and feedback should be provided. This section expires July 1, 2006.

Section 51. In order to implement the transfer of moneys to the Working Capital Fund from trust funds in the 2005-2006 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 addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

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 52. In order to implement the issuance of new debt authorized in the 2005-2006 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 2005-2006 fiscal year is in the best interest of the state and should be implemented.

Section 53. In order to implement Sections 34, 35, 36, 39, 41, and 42 of the 2005-2006 General Appropriations Act, subsection (19) is added to section 216.181, Florida Statutes, to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(19) In addition to the requirements of this chapter for amendments to the approved operating budgets for operational and fixed capital outlay expenditures from state agencies to be requested only through the Executive Office of the Governor and approved by the Governor and the Legislative Budget Commission, state agencies may request, and the Governor and the Legislative Budget Commission may approve, amendments authorizing the expenditure of moneys from the Working Capital Fund as specifically authorized in the General Appropriations Act. This subsection expires July 1, 2006.

Section 54. A section of this act that implements a specific appropriation or specifically identified proviso language in the 2005-2006 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 2005-2006 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 55. If any other act passed in 2005 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 56. The agency performance measures and standards in the document entitled "Performance Measures and Standards Approved by the Legislature for Fiscal Year 2005-2006" dated May 3, 2005, and filed with the Secretary of the Senate are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2005-2006, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their long-range program plans required under section 216.013, Florida Statutes, to be consistent with these performance measures and standards.

Section 57. 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 declared severable.

Section 58. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005; 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, 2005.

Approved by the Governor May 26, 2005.

Filed in Office Secretary of State May 26, 2005.