

House Bill No. 5003

An act implementing the 2006-2007 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; creating the Special Teachers Are Rewarded performance pay plan; suspending conflicting rules adopted by the State Board of Education; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a sexually violent predator facility; amending s. 381.0402, F.S.; prohibiting the Department of Health from using the annual appropriation to administer and evaluate the area health education center network; 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; providing for expenditure of funds from unallocated general revenue 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; increasing the maximum annual budget for the Clerk of the Circuit Court, Hillsborough County; amending s. 932.7055, F.S.; providing for the expenditure of funds in a special law enforcement trust fund established by the governing body of a municipality; 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; reenacting s. 287.17(3)(a) and (6), F.S.; authorizing the use of state aircraft for commuting; amending s. 627.311, F.S.; providing for the appointment of a board of governors to supervise the operation of a joint underwriting plan; providing requirements relating to the plan, the board, and the Florida Joint Underwriting Association; amending s. 282.318, F.S.; providing requirements for the Department of Management Services relating to the security of data and information technology resources; requiring the department to establish the Office of Information Security; providing responsibilities for the office; amending s. 255.249, F.S.; requiring that the Department of Management Services annually report to the Executive Office of the Governor and the Legislature certain information concerning leases that are due to expire and any amendments and supplements to and waivers of the terms and conditions of lease agreements; requiring that specified clauses be included in the terms and conditions of a lease which may not be amended, supplemented, or waived; amending s. 255.25, F.S.; requiring that the department approve the terms of any lease by a state agency; requiring an analysis if the department approves an amendment or supplement to or waiver of a term or condition of a

lease agreement; providing for approved leases to include an option to purchase or renew the lease; providing legislative intent with respect to the use of state-owned buildings; requiring that the department create a plan for fully using such buildings before leasing private buildings; requiring an annual report to the Legislature and the Governor; amending s. 255.503, F.S.; requiring that the department provide an analysis to the Legislature, the Governor, and the Division of Bond Finance of the State Board of Administration relating to the disposition of a facility within the Florida Facilities Pool; providing requirements for the analysis; amending s. 370.13, F.S.; providing for the waiver of certain stone crab trap tag fees; amending s. 370.142, F.S.; providing for the waiver of certain spiny lobster trap tag fees; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; directing the Department of Environmental Protection to conduct a pilot program for expedited site evaluation and cleanup of port and airport facilities for redevelopment and expansion; providing guidelines for such program; creating the Caloosahatchee-St. Lucie Rivers Corridor Advisory Council; providing a definition; providing for appointment of members, per diem and travel expenses, staff, and duties of the advisory council; exempting staff from pt. II of ch. 110, F.S., relating to the Career Service System; requiring recommendations to the Legislature; requiring a report to the Legislature and Governor by a specific date; providing for expiration of the advisory council; creating the Retail Fuel Outlet Emergency Power Assistance Grant Program within the Department of Community Affairs; providing matching grants for owners of retail fuel outlets under specified circumstances; amending s. 502.015, F.S.; authorizing moneys in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services; amending s. 11.151, F.S.; increasing the contingency fund for the legislative presiding officers; amending s. 375.041, F.S.; authorizing expenditure or transfer of moneys from the Land Acquisition Trust Fund to the Florida Forever Trust Fund and the Save Our Everglades Trust Fund to support specified programs; amending s. 259.032, F.S.; authorizing transfer of moneys from the Conservation and Recreation Lands Trust Fund to the Florida Forever Trust Fund or the Land Acquisition Trust Fund; amending s. 373.59, F.S.; authorizing transfer of moneys from the Water Management Lands Trust Fund to the Florida Forever Trust Fund or the Land Acquisition Trust Fund; amending s. 373.459, F.S.; providing for the use of funds by the Department of Environmental Protection for surface water improvement and management; amending s. 403.885, F.S.; adding match requirements for surfacewater management projects to match existing match requirements for stormwater management projects; 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. 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.; authorizing the Agency for Workforce Innovation to administer the Teacher Education and Compensation Helps (TEACH) scholarship program; 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. 311.22, F.S.; prescribing the matching fund basis for dredging projects that meet specified conditions; amending s. 411.01, F.S.; requiring the Agency for Workforce Innovation to recommend a formula to allocate funds; providing for changes in the allocation of funds to be specified in the General Appropriations Act; eliminating approval of the allocation formula by the Legislative Budget Commission; eliminating an obsolete provision; amending s. 259.032, F.S.; providing for the appropriation of funds for the construction of replacement museum facilities; amending s. 252.373, F.S.; authorizing expenditure of certain funds in the Emergency Management, Preparedness, and Assistance Trust Fund; amending s. 420.0004, F.S.; providing a definition; amending s. 420.507, F.S.; revising powers of the Florida Housing Finance Corporation; amending s. 420.5087, F.S.; revising requirements relating to the State Apartment Incentive Loan Program; creating s. 420.5095, F.S.; creating the Community Workforce Housing Innovation Pilot Program; providing legislative findings; providing definitions; providing the Florida Housing Finance Corporation with certain powers and responsibilities relating to the program; requiring the program to target certain entities; providing application requirements; authorizing an applicant to use a non-profit or public entity to manage its housing program; providing incentives for program applicants; providing rulemaking authority; requiring a report to the Governor and Legislature; creating s. 420.55, F.S.; authorizing the Florida Housing Finance Corporation to provide funds for affordable housing recovery under specified circumstances; authorizing the corporation to adopt emergency rules to administer specified disaster response programs; 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; providing textual corrections in the General Appropriations Act; providing finding of best interest of the state for authorization and issuance of certain debt; 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 2006-2007 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 2006-2007.

Section 2. In order to implement Specific Appropriations 7, 8, and 91-97 of the 2006-2007 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2006-2007 fiscal year in the document entitled "Public School Funding—The Florida Education Finance Program" dated May 2, 2006, and filed with the Clerk of the House of Representatives 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 91 of the 2006-2007 General Appropriations Act, the Special Teachers Are Rewarded performance pay plan (STAR Plan) is hereby created for the 2006-2007 fiscal year. Funds for the plan shall be expended and distributed pursuant to proviso in the General Appropriations Act. Rules adopted by the State Board of Education pursuant to s. 1012.22, Florida Statutes, which are in conflict with the STAR Plan guidelines are hereby suspended. This section expires July 1, 2007.

Section 4. In order to implement Specific Appropriation 375-380 of the 2006-2007 General Appropriations Act, paragraph (c) is added to subsection (14) of section 287.057, Florida Statutes, to read:

287.057 Procurement of commodities or contractual services.—

(14)

(c) Notwithstanding paragraph (a), the Department of Children and Family Services may enter into agreements, not to exceed 23 years, with a private contractor to finance, design, and construct a secure facility, as described in s. 394.917, of at least 600 beds and to operate all aspects of daily operations within the secure facility. The contractor may sponsor the issuance of tax-exempt certificates of participation or other securities to finance the project, and the state may enter into a lease-purchase agreement for the secure facility. The department shall begin the implementation of this privatization initiative by July 1, 2006. This paragraph expires July 1, 2007.

Section 5. In order to implement Specific Appropriation 652 of the 2006-2007 General Appropriations Act, subsection (5) is added to section 381.0402, Florida Statutes, to read:

381.0402 Area health education center network.—The department, in cooperation with the state-approved medical schools in this state, shall organize an area health education center network based on earlier medically indigent demonstration projects and shall evaluate the impact of each network on improving access to services by persons who are medically underserved. The network shall be a catalyst for the primary care training of health professionals through increased opportunities for training in medically underserved areas.

(5) Notwithstanding subsection (4), the department may not use any portion of the annual appropriation to administer and evaluate the network. This subsection expires July 1, 2007.

Section 6. In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 720, 731, 741, and 1171 of the 2006-2007 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, 2007.

Section 7. In order to implement Specific Appropriations 710-805 and 833-864 of the 2006-2007 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 ~~2006-2007~~ ~~2005-2006~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the ~~March 21, 2006~~ ~~February 14, 2005~~, 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 ~~unallocated general revenue 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, ~~2007~~ ~~2006~~.

Section 8. In order to implement Specific Appropriations 875, 876, 878, 879, 3248, and 3275 of the 2006-2007 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 unallocated general revenue 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 s. 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 s. 29.016, Florida Statutes, and that no funds exist in any contingency fund available to the state courts system. This section expires July 1, 2007.

Section 9. In order to implement Specific Appropriations 1321 and 1325 of the 2006-2007 General Appropriations Act, the Department of Legal Affairs is authorized to expend appropriated funds in Specific Appropriations 1321 and 1325 on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years.

Section 10. In order to implement Specific Appropriation 3116 of the 2006-2007 General Appropriations Act, and to correct the inequality caused by the use of estimates of prior year expenditures to establish maximum annual budgets for the 2004-2005 county fiscal year that resulted in the maximum annual budget for one clerk of court that was substantially less than the amount that would have been set if actual prior-year expenditures had been used, the maximum annual budget for the Clerk of the Circuit Court, Hillsborough County, is increased by \$908,378 for the 2005-2006 county fiscal year. This section expires July 1, 2007.

Section 11. In order to implement Specific Appropriation 1239 of the 2006-2007 General Appropriations Act, paragraph (d) of subsection (4) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(4) 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 ~~2006-2007~~ 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, ~~2007~~ 2006.

Section 12. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2006-2007 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 2006-2007 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, 2007.

Section 13. 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 2006-2007 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 cate-

gory “Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract” of the 2006-2007 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, 2007.

Section 14. In order to implement sections 2-7 of the 2006-2007 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 2006-2007 ~~2005-2006~~ 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, 2007 ~~2006~~.

(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 2006-2007 ~~2005-2006~~ 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, 2007 ~~2006~~.

Section 15. In order to implement Specific Appropriations 2231 and 2861-2869 of the 2006-2007 General Appropriations Act, paragraph (a) of subsection (3) and subsection (6) of section 287.17, Florida Statutes, are reenacted 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 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.

(6) 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 16. The amendment of s. 287.17, Florida Statutes, by this act, as carried forward from chapter 2005-71, Laws of Florida, shall expire July 1, 2007, 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 17. In order to implement proviso following Specific Appropriation 2611A of the 2006-2007 General Appropriations Act, subsection (8) is added to section 627.311, Florida Statutes, to read:

627.311 Joint underwriters and joint reinsurers; public records and public meetings exemptions.—

(8) For the 2006-2007 fiscal year only and notwithstanding any conflicting requirements of this section or of section 2 of chapter 2004-266, Laws of Florida:

(a) The operation of a joint underwriting plan approved under this section is subject to the supervision of a nine-member board of governors. Each member shall be appointed by the Financial Services Commission and shall serve at the pleasure of the commission.

(b) The operation of the joint underwriting plan shall be governed by a plan of operation that is prepared at the direction of the board of governors and approved by order of the office. The plan is subject to continuous review by the office. The office may, by order, withdraw approval of all or part of a plan if the office determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan.

(c) If the board determines that a deficit exists in Tier One or Tier Two or that there is any deficit remaining attributable to any of the plan's former subplans and that the deficit cannot be fully funded by using policyholder surplus attributable to former subplan "C" or, if the surplus in the former subplan "C" does not fully fund the deficit and the deficit cannot be fully funded by using any remaining funds in the contingency reserve assessments, the board shall request the office to levy, by order, a deficit assessment against premiums charged to insureds for workers' compensation insurance by insurers as defined in s. 631.904(5). The office shall issue the order after verifying the amount of the deficit. The assessment shall be specified as a percentage of future premium collections, as recommended by the board and approved by the office. The same percentage shall apply to premiums on all workers' compensation policies issued or renewed during the 12-month period beginning on the effective date of the assessment, as specified in the order.

(d) For rates and rating plans effective on or after January 1, 2007, the plan shall be subject to the same requirements of this part for the filing and

approval of its rates and rating plans as apply to workers' compensation insurers, except as otherwise provided.

(e) Whenever a deficit exists, the plan shall, within 90 days, provide the office with a program to eliminate the deficit within a reasonable time. The deficit may be funded through increased premiums charged to insureds of the plan for subsequent years, through the use of policyholder surplus attributable to any year, including policyholder surplus in former subplan "C" as authorized in subparagraph (5)(d)2., through the use of assessments as provided in subparagraph (5)(d)2., and through assessments on assessable policies as provided in subparagraph (5)(d)3. Any entity that was a policyholder of former subplan "C" shall not be subject to any assessments that are attributable to deficits in former subplan "C".

(f) Upon dissolution, the assets of the plan shall be applied first to pay all debts, liabilities, and obligations of the plan, including the establishment of reasonable reserves for any contingent liabilities or obligations, and all remaining assets of the plan shall become property of the state and shall be deposited in the Workers' Compensation Administration Trust Fund. However, dissolution shall not take effect as long as the plan has financial obligations outstanding unless adequate provision has been made for the payment of financial obligations pursuant to the documents authorizing the financial obligations.

(g) After the contingency reserve is established, whenever the board determines the subplan or the tier does not have a sufficient cash basis to meet a 6-month period of projected cash needs due to any deficit in the subplan or the tier remaining after accessing any policyholder surplus attributable to former subplan "C," the board is authorized to request the department to transfer funds from the contingency reserve fund within the Workers' Compensation Administration Trust Fund to the plan in an amount sufficient to fund the difference between the amount available and the amount needed to meet the subplan's or the tier's projected cash need for the subsequent 6-month period. The board and the office must first certify to the Department of Financial Services that there is not sufficient cash within the subplan or the tier to meet the projected cash needs in the subplan or the tier within the subsequent 6-month period. The amount requested for transfer to the subplan or the tier may not exceed the difference between the amount available within the subplan or the tier and the amount needed to meet the subplan's or the tier's projected cash need for the subsequent 6-month period, as jointly certified by the board and the Office of Insurance Regulation to the Department of Financial Services, attributable to the former subplan or the tier policyholders. The Department of Financial Services may submit a budget amendment to request release of funds from the Workers' Compensation Administration Trust Fund, subject to the approval of the Legislative Budget Commission. The board shall provide, for review of the Legislative Budget Commission, information on the reasonableness of the plan's administration, including, but not limited to, the plan of operations and costs, claims costs, claims administration costs, overhead costs, claims reserves, and the latest report submitted on administration cost reduction alternatives as required in subparagraph (5)(c)17.

(h) No later than January 1, 2007, the plan shall submit a request to the Internal Revenue Service for a letter ruling or determination on the plan's eligibility as a section 501(c)(3) tax-exempt organization.

(i) This subsection expires July 1, 2007.

Section 18. In order to implement Specific Appropriation 2969A of the 2006-2007 General Appropriations Act, subsections (3) and (4) are added to section 282.318, Florida Statutes, to read:

282.318 Security of data and information technology resources.—

(3) Notwithstanding subsection (2), the Department of Management Services, hereafter referred to as the "department," in consultation with each agency head, is responsible for coordinating, assessing, and recommending minimum operating procedures for ensuring an adequate level of security for data and information technology resources. To assist the department in carrying out this responsibility, each agency shall, at a minimum:

(a) Designate an information security manager who shall administer the security program of the agency for its data and information technology resources.

(b) Conduct, and update every 3 years, a comprehensive risk analysis to determine the security threats to the data, information, and information technology resources of the agency. The risk analysis information made confidential and exempt under subparagraph (2)(a)2. shall be available to the Auditor General in performing his or her postauditing duties.

(c) Develop, and periodically update, written internal policies and procedures that are consistent with the standard operating procedures recommended by the department to ensure the security of the data and information technology resources of the agency. The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources made confidential and exempt under subparagraph (2)(a)3. shall be available to the Auditor General in performing his or her postauditing duties.

(d) Implement appropriate cost-effective safeguards to reduce, eliminate, or recover from the identified risks to the data and information technology resources of the agency.

(e) Ensure that periodic internal audits and evaluations of the security program for the data, information, and information technology resources of the agency are conducted. The results of such internal audits and evaluations made confidential and exempt under subparagraph (2)(a)5. shall be available to the Auditor General in performing his or her postauditing duties.

(f) Include appropriate security requirements in the written specifications for the solicitation of information technology resources that are consistent with the standard security operating procedures as recommended by the department.

(g) This subsection expires July 1, 2007.

In those instances under this subsection in which the department develops state contracts for use by state agencies, the department shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology resources.

(4) In order to ensure the security of data, information, and information technology resources, the department shall establish the Office of Information Security and shall designate a Chief Information Security Officer as the head of the office. The office shall coordinate its activities with the Agency Chief Information Officers Council as established in s. 282.315. The office is responsible for developing a strategic plan for information technology security which shall be submitted by March 1, 2007, to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives; developing standards and templates for conducting comprehensive risk analyses and information security audits by state agencies; assisting agencies in their compliance with the provisions of this section; establishing minimum standards for the recovery of information technology following a disaster; and conducting training for agency information security managers. This subsection expires July 1, 2007.

Section 19. In order to implement Specific Appropriations 2832-2845 of the 2006-2007 General Appropriations Act, subsection (3) and paragraph (e) of subsection (4) of section 255.249, Florida Statutes, are amended to read:

255.249 Department of Management Services; responsibility; department rules.—

(3)(a) The department shall, to the extent feasible, coordinate the vacation of privately owned leased space with the expiration of the lease on that space and, when a lease is terminated before expiration of its base term, will make a reasonable effort to place another state agency in the space vacated. Any state agency may lease the space in any building that was subject to a lease terminated by a state agency for a period of time equal to the remainder of the base term without the requirement of competitive bidding.

(b) The department shall annually publish a report that lists, by agency, all leases that are due to expire within 24 months. The annual report must include the following information for each lease: location; size of leased space; current cost per leased square foot; lease expiration date; and a determination of whether sufficient state-owned office space will be available at the expiration of the lease to house affected employees. The report must also include a list of amendments and supplements to and waivers of terms and conditions in lease agreements that have been approved pursuant to s. 255.25(2)(a) during the previous 12 months and an associated comprehensive analysis, including financial implications, showing that any amendment, supplement, or waiver is in the state's long-term best interest. The department shall furnish this report to the Executive Office of the Governor and the Legislature by September 15 of each year. This paragraph expires July 1, 2007.

(4) The department shall promulgate rules pursuant to chapter 120 providing:

(e)1. Acceptable terms and conditions for inclusion in lease agreements.

2. Such terms and conditions shall include, at a minimum, the following clauses, which may not be amended, supplemented, or waived:

a. As provided in s. 255.2502, "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

b. "The Lessee shall have the right to terminate, without penalty, this lease in the event a State-owned building becomes available to the Lessee for occupancy in the County of, Florida, during the term of said lease for the purposes for which this space is being leased upon giving 6 months' advance written notice to the Lessor by Certified Mail, Return Receipt Requested."

This subparagraph expires July 1, 2007.

Section 20. In order to implement Specific Appropriations 2832-2845 of the 2006-2007 General Appropriations Act, paragraph (d) is added to subsection (2) and paragraph (c) is added to subsection (4) of section 255.25, Florida Statutes, to read:

255.25 Approval required prior to construction or lease of buildings.—

(2)

(d) Notwithstanding paragraph (a) and except as provided in ss. 255.249 and 255.2501, a state agency may not lease a building or any part thereof unless prior approval of the lease terms and conditions and of the need therefor is first obtained from the Department of Management Services. The department may not approve any term or condition in a lease agreement which has been amended, supplemented, or waived unless a comprehensive analysis, including financial implications, demonstrates that such amendment, supplement, or waiver is in the state's long-term best interest. Any approved lease may include an option to purchase or an option to renew the lease, or both, upon such terms and conditions as are established by the department subject to final approval by the head of the Department of Management Services and the provisions of s. 255.2502. This paragraph expires July 1, 2007. This paragraph expires July 1, 2007.

(4)

(c) Because the state has a substantial financial investment in state-owned buildings, it is legislative policy and intent that when state-owned buildings meet the needs of state agencies, agencies must fully use such buildings before leasing privately owned buildings. By September 15, 2006, the Department of Management Services shall create a 5-year plan for implementing this policy. The department shall update this plan annually, detailing proposed departmental actions to meet the plan's goals. The department shall furnish this plan to the President of the Senate, the Speaker

of the House of Representatives, and the Executive Office of the Governor by September 15 of each year. This paragraph expires July 1, 2007.

Section 21. In order to implement Specific Appropriations 2832-2845 of the 2006-2007 General Appropriations Act, subsection (7) of section 255.503, Florida Statutes, is amended to read:

255.503 Powers of the Department of Management Services.—The Department of Management Services shall have all the authority necessary to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the authority to:

(7)(a) Sell, lease, release, or otherwise dispose of facilities in the pool in accordance with applicable law.

(b) No later than the date upon which the department recommends to the Division of State Lands of the Department of Environmental Protection the disposition of any facility within the Florida Facilities Pool, the department shall provide to the President of the Senate, the Speaker of the House of Representatives, the Executive Office of the Governor, and the Division of Bond Finance of the State Board of Administration an analysis that includes:

1. The cost benefit of the proposed facility disposition, including the facility's current operating expenses, condition, and market value, and viable alternatives for work space for impacted state employees.

2. The effect of the proposed facility disposition on the financial status of the Florida Facilities Pool, including the effect on rental rates and coverage requirement for the bonds.

This paragraph expires July 1, 2007.

Section 22. In order to implement Specific Appropriation 2096A of the 2006-2007 General Appropriations Act, subsection (4) is added to section 370.13, Florida Statutes, to read:

370.13 Stone crab; regulation.—

(4) For the 2006-2007 fiscal year only, the trap tag fees required by this section shall be waived by the commission. This subsection expires July 1, 2007.

Section 23. In order to implement Specific Appropriation 2096A of the 2006-2007 General Appropriations Act, subsection (7) is added to section 370.142, Florida Statutes, to read:

370.142 Spiny lobster trap certificate program.—

(7) For the 2006-2007 fiscal year only, the trap tag fees required by this section shall be waived by the commission. This subsection expires July 1, 2007.

Section 24. Notwithstanding s. 403.7095, Florida Statutes, in order to implement Specific Appropriation 1868 of the 2006-2007 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) \$1,599,500 to be used for Innovative Grants.

This section expires July 1, 2007.

Section 25. In order to implement Specific Appropriation 1847 of the 2006-2007 General Appropriations Act, and for the 2006-2007 fiscal year only, the Department of Environmental Protection shall conduct a pilot program of the efficacy of expedited site evaluation and cleanup of existing public port and airport facility sites that have high redevelopment potential and that serve an immediate and demonstrated public purpose. The department shall conduct the pilot program at sites that will serve as prototypes to evaluate the need for funding in subsequent years.

(1) The pilot program sites selected must include:

(a) A port facility at which petroleum contamination is a potential threat to marine and estuarine waters and is hindering the tourism, trade, and economic development potential for the facility and the surrounding area; and

(b) An airport adjacent to marine or estuarine waters where redevelopment and expansion are likely to be hindered by petroleum contamination issues.

(2) The pilot program should focus on:

(a) Rapid assessment of the scope of the contamination issues;

(b) The effective use of existing site information;

(c) For larger, multiyear projects, the development of project phases, schedules, and budget estimates, including appropriate cost-sharing components with affected entities;

(d) Commitment of one-time funds for petroleum contamination assessment, free product removal, soil removal, and restoration that will render site conditions suitable for immediate redevelopment; and

(e) Preparation of an independent oversight report that evaluates the cost-effectiveness of this funding approach with emphasis on the timing of tax benefits that may accrue.

(3) The department is directed to implement this pilot program as soon as possible and report its progress to the Legislature by March 1, 2007.

(4) This section expires July 1, 2007.

Section 26. In order to implement Specific Appropriation 1825 of the 2006-2007 General Appropriations Act, and for the 2006-2007 fiscal year only, there is hereby created the Caloosahatchee-St. Lucie Rivers Corridor Advisory Council.

(1) For purposes of this section, the hydrologic basins of the Caloosahatchee River and its estuary and the St. Lucie River and its estuary, including Lake Okeechobee, shall be known as the "Caloosahatchee-St. Lucie Rivers Corridor."

(2) The Caloosahatchee-St. Lucie Rivers Corridor Advisory Council is under the Department of Environmental Protection and shall consist of 17 members who shall be appointed as follows:

(a) The Governor shall appoint:

1. One consumer member.
2. One member with hydrologic experience within the Caloosahatchee-St. Lucie Rivers Corridor and expertise in engineering.
3. One member from the agriculture industry.
4. One member from an environmental group.
5. One member from the business or tourism community in Okeechobee County, Martin County, or Palm Beach County.

(b) The President of the Senate shall appoint:

1. One member representing local government in Lee County.
2. One member with hydrologic experience within the Caloosahatchee-St. Lucie Rivers Corridor and expertise in hydrology.
3. One member from the agriculture industry.
4. One member from an environmental group.
5. One member from the business or tourism community in Lee County or Charlotte County.

6. One member from the Senate.

(c) The Speaker of the House of Representatives shall appoint:

1. One member representing local government in Martin County.
2. One member with hydrologic experience within the Caloosahatchee-St. Lucie Rivers Corridor and expertise in biology.
3. One member from the agriculture industry.

4. One member from an environmental group.

5. One member from the business or tourism community in Hendry County or Glades County.

6. One member from the House of Representatives.

(d) The Governor shall appoint the chair of the advisory council from among its members.

(e) Appointments to the advisory council shall be made no later than 30 days after the effective date of this act.

(f) Each member of the advisory council may receive per diem and travel expenses as provided in s. 112.061, Florida Statutes, while carrying out the business of the advisory council.

(g) The first meeting of the advisory council shall be held no later than 60 days after the effective date of this act.

(h) The records and meetings of the advisory council are subject to the provisions of chapter 119 and s. 286.011, Florida Statutes.

(i) The advisory council shall be staffed by an executive director and other personnel selected and hired by the Department of Environmental Protection who shall be exempt from part II of chapter 110, Florida Statutes, relating to the Career Service System. The Department of Environmental Protection may employ staff and consultants as necessary to assist the advisory council in fulfilling its responsibilities. The South Florida Water Management District and the Department of Environmental Protection shall each appoint a liaison for the respective agency to work directly with the executive director of the advisory council and to provide expertise and assistance to the advisory council.

(3) The duties of the Caloosahatchee-St. Lucie Rivers Corridor Advisory Council are to:

(a) Meet at least five times after August 1, 2006.

(b) Hold a minimum of five public hearings within the Caloosahatchee-St. Lucie Rivers Corridor for the purpose of receiving public comments and information.

(c) Review the operation and management of Lake Okeechobee and the associated discharges from the lake for the purpose of formulating specific recommendations relating to, but not limited to:

1. Scientifically viable, economically feasible projects, programs, and regulations that address or mitigate the impacts of high-level discharges from Lake Okeechobee upon the receiving waters of the Caloosahatchee River and the St. Lucie Canal and St. Lucie River and their respective estuaries.

2. Ongoing projects and plans authorized pursuant to the Lake Okeechobee Protection Program and the Comprehensive Everglades Restoration Plan under s. 373.4592, Florida Statutes.

3. Environmentally and economically feasible projects to remove accumulated sedimentation from Lake Okeechobee.

4. Alternative treatment strategies, projects, best management practices, and funding sources to manage more effectively the hydrology of the corridor to minimize adverse ecological effects upon the receiving waters from Lake Okeechobee discharge.

5. Long-term funding for implementation of the projects and programs identified in the report.

(4) The advisory council shall prepare and submit a report and recommendations to the President of the Senate and the Speaker of the House of Representatives prior to the 2007 Regular Session of the Legislature for implementation of projects and strategies to mitigate the present effects of high discharges from Lake Okeechobee upon the described basins.

(5) The advisory council shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2007, a report with specific recommendations for implementation by the Legislature and the Governor that will mitigate ecological effects upon the Caloosahatchee-St. Lucie Rivers Corridor and stabilize the effect of high discharges from Lake Okeechobee upon the tourist economy of Southwest and Southeast Florida.

(6) The advisory council shall expire on April 1, 2007, and this section shall expire July 1, 2007.

Section 27. In order to implement Specific Appropriations 1857A and 1616A of the 2006-2007 General Appropriations Act, there is hereby created the Retail Fuel Outlet Emergency Power Assistance Grant Program within the Department of Community Affairs to provide assistance to retail fuel outlets in retrofitting their facilities to accommodate portable generators in preparation for major power outages.

(1) Any person who is the owner of a retail fuel outlet or outlets may apply for a matching grant for an amount of no more than 50 percent of the actual costs of installation of the wiring and transfer switch necessary to accept an emergency power generating source of sufficient size and power generation capacity for the retail fuel outlet or outlets to maintain the ability to safely dispense fuel to the public in the event of loss of commercial power.

(2) The matching grants of up to \$5,000 per retail fuel outlet shall be made as reimbursements for actual costs after the installation is complete. In order to qualify for the matching grant, a completed application shall be made to the department. The department shall provide matching grants to each person on a first-come, first-served basis. The department shall provide application procedures and requirements for documentation of installation and prior payment.

This section expires July 1, 2007.

Section 28. In order to implement Specific Appropriations 1362-1546A of the 2006-2007 General Appropriations Act, section 502.015, Florida Statutes, is amended to read:

502.015 General Inspection Trust Fund.—

(1) Any moneys collected by the department pursuant to this chapter shall be deposited in the General Inspection Trust Fund and used solely for the programs in this chapter.

(2) For the 2006-2007 fiscal year only and notwithstanding any other provision of law to the contrary, in addition to the spending authorized in subsection (1), moneys in the General Inspection Trust Fund may be appropriated for programs operated by the department which are related to the programs authorized by this chapter. This subsection expires July 1, 2007.

Section 29. In order to implement Specific Appropriations 2788 and 2789 of the 2006-2007 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 ~~2006-2007~~ 2005-2006 fiscal year only, the contingency fund amounts in subsection (1) are increased to \$20,000. This subsection expires July 1, ~~2007~~ 2006.

Section 30. In order to implement Specific Appropriations 1695A and 1696A and section 31 of the 2006-2007 General Appropriations Act, subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3)~~(a)~~ Any moneys in the Land Acquisition Trust Fund which are not pledged for rentals or debt service as provided in subsection (2) may be expended from time to time to acquire land, water areas, and related resources and to construct, improve, enlarge, extend, operate, and maintain capital improvements and facilities in accordance with the plan.

(b) In addition to the uses allowed in paragraph (a), for the 2006-2007 fiscal year, moneys in the Land Acquisition Trust Fund are authorized for

expenditure or transfer to the Florida Forever Trust Fund and the Save Our Everglades Trust Fund to support the programs authorized in chapters 259 and 373. This paragraph expires July 1, 2007.

Section 31. In order to implement section 31 of the 2006-2007 General Appropriations Act, subsection (4) of section 259.032, Florida Statutes, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(4)(a) Lands acquired under this section shall be for use as state-designated parks, recreation areas, preserves, reserves, historic or archaeological sites, geologic or botanical sites, recreational trails, forests, wilderness areas, wildlife management areas, urban open space, or other state-designated recreation or conservation lands; or they shall qualify for such state designation and use if they are to be managed by other governmental agencies or nonstate entities as provided for in this section.

(b) In addition to the uses allowed in paragraph (a), moneys may be transferred from the Conservation and Recreation Lands Trust Fund to the Florida Forever Trust Fund or the Land Acquisition Trust Fund. This paragraph expires July 1, 2007.

Section 32. In order to implement section 31 of the 2006-2007 General Appropriations Act, subsection (12) is added to section 373.59, Florida Statutes, to read:

373.59 Water Management Lands Trust Fund.—

(12) In addition to the uses allowed in this section, moneys may be transferred from the Water Management Lands Trust Fund to the Florida Forever Trust Fund or the Land Acquisition Trust Fund. This subsection expires July 1, 2007.

Section 33. In order to implement Specific Appropriations 1820 and 1821 and section 32 of the 2006-2007 General Appropriations Act, subsection (6) is added to section 373.459, Florida Statutes, to read:

373.459 Funds for surface water improvement and management.—

(6)(a) The match requirement of subsection (2) shall not apply to the Suwannee River Water Management District, the Northwest Florida Water Management District, or a financially disadvantaged small local government as defined in s. 403.885(5).

(b) Notwithstanding the requirements of subsection (3), the Ecosystem Management and Restoration Trust Fund and the Water Protection and Sustainability Trust Fund shall be used for the deposit of funds appropriated by the Legislature for the purposes of ss. 373.451-373.4595. The department shall administer all funds appropriated to or received for surface water improvement and management activities. Expenditure of the moneys shall be limited to the costs of details planning and plan and program implementation for priority surface water bodies. Moneys from the funds shall not be

expended for planning for, construction or expansion of, treatment facilities for domestic or industrial waste disposal.

(c) Notwithstanding the requirements of subsection (4), the department shall authorize the release of money from the funds in accordance with the provisions of s. 373.501(2) and procedures in s. 373.59(4) and (5).

(d) Notwithstanding the requirements of subsection (5), moneys in the Ecosystem Restoration and Management Trust Fund that are not needed to meet current obligations incurred under this section shall be transferred to the State Board of Administration, to the credit of the trust fund, to be invested in the manner provided by law. Interest received on such investments shall be credited to the trust fund.

(e) This subsection expires July 1, 2007.

Section 34. In order to implement Specific Appropriation 1821 of the 2006-2007 General Appropriations Act, subsection (7) is added to section 403.885, Florida Statutes, to read:

403.885 Stormwater management; wastewater management; and Water Restoration Grant Program.—

(7) Notwithstanding subsections (1), (3), (5), and (6):

(a) The department shall administer a grant program to use funds transferred pursuant to s. 212.20 to the Ecosystem Management and Restoration Trust Fund or other moneys as appropriated by the Legislature for stormwater management, wastewater management, water restoration, and other water projects as specifically appropriated by the Legislature. Eligible recipients of such grants include counties, municipalities, water management districts, and special districts that have legal responsibilities for water quality improvement, storm water management, wastewater management, lake and river water restoration projects, and drinking water projects pursuant to this section.

(b) All project applicants shall provide local matching funds as follows:

1. An applicant for state funding of a stormwater management or surfacewater management project shall provide local matching funds equal to at least 50 percent of the total cost of the project.

2. An applicant for state funding of a wastewater management project shall provide matching funds equal to at least 25 percent of the total cost of the project.

(c) The requirement in paragraph (b) for matching funds may be waived if the applicant is a financially disadvantaged small local government. For purposes of this subsection, the term “financially disadvantaged small local government” means a municipality having a population of 7,500 or less, a county having a population of 35,000 or less, according to the latest decennial census, and a per capita annual income less than the state per capita annual income as determined by the United States Department of Com-

merce, or a county in an area designated by the Governor as a rural area of critical economic concern pursuant to s. 288.0656.

(d) This subsection expires July 1, 2007.

Section 35. In order to implement Specific Appropriation 2688 of the 2006-2007 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 ~~2006-2007~~ ~~2005-2006~~ 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, ~~2007~~ 2006.

Section 36. In order to implement section 51 of the 2006-2007 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 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, ~~2007~~ 2006.

Section 37. In order to implement proviso language following Specific Appropriation 2304 of the 2006-2007 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 ~~2006-2007~~ ~~2005-2006~~ fiscal year only, the Agency for Workforce Innovation ~~may~~ shall administer this section. This subsection expires July 1, ~~2007~~ 2006.

Section 38. In order to implement Specific Appropriations 1594, 1596, 1598, 1600, 1608, and 1609 of the 2006-2007 General Appropriations Act, subsection (5) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(5)(a) A transfer of funds may not result in the initiation of a fixed capital outlay project that has not received a specific legislative appropriation, except that federal funds for fixed capital outlay projects for the Department of Military Affairs, which do not carry a continuing commitment on future appropriations by the Legislature, may be approved by the Executive Office of the Governor for the purpose received, subject to the notice, review, and objection procedures set forth in s. 216.177.

(b) Notwithstanding paragraph (a), and for the 2006-2007 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, 1561-DR-FL, 1595-DR-FL, 1602-DR-FL, and EM3259-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, 2007.

Section 39. In order to implement Specific Appropriation 2132 of the 2006-2007 General Appropriations Act, subsection (3) is added to section 311.22, Florida Statutes, to read:

311.22 Additional authorization for funding certain dredging projects.—

(3) For the 2006-2007 fiscal year only and notwithstanding the matching basis specified in subsection (1), funding for projects in subsection (1) shall require a minimum 25 percent match of funds received pursuant to this section. This subsection expires July 1, 2007.

Section 40. In order to implement Specific Appropriation 2304 of the 2006-2007 General Appropriations Act, subsection (9) of section 411.01, Florida Statutes, is amended to read:

411.01 School readiness programs; early learning coalitions.—

(9) FUNDING; SCHOOL READINESS PROGRAM.—

(a) It is the intent of this section to establish an integrated and quality seamless service delivery system for all publicly funded early childhood education and child care programs operating in this state.

(b)1. The Agency for Workforce Innovation shall administer school readiness funds, plans, and policies and shall prepare and submit a unified budget request for the school readiness system in accordance with chapter 216.

2. All instructions to early learning coalitions for administering this section shall emanate from the Agency for Workforce Innovation in accordance with the policies of the Legislature.

(c) The Agency for Workforce Innovation shall recommend ~~adopt~~ a formula for the allocation among the early learning coalitions of all state and federal school readiness funds for children participating in public or private

school readiness programs based upon equity and performance. The allocation formula must be submitted to the Governor, ~~and the chair of the Senate Ways and Means Committee or its successor, and the chair of the House of Representatives Fiscal Council or its successor no later than January 1 of each year.~~ The Legislature shall specify in the annual General Appropriations Act any changes from the allocation methodology for the prior fiscal year which must be used by the Agency for Workforce Innovation in allocating the appropriations provided in the General Appropriations Act Legislative Budget Commission. ~~Upon approval, the Legislative Budget Commission shall authorize the Agency for Workforce Innovation to distribute funds in accordance with the allocation formula. For fiscal year 2004-2005, the Agency for Workforce Innovation shall allocate funds to the early learning coalitions consistent with the fiscal year 2003-2004 funding allocations to the school readiness coalitions.~~

(d) All state, federal, and required local maintenance-of-effort or matching funds provided to an early learning coalition for purposes of this section shall be used by the coalition for implementation of its school readiness plan, including the hiring of staff to effectively operate the coalition's school readiness program. As part of plan approval and periodic plan review, the Agency for Workforce Innovation shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the school readiness plan, but total administrative expenditures must not exceed 5 percent unless specifically waived by the Agency for Workforce Innovation. The Agency for Workforce Innovation shall annually report to the Legislature any problems relating to administrative costs.

(e) The Agency for Workforce Innovation shall annually distribute, to a maximum extent practicable, all eligible funds provided under this section as block grants to the early learning coalitions.

(f) State funds appropriated for the school readiness program may not be used for the construction of new facilities or the purchase of buses. The Agency for Workforce Innovation shall present to the Legislature recommendations for providing necessary transportation services for school readiness programs.

(g) All cost savings and all revenues received through a mandatory sliding fee scale shall be used to help fund each early learning coalition's school readiness program.

Section 41. The amendment of s. 411.01, Florida Statutes, by this act shall expire July 1, 2007, and the text of that section shall revert to that in existence on June 30, 2006, 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 42. In order to implement Specific Appropriation 3225E of the 2006-2007 General Appropriations Act, paragraph (g) of subsection (11) of section 259.032, Florida Statutes, is amended 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 ~~2006-2007~~ 2005-2006 fiscal year for the construction of replacement museum facilities. This paragraph expires July 1, ~~2007~~ 2006.

Section 43. In order to implement Specific Appropriation 1566 of the 2006-2007 General Appropriations Act, subsection (4) is added to section 252.373, Florida Statutes, to read:

252.373 Allocation of funds; rules.—

(4) In addition to the uses specified in this section, funds in the Emergency Management, Preparedness, and Assistance Trust Fund that are otherwise unobligated may be authorized for expenditure for the purpose of providing assistance to local governments for implementing local comprehensive plans, innovative planning to help make communities more livable, and addressing growth management issues. This subsection expires July 1, 2007.

Section 44. In order to implement Specific Appropriation 1658A of the 2006-2007 General Appropriations Act, subsection (15) is added to section 420.0004, Florida Statutes, to read:

420.0004 Definitions.—As used in this part, unless the context otherwise indicates:

(15) “Extremely-low-income persons” means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower-income counties, extremely low income may exceed 30 percent of the median income for the area, and that in higher-income counties, extremely low income may be less than 30 percent of the area median income. This subsection expires July 1, 2007.

Section 45. In order to implement Specific Appropriation 1658A of the 2006-2007 General Appropriations Act, paragraphs (h) and (i) are added to subsection (22) of section 420.507, Florida Statutes, to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(22) To develop and administer the State Apartment Incentive Loan Program. In developing and administering that program, the corporation may:

(h) Make loans exceeding 25 percent of project costs if the project serves extremely-low-income persons. This paragraph expires July 1, 2007.

(i) Waive payments or forgive indebtedness for a pro rata share of the loan based on the number of units in a project reserved for extremely-low-income persons. This paragraph expires July 1, 2007.

Section 46. In order to implement Specific Appropriation 1658A of the 2006-2007 General Appropriations Act, subsection (5) and paragraphs (c) and (k) of subsection (6) of section 420.5087, Florida Statutes, are amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(5)(a) The amount of the mortgage provided under this program combined with any other mortgage in a superior position shall be less than the value of the project without the housing set-aside required by subsection (2). However, the corporation may waive this requirement for projects in rural areas or urban infill areas which have market rate rents that are less than the allowable rents pursuant to applicable state and federal guidelines. In no event shall the mortgage provided under this program combined with any other mortgage in a superior position exceed total project cost.

(b) Notwithstanding paragraph (a), the amount of the mortgage provided under this program combined with any other mortgage in a superior position shall be less than the value of the project without the housing set-aside required by subsection (2). However, the corporation may waive this requirement for projects in rural areas or urban infill areas that have market rate rents that are less than the allowable rents pursuant to applicable state and federal guidelines and for projects that reserve units for extremely-low-income persons. A mortgage provided under this program may not be combined with any other mortgage in a superior position to exceed total project cost. This paragraph expires July 1, 2007.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(c) The corporation shall provide by rule for the establishment of a review committee composed of the department and corporation staff and shall establish by rule a scoring system for evaluation and competitive ranking of applications submitted in this program, including, but not limited to, the following criteria:

1. Tenant income and demographic targeting objectives of the corporation.

2. Targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period to exceed the minimum required by federal law or the provisions of this part.

4. Sponsor's agreement to reserve more than:

a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or

b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent; however, when certificates or vouchers are accepted as payment for rent on units set aside pursuant to subsection (2), the benefit must be divided between the corporation and the sponsor, as provided by corporation rule.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience.

13. Sponsor's ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. Notwithstanding subparagraph 7., projects requiring the least amount of a state apartment incentive loan compared to overall project cost except that the pro rata share of the loan attributable to the extremely-low-income units shall be excluded from this requirement. This subparagraph expires July 1, 2007.

16. Projects that reserve units for extremely-low-income families. This subparagraph expires July 1, 2007.

(k)1. Rent controls shall not be allowed on any project except as required in conjunction with the issuance of tax-exempt bonds or federal low-income housing tax credits.

2. Notwithstanding subparagraph 1., rent controls shall not be allowed on any project except as required in conjunction with the issuance of tax-exempt bonds or federal low-income housing tax credits, and except when the sponsor has committed to set aside units for extremely-low-income persons, in which case rents shall be restricted at the level applicable to federal low-income tax credits. This subparagraph expires July 1, 2007.

Section 47. In order to implement Specific Appropriation 1658A of the 2006-2007 General Appropriations Act, section 420.5095, Florida Statutes, is created to read:

420.5095 Community Workforce Housing Innovation Pilot Program created.—

(1) The Legislature finds and declares that recent rapid increases in the median purchase price of homes and the cost of rental housing have far outstripped the increases in median income in the state, preventing essential services personnel from living in the communities where they serve and thereby creating the need for innovative solutions for the provision of housing opportunities for essential services personnel.

(2) The Community Workforce Housing Innovation Pilot Program is created to provide affordable rental and home ownership community workforce housing for essential services personnel affected by the high cost of housing, using regulatory incentives and state and local funds to promote local public-private partnerships and leverage government and private resources.

(3) For purposes of this section, the following definitions apply:

(a) “Workforce housing” means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of the area median income, adjusted for household size, or 150 percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as areas of critical state concern for at least 20 consecutive years prior to removal of the designation.

(b) “Essential services personnel” means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential services personnel, as defined by each county and eligible municipality within its respective local housing assistance plan. Each housing assistance plan shall include a definition of essential service personnel for the county or eligible municipality, including, but not limited to, teachers and educators; other school district, community college, and university employees; police and fire personnel; health care personnel; skilled building trades personnel; and other job categories.

(c) “Public-private partnership” means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be

any form of business entity, including a joint venture or contractual agreement.

(4) The Florida Housing Finance Corporation is authorized to provide Community Workforce Housing Innovation Pilot Program loans to applicants for construction or rehabilitation of workforce housing in eligible areas. The corporation shall establish a funding process and selection criteria by rule or request for proposals. This funding is intended to be used with other public and private sector resources.

(5) The corporation shall provide incentives for local governments in eligible areas to use local affordable housing funds, such as those from the State Housing Initiatives Partnership Program, to assist in meeting the affordable housing needs of persons eligible under this program.

(6) Funding shall be targeted to projects in areas where the disparity between the area median income and the median sales price for a single-family home is greatest, and for projects in areas where population growth as a percentage rate of increase is greatest. The corporation may also fund projects in areas where innovative regulatory and financial incentives are made available. The corporation shall fund at least one eligible project in as many counties as possible.

(7) Projects shall receive priority consideration for funding where:

(a) The local jurisdiction adopts appropriate regulatory incentives, local contributions or financial strategies, or other funding sources to promote the development and ongoing financial viability of such projects. Local incentives include such actions as expediting review of development orders and permits, supporting development near transportation hubs and major employment centers, and adopting land development regulations designed to allow flexibility in densities, use of accessory units, mixed-use developments, and flexible lot configurations. Financial strategies include such actions as promoting employer-assisted housing programs, providing tax increment financing, and providing land.

(b) Projects are innovative and include new construction or rehabilitation, mixed-income housing, or commercial and housing mixed-use elements and those that promote homeownership. The program funding shall not exceed the costs attributable to the portion of the project that is set aside to provide housing for the targeted population.

(c) Projects that set aside at least 80 percent of units for workforce housing and at least 50 percent for essential services personnel and for projects that require the least amount of program funding compared to the overall housing costs for the project.

(8) Notwithstanding s. 163.3184(3)-(6), any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with the provisions of this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment pursuant to this subsection, the local government shall notify the state land planning agency of its intent to adopt

such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing required by s. 163.3184(15)(e) shall include a statement that the local government intends to utilize the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and the state land planning agency shall issue its notice of intent pursuant to s. 163.3184(8) within 30 days after determining that the amendment package is complete.

(9) The corporation shall award loans with interest rates set at 1 to 3 percent, which may be made forgivable when long-term affordability is provided and when at least 80 percent of the units are set aside for workforce housing and at least 50 percent of the units are set aside for essential services personnel.

(10) All eligible applications shall:

(a) For home ownership, limit the sales price of a detached unit, town-home, or condominium unit to not more than 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, and require that all eligible purchasers of home ownership units occupy the homes as their primary residence.

(b) For rental units, restrict rents for all workforce housing serving those with incomes at or below 120 percent of area median income at the appropriate income level using the restricted rents for the federal low-income housing tax credit program and, for workforce housing units serving those with incomes above 120 percent of area median income, restrict rents to those established by the corporation, not to exceed 30 percent of the maximum household income adjusted to unit size.

(c) Demonstrate that the applicant is a public-private partnership.

(d) Have grants, donations of land, or contributions from the public-private partnership or other sources collectively totaling at least 15 percent of the total development cost. Such grants, donations of land, or contributions must be evidenced by a letter of commitment only at the time of application. Grants, donations of land, or contributions in excess of 15 percent of the development cost shall increase the application score.

(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in paragraph (7)(a) from the local jurisdiction in which the proposed project is to be located. The corporation may consult with the Department of Community Affairs in evaluating the use of regulatory incentives by applicants.

(f) Demonstrate that the applicant possesses title to or site control of land and evidences availability of required infrastructure.

(g) Demonstrate the applicant's affordable housing development and management experience.

(h) Provide any research or facts available supporting the demand and need for rental or home ownership workforce housing for eligible persons in the market in which the project is proposed.

(11) Projects may include manufactured housing constructed after June 1994 and installed in accordance with mobile home installation standards of the Department of Highway Safety and Motor Vehicles.

(12) The corporation may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

(13) The corporation may use a maximum of 2 percent of the annual appropriation for administration and compliance monitoring.

(14) The corporation shall review the success of the Community Workforce Housing Innovation Pilot Program to ascertain whether the projects financed by the program are useful in meeting the housing needs of eligible areas. The corporation shall submit its report and any recommendations regarding the program to the Governor, the Speaker of the House of Representatives, and the President of the Senate not later than 2 months after the end of the corporation's fiscal year.

(15) This section expires July 1, 2007.

Section 48. In order to implement Specific Appropriations 1631 and 1658A of the 2006-2007 General Appropriations Act, section 420.55, Florida Statutes, is created to read:

420.55 Housing; response to disasters.—

(1) The Florida Housing Finance Corporation is authorized to provide funds to eligible entities for affordable housing recovery in those areas of the state that sustained housing damage due to hurricanes during 2004 and 2005. The Florida Housing Finance Corporation shall use data provided by the Federal Emergency Management Agency to assist in its allocation of funds to local jurisdictions. To administer these programs, the Florida Housing Finance Corporation shall be guided by the "Hurricane Housing Work Group Recommendations to Assist in Florida's Long-Term Housing Recovery Efforts" report dated February 16, 2005.

(2) The Florida Housing Finance Corporation may adopt emergency rules pursuant to s. 120.54 to administer these programs. The Legislature finds that emergency rules adopted under this section meet the health, safety, and welfare requirements of s. 120.54(4) and that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people to provide additional funds to assist in those counties that were declared eligible for disaster funding pursuant to the hurricanes of 2004 and 2005 and that sustained housing damage due to the storms. Therefore, in adopting the emergency rules, the corporation need not make the findings required by s. 120.54(4)(a). Emergency rules adopted under this section are exempt from s. 120.54(4)(c).

(3) This section expires July 1, 2007.

Section 49. In order to implement specific appropriations for salaries and benefits in the 2006-2007 General Appropriations Act, notwithstanding the provisions of s. 110.1245(4), Florida Statutes, and for the 2006-2007 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 to any employee and shall be allocated from an agency's existing budget. An employee may not receive awards pursuant to this section in excess of \$100 total during the fiscal year. By March 1, 2007, agencies that elect to make cash awards shall 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, 2007.

Section 50. In order to implement Specific Appropriations 197, 213, 243, 474, and 2233A of the 2006-2007 General Appropriations Act, the following textual errors in that act are corrected:

(1) The reference in the second paragraph of the proviso following Specific Appropriation 197 to "Specific Appropriation 196" is changed to "Specific Appropriation 197."

(2) The reference in the last paragraph of the proviso following Specific Appropriation 213 to "Specific Appropriation 190" is changed to "Specific Appropriation 213."

(3)(a) The reductions referred to in the fourth paragraph of the proviso following Specific Appropriation 243 are changed from \$1,741,389 from the General Revenue Fund and \$2,509,581 from the Medical Care Trust Fund to \$1,780,038 from the General Revenue Fund and \$2,564,649 from the Medical Care Trust Fund.

(b) The reductions referred to in the fifth paragraph of the proviso following Specific Appropriation 243 are changed from \$1,160,926 from the General Revenue Fund and \$1,673,054 from the Medical Care Trust Fund to \$1,163,610 from the General Revenue Fund and \$1,676,879 from the Medical Care Trust Fund.

(4) The phrase "\$3,300,000 from nonrecurring general revenue funds" in the proviso immediately following Specific Appropriation 474 is changed to "\$300,000 from recurring general revenue funds and \$3,000,000 from nonrecurring general revenue funds."

(5) The second reference to "Orlando" in the last paragraph of the proviso following Specific Appropriation 2233A, immediately preceding the sum of "21,618,950," is changed to "Tampa."

(6) The reference in section 15 to "chapter 2004-269" is changed to "chapter 2004-268."

(7) The phrase "Doral Municipal Park Improvement-City of Doral" in the proviso immediately following Specific Appropriation 1821 is changed to "Doral-Stormwater Drainage Improvements."

Section 51. In order to implement the issuance of new debt authorized in the 2006-2007 General Appropriations Act, and pursuant to the requirements of s. 215.98, Florida Statutes, the Legislature determines that the authorization and issuance of debt for the 2006-2007 fiscal year is in the best interest of the state and should be implemented.

Section 52. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2006-2007 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 53. If any other act passed in 2006 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 54. The agency performance measures and standards in the document entitled "Performance Measures and Standards Approved by the Legislature for Fiscal Year 2006-2007" dated May 2, 2006, 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 2006-2007, 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 55. 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 56. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006; 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, 2006.

Approved by the Governor May 25, 2006.

Filed in Office Secretary of State May 25, 2006.