

1 A bill to be entitled
2 An act implementing the 2003-2004 General
3 Appropriations Act; providing legislative
4 intent; providing accounting requirements for
5 the state universities for the 2003-2004 fiscal
6 year; authorizing school districts to use funds
7 received pursuant to ss. 206.41(4)(e) and
8 206.625, F.S., for student transportation
9 services; authorizing the Department of
10 Education to conduct a pilot program for school
11 districts to purchase used instructional
12 materials from third-party vendors; amending s.
13 17.076, F.S.; providing an exception to a
14 public records exemption; amending s. 112.215,
15 F.S.; including employees of state university
16 boards of trustees in the definition of
17 "employee" for purposes of the deferred
18 compensation program; amending s. 287.064,
19 F.S.; authorizing state universities to
20 continue to participate in the consolidated
21 equipment financing program; amending s.
22 440.38, F.S.; including state universities as
23 self-insurers for purposes of workers'
24 compensation; creating s. 1010.10, F.S.;
25 creating the Florida Uniform Management of
26 Institutional Funds Act; providing definitions;
27 providing for expenditure of endowment funds by
28 a governing board; providing for a standard of
29 conduct; providing investment authority;
30 providing for delegation of investment
31 management; providing for investment costs;

1 providing for uniformity of application and
2 construction; providing for a demonstration
3 project at Florida Agricultural and Mechanical
4 University; renaming Chipola Junior College and
5 Miami-Dade Community College; providing for a
6 transfer of certain lands from the University
7 of Florida to Florida Atlantic University;
8 amending s. 1011.71, F.S.; allowing school
9 boards to make payments toward the cost of
10 school buses owned by certain student
11 transportation contract providers; providing
12 requirements; requiring grant funds
13 appropriated for districts with high growth in
14 student enrollment to be awarded to districts
15 that meet specified criteria; providing a
16 methodology for calculating grants; amending
17 ss. 430.204 and 430.205, F.S.; requiring the
18 Department of Elderly Affairs to fund certain
19 community care services and core services for
20 the elderly; amending s. 216.292, F.S.;
21 authorizing the Department of Children and
22 Family Services to transfer funds within the
23 family safety program; amending s. 561.121,
24 F.S.; providing that moneys in the Children and
25 Adolescents Substance Abuse Trust Fund may also
26 be used for the purpose of funding programs
27 directed at reducing and eliminating substance
28 abuse problems among adults; amending s.
29 381.0066, F.S.; continuing the additional fee
30 on new construction permits for onsite sewage
31 treatment and disposal systems the proceeds of

1 which are used for system research,
2 demonstration, and training projects; amending
3 s. 385.207, F.S.; authorizing appropriation of
4 funds in the Epilepsy Services Trust Fund for
5 epilepsy case management services; amending s.
6 409.1671, F.S.; requiring that funds for
7 privatized foster care and related services be
8 allocated in accordance with a methodology
9 adopted by the Department of Children and
10 Family Services by rule and granting rulemaking
11 authority for such purpose; providing for lump
12 sum funding in the Department of Children and
13 Family Services to provide for continuity of
14 foster care under certain circumstances;
15 amending s. 394.908, F.S.; providing for
16 substance abuse and mental health funding
17 equity as provided in the General
18 Appropriations Act; amending s. 20.19, F.S.;
19 requiring specific authority for transfer of
20 funds by the Department of Children and Family
21 Services; amending s. 381.79, F.S.; providing
22 conditions for disbursement of funds
23 appropriated for brain and spinal cord injury
24 research; amending s. 216.181, F.S.;
25 authorizing the Department of Law Enforcement
26 to transfer positions and associated budgets
27 and a certain percentage of salary rate between
28 budget entities and providing requirements with
29 respect thereto; authorizing the Correctional
30 Privatization Commission to make certain
31 expenditures to defray costs incurred by a

1 municipality or county as a result of opening
2 or operating a facility under authority of the
3 commission or the Department of Juvenile
4 Justice; amending s. 16.555, F.S.; authorizing
5 use of the Crime Stoppers Trust Fund to pay for
6 salaries and benefits and other expenses of the
7 Department of Legal Affairs; amending s.
8 985.4075, F.S.; prohibiting the use of juvenile
9 justice appropriations made for operations as
10 one-time startup funding for fixed capital
11 outlay; amending s. 216.262, F.S.; providing
12 for additional positions to operate additional
13 prison bed capacity under certain
14 circumstances; authorizing the Department of
15 Law Enforcement to use certain moneys to
16 provide bonuses to employees for meritorious
17 performance, subject to review; amending s.
18 932.7055, F.S.; allowing municipal special law
19 enforcement trust funds to be used to reimburse
20 certain loans from municipalities; amending s.
21 287.161, F.S.; requiring the Department of
22 Management Services to charge all persons
23 receiving transportation from the executive
24 aircraft pool a specified rate; amending s.
25 110.12315, F.S.; providing copayment
26 requirements for the state employees'
27 prescription drug program; amending ss.
28 121.1115, 121.1122, F.S., relating to purchase
29 of retirement credits; permitting purchase of
30 additional years of out-of-state and federal
31 service not aggregated with certain in-state

1 service; establishing the rate of increase for
2 legislative salaries; providing for the budget
3 of the Council for Education Policy Research
4 and Improvement to be administered by the
5 Auditor General; providing that the council is
6 otherwise independent; authorizing the
7 Executive Office of the Governor to transfer
8 funds between departments for purposes of
9 aligning amounts paid for risk management
10 premiums and for purposes of aligning amounts
11 paid for human resource management services;
12 amending s. 110.1239, F.S.; providing
13 requirements for the funding of the state group
14 health insurance program; amending s. 112.061,
15 F.S.; providing for computation of travel time
16 and reimbursement for public officers' and
17 employees' travel; amending s. 468.404, F.S.;
18 requiring talent agency license fees equal to
19 costs of regulation; amending s. 378.035, F.S.;
20 permitting expenditure of moneys appropriated
21 for abatement of imminent hazards caused by,
22 and for closure of, abandoned phosphogypsum
23 stacks; amending s. 215.96, F.S.; requiring the
24 Financial Management Information Board to
25 provide certain policies, procedures, and
26 processes for integration of central
27 administrative and financial information
28 systems; requiring a task force; specifying
29 membership and responsibilities; requiring
30 recommendations on specific information systems
31 and projects; amending s. 601.15, F.S.;

1 permitting the Florida Citrus Commission to
2 reduce certain statutory citrus tax rates by
3 majority vote; amending s. 372.561, F.S.;
4 permitting counties to retain certain hunting
5 and fishing fees until the Fish and Wildlife
6 Conservation Commission implements an automated
7 licensing system; amending s. 376.86, F.S.;
8 revising certain restrictions on investing
9 funds maintained in the Nonmandatory Land
10 Reclamation Trust Fund; providing for a
11 schedule for legislative review of the
12 Brownfield Areas Loan Guarantee Program;
13 providing for future repeal or expiration;
14 amending s. 581.184, F.S.; requiring notice to
15 the property owner of the removal of infected
16 citrus trees or citrus trees exposed to
17 infection; amending s. 581.1845, F.S.; revising
18 eligibility for compensation of homeowners
19 under the citrus canker eradication program;
20 prescribing the amount of compensation for
21 trees taken in the citrus canker eradication
22 program; amending s. 253.025, F.S.; providing
23 that the use of funds allocated to the
24 Relocation and Construction Trust Fund shall be
25 as provided in the General Appropriations Act;
26 amending s. 570.544, F.S.; reducing consumer
27 complaint processing responsibilities of the
28 Division of Consumer Services of the Department
29 of Agriculture and Consumer Services; amending
30 ss. 526.3135, 559.921, F.S., to conform;
31 amending s. 259.105, F.S.; permitting an

1 additional allocation of Florida Forever moneys
2 appropriated for water management districts;
3 directing the Department of Environmental
4 Protection to make specified awards of grant
5 moneys for pollution control purposes;
6 providing for an agreement between the
7 Department of Agriculture and Consumer Services
8 and the Department of Transportation for the
9 construction of an agricultural interdiction
10 station in Escambia County; prohibiting the
11 Department of Business and Professional
12 Regulation and the Florida Engineers Management
13 Corporation from taking actions against certain
14 persons; amending s. 195.022, F.S.; limiting
15 the responsibility of the Department of Revenue
16 to furnish certain ad valorem tax forms to
17 specified local officials; requiring certain
18 counties to reproduce the forms; amending s.
19 252.373, F.S.; providing for use of funds of
20 the Emergency Management, Preparedness, and
21 Assistance Trust Fund, including the use of
22 certain funds as state matching funds for
23 federally approved Hazard Mitigation Grant
24 Program projects; amending s. 402.3017, F.S.;
25 providing for administration of the Teacher
26 Education and Compensation Helps (TEACH)
27 scholarship program by the Agency for Workforce
28 Innovation; amending s. 411.01, F.S.; providing
29 priority for placement of children in the
30 school readiness program; amending s. 288.063,
31 F.S.; providing for funds for certain

1 transportation projects approved by the Office
2 of Tourism, Trade, and Economic Development to
3 be subject to reversion; amending s. 320.08058,
4 F.S.; authorizing proceeds from the
5 Professional Sports Development Trust Fund to
6 be used for operational expenses of the Florida
7 Sports Foundation and financial support of the
8 Sunshine State Games; amending s. 339.08, F.S.;
9 transferring \$200 million from the State
10 Transportation Trust Fund to the General
11 Revenue Fund; reducing the amount transferred
12 from certain transportation calculation
13 requirements; amending s. 445.048, F.S.;
14 continuing and expanding the Passport to
15 Economic Progress demonstration project;
16 postponing the repeal of ss. 288.9511,
17 288.9515, 288.9517, F.S., relating to
18 technology development activities of Enterprise
19 Florida, Inc.; amending s. 376.875, F.S.;
20 providing additional uses of the Brownfield
21 Property Ownership Clearance Assistance
22 Revolving Loan Trust Fund; requiring the Chief
23 Financial Officer to report on costs of
24 court-related services provided by the
25 counties; providing specific requirements;
26 providing for reimbursement of certain
27 expenses; amending s. 413.4021, F.S.; requiring
28 additional revenues from the tax collection
29 enforcement diversion program to be used for
30 the personal care attendant pilot program and
31 for state attorney contracts; amending s.

1 27.701, F.S.; providing for a pilot program
2 using a registry of attorneys instead of the
3 capital collateral regional counsel in the
4 northern region of the state; requiring certain
5 qualification; requiring a report; amending s.
6 27.709, F.S.; expanding the jurisdiction of the
7 Commission on Capital Cases; amending s.
8 27.711, F.S.; providing for compensation of
9 counsel in the pilot program; providing for
10 limitations on such counsel; amending s.
11 27.702, F.S.; requiring reports from attorneys
12 participating in the pilot program; amending
13 enrolled House Bill 439 from the 2003 Regular
14 Session; repealing certain authority for
15 attorney ad litem demonstration projects;
16 transferring a position on an earlier date;
17 providing for the effect of a veto of a
18 specific appropriation or proviso to which
19 implementing provisions refer; providing
20 applicability to other legislation;
21 incorporating by reference specified
22 performance measures and standards directly
23 linked to the appropriations made in the
24 2003-2004 General Appropriations Act, as
25 required by the Government Performance and
26 Accountability Act of 1994, including measures
27 and standards specifically applicable to the
28 Department of Environmental Protection;
29 providing for construction of the act in pari
30 materia with laws enacted during the Regular
31 Session of the Legislature; providing for

1 severability; providing for retroactive
2 application; providing effective dates.

3
4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. It is the intent of the Legislature that
7 the implementing and administering provisions of this act
8 apply to the General Appropriations Act for fiscal year
9 2003-2004.

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

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

18 (2) Notwithstanding the provisions of sections
19 216.181, 216.292, and 1011.4105, Florida Statutes, and
20 pursuant to section 216.351, Florida Statutes, funds
21 appropriated or reappropriated to the state universities in
22 the 2003-2004 General Appropriations Act, or any other act
23 passed by the 2003 Legislature containing appropriations,
24 shall be distributed to each university according to the
25 2003-2004 fiscal year operating budget approved by the
26 university board of trustees. Each university board of
27 trustees shall have authority to amend the operating budget as
28 circumstances warrant. The operating budget may utilize
29 traditional appropriation categories or it may consolidate the
30 appropriations into a special category appropriation account.
31 The Chief Financial Officer, upon the request of the

1 university board of trustees, shall record by journal transfer
2 the distribution of the appropriated funds and releases
3 according to the approved operating budget to the
4 appropriation accounts established for disbursement purposes
5 for each university within the state accounting system
6 (FLAIR).

7 (3) Notwithstanding the provisions of sections
8 216.181, 216.292, and 1011.4105, Florida Statutes, and
9 pursuant to section 216.351, Florida Statutes, each university
10 board of trustees shall include in an approved operating
11 budget the revenue in trust funds supported by student and
12 other fees as well as the trust funds within the Contract,
13 Grants, and Donations, Auxiliary Enterprises, and Sponsored
14 Research budget entities. The university board of trustees
15 shall have the authority to amend the operating budget as
16 circumstances warrant. The operating budget may utilize
17 traditional appropriation categories or it may consolidate the
18 trust fund spending authority into a special category
19 appropriation account. The Chief Financial Officer, upon the
20 request of the university board of trustees, shall record the
21 distribution of the trust fund spending authority and releases
22 according to the approved operating budget to the
23 appropriation accounts established for disbursement purposes
24 for each university within the state accounting system
25 (FLAIR).

26 (4) Notwithstanding those provisions of sections
27 216.181, 216.292, and 1011.4105, Florida Statutes, which are
28 inconsistent with the provisions of this subsection and
29 pursuant to section 216.351, Florida Statutes, fixed capital
30 outlay funds appropriated or reappropriated in the 2003-2004
31 General Appropriations Act, or any other act passed by the

1 2003 Legislature containing fixed capital outlay
2 appropriations, for universities that have made the
3 transition, effective July 1, 2003, from the state accounting
4 system (FLAIR) shall be administered by the Department of
5 Education and shall be distributed to the universities as
6 needed for projects based upon estimated invoices to be paid
7 during the following 30 days or as required by bond documents.
8 For undisbursed fixed capital outlay appropriations from prior
9 fiscal years for universities that have made the transition,
10 effective July 1, 2003, from the state accounting system
11 (FLAIR), the Executive Office of the Governor and the Chief
12 Financial Officer shall have authority to transfer such
13 undisbursed fixed capital outlay appropriations into
14 appropriations under the Department of Education for
15 distribution to the universities as needed for projects based
16 on estimated invoices to be paid during the following 30 days
17 or as required by bond documents. Expenditure of fixed capital
18 outlay appropriations shall be consistent with legislative
19 policy and intent.

20 (5) This section expires July 1, 2004.

21 Section 3. In order to implement Specific
22 Appropriation 62 of the 2003-2004 General Appropriations Act,
23 notwithstanding the provisions of sections 206.41(4)(e) and
24 206.625(2), Florida Statutes, for the 2003-2004 fiscal year
25 only, a district school board that has completely addressed
26 district needs associated with the construction,
27 reconstruction, and maintenance of roads and has a fund
28 balance remaining may expend such balance for student
29 transportation services. Funds transferred pursuant to this
30 section for student transportation services shall not exceed

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1 the actual amount expended for such services. This section
2 expires July 1, 2004.

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

30 Section 5. In order to implement Specific
31 Appropriations 123-130 of the 2003-2004 General Appropriations

1 Act, subsection (5) of section 17.076, Florida Statutes, is
2 amended to read:

3 17.076 Direct deposit of funds.--
4 (5) All direct deposit records made prior to October
5 1, 1986, are exempt from the provisions of s. 119.07(1). With
6 respect to direct deposit records made on or after October 1,
7 1986, the names of the authorized financial institutions and
8 the account numbers of the beneficiaries are confidential and
9 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
10 I of the State Constitution. Notwithstanding this exemption
11 and the provisions of s. 119.07(3)(dd), the department may
12 provide a state university, upon request, with that
13 university's employee or vendor direct deposit authorization
14 information on file with the department in order to
15 accommodate the transition to the university accounting
16 system. The state university shall maintain the
17 confidentiality of all such information provided by the
18 department.

19 Section 6. The amendment of section 17.076, Florida
20 Statutes, by this act shall expire on July 1, 2004, and the
21 text of that section shall revert to that in existence on June
22 30, 2003, except that any amendments to such text enacted
23 other than by this act shall be preserved and continue to
24 operate to the extent that such amendments are not dependent
25 upon the portions of such text which expire pursuant to the
26 provisions of this act.

27 Section 7. In order to implement Specific
28 Appropriations 123-130 of the 2003-2004 General Appropriations
29 Act, subsection (2) of section 112.215, Florida Statutes, is
30 amended to read:
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1 112.215 Government employees; deferred compensation
2 program.--

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

11 Section 8. The amendment of section 112.215, Florida
12 Statutes, by this act shall expire on July 1, 2004, and the
13 text of that section shall revert to that in existence on June
14 30, 2003, except that any amendments to such text enacted
15 other than by this act shall be preserved and continue to
16 operate to the extent that such amendments are not dependent
17 upon the portions of such text which expire pursuant to the
18 provisions of this act.

19 Section 9. In order to implement Specific
20 Appropriations 123-130 of the 2003-2004 General Appropriations
21 Act, subsections (1) through (6) of section 287.064, Florida
22 Statutes, are amended to read:

23 287.064 Consolidated financing of deferred-payment
24 purchases.--

25 (1) The Division of Bond Finance of the State Board of
26 Administration and the Comptroller shall plan and coordinate
27 deferred-payment purchases made by or on behalf of the state
28 or its agencies or by or on behalf of state universities or
29 state community colleges participating under this section
30 pursuant to s. 1001.74(5) or s. 1001.64(26), respectively. The
31 Division of Bond Finance shall negotiate and the Comptroller

1 shall execute agreements and contracts to establish master
2 equipment financing agreements for consolidated financing of
3 deferred-payment, installment sale, or lease purchases with a
4 financial institution or a consortium of financial
5 institutions. As used in this act, the term "deferred-payment"
6 includes installment sale and lease-purchase.

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

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

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

27 (2) Unless specifically exempted by the Comptroller,
28 all deferred-payment purchases, including those made by a
29 state university or community college that is participating
30 under this section, shall be acquired by funding through
31 master equipment financing agreements. The Comptroller is

1 authorized to exempt any purchases from consolidated financing
2 when, in his or her judgment, alternative financing would be
3 cost-effective or otherwise beneficial to the state.

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

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

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

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

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

27 (6) There is created the Consolidated Payment Trust
28 Fund in the Comptroller's office for the purpose of
29 implementing the provisions of this act. All funds debited
30 from each agency, state university, and ~~each~~ community college
31 may be deposited in the trust fund and shall be used to meet

1 the financial obligations incurred pursuant to this act. Any
2 income from the investment of funds may be used to fund
3 administrative costs associated with this program.

4 Section 10. The amendment of section 287.064, Florida
5 Statutes, by this act shall expire on July 1, 2004, and the
6 text of that section shall revert to that in existence on June
7 30, 2003, except that any amendments to such text enacted
8 other than by this act shall be preserved and continue to
9 operate to the extent that such amendments are not dependent
10 upon the portions of such text which expire pursuant to the
11 provisions of this act.

12 Section 11. In order to implement specific
13 Appropriations 123-130 of the 2003-2004 General Appropriations
14 Act, subsection (6) of section 440.38, Florida Statutes, is
15 amended to read:

16 440.38 Security for compensation; insurance carriers
17 and self-insurers.--

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

25 Section 12. The amendment of section 440.38, Florida
26 Statutes, by this act shall expire on July 1, 2004, and the
27 text of that section shall revert to that in existence on June
28 30, 2003, except that any amendments to such text enacted
29 other than by this act shall be preserved and continue to
30 operate to the extent that such amendments are not dependent
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1 upon the portions of such text which expire pursuant to the
2 provisions of this act.

3 Section 13. In order to implement Specific
4 Appropriations 123-130 of the 2003-2004 General Appropriations
5 Act, effective upon this act becoming a law and applicable
6 retroactive to January 7, 2003, section 1010.10, Florida
7 Statutes, is created to read:

8 1010.10 Florida Uniform Management of Institutional
9 Funds Act.--

10 (1) SHORT TITLE.--This section may be cited as the
11 "Florida Uniform Management of Institutional Funds Act."

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

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

17 (b) "Governing board" means the body responsible for
18 the management of an institution or of an institutional fund.

19 (c) "Institution" means an incorporated or
20 unincorporated organization organized and operated exclusively
21 for the advancement of educational purposes, or a governmental
22 entity to the extent that it holds funds exclusively for
23 educational purposes.

24 (d) "Institutional fund" means a fund held by an
25 institution for its exclusive use, benefit, or purposes. The
26 term excludes a fund held for an institution by a trustee that
27 is not an institution. The term also excludes a fund in which
28 a beneficiary that is not an institution has an interest,
29 other than possible rights that could arise upon violation or
30 failure of the purposes of the fund.

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

7 (3) EXPENDITURE OF ENDOWMENT FUNDS.--

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

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

24
25 Expenditures made under this paragraph will be considered
26 prudent if the amount expended is consistent with the goal of
27 preserving the purchasing power of the endowment fund.

28 (b) A restriction upon the expenditure of an endowment
29 fund may not be implied from a designation of a gift as an
30 endowment or from a direction or authorization in the
31 instrument to use only "income," "interest," "dividends," or

1 "rents, issues or profits," or "to preserve the principal
2 intact," or words of similar import.

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

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

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

16 (4) STANDARD OF CONDUCT.--

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

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

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

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

3 2. Its present and anticipated financial resources;

4 3. General economic conditions;

5 4. The possible effect of inflation or deflation;

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

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

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

13 8. Other resources of the institution;

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

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

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

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

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

30 (5) INVESTMENT AUTHORITY.--In addition to an
31 investment otherwise authorized by law or by the applicable

1 gift instrument, and without restriction to investments a
2 fiduciary may make, the governing board, subject to any
3 specific limitations in the applicable gift instrument or in
4 the applicable law, other than law relating to investments by
5 a fiduciary:

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

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

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

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

26 (6) DELEGATION OF INVESTMENT MANAGEMENT.--

27 (a) Except as otherwise provided by applicable law
28 relating to governmental institutions or funds, a governing
29 board may delegate investment and management functions that a
30 prudent governing body could properly delegate under the
31

1 circumstances. A governing board shall exercise reasonable
2 care, skill, and caution in:

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

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

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

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

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

25 (8) RELEASE OF RESTRICTIONS ON USE OR INVESTMENT.--

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

30 (b) If written consent of the donor cannot be obtained
31 by reason of the donor's death, disability, unavailability, or

1 impossibility of identification, a governing board may
2 release, in whole or in part, a restriction imposed by the
3 applicable instrument on the use or investment of an
4 institutional fund if the fund has a total value of less than
5 \$100,000 and if the governing board, in its fiduciary
6 judgment, concludes that the value of the fund is insufficient
7 to justify the cost of administration as a separate
8 institutional fund.

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

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

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

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

31 (10) This section expires July 1, 2004.

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

15 Section 15. In order to implement Specific
16 Appropriation 6 of the 2003-2004 General Appropriations Act,
17 in order to meet SACS requirements for baccalaureate degree
18 programs, Chipola Junior College and Miami-Dade Community
19 College shall also be known as Chipola College and Miami-Dade
20 College when awarding baccalaureate degrees to students in
21 those programs approved by the State Board of Education on May
22 15, 2002, pursuant to section 1007.33, Florida Statutes. This
23 section expires July 1, 2004.

24 Section 16. In order to implement Specific
25 Appropriation 124 of the 2003-2004 General Appropriations Act
26 and notwithstanding any provision of law to the contrary, the
27 Board of Trustees of the University of Florida shall transfer
28 the leasehold interest of 25 acres of land in Davie, Florida,
29 used by the University of Florida Institute of Food and
30 Agricultural Sciences (UF IFAS) to the Board of Trustees of
31 the Florida Atlantic University (FAU). This land shall be used

1 by FAU for the expansion of academic programs in Broward
 2 County according to the FAU Master Plan. Florida Atlantic
 3 University shall make available to the UF IFAS at least 10,000
 4 square feet of space from any facilities constructed on this
 5 land, pursuant to plans agreed to by both institutions.

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

10 1011.71 District school tax.--

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

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

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

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

27 3. Payment for each such school bus shall not exceed
 28 10 percent of the purchase price of the state pool bid.

29 4. The proposed expenditure of the funds for this
 30 purpose must have been included in the district school board's
 31

1 notice of proposed tax for school capital outlay as provided
2 in s. 200.065(9).

3
4 Violations of these expenditure provisions shall result in an
5 equal dollar reduction in the Florida Education Finance
6 Program (FEFP) funds for the violating district in the fiscal
7 year following the audit citation.

8 Section 18. The amendment of section 1011.71, Florida
9 Statutes, by this act shall expire on July 1, 2004, and the
10 text of that section shall revert to that in existence on June
11 30, 2003, except that any amendments to such text enacted
12 other than by this act shall be preserved and continued to
13 operate to the extent that such amendments are not dependent
14 upon the portions of such text which expire pursuant to the
15 provisions of this act.

16 Section 19. (1) In order to implement Section 19 of
17 the 2003-2004 General Appropriations Act, grant funds provided
18 by that section may only be used to construct new student
19 stations. In order to qualify for a grant from the funds from
20 that section, a school district must meet the following
21 criteria:

22 (a) The district must have levied the full 2 mills of
23 nonvoted discretionary capital outlay authorized in section
24 235.25(2), Florida Statutes, for each of the past 4 years;

25 (b) Fifty percent of the revenue derived from the
26 2-mill nonvoted capital outlay levy for the past 4 years, when
27 divided by the district's growth in capital outlay FTE
28 students over this period, produces a value that is less than
29 the average cost per student station calculated pursuant to
30 section 235.216(2), Florida Statutes, for the 2000-2001 fiscal
31

1 year, and weighted by statewide enrollment in elementary,
2 middle, and high school;

3 (c) The Commissioner of Education has released all
4 funds allocated to the district from the Classrooms First
5 Program authorized in section 235.187, Florida Statutes, and
6 these funds were fully expended by the district as of February
7 1, 2002; and

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

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

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

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

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

27 (d) In the event the funds provided in Section 19 of
28 the 2003-2004 General Appropriations Act are insufficient to
29 fully fund the maximum grants calculated in paragraph (c), the
30 Department of Education shall allocate the funds based on each
31

1 district's prorated share of the total maximum award amount
2 calculated for all eligible districts.

3 Section 20. In order to implement Specific
4 Appropriations 426-441 of the 2003-2004 General Appropriations
5 Act, paragraph (b) of subsection (1) of section 430.204,
6 Florida Statutes, is amended to read:

7 430.204 Community-care-for-the-elderly core services;
8 departmental powers and duties.--

9 (1)

10 (b) For fiscal year 2003-2004 ~~2002-2003~~ only, the
11 department shall fund, through each area agency on aging in
12 each county as defined in s. 125.011(1), more than one
13 community care service system the primary purpose of which is
14 the prevention of unnecessary institutionalization of
15 functionally impaired elderly persons through the provision of
16 community-based core services. This paragraph expires July 1,
17 2004 ~~2003~~.

18 Section 21. In order to implement Specific
19 Appropriations 426-441 of the 2003-2004 General Appropriations
20 Act, paragraph (b) of subsection (1) of section 430.205,
21 Florida Statutes, is amended to read:

22 430.205 Community care service system.--

23 (1)

24 (b) For fiscal year 2003-2004 ~~2002-2003~~ only, the
25 department shall fund, through the area agency on aging in
26 each county as defined in s. 125.011(1), more than one
27 community care service system that provides case management
28 and other in-home and community services as needed to help
29 elderly persons maintain independence and prevent or delay
30 more costly institutional care. This paragraph expires July 1,
31 2004 ~~2003~~.

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

5 216.292 Appropriations nontransferable; exceptions.--

6 (12) For the 2003-2004 ~~2002-2003~~ fiscal year only and
7 notwithstanding the other provisions of this section, the
8 Department of Children and Family Services may transfer funds
9 within the family safety program identified in the General
10 Appropriations Act from identical funding sources between the
11 following appropriation categories without limitation as long
12 as such a transfer does not result in an increase to the total
13 recurring general revenue or trust fund cost of the agency in
14 the subsequent fiscal year: adoption services and subsidy;
15 family foster care; and emergency shelter care. Such transfers
16 must be consistent with legislative policy and intent and must
17 not adversely affect achievement of approved performance
18 outcomes or outputs in the family safety program. Notice of
19 proposed transfers under this authority must be provided to
20 the Executive Office of the Governor and the chairs of the
21 legislative appropriations committees at least 5 working days
22 before their implementation. This subsection expires July 1,
23 2004 ~~2003~~.

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

27 561.121 Deposit of revenue.--

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

31

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

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

11 **(b) For the 2003-2004 state fiscal year only, and**
 12 **notwithstanding the provisions of subparagraph (a)1., moneys**
 13 **in the Children and Adolescents Substance Abuse Trust Fund may**
 14 **also be used for the purpose of funding programs directed at**
 15 **reducing and eliminating substance abuse problems among**
 16 **adults. This paragraph expires July 1, 2004.**

17 Section 24. In order to implement Specific
 18 Appropriation 519 of the 2003-2004 General Appropriations Act,
 19 paragraph (k) of subsection (2) of section 381.0066, Florida
 20 Statutes, is amended to read:

21 381.0066 Onsite sewage treatment and disposal systems;
 22 fees.--

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

26 (k) Research: An additional \$5 fee shall be added to
 27 each new system construction permit issued during fiscal years
 28 ~~1996-2004~~ 1996-2003 to be used for onsite sewage treatment and
 29 disposal system research, demonstration, and training
 30 projects. Five dollars from any repair permit fee collected
 31

1 under this section shall be used for funding the hands-on
2 training centers described in s. 381.0065(3)(j).

3
4 The funds collected pursuant to this subsection must be
5 deposited in a trust fund administered by the department, to
6 be used for the purposes stated in this section and ss.
7 381.0065 and 381.00655.

8 Section 25. In order to implement Specific
9 Appropriation 477 of the 2003-2004 General Appropriations Act,
10 subsection (6) of section 385.207, Florida Statutes, is
11 amended to read:

12 385.207 Care and assistance of persons with epilepsy;
13 establishment of programs in epilepsy control.--

14 (6) For the 2003-2004 ~~2002-2003~~ fiscal year only,
15 funds in the Epilepsy Services Trust Fund may be appropriated
16 for epilepsy case management services. This subsection expires
17 July 1, 2004 ~~2003~~.

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

22 409.1671 Foster care and related services;
23 privatization.--

24 (7) The department, in consultation with existing lead
25 agencies, shall develop a proposal regarding the long-term use
26 and structure of a statewide shared earnings program which
27 addresses the financial risk to eligible lead community-based
28 providers resulting from unanticipated caseload growth or from
29 significant changes in client mixes or services eligible for
30 federal reimbursement. The recommendations in the statewide
31 proposal must also be available to entities of the department

1 until the conversion to community-based care takes place. At a
2 minimum, the proposal must allow for use of federal earnings
3 received from child welfare programs, which earnings are
4 determined by the department to be in excess of the amount
5 appropriated in the General Appropriations Act, to be used for
6 specific purposes. These purposes include, but are not limited
7 to:

8 (a) Significant changes in the number or composition
9 of clients eligible to receive services.

10 (b) Significant changes in the services that are
11 eligible for reimbursement.

12 (c) Significant changes in the availability of federal
13 funds.

14 (d) Shortfalls in state funds available for eligible
15 or ineligible services.

16 (e) Significant changes in the mix of available funds.

17 (f) Scheduled or unanticipated, but necessary,
18 advances to providers or other cash-flow issues.

19 (g) Proposals to participate in optional Medicaid
20 services or other federal grant opportunities.

21 (h) Appropriate incentive structures.

22 (i) Continuity of care in the event of lead agency
23 failure, discontinuance of service, or financial misconduct.

24

25 The department shall further specify the necessary steps to
26 ensure the financial integrity of these dollars and their
27 continued availability on an ongoing basis. The final proposal
28 shall be submitted to the Legislative Budget Commission for
29 formal adoption before December 31, 2002. If the Legislative
30 Budget Commission refuses to concur with the adoption of the
31 proposal, the department shall present its proposal in the

1 form of recommended legislation to the President of the Senate
2 and the Speaker of the House of Representatives before the
3 commencement of the next legislative session. For fiscal year
4 2003-2004 and annually thereafter, the department ~~of Children~~
5 ~~and Family Services~~ may request in its legislative budget
6 request, and the Governor may recommend, the funding necessary
7 to carry out paragraph (i) from excess federal earnings. The
8 General Appropriations Act shall include any funds
9 appropriated for this purpose in a lump sum in the department
10 ~~Administered Funds Program~~, which funds constitute partial
11 security for lead agency contract performance. The department
12 shall use this appropriation to offset the need for a
13 performance bond for that year after a comparison of risk to
14 the funds available. In no event shall this performance bond
15 exceed 2.5 percent of the annual contract value. The
16 department may separately require a bond to mitigate the
17 financial consequences of potential acts of malfeasance,
18 misfeasance, or criminal violations by the provider. Prior to
19 the release of any funds in the lump sum, the department shall
20 submit a detailed operational plan, which must identify the
21 sources of specific trust funds to be used. The release of the
22 trust fund shall be subject to the notice and review
23 provisions of s. 216.177. However, the release shall not
24 require approval of the Legislative Budget Commission.

25 Section 27. The amendment of subsection (7) of section
26 409.1671, Florida Statutes, by this act shall expire on July
27 1, 2004, and the text of that subsection shall revert to that
28 in existence on June 30, 2003, except that any amendments to
29 such text enacted other than by this act shall be preserved
30 and continue to operate to the extent that such amendments are

31

1 not dependent upon the portions of such text which expire
2 pursuant to the provisions of this act.

3 Section 28. In order to implement Specific
4 Appropriations 324-357 of the 2003-2004 General Appropriations
5 Act, subsection (8) of section 394.908, Florida Statutes, is
6 amended to read:

7 394.908 Substance abuse and mental health funding
8 equity; distribution of appropriations.--In recognition of the
9 historical inequity among service districts of the former
10 Department of Health and Rehabilitative Services in the
11 funding of substance abuse and mental health services, and in
12 order to rectify this inequity and provide for equitable
13 funding in the future throughout the state, the following
14 funding process shall be adhered to:

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

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

29 20.19 Department of Children and Family
30 Services.--There is created a Department of Children and
31 Family Services.

1 (5) SERVICE DISTRICTS.--

2 (b)1. The secretary shall appoint a district
3 administrator for each of the service districts. The district
4 administrator shall serve at the pleasure of the secretary and
5 shall perform such duties as assigned by the secretary.
6 Subject to the approval of the secretary, such duties shall
7 include transferring up to 10 percent of the total district
8 budget, the provisions of ss. 216.292 and 216.351
9 notwithstanding.

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

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

19 381.79 Brain and Spinal Cord Injury Program Trust
20 Fund.--

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

27 Section 31. In order to implement Specific
28 Appropriations 1118-1201 of the 2003-2004 General
29 Appropriations Act, subsection (17) of section 216.181,
30 Florida Statutes, is amended to read:

31

1 216.181 Approved budgets for operations and fixed
2 capital outlay.--

3 (17) Notwithstanding any other provision of this
4 section to the contrary, and for the 2003-2004 ~~2002-2003~~
5 fiscal year only, the Department of Law Enforcement may
6 transfer up to 20 positions and associated budget between
7 budget entities, provided the same funding source is used
8 throughout each transfer. The department may also transfer up
9 to 10 percent of the initial approved salary rate between
10 budget entities, provided the same funding source is used
11 throughout each transfer. The department must provide notice
12 to the Executive Office of the Governor, the chair of the
13 Senate Budget Committee, and the chair of the House Committee
14 on Criminal Justice Appropriations for all transfers of
15 positions or salary rate. This subsection expires July 1, 2004
16 ~~2003~~.

17 Section 32. In order to implement proviso language
18 following Specific Appropriation 1103 of the 2003-2004 General
19 Appropriations Act, the Correctional Privatization Commission
20 may expend appropriated funds to assist in defraying the costs
21 of impacts that are incurred by a municipality or county and
22 associated with opening or operating a facility under the
23 authority of the Correctional Privatization Commission or a
24 facility under the authority of the Department of Juvenile
25 Justice which is located within that municipality or county.
26 The amount that is to be paid under this section for any
27 facility may not exceed 1 percent of the facility construction
28 cost, less building impact fees imposed by the municipality or
29 by the county if the facility is located in the unincorporated
30 portion of the county. This section expires July 1, 2004.

31

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

5 16.555 Crime Stoppers Trust Fund; rulemaking.--

6 (3)

7 (b) For the 2003-2004 ~~2002-2003~~ state fiscal year
8 only, and notwithstanding any provision of this section to the
9 contrary, moneys in the trust fund may also be used to pay for
10 salaries and benefits and other expenses of the department.
11 This paragraph expires July 1, 2004 ~~2003~~.

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

16 985.4075 One-time startup funding for juvenile justice
17 purposes.--

18 (2) The department may not use appropriations made for
19 operations, pursuant to the provisions of this section, as
20 one-time startup funding for fixed capital outlay as defined
21 in s. 216.011. This subsection expires July 1, 2004 ~~2003~~.

22 Section 35. In order to implement Specific
23 Appropriations 643-739 and 775-789 of the 2003-2004 General
24 Appropriations Act, subsection (4) of section 216.262, Florida
25 Statutes, is amended to read:

26 216.262 Authorized positions.--

27 (4) Notwithstanding the provisions of this chapter on
28 increasing the number of authorized positions, and for the
29 2003-2004 ~~2002-2003~~ fiscal year only, if the actual inmate
30 population of the Department of Corrections exceeds by 2
31 percent for 2 consecutive months or more the inmate population

1 projected by the most recent Criminal Justice Estimating
2 Conference, the Executive Office of the Governor, with the
3 approval of the Legislative Budget Commission, may request
4 positions in excess of the number authorized by the
5 Legislature and sufficient funding from the Working number
6 authorized by the Legislature and sufficient funding from the
7 Working Capital Fund to operate the additional prison bed
8 capacity necessary to accommodate the actual inmate
9 population. This subsection expires July 1, 2004 ~~2003~~.

10 Section 36. Consistent with the provisions of section
11 216.163, Florida Statutes, in accordance with
12 performance-based program budgeting requirements, and
13 notwithstanding the provisions of section 216.181, Florida
14 Statutes, the Department of Law Enforcement may transfer up to
15 one-half of 1 percent of the funds in Specific Appropriations
16 1118, 1139, 1148, 1156, 1168, 1170, 1175, 1181, 1190, and 1195
17 of the 2003-2004 General Appropriations Act for salary bonuses
18 for departmental employees at the discretion of the executive
19 director, provided that such bonuses are given only to
20 selected employees for meritorious performance, instead of
21 being given as across-the-board bonuses for all employees. The
22 department, after consultation with the Executive Office of
23 the Governor, shall provide a plan to the chairs of the
24 legislative appropriations committees responsible for
25 producing the General Appropriations Act for review before
26 awarding such bonuses. This section expires July 1, 2004.

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

31

1 932.7055 Disposition of liens and forfeited
2 property.--

3 (4)

4 (d) Notwithstanding any other provision of this
5 subsection, and for the 2003-2004 ~~2002-2003~~ fiscal year only,
6 the funds in a special law enforcement trust fund established
7 by the governing body of a municipality may be expended to
8 reimburse the general fund of the municipality for moneys
9 advanced from the general fund to the special law enforcement
10 trust fund prior to October 1, 2001. This paragraph expires
11 July 1, 2004 ~~2003~~.

12 Section 38. In order to implement Specific
13 Appropriations 2592-2598A of the 2003-2004 General
14 Appropriations Act, subsection (4) of section 287.161, Florida
15 Statutes, is amended to read:

16 287.161 Executive aircraft pool; assignment of
17 aircraft; charge for transportation.--

18 (4) Notwithstanding the requirements of subsections
19 (2) and (3) and for the 2003-2004 ~~2002-2003~~ fiscal year only,
20 the Department of Management Services shall charge all persons
21 receiving transportation from the executive aircraft pool a
22 rate not less than the mileage allowance fixed by the
23 Legislature for the use of privately owned vehicles. Fees
24 collected for persons traveling by aircraft in the executive
25 aircraft pool shall be deposited into the Bureau of Aircraft
26 Trust Fund and shall be expended for costs incurred to operate
27 the aircraft management activities of the department. It is
28 the intent of the Legislature that the executive aircraft pool
29 be operated on a full cost recovery basis, less available
30 funds. This subsection expires July 1, 2004 ~~2003~~.

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1 Section 39. In order to implement Section 8 of the
 2 2003-2004 General Appropriations Act, subsection (7) of
 3 section 110.12315, Florida Statutes, is amended to read:
 4 110.12315 Prescription drug program.--The state
 5 employees' prescription drug program is established. This
 6 program shall be administered by the Department of Management
 7 Services, according to the terms and conditions of the plan as
 8 established by the relevant provisions of the annual General
 9 Appropriations Act and implementing legislation, subject to
 10 the following conditions:

11 (7) Under the state employees' prescription drug
 12 program copayments must be made as follows:

13 (a) Effective January 1, 2001, through December 31,
 14 2003:

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

21 **(b)** Effective January 1, 2004:

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

28 **(c)**~~(b)~~ The Department of Management Services shall
 29 create a preferred brand name drug list to be used in the
 30 administration of the state employees' prescription drug
 31 program.

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This subsection expires July 1, 2004 ~~2003~~.

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

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

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

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

Section 41. The amendment of section 121.1115, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

1 Section 42. In order to implement Sections 2-7 of the
2 2003-2004 General Appropriations Act and for the 2003-2004
3 fiscal year only, paragraph (b) of subsection (2) of section
4 121.1122, Florida Statutes, is amended to read:

5 121.1122 Purchase of retirement credit for in-state
6 public service and in-state service in accredited nonpublic
7 schools and colleges, including charter schools and charter
8 technical career centers.--Effective January 1, 1998, a member
9 of the Florida Retirement System may purchase creditable
10 service for periods of certain public or nonpublic employment
11 performed in this state, as provided in this section.

12 (2) LIMITATIONS AND CONDITIONS.--

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

16 Section 43. The amendment of section 121.1122, Florida
17 Statutes, by this act shall expire on July 1, 2004, and the
18 text of that section shall revert to that in existence on June
19 30, 2003, except that any amendments to such text enacted
20 other than by this act shall be preserved and continue to
21 operate to the extent that such amendments are not dependent
22 upon the portions of such text which expire pursuant to the
23 provisions of this act.

24 Section 44. In order to implement Specific
25 Appropriations 2526 and 2527 of the 2003-2004 General
26 Appropriations Act, and notwithstanding section 11.13(1)(b),
27 Florida Statutes, or any other law, the salary of members of
28 the Senate and the House of Representatives shall not be
29 calculated according to that paragraph; instead, the annual
30 salaries of these members for the 2002-2003 fiscal year shall
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1 be increased 2 percent for the 2003-2004 fiscal year. This
2 section expires June 30, 2004.

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

18 Section 46. In order to implement the appropriation of
19 funds in Special Categories-Risk Management Insurance of the
20 2003-2004 General Appropriations Act, and pursuant to the
21 notice, review, and objection procedures of section 216.177,
22 Florida Statutes, the Executive Office of the Governor is
23 authorized to transfer funds appropriated in the appropriation
24 category "Special Categories-Risk Management Insurance" of the
25 2003-2004 General Appropriations Act between departments in
26 order to align the budget authority granted with the premiums
27 paid by each department for risk management insurance. This
28 section expires July 1, 2004.

29 Section 47. In order to implement the appropriation of
30 funds in Special Categories-Transfer to Department of
31 Management Services-Human Resources Services Purchased Per

1 Statewide Contract of the 2003-2004 General Appropriations
 2 Act, and pursuant to the notice, review, and objection
 3 procedures of section 216.177, Florida Statutes, the Executive
 4 Office of the Governor is authorized to transfer funds
 5 appropriated in the appropriation category "Special
 6 Categories-Transfer to Department of Management Services-Human
 7 Resources Services Purchased Per Statewide Contract" of the
 8 2003-2004 General Appropriations Act between departments in
 9 order to align the budget authority granted with the
 10 assessments that must be paid by each agency to the Department
 11 of Management Services for human resource management services.
 12 This section expires July 1, 2004.

13 Section 48. In order to implement Section 8 of the
 14 2003-2004 General Appropriations Act, section 110.1239,
 15 Florida Statutes, is amended to read:

16 110.1239 State group health insurance program
 17 funding.--For the 2003-2004 ~~2002-2003~~ fiscal year only, it is
 18 the intent of the Legislature that the state group health
 19 insurance program be managed, administered, operated, and
 20 funded in such a manner as to maximize the protection of state
 21 employee health insurance benefits. Inherent in this intent is
 22 the recognition that the health insurance liabilities
 23 attributable to the benefits offered state employees should be
 24 fairly, orderly, and equitably funded. Accordingly:

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

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

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

11 (4) This section expires July 1, 2004 ~~2003~~.

12 Section 49. In order to implement Sections 2-7 of the
13 2003-2004 General Appropriations Act, paragraph (c) of
14 subsection (5) and paragraph (d) of subsection (6) of section
15 112.061, Florida Statutes, are amended to read:

16 112.061 Per diem and travel expenses of public
17 officers, employees, and authorized persons.--

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

22 (c) For the 2003-2004 ~~2002-2003~~ fiscal year only and
23 notwithstanding the other provisions of this subsection, for
24 Class C travel, a state traveler shall not be reimbursed on a
25 per diem basis nor shall a traveler receive subsistence
26 allowance. This paragraph expires July 1, 2004 ~~2003~~.

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

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1 (d) For the 2003-2004 ~~2002-2003~~ fiscal year only and
2 notwithstanding the other provisions of this subsection, for
3 Class C travel, a state traveler shall not be reimbursed on a
4 per diem basis nor shall a traveler receive subsistence
5 allowance. This paragraph expires July 1, 2004 ~~2003~~.

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

10 468.404 License; fees; renewals.--

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

20 (b) For the 2003-2004 fiscal year only,
21 notwithstanding the provisions of paragraph (a), the
22 department shall assess talent agency license fees at a level
23 sufficient to cover the cost of regulation appropriated in the
24 2003-2004 General Appropriations Act, or any other act passed
25 by the 2003 Legislature containing appropriations for such
26 purpose. This paragraph expires July 1, 2004.

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

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1 378.035 Department responsibilities and duties with
2 respect to Nonmandatory Land Reclamation Trust Fund.--

3 (10) For the 2003-2004 fiscal year only,
4 notwithstanding the provisions of subsections (5) and (6), the
5 department is authorized to expend the moneys appropriated in
6 the General Appropriations Act for the abatement of imminent
7 hazards caused by, and for the closure of, abandoned
8 phosphogypsum stack systems as provided in subsections
9 403.4154(3) and (5), respectively. This subsection expires
10 July 1, 2004.

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

15 215.96 Coordinating council and design and
16 coordination staff.--

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

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

10 (b) The task force shall be established by August 1,
11 2003, and shall remain in existence until the integration
12 goals have been achieved among the FLAIR/CMS Replacement
13 project, SPURS and MyFlorida Marketplace project, COPES and
14 PeopleFirst project, payroll system, LAS/PBS, and SUNTAX
15 system, or until June 30, 2005, whichever is later. The task
16 force shall hold its initial meeting no later than September
17 1, 2003, and shall meet at the call of the chair or at least
18 once every 60 days. In its initial meeting, task force members
19 shall:

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

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

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

1 (c) The coordinating council shall provide
2 administrative and technical support to the task force as is
3 reasonably necessary for the task force to effectively and
4 timely carry out its duties and responsibilities. The cost of
5 providing such support may be paid from funds appropriated for
6 the operation of the council or the FLAIR/CMS Replacement
7 project. The task force also may contract for services to
8 obtain specific expertise to analyze, facilitate, and
9 formulate recommendations to address process and technical
10 integration problems that need to be resolved.

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

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

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

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

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

29 5. Developing recommendations for the Financial
30 Management Information Board which clearly describe any
31 business or technical problems that need to be addressed, the

1 options for resolving the problem, and the recommended
2 actions.

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

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

15 (f) The task force shall monitor, review, and evaluate
16 the progress of the FLAIR/CMS Replacement project, SPURS and
17 MyFlorida Marketplace project, COPES and PeopleFirst project,
18 payroll system, LAS/PBS and SUNTAX system, in implementing the
19 process and technical integration requirements and changes
20 approved by the Financial Management Information Board and in
21 achieving the necessary integration among the central
22 administrative and financial management information systems
23 represented on the task force. The task force shall prepare
24 and submit quarterly reports to the Executive Office of the
25 Governor, the chairs of the Senate Appropriations Committee
26 and the House Appropriations Committee, and the Financial
27 Management Information Board. Each quarterly report shall
28 identify and describe the technical, procedural, policy, and
29 process requirements and changes proposed and adopted by the
30 board and shall describe the status of the implementation of
31 these integration efforts, identify any problems, issues, or

1 risks that require executive-level action, and report actual
2 costs related to the Enterprise Resource Planning Integration
3 Task Force.

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

13 (h) This subsection expires July 1, 2004.

14 Section 53. In order to implement Specific
15 Appropriation 2285 of the 2003-2004 General Appropriations
16 Act, paragraph (f) is added to subsection (3) of section
17 601.15, Florida Statutes, to read:

18 601.15 Advertising campaign; methods of conducting;
19 excise tax; emergency reserve fund; citrus research.--

20 (3)

21 (f) For the 2003-2004 fiscal year only and
22 notwithstanding the provisions of paragraph (e), the
23 commission, upon a majority vote, may reduce the tax rates
24 specified in this subsection. This paragraph expires July 1,
25 2004.

26 Section 54. In order to implement Specific
27 Appropriations 1782 and 1783 of the 2003-2004 General
28 Appropriations Act, subsection (9) is added to section
29 372.561, Florida Statutes, to read:

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1 372.561 Recreational licenses, permits, and
2 authorization numbers to take wild animal life, freshwater
3 aquatic life, and marine life; issuance; costs; reporting.--

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

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

16 376.86 Brownfield Areas Loan Guarantee Program.--

17 (3) The council may enter into an investment agreement
18 with the Department of Environmental Protection and the State
19 Board of Administration concerning the ~~investment of the~~
20 ~~earnings accrued and collected upon the investment of the~~
21 balance of funds maintained in the Nonmandatory Land
22 Reclamation Trust Fund. The investment must be limited as
23 follows:

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

31

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

4 (8) The council shall provide an annual report to the
 5 Legislature by February 1 of each year describing its
 6 activities and agreements approved relating to redevelopment
 7 of brownfield areas. This section shall be reviewed by the
 8 Legislature by June 30, 2004 ~~October 1, 2003~~, and a
 9 determination made related to the need to continue or modify
 10 this section. New loan guarantees may not be approved in 2004
 11 ~~2003~~ until the review by the Legislature has been completed
 12 and a determination has been made as to the feasibility of
 13 continuing the use of the Nonmandatory Land Reclamation Trust
 14 Fund to guarantee portions of loans under this section.

15 Section 56. The amendment of section 376.86, Florida
 16 Statutes, by this act shall expire on July 1, 2004, and the
 17 text of that section shall revert to that in existence on June
 18 30, 2003, except that any amendments to such text enacted
 19 other than by this act shall be preserved and continue to
 20 operate to the extent that such amendments are not dependent
 21 upon the portions of such text which expire pursuant to the
 22 provisions of this act.

23 Section 57. In order to implement Specific
 24 Appropriation 1394A of the 2003-2004 General Appropriations
 25 Act, paragraph (b) of subsection (2) of section 581.184,
 26 Florida Statutes, is amended to read:

27 581.184 Adoption of rules; citrus canker eradication;
 28 voluntary destruction agreements.--

29 (2)

30 (b) Notwithstanding the provisions of paragraph (a),
 31 and for the 2003-2004 ~~2002-2003~~ fiscal year only, notice of

1 the removal of infected citrus trees and citrus trees exposed
 2 to infection, by immediate final order, shall be provided to
 3 the owner of the property on which such trees are located.
 4 This paragraph expires July 1, 2004 ~~2003~~.

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

9 581.1845 Citrus canker eradication; compensation to
 10 homeowners whose trees have been removed.--

11 (2)

12 (b) Notwithstanding subparagraph (a)1., and for
 13 compensation during the 2003-2004 ~~2002-2003~~ fiscal year only,
 14 to be eligible to receive compensation under the program for
 15 residential property where one or more citrus trees have been
 16 removed on or after July 1, 2001, as part of a citrus canker
 17 eradication program, a homeowner must be the homeowner of
 18 record on the date the trees were removed. This paragraph
 19 expires July 1, 2004 ~~2003~~.

20 (6) For the 2003-2004 ~~2002-2003~~ fiscal year only, and
 21 notwithstanding the \$100-compensation amount specified in
 22 subsection (3), the amount of compensation for each tree
 23 removed from residential property by the citrus canker
 24 eradication program shall be \$55. This subsection expires July
 25 1, 2004 ~~2003~~.

26 Section 59. In order to implement Specific
 27 Appropriation 1303A of the 2003-2004 General Appropriations
 28 Act, paragraph (e) is added to subsection (13) of section
 29 253.025, Florida Statutes, to read:

30 253.025 Acquisition of state lands for purposes other
 31 than preservation, conservation, and recreation.--

1 (13)

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

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

10 570.544 Division of Consumer Services; director;
11 powers; ~~processing of complaints; records.--~~

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

15 (2) The Division of Consumer Services may:

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

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

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

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

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

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

30 (g) Assist, develop, and conduct programs of consumer
31 education and consumer information through publications and

1 other informational and educational material prepared for
2 dissemination to the public, in order to increase the
3 competence of consumers.

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

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

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

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

28 (3)(5)(a) Any agency, office, bureau, division, or
29 board of state government receiving a complaint which deals
30 with consumer fraud or consumer protection and which is not
31 within the jurisdiction of the receiving agency, office,

1 bureau, division, or board originally receiving it, shall
2 immediately refer the complaint to the Division of Consumer
3 Services.

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

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

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

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

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

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

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

29 ~~(7)(a) If the office or agency receiving a complaint~~
30 ~~fails to file a report as contemplated in this section, that~~
31 ~~failure shall be construed as a denial by the receiving office~~

1 ~~or agency that it has jurisdiction of the subject matter~~
2 ~~contained in the complaint.~~

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

11 ~~(4)(8)~~ The records of the Division of Consumer
12 Services are public records. However, customer lists, customer
13 names, and trade secrets are confidential and exempt from the
14 provisions of s. 119.07(1). Disclosure necessary to
15 enforcement procedures shall not be construed as violative of
16 this prohibition.

17 ~~(5)(9)~~ It shall be the duty of the Division of
18 Consumer Services to maintain records and compile summaries
19 and analyses of consumer complaints under its jurisdiction and
20 their eventual disposition, which data may serve as a basis
21 for recommendations to the Legislature and to state regulatory
22 agencies.

23 Section 61. The amendment of section 570.544, Florida
24 Statutes, by this act shall expire on July 1, 2004, and the
25 text of that section shall revert to that in existence on June
26 30, 2003, except that any amendments to such text enacted
27 other than by this act shall be preserved and continue to
28 operate to the extent that such amendments are not dependent
29 upon the portions of such text which expire pursuant to the
30 provisions of this act.

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1 Section 62. In order to implement Specific
2 Appropriations 1335-1339 of the 2003-2004 General
3 Appropriations Act, section 526.3135, Florida Statutes, is
4 amended to read:

5 526.3135 Reports by the Division of Standards.--The
6 Division of Standards is directed to compile a report pursuant
7 to s. 570.544 of all complaints received by the Department of
8 Agriculture and Consumer Services pursuant to this act. Such
9 report shall ~~contain at least the information required by s.~~
10 ~~570.544(6)(b)2.-4. and shall~~ be presented to the Speaker of
11 the House of Representatives and the President of the Senate
12 no later than January 1 of each year.

13 Section 63. The amendment of section 526.3135, Florida
14 Statutes, by this act shall expire on July 1, 2004, and the
15 text of that section shall revert to that in existence on June
16 30, 2003, except that any amendments to such text enacted
17 other than by this act shall be preserved and continue to
18 operate to the extent that such amendments are not dependent
19 upon the portions of such text which expire pursuant to the
20 provisions of this act.

21 Section 64. In order to implement Specific
22 Appropriations 1335-1339 of the 2003-2004 General
23 Appropriations Act, subsection (2) of section 559.921, Florida
24 Statutes, is amended to read:

25 559.921 Remedies.--
26 (2) The department shall refer ~~process~~ consumer
27 complaints to the Division of Consumer Services ~~according to~~
28 ~~ss. 570.07 and 570.544.~~

29 Section 65. The amendment of subsection (2) of section
30 559.921, Florida Statutes, by this act shall expire on July 1,
31 2004, and the text of that subsection shall revert to that in

1 existence on June 30, 2003, except that any amendments to such
2 text enacted other than by this act shall be preserved and
3 continue to operate to the extent that such amendments are not
4 dependent upon the portions of such text which expire pursuant
5 to the provisions of this act.

6 Section 66. In order to implement Section 63 of the
7 2003-2004 General Appropriations Act, subsection (21) is added
8 to section 259.105, Florida Statutes, to read:

9 259.105 The Florida Forever Act.--

10 (21) For the 2003-2004 fiscal year only and
11 notwithstanding the provisions of subsection (11), the
12 distribution of funds to water management districts for the
13 purposes of funding projects pursuant to paragraph (3)(a)
14 shall include the additional amount appropriated in the
15 2003-2004 General Appropriations Act to the South Florida
16 Water Management District to offset the amount vetoed in
17 chapter 2002-394, Laws of Florida. This subsection expires
18 July 1, 2004.

19 Section 67. Notwithstanding the provisions of section
20 403.7095, Florida Statutes, in order to implement Specific
21 Appropriation 1677A of the 2003-2004 General Appropriations
22 Act, the Department of Environmental Protection shall award:

23 (1) \$4,000,000 in grants equally to counties with
24 populations of fewer than 100,000 for waste tire, litter
25 prevention, recycling and education, and general solid waste
26 programs.

27 (2) \$1,750,000 in waste tire grants to counties, on a
28 per capita basis, with populations of 100,000 or more.

29 (3) \$750,000 in competitive innovative grants to
30 cities and counties on the prioritized list of projects

31

1 submitted by the Department of Environmental Protection to the
2 Legislature.

3 Section 68. In order to implement Specific
4 Appropriation 1379A of the 2003-2004 General Appropriations
5 Act and notwithstanding any provision of chapter 287 or
6 chapter 337, Florida Statutes, from the funds appropriated to
7 the Department of Agriculture and Consumer Services for the
8 2002-2003 and 2003-2004 fiscal years for the purpose of
9 constructing an agricultural interdiction station on
10 Interstate 10 in Escambia County, the Department of
11 Agriculture and Consumer Services shall enter into an
12 agreement with the Department of Transportation wherein the
13 Department of Transportation, on behalf of the Department of
14 Agriculture and Consumer Services, shall proceed with the
15 construction of the station under the authority established in
16 chapter 337, Florida Statutes. The Department of Agriculture
17 and Consumer Services shall be authorized to execute all
18 contracts resulting from such Department of Transportation
19 selection of contractors in compliance with chapter 337,
20 Florida Statutes. This section expires July 1, 2004.

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

31

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

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

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

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

23 (5) Is employed by an entity not offering engineering
24 services to either the public or providing services described
25 in subsections (1)-(3). Such employee or contractor may use
26 the title "engineer" or any title listed in paragraph
27 471.031(1)(b), Florida Statutes, except "professional
28 engineer," "licensed engineer," or "registered engineer," so
29 long as such use does not indicate that the person is duly
30 licensed and is authorized to practice engineering beyond the
31 scope of the exemptions set forth in section 471.003(2),

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

4 (6) This section expires July 1, 2004.

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

9 195.022 Forms to be prescribed by Department of
10 Revenue.--The Department of Revenue shall prescribe ~~and~~
11 ~~furnish~~ all forms to be used by property appraisers, tax
12 collectors, clerks of the circuit court, and value adjustment
13 boards in administering and collecting ad valorem taxes. The
14 department shall prescribe a form for each purpose. For
15 counties with a population of 100,000 or fewer, the Department
16 of Revenue shall furnish the forms. For counties with a
17 population greater than 100,000, the county officer shall
18 reproduce forms for distribution at the expense of his or her
19 office.A county officer may use a form other than the form
20 prescribed by the department, ~~but only at the expense of his~~
21 ~~or her office and~~ upon obtaining written permission from the
22 executive director of the department; ~~however, provided that~~
23 no county officer shall use a form the substantive content of
24 which is at variance with the form prescribed by the
25 department for the same or a similar purpose. If the executive
26 director finds good cause to grant such permission he or she
27 may do so. The county officer may continue to use such
28 approved form until the law which specifies the form is
29 amended or repealed or until the officer receives written
30 disapproval from the executive director. Otherwise, all such
31 officers and their employees shall use the forms, and follow

1 the instructions applicable to the forms, which are prescribed
2 ~~furnished to them~~ by the department. The department, upon
3 request of any property appraiser or, in any event, at least
4 once every 3 years, shall prescribe and furnish such aerial
5 photographs and nonproperty ownership maps to the property
6 appraisers as are necessary to ensure that all real property
7 within the state is properly listed on the roll. All forms
8 and maps furnished by the department shall be paid for by the
9 department as provided by law. All forms and maps and
10 instructions relating to their use shall be substantially
11 uniform throughout the state. An officer may employ
12 supplemental forms and maps, at the expense of his or her
13 office, which he or she deems expedient for the purpose of
14 administering and collecting ad valorem taxes. The forms
15 required in ss. 193.461(3)(a) and 196.011(1) for renewal
16 purposes shall require sufficient information for the property
17 appraiser to evaluate the changes in use since the prior year.
18 If the property appraiser determines, in the case of a
19 taxpayer, that he or she has insufficient current information
20 upon which to approve the exemption, or if the information on
21 the renewal form is inadequate for him or her to evaluate the
22 taxable status of the property, he or she may require the
23 resubmission of an original application.

24 Section 71. The amendment of section 195.022, Florida
25 Statutes, by this act shall expire on July 1, 2004, and the
26 text of that section shall revert to that in existence on June
27 30, 2003, except that any amendments to such text enacted
28 other than by this act shall be preserved and continue to
29 operate to the extent that such amendments are not dependent
30 upon the portions of such text which expire pursuant to the
31 provisions of this act.

1 Section 72. In order to implement Specific
2 Appropriation 1439K of the 2003-2004 General Appropriations
3 Act, paragraphs (b) and (c) of subsection (1) of section
4 252.373, Florida Statutes, are amended to read:

5 252.373 Allocation of funds; rules.--

6 (1)

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

12 (c) Notwithstanding the provisions of paragraph (a),
13 and for the 2003-2004 ~~2002-2003~~ fiscal year only, the
14 Department of Community Affairs shall conduct a review of
15 funds available in the Emergency Management, Preparedness, and
16 Assistance Trust Fund. By December 31 ~~1~~, 2003 ~~2002~~, when
17 actual receipts for the 2002-2003 ~~2001-2002~~ fiscal year are
18 determined, the Department of Community Affairs may identify
19 any funds that were unspent or unencumbered in the 2002-2003
20 ~~2001-2002~~ fiscal year ~~that are not required to implement~~
21 ~~appropriations for the 2002-2003 fiscal year from the~~
22 ~~Emergency Management, Preparedness, and Assistance Trust Fund,~~
23 and such funds may be transferred to the Grants and Donations
24 Trust Fund to be used for the state portion of the match
25 requirements for federally approved disaster ~~Hazard Mitigation~~
26 ~~Grant Program~~ projects. This paragraph expires July 1, 2004
27 ~~2003~~.

28 Section 73. In order to implement proviso language in
29 Specific Appropriation 2014A of the 2003-2004 General
30 Appropriations Act, section 402.3017, Florida Statutes, is
31 amended to read:

1 402.3017 Teacher Education and Compensation Helps
2 (TEACH) scholarship program.--

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

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

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

20 (4) For the 2003-2004 ~~2002-2003~~ fiscal year only, the
21 Agency for Workforce Innovation shall administer this section.
22 This subsection expires July 1, 2004 ~~2003~~.

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

27 411.01 Florida Partnership for School Readiness;
28 school readiness coalitions.--

29 (13) PLACEMENTS.--Notwithstanding any other provision
30 of this section to the contrary, and for fiscal year 2003-2004
31 ~~2002-2003~~ only, the first children to be placed in the school

1 readiness program shall be those from families receiving
2 temporary cash assistance and subject to federal work
3 requirements. Subsequent placements shall be pursuant to the
4 provisions of this section. This subsection expires July 1,
5 2004 ~~2003~~.

6 Section 75. In order to implement Section 40 of the
7 2003-2004 General Appropriations Act, subsection (10) of
8 section 288.063, Florida Statutes, is amended to read:

9 288.063 Contracts for transportation projects.--

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

13 (b) For the 2003-2004 fiscal year only and
14 notwithstanding paragraph (a), funds appropriated for this
15 purpose in previous years are subject to the reversion
16 requirements of s. 216.301. This paragraph expires July 1,
17 2004.

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

22 320.08058 Specialty license plates.--

23 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.--

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

26 1. Fifty-five percent of the proceeds from the Florida
27 Professional Sports Team plate must be deposited into the
28 Professional Sports Development Trust Fund within the Office
29 of Tourism, Trade, and Economic Development. These funds must
30 be used solely to attract and support major sports events in
31 this state. As used in this subparagraph, the term "major

1 sports events" means, but is not limited to, championship or
2 all-star contests of Major League Baseball, the National
3 Basketball Association, the National Football League, the
4 National Hockey League, the men's and women's National
5 Collegiate Athletic Association Final Four basketball
6 championship, or a horseracing or dogracing Breeders' Cup. All
7 funds must be used to support and promote major sporting
8 events, and the uses must be approved by the Florida Sports
9 Foundation.

10 2. The remaining proceeds of the Florida Professional
11 Sports Team license plate must be allocated to the Florida
12 Sports Foundation, a direct-support organization of the Office
13 of Tourism, Trade, and Economic Development. These funds must
14 be deposited into the Professional Sports Development Trust
15 Fund within the Office of Tourism, Trade, and Economic
16 Development. These funds must be used by the Florida Sports
17 Foundation to promote the economic development of the sports
18 industry; to distribute licensing and royalty fees to
19 participating professional sports teams; to institute a grant
20 program for communities bidding on minor sporting events that
21 create an economic impact for the state; to distribute funds
22 to Florida-based charities designated by the Florida Sports
23 Foundation and the participating professional sports teams;
24 and to fulfill the sports promotion responsibilities of the
25 Office of Tourism, Trade, and Economic Development.

26 3. The Florida Sports Foundation shall provide an
27 annual financial audit in accordance with s. 215.981 of its
28 financial accounts and records by an independent certified
29 public accountant pursuant to the contract established by the
30 Office of Tourism, Trade, and Economic Development as
31 specified in s. 288.1229(5). The auditor shall submit the

1 audit report to the Office of Tourism, Trade, and Economic
2 Development for review and approval. If the audit report is
3 approved, the office shall certify the audit report to the
4 Auditor General for review.

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

11 Section 77. In order to implement Section 62 of the
12 2003-2004 General Appropriations Act, subsection (5) is added
13 to section 339.08, Florida Statutes, to read:

14 339.08 Use of moneys in State Transportation Trust
15 Fund.--

16 (5) For the 2003-2004 fiscal year only and
17 notwithstanding the provisions of this section and s.
18 339.09(1), \$200 million may be transferred from the State
19 Transportation Trust Fund to the General Revenue Fund in the
20 2003-2004 General Appropriations Act. Such transfer may be
21 comprised of several smaller transfers made during the
22 2003-2004 fiscal year. Notwithstanding ss. 206.46(3) and
23 206.606(2), the total amount transferred shall be reduced from
24 total state revenues deposited into the State Transportation
25 Trust Fund for the calculation requirements of ss. 206.46(3)
26 and 206.606(2). This subsection expires July 1, 2004.

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

30 445.048 Passport to Economic Progress demonstration
31 program.--

1 (1) AUTHORIZATION.--Notwithstanding any law to the
2 contrary, Workforce Florida, Inc., in conjunction with the
3 Department of Children and Family Services and the Agency for
4 Workforce Innovation, shall implement a Passport to Economic
5 Progress demonstration program ~~by November 1, 2001~~, consistent
6 with the provisions of this section in Hillsborough, ~~and~~
7 Manatee, and Sarasota counties. Workforce Florida, Inc., must
8 consult with the applicable regional workforce boards and the
9 applicable local offices of the department which serve the
10 demonstration areas and must encourage community input into
11 the implementation process.

12 (2) WAIVERS.--If Workforce Florida, Inc., in
13 consultation with the Department of Children and Family
14 Services, finds that federal waivers would facilitate
15 implementation of the demonstration program, the department
16 shall immediately request such waivers, and Workforce Florida,
17 Inc., shall report to the Governor, the President of the
18 Senate, and the Speaker of the House of Representatives if any
19 refusal of the federal government to grant such waivers
20 prevents the implementation of the demonstration program. If
21 Workforce Florida, Inc., finds that federal waivers to
22 provisions of the Food Stamp Program would facilitate
23 implementation of the demonstration program, the Department of
24 Children and Family Services shall immediately request such
25 waivers in accordance with s. 414.175.

26 ~~(3) INCOME DISREGARD.--In order to provide an~~
27 ~~additional incentive for employment, and notwithstanding the~~
28 ~~amount specified in s. 414.095(12), for individuals residing~~
29 ~~in the areas designated for this demonstration program, the~~
30 ~~first \$300 plus one-half of the remainder of earned income~~
31 ~~shall be disregarded in determining eligibility for temporary~~

1 ~~cash assistance. All other conditions and requirements of s.~~
2 ~~414.095(12) shall continue to apply to such individuals.~~

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

9 (a) Notwithstanding the time period specified in s.
10 445.030, transitional education and training support services
11 as specified in s. 445.030 for up to 4 years after the family
12 is no longer receiving temporary cash assistance;

13 (b) Notwithstanding the time period specified in s.
14 445.031, transitional transportation support services as
15 specified in s. 445.031 for up to 4 years after the family is
16 no longer receiving temporary cash assistance; and

17 (c) Notwithstanding the time period specified in s.
18 445.032, transitional child care as specified in s. 445.032
19 for up to 4 years after the family is no longer receiving
20 temporary cash assistance.

21
22 All other provisions of ss. 445.030, 445.031, and 445.032
23 shall apply to such individuals, as appropriate. This
24 subsection does not constitute an entitlement to transitional
25 benefits and services. If funds are insufficient to provide
26 benefits and services under this subsection, the board of
27 directors of Workforce Florida, Inc., may limit such benefits
28 and services or otherwise establish priorities for the
29 provisions of such benefits and services.

30 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.--

31 (a) The Legislature finds that:

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

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

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

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

25 ~~(5) WAGE SUPPLEMENTATION.--~~

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

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

30 ~~2. Having incomes below the federal poverty level~~
31 ~~makes such individuals particularly vulnerable to reliance on~~

1 ~~public assistance despite their best efforts to achieve or~~
 2 ~~maintain economic independence through employment.~~

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

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

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

20 1. Be a former recipient of temporary cash assistance
 21 who last received such assistance on or after January 1, 2000;

22 2. Be employed full time, which for the purposes of
 23 this subsection means employment averaging at least 32 hours
 24 per week, until the United States Congress enacts legislation
 25 reauthorizing the Temporary Assistance for Needy Families
 26 block grant and, after the reauthorization, means employment
 27 complying with the employment requirements of the reauthorized
 28 law; and

29 3. Have an average family income for the 6 months
 30 preceding the date of application for an incentive bonus wage
 31

1 supplementation which is less than 100 percent of the federal
2 poverty level.

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

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

20 (5)(6) EVALUATIONS AND RECOMMENDATIONS.--Workforce
21 Florida, Inc., in conjunction with the Department of Children
22 and Family Services, the Agency for Workforce Innovation, and
23 the regional workforce boards in the areas designated for this
24 demonstration program, shall conduct a comprehensive
25 evaluation of the effectiveness of the demonstration program
26 operated under this section. By January 1, 2005 ~~2003~~,
27 Workforce Florida, Inc., shall submit a report on such
28 evaluation to the Governor, the President of the Senate, and
29 the Speaker of the House of Representatives. The report must
30 include recommendations as to whether the demonstration
31 program should be expanded to other service areas or statewide

1 and whether the program should be revised to enhance its
2 administration or effectiveness.

3 ~~(6)(7)~~ CONFLICTS.--If there is a conflict between the
4 implementation procedures described in this section and
5 federal requirements and regulations, federal requirements and
6 regulations shall control.

7 Section 79. The amendment of section 445.048, Florida
8 Statutes, by this act shall expire on July 1, 2004, and the
9 text of that section shall revert to that in existence on June
10 30, 2003, except that any amendments to such text enacted
11 other than by this act shall be preserved and continue to
12 operate to the extent that such amendments are not dependent
13 upon the portions of such text which expire pursuant to the
14 provisions of this act.

15 Section 80. In order to implement Specific
16 Appropriation 2315E of the 2003-2004 General Appropriations
17 Act, and notwithstanding section 14 of chapter 93-187, Laws of
18 Florida, sections 288.9511, 288.9515, and 288.9517, Florida
19 Statutes, relating to technology development activities of
20 Enterprise Florida, Inc., shall not stand repealed on December
21 31, 2003, as scheduled by such chapter law, but are repealed
22 on July 1, 2004.

23 Section 81. In order to implement Specific
24 Appropriations 2315F, 2315L, and 2315M of the 2003-2004
25 General Appropriations Act, subsection (6) is added to section
26 376.875, Florida Statutes, to read:

27 376.875 Brownfield Property Ownership Clearance
28 Assistance Revolving Loan Trust Fund.--

29 (6) For the 2003-2004 fiscal year only, and
30 notwithstanding the provisions of subsection (1), moneys in
31 the Brownfield Property Ownership Clearance Assistance

1 Revolving Loan Trust Fund may also be used for the purpose of
2 funding military base protection activities or rural defense
3 fixed capital outlay infrastructure grants as provided in the
4 General Appropriations Act. This subsection expires July 1,
5 2004.

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

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

29 (2) Cost information shall be reported to the Chief
30 Financial Officer at the transaction code level and, for
31 specific transaction codes specified by the Chief Financial

1 Officer, object and sub-object level, as set forth in the
2 Uniform Accounting System Manual developed by the Chief
3 Financial Officer pursuant to section 218.33, Florida
4 Statutes. In addition, costs must be reported for such
5 specific programs or purposes categories as are determined
6 necessary by the Chief Financial Officer. Cost information
7 provided for such programs or purposes includes identification
8 of the specific account classifications within the Uniform
9 Accounting System Manual to which the costs were recorded. The
10 clerks of the court, or the appropriate county officer in
11 counties where the clerk of the court is not the county's
12 chief financial officer, must reconcile the cost information
13 provided to the Chief Financial Officer with the Annual
14 Financial Report, which is required by section 218.32, Florida
15 Statutes. The clerks of the court must provide the Chief
16 Financial Officer with written certification, signed by the
17 clerks of the court, state attorneys, public defenders, court
18 administrators, boards of county commissions' chairpersons,
19 and sheriffs attesting to the accuracy of the cost
20 information.

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

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

30 Section 83. In order to implement Specific
31 Appropriations 835, 836, 870, 872, 880, 882, 890, 900, and 902

1 of the 2003-2004 General Appropriations Act, subsection (4) is
2 added to section 413.4021, Florida Statutes, to read:

3 413.4021 Pilot program participant county selection;
4 tax collection enforcement diversion program.--The Department
5 of Revenue, in coordination with the Florida Association of
6 Centers for Independent Living and the Florida Prosecuting
7 Attorneys Association, shall select four counties in which to
8 operate the pilot program. The association and the state
9 attorneys' offices in Duval County and the four pilot program
10 counties shall develop and implement a tax collection
11 enforcement diversion program, which shall collect revenue due
12 from persons who have not remitted their collected sales tax.
13 The criteria for referral to the tax collection enforcement
14 diversion program shall be determined cooperatively between
15 the state attorneys' offices in those counties and the
16 Department of Revenue.

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

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

30 27.701 Capital collateral regional counsels.--
31

1 (1) There are created three regional offices of
2 capital collateral counsel, which shall be located in a
3 northern, middle, and southern region of the state. The
4 northern region shall consist of the First, Second, Third,
5 Fourth, Eighth, and Fourteenth Judicial Circuits; the middle
6 region shall consist of the Fifth, Sixth, Seventh, Ninth,
7 Tenth, Twelfth, Thirteenth, and Eighteenth Judicial Circuits;
8 and the southern region shall consist of the Eleventh,
9 Fifteenth, Sixteenth, Seventeenth, Nineteenth, and Twentieth
10 Judicial Circuits. Each regional office shall be administered
11 by a regional counsel. A regional counsel must be, and must
12 have been for the preceding 5 years, a member in good standing
13 of The Florida Bar or a similar organization in another state.
14 Each capital collateral regional counsel shall be appointed by
15 the Governor, and is subject to confirmation by the Senate.
16 The Supreme Court Judicial Nominating Commission shall
17 recommend to the Governor three qualified candidates for each
18 appointment as regional counsel. The Governor shall appoint a
19 regional counsel for each region from among the
20 recommendations, or, if it is in the best interest of the fair
21 administration of justice in capital cases, the Governor may
22 reject the nominations and request submission of three new
23 nominees by the Supreme Court Judicial Nominating Commission.
24 Each capital collateral regional counsel shall be appointed to
25 a term of 3 years. Vacancies in the office of capital
26 collateral regional counsel shall be filled in the same manner
27 as appointments. A person appointed as a regional counsel may
28 not run for or accept appointment to any state office for 2
29 years following vacation of office.

30 (2) For the 2003-2004 fiscal year only and
31 notwithstanding the provisions of subsection (1), the

1 responsibilities of the regional office of capital collateral
2 counsel for the northern region of the state shall be met
3 through a pilot program using only attorneys from the registry
4 of attorneys maintained pursuant to s. 27.710. Each attorney
5 participating in the pilot must be qualified to provide
6 representation in federal court. The Auditor General shall
7 present a status report on the implementation of the pilot
8 program to the President of the Senate and the Speaker of the
9 House of Representatives by February 27, 2004. The Auditor
10 General shall also schedule a performance review of the pilot
11 program to determine the effectiveness and efficiency of using
12 attorneys from the registry compared to the capital collateral
13 regional counsels. The review, at a minimum, shall include
14 comparisons of the timeliness and costs of the pilot and the
15 counsels and shall be submitted to the President of the Senate
16 and the Speaker of the House of Representatives by January 30,
17 2007. This subsection expires July 1, 2004.

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

22 27.709 Commission on Capital Cases.--

23 (2)(a) The commission shall review the administration
24 of justice in capital collateral cases, receive relevant
25 public input, review the operation of the capital collateral
26 regional counsel and private counsel appointed pursuant to ss.
27 27.710 and 27.711, and advise and make recommendations to the
28 Governor, Legislature, and Supreme Court.

29 (c) In addition, the commission shall receive
30 complaints regarding the practice of any office of regional
31 counsel and private counsel appointed pursuant to ss. 27.710

1 and 27.711 and shall refer any complaint to The Florida Bar,
 2 the State Supreme Court, or the Commission on Ethics, as
 3 appropriate.

4 Section 86. The amendment of section 27.709, Florida
 5 Statutes, by this act shall expire on July 1, 2004, and the
 6 text of that section shall revert to that in existence on June
 7 30, 2003, except that any amendments to such text enacted
 8 other than by this act shall be preserved and continue to
 9 operate to the extent that such amendments are not dependent
 10 upon the portions of such text which expire pursuant to the
 11 provisions of this act.

12 Section 87. In order to implement Specific
 13 Appropriation 818 of the 2003-2004 General Appropriations Act,
 14 subsections (3) and (9) of section 27.711, Florida Statutes,
 15 are amended, and subsection (14) is added to that section, to
 16 read:

17 27.711 Terms and conditions of appointment of
 18 attorneys as counsel in postconviction capital collateral
 19 proceedings.--

20 (3) An attorney appointed to represent a capital
 21 defendant is entitled to payment of the fees set forth in this
 22 section only upon full performance by the attorney of the
 23 duties specified in this section and approval of payment by
 24 the trial court, and the submission of a payment request by
 25 the attorney, subject to the availability of sufficient
 26 funding specifically appropriated for this purpose. An
 27 attorney may not be compensated under this section for work
 28 performed by the attorney before July 1, 2003, while employed
 29 by the northern regional office of the capital collateral
 30 counsel.The Comptroller shall notify the executive director
 31 and the court if it appears that sufficient funding has not

1 been specifically appropriated for this purpose to pay any
2 fees which may be incurred. The attorney shall maintain
3 appropriate documentation, including a current and detailed
4 hourly accounting of time spent representing the capital
5 defendant. The fee and payment schedule in this section is the
6 exclusive means of compensating a court-appointed attorney who
7 represents a capital defendant. When appropriate, a
8 court-appointed attorney must seek further compensation from
9 the Federal Government, as provided in 18 U.S.C. s. 3006A or
10 other federal law, in habeas corpus litigation in the federal
11 courts.

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

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

20 Section 88. The amendment of section 27.711, Florida
21 Statutes, by this act shall expire on July 1, 2004, and the
22 text of that section shall revert to that in existence on June
23 30, 2003, except that any amendments to such text enacted
24 other than by this act shall be preserved and continue to
25 operate to the extent that such amendments are not dependent
26 upon the portions of such text which expire pursuant to the
27 provisions of this act.

28 Section 89. In order to implement Specific
29 Appropriation 818 of the 2003-2004 General Appropriations Act,
30 paragraph (b) of subsection (4) of section 27.702, Florida
31 Statutes, is amended to read:

1 27.702 Duties of the capital collateral regional
2 counsel; reports.--

3 (4)

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

13 Section 90. The amendment of section 27.702, Florida
14 Statutes, by this act shall expire on July 1, 2004, and the
15 text of that section shall revert to that in existence on June
16 30, 2003, except that any amendments to such text enacted
17 other than by this act shall be preserved and continue to
18 operate to the extent that such amendments are not dependent
19 upon the portions of such text which expire pursuant to the
20 provisions of this act.

21 Section 91. In order to implement Specific
22 Appropriations 819A-819D of the 2003-2004 General
23 Appropriations Act, paragraph (b) of subsection (2) of section
24 1 of enrolled House Bill 439 from the 2003 regular legislative
25 session and subsection (2) of section 2 of that bill are
26 amended to read:

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

30 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.--There is
31 created a Statewide Guardian Ad Litem Office within the

1 Justice Administrative Commission. The Justice Administrative
2 Commission shall provide administrative support and service to
3 the office to the extent requested by the executive director
4 within the available resources of the commission. The
5 Statewide Guardian Ad Litem Office shall not be subject to
6 control, supervision, or direction by the Justice
7 Administrative Commission in the performance of its duties.

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

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

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

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

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

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

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

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

31 Section 2. Transfer of existing programs.--

1 (1) The pilot program for attorneys ad litem for
2 dependent children established in s. 39.4086, Florida
3 Statutes, shall be transferred from the State Courts System to
4 the Statewide Guardian Ad Litem Office within the Justice
5 Administrative Commission. The Statewide Guardian Ad Litem
6 Office shall submit the final report required by s.
7 39.4086(2)(h), Florida Statutes, by October 1, 2004.

8 (2) All funds and positions associated with the
9 Guardian Ad Litem Program within the State Courts System are
10 transferred by a type two transfer, pursuant to s. 20.06(2),
11 Florida Statutes, to the Statewide Guardian Ad Litem Office
12 within the Justice Administrative Commission on January 1,
13 2004, except that up to \$35,000 and one full-time equivalent
14 position shall be transferred to the Justice Administrative
15 Commission effective October 1, 2003 ~~2004~~, to pay for the
16 salary and expenses of an executive director.

17 Section 92. A section of this act that implements a
18 specific appropriation or specifically identified proviso
19 language in the 2003-2004 General Appropriations Act is void
20 if the specific appropriation or specifically identified
21 proviso language is vetoed. A section of this act that
22 implements more than one specific appropriation or more than
23 one portion of specifically identified proviso language in the
24 2003-2004 General Appropriations Act is void if all the
25 specific appropriations or portions of specifically identified
26 proviso language are vetoed.

27 Section 93. If any other act passed in 2003 contains a
28 provision that is substantively the same as a provision in
29 this act, but that removes or is otherwise not subject to the
30 future repeal applied to such provision by this act, the
31 Legislature intends that the provision in the other act shall

1 take precedence and shall continue to operate, notwithstanding
2 the future repeal provided by this act.

3 Section 94. (1) The agency performance measures and
4 standards in the document entitled "Performance Measures and
5 Standards Approved by the Legislature for Fiscal Year
6 2003-2004" dated May 12, 2003, and filed with the Secretary of
7 the Senate are incorporated by reference. Such performance
8 measures and standards are directly linked to the
9 appropriations made in the General Appropriations Act for
10 fiscal year 2003-2004, as required by the Government
11 Performance and Accountability Act of 1994. State agencies are
12 directed to revise their long-range program plans required
13 under section 216.013, Florida Statutes, to be consistent with
14 these performance measures and standards.

15 (2) For the Department of Environmental Protection,
16 the approved performance measures incorporated by reference
17 for the 2003-2004 Fiscal Year shall be those revised
18 activity-based measures developed by the department pursuant
19 to its Fiscal Year 2002-2003 review of approved activities and
20 measures. Such revised activities and measures shall be
21 incorporated into the department's Long-Range Program Plan for
22 Fiscal Years 2004-2005 to 2008-2009 and shall be used as the
23 basis for all activity references and performance measurement
24 exhibits required in the department's Legislative Budget
25 Request for the Fiscal Year 2004-2005. Current performance
26 standards shall be retained where applicable. Standards shall
27 be proposed in June 2004 and adopted for Fiscal Year
28 2004-2005, based upon Fiscal Year 2003-2004 performance data
29 for measures without current performance standards. As of July
30 1, 2003, expenditure data will be entered into the Florida

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1 Accounting Information Resource system at the revised activity
2 level.

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

8 Section 96. If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 invalidity does not affect other provisions or applications of
11 the act which can be given effect without the invalid
12 provision or application, and to this end the provisions of
13 this act are severable.

14 Section 97. Except as otherwise expressly provided in
15 this act, this act shall take effect July 1, 2003; or, if this
16 act fails to become a law until after that date, it shall take
17 effect upon becoming a law and shall operate retroactively to
18 July 1, 2003.

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