

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1837

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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The Conference Committee on HB 1837 offered the following:

Conference Committee Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 2004-2005.

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

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

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16 (2) Notwithstanding the provisions of ss. 216.181,
17 216.292, and 1011.4105, Florida Statutes, and pursuant to s.
18 216.351, Florida Statutes, funds appropriated or reappropriated
19 to the state universities in the 2004-2005 General
20 Appropriations Act, or any other act passed by the 2004
21 Legislature containing appropriations, shall be distributed to
22 each university according to the 2004-2005 fiscal year operating
23 budget approved by the university board of trustees. Each
24 university board of trustees shall have authority to amend the
25 operating budget as circumstances warrant. The operating budget
26 may utilize traditional appropriation categories or it may
27 consolidate the appropriations into a special category
28 appropriation account. The Chief Financial Officer, upon the
29 request of the university board of trustees, shall record by
30 journal transfer the distribution of the appropriated funds and
31 releases according to the approved operating budget to the
32 appropriation accounts established for disbursement purposes for
33 each university within the state accounting system (FLAIR).

34 (3) Notwithstanding the provisions of ss. 216.181,
35 216.292, and 1011.4105, Florida Statutes, and pursuant to s.
36 216.351, Florida Statutes, each university board of trustees
37 shall include in an approved operating budget the revenue in
38 trust funds supported by student and other fees as well as the
39 trust funds within the Contracts, Grants, and Donations;
40 Auxiliary Enterprises; and Sponsored Research budget entities.
41 The university board of trustees shall have the authority to
42 amend the operating budget as circumstances warrant. The
43 operating budget may utilize traditional appropriation

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44 categories or it may consolidate the trust fund spending
 45 authority into a special category appropriation account. The
 46 Chief Financial Officer, upon the request of the university
 47 board of trustees, shall record the distribution of the trust
 48 fund spending authority and releases according to the approved
 49 operating budget to the appropriation accounts established for
 50 disbursement purposes for each university within the state
 51 accounting system (FLAIR).

52 (4) Notwithstanding those provisions of ss. 216.181,
 53 216.292, and 1011.4105, Florida Statutes, which are inconsistent
 54 with the provisions of this subsection and pursuant to s.
 55 216.351, Florida Statutes, fixed capital outlay funds
 56 appropriated or reappropriated in the 2004-2005 General
 57 Appropriations Act, or any other act passed by the 2004
 58 Legislature containing fixed capital outlay appropriations, for
 59 universities that have made the transition, effective July 1,
 60 2004, from the state accounting system (FLAIR) shall be
 61 administered by the Department of Education and shall be
 62 distributed to the universities as needed for projects based
 63 upon estimated invoices to be paid during the following 30 days
 64 or as required by bond documents. For undisbursed fixed capital
 65 outlay appropriations from prior fiscal years for universities
 66 that have made the transition, effective July 1, 2004, from the
 67 state accounting system (FLAIR), the Executive Office of the
 68 Governor and the Chief Financial Officer shall have authority to
 69 transfer such undisbursed fixed capital outlay appropriations
 70 into appropriations under the Department of Education for
 71 distribution to the universities as needed for projects based on

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72 estimated invoices to be paid during the following 30 days or as
 73 required by bond documents. Expenditure of fixed capital outlay
 74 appropriations shall be consistent with legislative policy and
 75 intent.

76 (5) This section expires July 1, 2005.

77 Section 3. In order to implement Specific Appropriation
 78 156 and section 9 of the 2004-2005 General Appropriations Act,
 79 and notwithstanding the provisions of section 216.292(5)(d),
 80 Florida Statutes, the Florida State University is authorized to
 81 construct a classroom building from the funding received
 82 pursuant to the 2004-2005 General Appropriations Act. This
 83 section expires July 1, 2005.

84 Section 4. In order to implement Specific Appropriations
 85 303, 306, and 308 of the 2004-2005 General Appropriations Act,
 86 subsection (12) of section 216.292, Florida Statutes, is amended
 87 to read:

88 216.292 Appropriations nontransferable; exceptions.--

89 (12) For the 2004-2005 ~~2003-2004~~ fiscal year only and
 90 notwithstanding the other provisions of this section, the
 91 Department of Children and Family Services may transfer funds
 92 within the family safety program identified in the General
 93 Appropriations Act from identical funding sources between the
 94 following appropriation categories without limitation as long as
 95 such a transfer does not result in an increase to the total
 96 recurring general revenue or trust fund cost of the agency in
 97 the subsequent fiscal year: adoption services and subsidy;
 98 family foster care; and emergency shelter care. Such transfers
 99 must be consistent with legislative policy and intent and must

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100 not adversely affect achievement of approved performance
101 outcomes or outputs in the family safety program. Notice of
102 proposed transfers under this authority must be provided to the
103 Executive Office of the Governor and the chairs of the
104 legislative appropriations committees at least 5 working days
105 before their implementation. This subsection expires July 1,
106 2005 ~~2004~~.

107 Section 5. In order to implement Specific Appropriation
108 388 of the 2004-2005 General Appropriations Act, subsection (4)
109 of section 561.121, Florida Statutes, is amended to read:

110 561.121 Deposit of revenue.--

111 (4)(a) State funds collected pursuant to s. 561.501 shall
112 be paid into the State Treasury and credited to the following
113 accounts:

114 1. Twenty-seven and two-tenths percent of the surcharge on
115 the sale of alcoholic beverages for consumption on premises
116 shall be transferred to the Children and Adolescents Substance
117 Abuse Trust Fund, which shall remain with the Department of
118 Children and Family Services for the purpose of funding programs
119 directed at reducing and eliminating substance abuse problems
120 among children and adolescents.

121 2. The remainder of collections shall be credited to the
122 General Revenue Fund.

123 (b) For the 2004-2005 ~~2003-2004~~ state fiscal year only,
124 and notwithstanding the provisions of subparagraph (a)1., moneys
125 in the Children and Adolescents Substance Abuse Trust Fund may
126 also be used for the purpose of funding programs directed at

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127 reducing and eliminating substance abuse problems among adults.
 128 This paragraph expires July 1, 2005 ~~2004~~.

129 Section 6. In order to implement Specific Appropriation
 130 301B of the 2004-2005 General Appropriations Act, subsection (7)
 131 of section 409.1671, Florida Statutes, as amended by section 27
 132 of chapter 2003-399, Laws of Florida, is amended to read:

133 409.1671 Foster care and related services;
 134 privatization.--

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

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

152 (b) Significant changes in the services that are eligible
 153 for reimbursement.

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- 154 (c) Significant changes in the availability of federal
155 funds.
- 156 (d) Shortfalls in state funds available for eligible or
157 ineligible services.
- 158 (e) Significant changes in the mix of available funds.
- 159 (f) Scheduled or unanticipated, but necessary, advances to
160 providers or other cash-flow issues.
- 161 (g) Proposals to participate in optional Medicaid services
162 or other federal grant opportunities.
- 163 (h) Appropriate incentive structures.
- 164 (i) Continuity of care in the event of lead agency
165 failure, discontinuance of service, or financial misconduct.

166

167 The department shall further specify the necessary steps to
168 ensure the financial integrity of these dollars and their
169 continued availability on an ongoing basis. The final proposal
170 shall be submitted to the Legislative Budget Commission for
171 formal adoption before December 31, 2004 ~~2002~~. If the
172 Legislative Budget Commission refuses to concur with the
173 adoption of the proposal, the department shall present its
174 proposal in the form of recommended legislation to the President
175 of the Senate and the Speaker of the House of Representatives
176 before the commencement of the next legislative session. For
177 fiscal year 2003-2004 and annually thereafter, the department of
178 ~~Children and Family Services~~ may request in its legislative
179 budget request, and the Governor may recommend, the funding
180 necessary to carry out paragraph (i) from excess federal
181 earnings. The General Appropriations Act shall include any funds

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182 appropriated for this purpose in a lump sum in the department
183 ~~Administered Funds Program~~, which funds constitute partial
184 security for lead agency contract performance. The department
185 shall use this appropriation to offset the need for a
186 performance bond for that year after a comparison of risk to the
187 funds available. In no event shall this performance bond exceed
188 2.5 percent of the annual contract value. The department may
189 separately require a bond to mitigate the financial consequences
190 of potential acts of malfeasance, misfeasance, or criminal
191 violations by the provider. Prior to the release of any funds in
192 the lump sum, the department shall submit a detailed operational
193 plan, which must identify the sources of specific trust funds to
194 be used. The release of the trust fund shall be subject to the
195 notice and review provisions of s. 216.177. However, the release
196 shall not require approval of the Legislative Budget Commission.

197 Section 7. The amendment of subsection (7) of section
198 409.1671, Florida Statutes, by this act shall expire on July 1,
199 2005, and the text of that subsection shall revert to that in
200 existence on June 30, 2004, except that any amendments to such
201 text enacted other than by this act shall be preserved and
202 continue to operate to the extent that such amendments are not
203 dependent upon the portions of such text which expire pursuant
204 to the provisions of this act.

205 Section 8. In order to implement Specific Appropriations
206 382-388 of the 2004-2005 General Appropriations Act, subsection
207 (8) of section 394.908, Florida Statutes, is amended to read:

208 394.908 Substance abuse and mental health funding equity;
209 distribution of appropriations.--In recognition of the

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210 historical inequity among service districts of the former
211 Department of Health and Rehabilitative Services in the funding
212 of substance abuse and mental health services, and in order to
213 rectify this inequity and provide for equitable funding in the
214 future throughout the state, the following funding process shall
215 be adhered to:

216 (8) For fiscal year 2004-2005 ~~2003-2004~~ only, and
217 notwithstanding the provisions of this section, all new funds
218 received in excess of fiscal year 2003-2004 ~~2002-2003~~ recurring
219 appropriations shall be allocated in accordance with the
220 provisions of the General Appropriations Act; however, no
221 district shall receive an allocation of recurring funds less
222 than its initial approved operating budget, plus any
223 distributions of lump sum appropriations or reductions in
224 unfunded budget, for fiscal year 2003-2004 ~~2002-2003~~. This
225 subsection expires July 1, 2005 ~~2004~~.

226 Section 9. In order to implement Specific Appropriations
227 436-445 of the 2004-2005 General Appropriations Act, subsection
228 (14) of section 287.057, Florida Statutes, is amended to read:

229 287.057 Procurement of commodities or contractual
230 services.--

231 (14)(a) Contracts for commodities or contractual services
232 may be renewed for a period that may not exceed 3 years or the
233 term of the original contract, whichever period is longer.
234 Renewal of a contract for commodities or contractual services
235 shall be in writing and shall be subject to the same terms and
236 conditions set forth in the initial contract. If the commodity
237 or contractual service is purchased as a result of the

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238 solicitation of bids, proposals, or replies, the price of the
239 commodity or contractual service to be renewed shall be
240 specified in the bid, proposal, or reply. A renewal contract may
241 not include any compensation for costs associated with the
242 renewal. Renewals shall be contingent upon satisfactory
243 performance evaluations by the agency and subject to the
244 availability of funds. Exceptional purchase contracts pursuant
245 to s. 287.057(5)(a) and (c) may not be renewed.

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

259 Section 10. In order to implement Specific Appropriation
260 545 of the 2004-2005 General Appropriations Act, paragraph (k)
261 of subsection (2) of section 381.0066, Florida Statutes, is
262 amended to read:

263 381.0066 Onsite sewage treatment and disposal systems;
264 fees.--

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265 (2) The minimum fees in the following fee schedule apply
266 until changed by rule by the department within the following
267 limits:

268 (k) Research: An additional \$5 fee shall be added to each
269 new system construction permit issued during fiscal years 1996-
270 2005 ~~1996-2004~~ to be used for onsite sewage treatment and
271 disposal system research, demonstration, and training projects.
272 Five dollars from any repair permit fee collected under this
273 section shall be used for funding the hands-on training centers
274 described in s. 381.0065(3)(j).

275

276

277 The funds collected pursuant to this subsection must be
278 deposited in a trust fund administered by the department, to be
279 used for the purposes stated in this section and ss. 381.0065
280 and 381.00655.

281 Section 11. In order to implement Specific Appropriation
282 510 of the 2004-2005 General Appropriations Act, subsection (6)
283 of section 385.207, Florida Statutes, is amended to read:

284 385.207 Care and assistance of persons with epilepsy;
285 establishment of programs in epilepsy control.--

286 (6) For the 2004-2005 ~~2003-2004~~ fiscal year only, funds in
287 the Epilepsy Services Trust Fund may be appropriated for
288 epilepsy case management services. This subsection expires July
289 1, 2005 ~~2004~~.

290 Section 12. In order to implement Specific Appropriation
291 251-445 of the 2004-2005 General Appropriations Act, paragraph

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292 (b) of subsection (5) of section 20.19, Florida Statutes, is
293 amended to read:

294 20.19 Department of Children and Family Services.--There
295 is created a Department of Children and Family Services.

296 (5) SERVICE DISTRICTS.--

297 (b)1. The secretary shall appoint a district administrator
298 for each of the service districts. The district administrator
299 shall serve at the pleasure of the secretary and shall perform
300 such duties as assigned by the secretary. Subject to the
301 approval of the secretary, such duties shall include
302 transferring up to 10 percent of the total district budget, the
303 provisions of ss. 216.292 and 216.351 notwithstanding.

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

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

313 Section 13. In order to implement Specific Appropriation
314 588 of the 2004-2005 General Appropriations Act, subsection (3)
315 of section 381.79, Florida Statutes, is amended to read:

316 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

317 (3)(a) Annually, 5 percent of the revenues deposited
318 monthly in the fund pursuant to s. 318.21(2)(d) shall be
319 appropriated to the University of Florida and 5 percent to the

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320 University of Miami for spinal cord injury and brain injury
 321 research. The amount to be distributed to the universities shall
 322 be calculated based on the deposits into the fund for each
 323 quarter in the fiscal year, but may not exceed \$500,000 per
 324 university per year. Funds distributed under this subsection
 325 shall be made in quarterly payments at the end of each quarter
 326 during the fiscal year.

327 (b) For the 2004-2005 fiscal year only, and
 328 notwithstanding paragraph (a), revenues deposited in the fund
 329 pursuant to s. 318.21(2)(d) may be appropriated for spinal cord
 330 injury and brain injury research at the University of Miami. The
 331 amount appropriated in the 2004-2005 General Appropriations Act
 332 shall be distributed in equal quarterly payments at the end of
 333 each quarter during the fiscal year. This paragraph expires July
 334 1, 2005.

335 Section 14. Effective upon this act becoming a law, in
 336 order to implement Specific Appropriation 174-178 of the 2004-
 337 2005 General Appropriations Act, and notwithstanding section
 338 409.8134, Florida Statutes, as amended by chapter 2004-1, Laws
 339 of Florida:

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

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

346 (3) This section expires July 1, 2005.

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347 Section 15. In order to implement Specific Appropriation
348 284 of the 2004-2005 General Appropriations Act, paragraph (g)
349 is added to subsection (2) of section 402.305, Florida Statutes,
350 to read:

351 402.305 Licensing standards; child care facilities.--

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

354 (g) The Department of Children and Families shall provide
355 at least one Child Care Competency Exam in Spanish during the
356 2004-2005 fiscal year. This paragraph expires July 1, 2005.

357 Section 16. In order to implement Specific Appropriations
358 251-445 of the 2004-2005 General Appropriations Act, subsection
359 (10) of section 402.33, Florida Statutes, is amended to read:

360 402.33 Department authority to charge fees for services
361 provided.--

362 (10)(a) Unless otherwise specified by the Legislature, fee
363 collections, including third-party reimbursements, in excess of
364 fee-supported appropriations may be used in conformance with the
365 provisions of chapter 216 to fund nonrecurring expenditures for
366 direct client services and to fund administrative costs of
367 improving the fee collection program of the department. No more
368 than one-sixth of the amount of collections in excess of the
369 amount of appropriations may be used to fund such improvements
370 to the program. Priority consideration for the expenditure of
371 excess collections shall be given to those districts and
372 programs most responsible for the excess. A plan for the use of
373 excess collections not spent in the fiscal year in which
374 collected shall be subject to approval by the Executive Office

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375 of the Governor within 90 days from the end of the state fiscal
 376 year in which the excess occurs.

377 (b) For the 2004-2005 fiscal year only, the provisions of
 378 paragraph (a) shall not apply. This paragraph expires July 1,
 379 2005.

380 Section 17. Effective upon this act becoming a law, in
 381 order to implement Specific Appropriations 389-393 of the 2004-
 382 2005 General Appropriations Act, in its Economic Self-
 383 Sufficiency Services Program, the Department of Children and
 384 Family Services may provide its eligibility determination
 385 functions either with the department staff or through contract
 386 with at least two private vendors or with a combination of at
 387 least one private vendor and department employees, with the
 388 following restrictions:

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

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

397
 398 This section expires July 1, 2005.

399 Section 18. In order to implement Specific Appropriation
 400 216 of the 2004-2005 General Appropriations Act, subsection (18)
 401 is added to section 216.181, Florida Statutes, to read:

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402 216.181 Approved budgets for operations and fixed capital
403 outlay.--

404 (18) In order to implement Specific Appropriation 216 of
405 the 2004-2005 General Appropriations Act, if the federal Centers
406 for Medicare and Medicaid approve LifeSaver Rx during the 2004-
407 2005 fiscal year, the Agency for Health Care Administration may
408 submit a budget amendment certifying the amount of funds
409 necessary and requesting additional appropriations from the
410 General Revenue Fund sufficient to provide the state match for
411 the program and related trust fund appropriations. All actions
412 taken pursuant to the authority granted in this subsection shall
413 be subject to review and approval by the Legislative Budget
414 Commission. This subsection expires July 1, 2005.

415 Section 19. In order to implement Specific Appropriations
416 228-237 of the 2004-2005 General Appropriations Act, the proviso
417 immediately preceding Specific Appropriation 227 of the 2004-
418 2005 General Appropriations Act, is amended to read:

419
420 From the funds in Specific Appropriations 228 through 237, the
421 Agency for Health Care Administration, in partnership with the
422 Department of Elder Affairs, shall develop a plan which
423 identifies identify funding necessary for to develop and
424 implement an integrated, long-term care, fixed payment, delivery
425 system for Medicaid beneficiaries age 65 and older. Identified
426 funds shall include funds for Medicaid Home and Community-Based
427 waiver services, all Medicaid services authorized in sections
428 409.905 and 409.906, Florida Statutes, including Medicaid
429 nursing home services and funds paid for Medicare premiums,

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430 coinsurance and deductibles for persons dually eligible for
 431 Medicaid and Medicare as prescribed in section 409.908(13),
 432 Florida Statutes. The plan shall provide for the ~~program shall~~
 433 transition of all Medicaid services for eligible elderly
 434 individuals into an integrated care management model designed to
 435 serve consumers in their community. The agency and the
 436 department shall consult with the appropriations committees and
 437 the appropriate substantive committees of the Legislature during
 438 the development of the plan. The plan shall include specific
 439 pilot project sites and may include strategies for the phase-in
 440 of statewide coverage. The plan to implement the pilot project
 441 and any necessary budget amendments shall be presented to the
 442 Legislative Budget Commission no later than December 31, 2004,
 443 for approval. This long-term care model shall operate in
 444 ~~Hillsborough, Polk, Orange and Seminole counties.~~

445
 446 The plan shall provide for integration of ~~agency shall, pursuant~~
 447 ~~to Chapter 216, Florida Statutes, move the proportional share of~~
 448 ~~Medicaid funding from specified budget entities and categories~~
 449 ~~to fund the integrated long-term care delivery system. Upon~~
 450 ~~approval, the agency is authorized to integrate~~ all funding for
 451 Medicaid services provided to individuals over the age of 65
 452 into the integrated system. The agency is authorized to seek
 453 federal waivers as necessary to implement this project.

454
 455 The plan shall provide for a competitive procurement to operate
 456 the project ~~agency, in consultation with the Department of Elder~~
 457 ~~Affairs, is authorized to contract through competitive~~

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458 ~~procurement with two organizations to operate the project.~~ The
 459 agency shall insure that rates proposed in the plan are
 460 actuarially sound and reflect the intent of the project to
 461 provide quality care in the least restrictive setting. The
 462 agency shall also insure that the plan provides for
 463 organizations to develop a service provider credentialing system
 464 and ~~require that the organizations to~~ contract with all Gold
 465 Seal nursing homes and exclude, where feasible, chronically poor
 466 performing nursing homes. In the absence of a contract between
 467 the organization and the nursing home, the plan shall provide
 468 that current Medicaid rates shall prevail. The plan shall
 469 provide that if the consumer resides in a non-contracted nursing
 470 home at the time the program is initiated, the consumer shall be
 471 permitted to continue to reside in the non-contracted home for
 472 not less than twelve months. The agency and the Department of
 473 Elder Affairs shall jointly develop procedures to manage the
 474 services provided through this project to ensure quality and
 475 consumer choice. ~~The project shall be implemented by January 1,~~
 476 ~~2005.~~

477 Section 20. In order to implement Specific Appropriation
 478 232 of the 2004-2005 General Appropriations Act, the Agency for
 479 Health Care Administration, in conjunction with the Florida
 480 Health Care Association and the Florida Association of Homes for
 481 the Aging, shall evaluate the reimbursement methodology for
 482 Medicaid nursing home services to determine the adequacy of
 483 current payment rates in meeting the costs of providing care to
 484 Florida's Medicaid residents. The agency shall report its
 485 findings to the Speaker of the House of Representatives, the

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486 President of the Senate, and the Governor by December 1, 2004.
487 The report must make recommendations for changes in the current
488 payment methodology or for development of a new payment
489 methodology necessary to ensure a stable financial environment
490 in which reimbursement is adequate to meet the costs of
491 providing nursing home care for Florida's Medicaid residents
492 served by a majority of nursing home providers.

493 Section 21. In order to implement Specific Appropriation
494 372 of the 2004-2005 General Appropriations Act, the annual
495 report required by section 394.655(10), Florida Statutes, for
496 2004 shall include a specific analysis of managed care contracts
497 and the impact of these contracts on the mental health service
498 delivery system in Florida. Provider and client outcomes must be
499 assessed from the perspectives of cost effectiveness, quality of
500 care, and access to care. Additionally, a comparison of levels
501 of benefit packages must be included. This paragraph expires
502 July 1, 2005.

503 Section 22. In order to implement Specific Appropriation
504 545 of the 2004-2005 General Appropriations Act, the Department
505 of Health shall review and examine how state and local fees are
506 charged in the regulation of onsite sewage treatment and
507 disposal systems. The department shall work with the affected
508 county governments, home building industry and septic tank
509 contracting interests, and the Technical Review and Advisory
510 Panel (TRAP) in arriving at recommendations. Preliminary
511 recommendations shall be submitted to TRAP for comment and input
512 no later than November 15, 2004. Final recommendations shall be
513 submitted to the Governor, the Speaker of the House of

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514 Representatives, the President of the Senate, the chair and vice
515 chair of the House Appropriations Committee, and the chair and
516 vice chair of the Senate Appropriations Committee no later than
517 January 15, 2005.

518 Section 23. In order to fulfill legislative intent
519 regarding the use of funds contained in Specific Appropriations
520 667, 681, 693, and 1138 of the 2004-2005 General Appropriations
521 Act, the Department of Corrections and the Department of
522 Juvenile Justice may expend appropriated funds to assist in
523 defraying the costs of impacts that are incurred by a
524 municipality or county and associated with opening or operating
525 a facility under the authority of the respective department
526 which is located within that municipality or county. The amount
527 that is to be paid under this section for any facility may not
528 exceed 1 percent of the facility construction cost, less
529 building impact fees imposed by the municipality or by the
530 county if the facility is located in the unincorporated portion
531 of the county. This section expires July 1, 2005.

532 Section 24. In order to implement Specific Appropriations
533 655-751 and 781-794 of the 2004-2005 General Appropriations Act,
534 subsection (4) of section 216.262, Florida Statutes, is amended
535 to read:

536 216.262 Authorized positions.--

537 (4) Notwithstanding the provisions of this chapter on
538 increasing the number of authorized positions, and for the 2004-
539 2005 ~~2003-2004~~ fiscal year only, if the actual inmate population
540 of the Department of Corrections exceeds the inmate population
541 projections of the February 16, 2004 ~~July 9, 2003~~, Criminal

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542 Justice Estimating Conference by 1 percent for 2 consecutive
 543 months or 2 percent for any month, the Executive Office of the
 544 Governor, with the approval of the Legislative Budget
 545 Commission, shall immediately notify the Criminal Justice
 546 Estimating Conference, which shall convene as soon as possible
 547 to revise the estimates. The Department of Corrections may then
 548 submit a budget amendment requesting the establishment of
 549 positions in excess of the number authorized by the Legislature
 550 and additional appropriations from the General Revenue Fund or
 551 the Working Capital Fund sufficient to provide for essential
 552 staff and other resources to provide classification, security,
 553 food services, health services, and other variable expenses
 554 within the institutions to accommodate the estimated increase in
 555 the inmate population. All actions taken pursuant to the
 556 authority granted in this subsection shall be subject to review
 557 and approval by the Legislative Budget Commission. This
 558 subsection expires July 1, 2005 ~~2004~~.

559 Section 25. In order to implement Specific Appropriation
 560 1232 of the 2004-2005 General Appropriations Act, paragraph (b)
 561 of subsection (3) of section 16.555, Florida Statutes, is
 562 amended to read:

563 16.555 Crime Stoppers Trust Fund; rulemaking.--

564 (3)

565 (b) For the 2004-2005 ~~2003-2004~~ state fiscal year only,
 566 and notwithstanding any provision of this section to the
 567 contrary, moneys in the trust fund may also be used to pay for
 568 salaries and benefits and other expenses of the department. This
 569 paragraph expires July 1, 2005 ~~2004~~.

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570 Section 26. In order to implement Specific Appropriation
571 2321 of the 2004-2005 General Appropriations Act, subsection (4)
572 of section 215.96, Florida Statutes, is amended to read:

573 215.96 Coordinating council and design and coordination
574 staff.--

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

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

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

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

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

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

618 (c) The coordinating council shall provide administrative
619 and technical support to the task force as is reasonably
620 necessary for the task force to effectively and timely carry out
621 its duties and responsibilities. The cost of providing such
622 support may be paid from funds appropriated for the operation of
623 the council or the Aspire ~~FLAIR/CMS Replacement~~ project. The
624 task force also may contract for services to obtain specific

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625 expertise to analyze, facilitate, and formulate recommendations
 626 to address process and technical integration problems that need
 627 to be resolved.

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

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

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

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

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

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

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

651 (e) The task force shall provide recommendations to the
 652 Financial Management Information Board for review and approval

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653 regarding the technical, procedural, policy, and process
 654 requirements and changes that are needed to successfully
 655 integrate, implement, and realize the benefits of the enterprise
 656 resource planning initiatives associated with the Aspire
 657 ~~FLAIR/CMS Replacement~~ project, SPURS and MyFlorida Marketplace
 658 project, COPEs and PeopleFirst project, payroll system, LAS/PBS,
 659 and SUNTAX system. ~~The first of these reports should be provided~~
 660 ~~no later than October 3, 2003.~~

661 (f) The task force shall monitor, review, and evaluate the
 662 progress of the Aspire ~~FLAIR/CMS Replacement~~ project, SPURS and
 663 MyFlorida Marketplace project, COPEs and PeopleFirst project,
 664 payroll system, LAS/PBS, and SUNTAX system, in implementing the
 665 process and technical integration requirements and changes
 666 approved by the Financial Management Information Board and in
 667 achieving the necessary integration among the central
 668 administrative and financial management information systems
 669 represented on the task force. The task force shall prepare and
 670 submit quarterly reports to the Executive Office of the
 671 Governor, the chairs of the Senate Appropriations Committee and
 672 the House Appropriations Committee, and the Financial Management
 673 Information Board. Each quarterly report shall identify and
 674 describe the technical, procedural, policy, and process
 675 requirements and changes proposed and adopted by the board and
 676 shall describe the status of the implementation of these
 677 integration efforts, identify any problems, issues, or risks
 678 that require executive-level action, and report actual costs
 679 related to the Enterprise Resource Planning Integration Task
 680 Force.

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681 (g) By January 15, 2005 ~~2004~~, ~~and annually thereafter,~~
682 ~~until it is disbanded,~~ the Enterprise Resource Planning
683 Integration Task Force shall report to the Financial Management
684 Information Board, the Speaker of the House of Representatives,
685 and the President of the Senate the results of the task force's
686 monitoring, review, and evaluation of enterprise resource
687 planning integration activities and requirements, and any
688 recommendations for statutory changes to be considered by the
689 Legislature.

690 (h) This subsection expires July 1, 2005 ~~2004~~.

691 Section 27. In order to implement Specific Appropriations
692 1403 and 1405 of the 2004-2005 General Appropriations Act and
693 notwithstanding any provision of chapter 287 or chapter 337,
694 Florida Statutes, from the funds appropriated to the Department
695 of Agriculture and Consumer Services for the 2002-2003, 2003-
696 2004, and 2004-2005 fiscal years for the purpose of constructing
697 and operating an agricultural interdiction station on Interstate
698 10 in Escambia County, the Department of Agriculture and
699 Consumer Services shall enter into an agreement with the
700 Department of Transportation wherein the Department of
701 Transportation, on behalf of the Department of Agriculture and
702 Consumer Services, shall proceed with the construction of the
703 station under the authority established in chapter 337, Florida
704 Statutes. The Department of Agriculture and Consumer Services
705 shall be authorized to execute all contracts resulting from such
706 Department of Transportation selection of contractors in
707 compliance with chapter 337, Florida Statutes. This section
708 expires July 1, 2005.

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709 Section 28. In order to implement Specific Appropriation
710 2589 of the 2004-2005 General Appropriations Act, effective July
711 1, 2004, and notwithstanding the provisions of s. 1008.51,
712 Florida Statutes, the budget for the Council for Education
713 Policy Research and Improvement shall be administered by the
714 Auditor General. However, the Council for Education Policy
715 Research and Improvement shall remain independent of the Auditor
716 General for all programmatic purposes, serving as a citizen
717 board for conducting and reviewing education research, providing
718 independent analysis on education progress, and providing
719 independent evaluation of education issues of statewide concern,
720 as prescribed in s. 1008.51, Florida Statutes. All work products
721 of the Council for Education Policy Research and Improvement are
722 advisory in nature. This section expires July 1, 2005.

723 Section 29. In order to implement the appropriation of
724 funds in Special Categories-Risk Management Insurance of the
725 2004-2005 General Appropriations Act, and pursuant to the
726 notice, review, and objection procedures of s. 216.177, Florida
727 Statutes, the Executive Office of the Governor is authorized to
728 transfer funds appropriated in the appropriation category
729 "Special Categories-Risk Management Insurance" of the 2004-2005
730 General Appropriations Act between departments in order to align
731 the budget authority granted with the premiums paid by each
732 department for risk management insurance. This section expires
733 July 1, 2005.

734 Section 30. In order to implement section 8 of the 2004-
735 2005 General Appropriations Act, section 110.1239, Florida
736 Statutes, is amended to read:

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737 110.1239 State group health insurance program funding.--
738 For the 2004-2005 ~~2003-2004~~ fiscal year only, it is the intent
739 of the Legislature that the state group health insurance program
740 be managed, administered, operated, and funded in such a manner
741 as to maximize the protection of state employee health insurance
742 benefits. Inherent in this intent is the recognition that the
743 health insurance liabilities attributable to the benefits
744 offered state employees should be fairly, orderly, and equitably
745 funded. Accordingly:

746 (1) The division shall determine the level of premiums
747 necessary to fully fund the state group health insurance program
748 for the next fiscal year. Such determination shall be made after
749 each Self-Insurance Estimating Conference as provided in s.
750 216.136(11), but not later than December 1 and April 1 of each
751 fiscal year.

752 (2) The Governor, in the Governor's recommended budget,
753 shall provide premium rates necessary for full funding of the
754 state group health insurance program, and the Legislature shall
755 provide in the General Appropriations Act for a premium level
756 necessary for full funding of the state group health insurance
757 program.

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

762 (4) This section expires July 1, 2005 ~~2004~~.

763 Section 31. In order to implement the appropriation of
764 funds in Special Categories-Transfer to Department of Management

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765 Services-Human Resources Services Purchased Per Statewide
766 Contract of the 2004-2005 General Appropriations Act, and
767 pursuant to the notice, review, and objection procedures of s.
768 216.177, Florida Statutes, the Executive Office of the Governor
769 is authorized to transfer funds appropriated in the
770 appropriation category "Special Categories-Transfer to
771 Department of Management Services-Human Resources Services
772 Purchased Per Statewide Contract" of the 2004-2005 General
773 Appropriations Act between departments in order to align the
774 budget authority granted with the assessments that must be paid
775 by each agency to the Department of Management Services for
776 human resource management services. This section expires July 1,
777 2005.

778 Section 32. In order to implement sections 2 through 7 of
779 the 2004-2005 General Appropriations Act, paragraph (c) of
780 subsection (5) and paragraph (d) of subsection (6) of section
781 112.061, Florida Statutes, are amended to read:

782 112.061 Per diem and travel expenses of public officers,
783 employees, and authorized persons.--

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

787 (c) For the 2004-2005 ~~2003-2004~~ fiscal year only and
788 notwithstanding the other provisions of this subsection, for
789 Class C travel, a state traveler shall not be reimbursed on a
790 per diem basis nor shall a traveler receive subsistence
791 allowance. This paragraph expires July 1, 2005 ~~2004~~.

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

796 (d) For the 2004-2005 ~~2003-2004~~ fiscal year only and
797 notwithstanding the other provisions of this subsection, for
798 Class C travel, a state traveler shall not be reimbursed on a
799 per diem basis nor shall a traveler receive subsistence
800 allowance. This paragraph expires July 1, 2005 ~~2004~~.

801 Section 33. In order to implement Section 8 of the 2004-
802 2005 General Appropriations Act, subsection (7) of section
803 110.12315, Florida Statutes, is amended to read:

804 110.12315 Prescription drug program.--The state employees'
805 prescription drug program is established. This program shall be
806 administered by the Department of Management Services, according
807 to the terms and conditions of the plan as established by the
808 relevant provisions of the annual General Appropriations Act and
809 implementing legislation, subject to the following conditions:

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

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

- 813 ~~1. For generic drug with card....\$7.~~
814 ~~2. For preferred brand name drug with card....\$20.~~
815 ~~3. For nonpreferred brand name drug with card....\$35.~~
816 ~~4. For generic mail order drug....\$10.50.~~
817 ~~5. For preferred brand name mail order drug....\$30.~~
818 ~~6. For nonpreferred brand name drug....\$52.50.~~

819 ~~(a)(b)~~ Effective January 1, 2004:

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

826 ~~(b)(e)~~ The Department of Management Services shall create
827 a preferred brand name drug list to be used in the
828 administration of the state employees' prescription drug
829 program.

830

831 This subsection expires July 1, 2005 ~~2004~~.

832 Section 34. In order to implement Specific Appropriations
833 2573 and 2574 of the 2004-2005 General Appropriations Act, and
834 notwithstanding section 11.13(1)(b), Florida Statutes, or any
835 other law, the salary of members of the Senate and the House of
836 Representatives shall not be calculated according to that
837 paragraph; instead, the annual salaries of these members for the
838 2003-2004 fiscal year shall not be increased for the 2004-2005
839 fiscal year. Further, members of the Senate and the House of
840 Representatives shall not be eligible for any bonus payments
841 during the 2004-2005 fiscal year. This section expires June 30,
842 2005.

843 Section 35. Notwithstanding the provisions of section
844 403.7095, Florida Statutes, in order to implement Specific
845 Appropriation 1741 of the 2004-2005 General Appropriations Act,
846 the Department of Environmental Protection shall award:

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847 (1) \$6,500,000 in grants equally to counties with
 848 populations of fewer than 100,000 for waste tire, litter
 849 prevention, recycling and education, and general solid waste
 850 programs.

851 (2) \$2,639,999 in waste tire grants to counties, on a per
 852 capita basis, with populations of 100,000 or more.

853 (3) \$1,347,570 in competitive innovative grants to cities
 854 and counties on the prioritized list of projects submitted by
 855 the Department of Environmental Protection to the Legislature.

856
 857 This section expires July 1, 2005.

858 Section 36. In order to implement Specific Appropriation
 859 1684 of the 2004-2005 General Appropriations Act, subsection (6)
 860 is added to section 375.041, Florida Statutes, to read:

861 375.041 Land Acquisition Trust Fund.--

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

866 Section 37. In order to implement Specific Appropriation
 867 1584A of the 2004-2005 General Appropriations Act, subsection
 868 (5) is added to section 375.045, Florida Statutes, to read:

869 375.045 Florida Preservation 2000 Trust Fund.--

870 (5) For the 2004-2005 fiscal year only, any unobligated
 871 moneys in the Florida Preservation 2000 Trust Fund resulting
 872 from interest earnings and from reversions of prior
 873 appropriations to any agency may be appropriated to the Florida

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874 Forever Trust Fund for use pursuant to s. 259.1051. This
 875 subsection expires July 1, 2005.

876
 877 Upon a determination by the Department of Environmental
 878 Protection that proceeds being held in the trust fund to support
 879 distributions outside the Department of Environmental Protection
 880 are not likely to be disbursed in accordance with the foregoing
 881 considerations, the Department of Environmental Protection shall
 882 petition the Governor and Cabinet to allow for the immediate
 883 disbursement of such funds for the acquisition of projects
 884 approved for purchase pursuant to the provisions of chapter 259.

885 Section 38. In order to implement Specific Appropriations
 886 2652-2654 of the 2004-2005 General Appropriations Act and for
 887 the 2004-2005 fiscal year only, the State Technology Office is
 888 directed to implement the provisions of subsection (2) of
 889 section 282.102, Florida Statutes, related to rulemaking on best
 890 practices for acquiring, using, upgrading, modifying, replacing,
 891 or disposing of information technology, no later than December
 892 31, 2004. The State Technology Office is further directed to
 893 include in the agency and state information technology resource
 894 inventory lists required by sections 282.3063(2)(f) and
 895 282.310(2)(g), Florida Statutes, the methods used for final
 896 disposition of the resources. This section expires July 1, 2005.

897 Section 39. In order to implement Specific Appropriations
 898 1677-1703 of the 2004-2005 General Appropriations Act, paragraph
 899 (c) of subsection (4) of section 373.4137, Florida Statutes, is
 900 amended to read:

901 373.4137 Mitigation requirements.--

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902 (4) Prior to December 1 of each year, each water
903 management district, in consultation with the Department of
904 Environmental Protection, the United States Army Corps of
905 Engineers, the Department of Transportation, transportation
906 authorities established pursuant to chapter 348 or chapter 349,
907 and other appropriate federal, state, and local governments, and
908 other interested parties, including entities operating
909 mitigation banks, shall develop a plan for the primary purpose
910 of complying with the mitigation requirements adopted pursuant
911 to this part and 33 U.S.C. s. 1344. This plan shall also address
912 significant invasive plant problems within wetlands and other
913 surface waters. In developing such plans, the districts shall
914 utilize sound ecosystem management practices to address
915 significant water resource needs and shall focus on activities
916 of the Department of Environmental Protection and the water
917 management districts, such as surface water improvement and
918 management (SWIM) waterbodies and lands identified for potential
919 acquisition for preservation, restoration, and enhancement, to
920 the extent that such activities comply with the mitigation
921 requirements adopted under this part and 33 U.S.C. s. 1344. In
922 determining the activities to be included in such plans, the
923 districts shall also consider the purchase of credits from
924 public or private mitigation banks permitted under s. 373.4136
925 and associated federal authorization and shall include such
926 purchase as a part of the mitigation plan when such purchase
927 would offset the impact of the transportation project, provide
928 equal benefits to the water resources than other mitigation
929 options being considered, and provide the most cost-effective

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930 mitigation option. The mitigation plan shall be preliminarily
 931 approved by the water management district governing board and
 932 shall be submitted to the secretary of the Department of
 933 Environmental Protection for review and final approval. The
 934 preliminary approval by the water management district governing
 935 board does not constitute a decision that affects substantial
 936 interests as provided by s. 120.569. At least 30 days prior to
 937 preliminary approval, the water management district shall
 938 provide a copy of the draft mitigation plan to any person who
 939 has requested a copy.

940 (c) Surface water improvement and management or invasive
 941 plant control projects undertaken using the \$12 million advance
 942 transferred from the Department of Transportation to the
 943 Department of Environmental Protection in fiscal year 1996-1997
 944 which meet the requirements for mitigation under this part and
 945 33 U.S.C. s. 1344 shall remain available for mitigation until
 946 the \$12 million is fully credited up to and including fiscal
 947 year 2005-2006 ~~2004-2005~~. When these projects are used as
 948 mitigation, the \$12 million advance shall be reduced by \$75,000
 949 per acre of impact mitigated. For any fiscal year through and
 950 including fiscal year 2005-2006 ~~2004-2005~~, to the extent the
 951 cost of developing and implementing the mitigation plans is less
 952 than the amount transferred pursuant to subsection (3), the
 953 difference shall be credited towards the \$12 million advance.
 954 Except as provided in this paragraph, any funds not directed to
 955 implement the mitigation plan should, to the greatest extent
 956 possible, be directed to fund invasive plant control within
 957 wetlands and other surface waters.

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958 Section 40. In order to implement Specific Appropriations
959 2160-2184 of the 2004-2005 General Appropriations Act,
960 subsection (1) of section 468.404, Florida Statutes, is amended
961 to read:

962 468.404 License; fees; renewals.--

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

972 (b) For the 2004-2005 ~~2003-2004~~ fiscal year only,
973 notwithstanding the provisions of paragraph (a), the department
974 shall assess talent agency license fees at a level sufficient to
975 cover the cost of regulation appropriated in the 2004-2005 ~~2003-~~
976 ~~2004~~ General Appropriations Act, or any other act passed by the
977 2004 ~~2003~~ Legislature containing appropriations for such
978 purpose. This paragraph expires July 1, 2005 ~~2004~~.

979 Section 41. In order to implement Specific Appropriation
980 1670 of the 2004-2005 General Appropriations Act, subsection (3)
981 of section 120.551, Florida Statutes, is amended to read:

982 120.551 Internet publication.--

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

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986 Section 42. In order to implement Specific Appropriation
987 1922K of the 2004-2005 General Appropriations Act, subsection
988 (16) is added to section 259.032, Florida Statutes, to read:
989 259.032 Conservation and Recreation Lands Trust Fund;
990 purpose.--

991 (16) For the 2004-2005 fiscal year only, moneys in the
992 Conservation and Recreation Lands Trust Fund reserved pursuant
993 to paragraph (e) of subsection (11) may be appropriated for the
994 Lake Jesup restoration project. This subsection expires July 1,
995 2005.

996 Section 43. In order to implement Specific Appropriation
997 1701 of the 2004-2005 General Appropriations Act, paragraph (b)
998 of subsection (2), paragraph (f) of subsection (4), and
999 subsection (5) of section 403.121, Florida Statutes, are amended
1000 to read:

1001 403.121 Enforcement; procedure; remedies.--The department
1002 shall have the following judicial and administrative remedies
1003 available to it for violations of this chapter, as specified in
1004 s. 403.161(1).

1005 (2) Administrative remedies:

1006 (b) If the department has reason to believe a violation
1007 has occurred, it may institute an administrative proceeding to
1008 order the prevention, abatement, or control of the conditions
1009 creating the violation or other appropriate corrective action.
1010 Except for violations involving hazardous wastes, asbestos, or
1011 underground injection, the department shall proceed
1012 administratively in all cases in which the department seeks
1013 administrative penalties that do not exceed \$10,000 per

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1014 assessment as calculated in accordance with subsections (3),
1015 (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the
1016 administrative penalty assessed pursuant to subsection (3),
1017 subsection (4), or subsection (5) against a public water system
1018 serving a population of more than 10,000 shall be not less than
1019 \$1,000 per day per violation. The department shall not impose
1020 administrative penalties in excess of \$10,000 in a notice of
1021 violation. The department shall not have more than one notice of
1022 violation seeking administrative penalties pending against the
1023 same party at the same time unless the violations occurred at a
1024 different site or the violations were discovered by the
1025 department subsequent to the filing of a previous notice of
1026 violation.

1027 (4) In an administrative proceeding, in addition to the
1028 penalties that may be assessed under subsection (3), the
1029 department shall assess administrative penalties according to
1030 the following schedule:

1031 (f) Except as provided in subsection (2) with respect to
1032 public water systems serving a population of more than 10,000,
1033 for failure to prepare, submit, maintain, or use required
1034 reports or other required documentation, \$500.

1035 (5) Except as provided in subsection (2) with respect to
1036 public water systems serving a population of more than 10,000,
1037 for failure to comply with any other departmental regulatory
1038 statute or rule requirement not otherwise identified in this
1039 section, the department may assess a penalty of \$500.

1040 Section 44. The amendment of section 403.121, Florida
1041 Statutes, by this act shall expire on July 1, 2005, and the text

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1042 of that section shall revert to that in existence on June 30,
1043 2003, except that any amendments to such text enacted other than
1044 by this act shall be preserved and continue to operate to the
1045 extent that such amendments are not dependent upon the portions
1046 of such text which expire pursuant to the provisions of this
1047 act.

1048 Section 45. In order to implement Specific Appropriations
1049 1805-1820 of the 2004-2005 General Appropriations Act,
1050 subsection (9) of section 403.08725, Florida Statutes, is
1051 amended to read:

1052 403.08725 Citrus juice processing facilities.--

1053 (9)(a) ENVIRONMENTAL PROTECTION AGENCY APPROVAL.--No later
1054 than February 1, 2001, the department shall submit this act to
1055 the United States Environmental Protection Agency as a revision
1056 of Florida's state implementation plan and as a revision of
1057 Florida's approved state Title V program. If the United States
1058 Environmental Protection Agency fails to approve this act as a
1059 revision of Florida's state implementation plan within 3 years
1060 after submittal, this act shall not apply with respect to
1061 construction requirements for facilities subject to regulation
1062 under the act, and the facilities subject to regulation
1063 thereunder must comply with all construction permitting
1064 requirements, including those for prevention of significant
1065 deterioration, and must make application for construction
1066 permits for any construction or modification at the facility
1067 which was not undertaken in compliance with all permitting
1068 requirements of Florida's state implementation plan, within 3
1069 months thereafter. If the United States Environmental Protection

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1070 Agency fails to approve this act as a revision of Florida's
 1071 approved state Title V program within 3 years after submittal,
 1072 this act shall not apply with respect to operation requirements,
 1073 and all facilities subject to regulation under the act must
 1074 immediately comply with all Title V program requirements and
 1075 must make application for Title V operation permits within 3
 1076 months thereafter.

1077 (b) Notwithstanding the provisions of paragraph (a) and
 1078 for the 2004-2005 fiscal year only, if the United States
 1079 Environmental Protection Agency fails to approve this act as a
 1080 revision of Florida's state implementation plan within 4 years
 1081 after submittal, this act shall not apply with respect to
 1082 construction requirements for facilities subject to regulation
 1083 under the act, and the facilities subject to regulation
 1084 thereunder must comply with all construction permitting
 1085 requirements, including those for prevention of significant
 1086 deterioration, and must make application for construction
 1087 permits for any construction or modification at the facility
 1088 which was not undertaken in compliance with all permitting
 1089 requirements of Florida's state implementation plan, within 3
 1090 months thereafter. If the United States Environmental Protection
 1091 Agency fails to approve this act as a revision of Florida's
 1092 approved state Title V program within 4 years after submittal,
 1093 this act shall not apply with respect to operation requirements,
 1094 and all facilities subject to regulation under the act must
 1095 immediately comply with all Title V program requirements and
 1096 must make application for Title V operation permits within 3
 1097 months thereafter. This paragraph expires July 1, 2005.

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1098 Section 46. In order to implement Specific Appropriation
1099 1358A of the 2004-2005 General Appropriations Act, section
1100 570.191, Florida Statutes, is amended to read:

1101 570.191 Agricultural Emergency Eradication Trust Fund.--
1102 There is created in the office of the commissioner the
1103 Agricultural Emergency Eradication Trust Fund. Funds in the
1104 trust fund:

1105 (1) May be made available upon certification by the
1106 commissioner that an agricultural emergency exists and that
1107 funds specifically appropriated for the emergency's purpose are
1108 exhausted or insufficient to eliminate the agricultural
1109 emergency. The term "agricultural emergency" means an animal or
1110 plant disease, insect infestation, or plant or pest endangering
1111 or threatening the horticultural, aquacultural, or other
1112 agricultural interests in this state.

1113 (2) May be appropriated for insect control. This
1114 subsection expires July 1, 2005.

1115 Section 47. In order to implement Specific Appropriation
1116 1322A of the 2004-2005 General Appropriations Act, subsection
1117 (4) is added to section 570.207, Florida Statutes, to read:

1118 570.207 Conservation and Recreation Lands Program Trust
1119 Fund of the Department of Agriculture and Consumer Services.--

1120 (4) For the 2004-2005 fiscal year only, funds in the
1121 Conservation and Recreation Lands Program Trust Fund may be
1122 appropriated for conservation easements and agreements pursuant
1123 to s. 570.71. This subsection expires July 1, 2005.

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1124 Section 48. In order to implement Specific Appropriation
 1125 1496 of the 2004-2005 General Appropriations Act, section
 1126 252.373, Florida Statutes, is amended to read:

1127 252.373 Allocation of funds; rules.--

1128 (1)(a) Funds appropriated from the Emergency Management,
 1129 Preparedness, and Assistance Trust Fund shall be allocated by
 1130 the Department of Community Affairs for the following purposes
 1131 ~~as follows:~~

1132 1. ~~Sixty percent~~ To implement and administer state and
 1133 local emergency management programs, including administration,
 1134 training, and operations ~~of which 20 percent shall be used by~~
 1135 ~~the division and 80 percent shall be allocated to local~~
 1136 ~~emergency management agencies and programs. Of this 80 percent,~~
 1137 ~~at least 80 percent shall be allocated to counties.~~

1138 2. ~~Twenty percent to provide for state relief assistance~~
 1139 ~~for nonfederally declared disasters, including but not limited~~
 1140 ~~to grants and below interest rate loans to businesses for~~
 1141 ~~uninsured losses resulting from a disaster.~~

1142 2.3. ~~Twenty percent~~ For grants and loans to state or
 1143 regional agencies, local governments, and private organizations
 1144 to implement projects that will further state and local
 1145 emergency management objectives. These projects must include,
 1146 but need not be limited to, projects that will promote public
 1147 education on disaster preparedness and recovery issues, enhance
 1148 coordination of relief efforts of statewide private sector
 1149 organizations, and improve the training and operations
 1150 capabilities of agencies assigned lead or support
 1151 responsibilities in the state comprehensive emergency management

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1152 plan, including the State Fire Marshal's Office for coordinating
1153 the Florida fire services. The division shall establish criteria
1154 and procedures for competitive allocation of these funds by
1155 rule. No more than 5 percent of any award made pursuant to this
1156 subparagraph may be used for administrative expenses. This
1157 competitive criteria must give priority consideration to
1158 hurricane evacuation shelter retrofit projects.

1159 3. To meet any matching requirements imposed as a
1160 condition of receiving federal disaster relief assistance.

1161 (b) Notwithstanding the provisions of paragraph (a), and
1162 for the 2003-2004 fiscal year only, the use of the Emergency
1163 Management, Preparedness, and Assistance Trust Fund shall be as
1164 provided in the General Appropriations Act. This paragraph
1165 expires on July 1, 2004.

1166 (c) Notwithstanding the provisions of paragraph (a), and
1167 for the 2003-2004 fiscal year only, the Department of Community
1168 Affairs shall conduct a review of funds available in the
1169 Emergency Management, Preparedness, and Assistance Trust Fund.
1170 By December 31, 2003, when actual receipts for the 2002-2003
1171 fiscal year are determined, the Department of Community Affairs
1172 may identify any funds that were unspent or unencumbered in the
1173 2002-2003 fiscal year, and such funds may be transferred to the
1174 Grants and Donations Trust Fund to be used for the state portion
1175 of the match requirements for federally approved disaster
1176 projects. This paragraph expires July 1, 2004.

1177 ~~(2) The distribution formula provided in subsection (1)~~
1178 ~~may be adjusted proportionally when necessary to meet any~~

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1179 ~~matching requirements imposed as a condition of receiving~~
 1180 ~~federal disaster relief assistance or planning funds.~~

1181 ~~(2)(3)~~ The department shall allocate funds from the
 1182 Emergency Management, Preparedness, and Assistance Trust Fund to
 1183 local emergency management agencies and programs pursuant to
 1184 criteria specified in rule. Such rules shall include, but are
 1185 not limited to:

1186 (a) Requiring that, at a minimum, a local emergency
 1187 management agency either:

1188 1. Have a program director who works at least 40 hours a
 1189 week in that capacity; or

1190 2. If the county has fewer than 75,000 population or is
 1191 party to an interjurisdictional emergency management agreement
 1192 entered into pursuant to s. 252.38(3)(b), that is recognized by
 1193 the Governor by executive order or rule, have an emergency
 1194 management coordinator who works at least 20 hours a week in
 1195 that capacity.

1196 (b) Specifying a formula that establishes a base grant
 1197 allocation and weighted factors for funds to be allocated over
 1198 the base grant amount.

1199 (c) Specifying match requirements.

1200 (d) Preferential funding to provide incentives to counties
 1201 and municipalities to participate in mutual aid agreements.

1202 ~~(3)(4)~~ If adequate funds are available as determined by
 1203 the division, every county shall receive funds at least
 1204 sufficient to fund a dedicated, full-time emergency preparedness
 1205 officer position.

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1206 Section 49. In order to implement Specific Appropriations
1207 2122F and 2122G of the 2004-2005 General Appropriations Act,
1208 subsection (13) of section 411.01, Florida Statutes, is amended
1209 to read:

1210 411.01 Florida Partnership for School Readiness; school
1211 readiness coalitions.--

1212 (13) PLACEMENTS.--Notwithstanding any other provision of
1213 this section to the contrary, and for fiscal year 2004-2005
1214 ~~2003-2004~~ only, the first children to be placed in the school
1215 readiness program shall be those from families receiving
1216 temporary cash assistance and subject to federal work
1217 requirements. Subsequent placements shall be pursuant to the
1218 provisions of this section. This subsection expires July 1, 2005
1219 ~~2004~~.

1220 Section 50. In order to implement Specific Appropriation
1221 2480M of the 2004-2005 General Appropriations Act, paragraph (b)
1222 of subsection (9) of section 320.08058, Florida Statutes, is
1223 amended to read:

1224 320.08058 Specialty license plates.--

1225 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.--

1226 (b) The license plate annual use fees are to be annually
1227 distributed as follows:

1228 1. Fifty-five percent of the proceeds from the Florida
1229 Professional Sports Team plate must be deposited into the
1230 Professional Sports Development Trust Fund within the Office of
1231 Tourism, Trade, and Economic Development. These funds must be
1232 used solely to attract and support major sports events in this
1233 state. As used in this subparagraph, the term "major sports

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1234 events" means, but is not limited to, championship or all-star
1235 contests of Major League Baseball, the National Basketball
1236 Association, the National Football League, the National Hockey
1237 League, the men's and women's National Collegiate Athletic
1238 Association Final Four basketball championship, or a horseracing
1239 or dogracing Breeders' Cup. All funds must be used to support
1240 and promote major sporting events, and the uses must be approved
1241 by the Florida Sports Foundation.

1242 2. The remaining proceeds of the Florida Professional
1243 Sports Team license plate must be allocated to the Florida
1244 Sports Foundation, a direct-support organization of the Office
1245 of Tourism, Trade, and Economic Development. These funds must be
1246 deposited into the Professional Sports Development Trust Fund
1247 within the Office of Tourism, Trade, and Economic Development.
1248 These funds must be used by the Florida Sports Foundation to
1249 promote the economic development of the sports industry; to
1250 distribute licensing and royalty fees to participating
1251 professional sports teams; to institute a grant program for
1252 communities bidding on minor sporting events that create an
1253 economic impact for the state; to distribute funds to Florida-
1254 based charities designated by the Florida Sports Foundation and
1255 the participating professional sports teams; and to fulfill the
1256 sports promotion responsibilities of the Office of Tourism,
1257 Trade, and Economic Development.

1258 3. The Florida Sports Foundation shall provide an annual
1259 financial audit in accordance with s. 215.981 of its financial
1260 accounts and records by an independent certified public
1261 accountant pursuant to the contract established by the Office of

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1262 Tourism, Trade, and Economic Development as specified in s.
1263 288.1229(5). The auditor shall submit the audit report to the
1264 Office of Tourism, Trade, and Economic Development for review
1265 and approval. If the audit report is approved, the office shall
1266 certify the audit report to the Auditor General for review.

1267 4. For the 2004-2005 ~~2003-2004~~ fiscal year only and
1268 notwithstanding the provisions of subparagraphs 1. and 2.,
1269 proceeds from the Professional Sports Development Trust Fund may
1270 also be used for operational expenses of the Florida Sports
1271 Foundation and financial support of the Sunshine State Games.
1272 This subparagraph expires July 1, 2005 ~~2004~~.

1273 Section 51. In order to implement Specific Appropriation
1274 1993 of the 2004-2005 General Appropriations Act, paragraph (b)
1275 of subsection (3) of section 311.07, Florida Statutes, is
1276 amended to read:

1277 311.07 Florida seaport transportation and economic
1278 development funding.--

1279 (3)

1280 (b) Projects eligible for funding by grants under the
1281 program are limited to the following port facilities or port
1282 transportation projects:

1283 1. Transportation facilities within the jurisdiction of
1284 the port.

1285 2. The dredging or deepening of channels, turning basins,
1286 or harbors.

1287 3. The construction or rehabilitation of wharves, docks,
1288 structures, jetties, piers, storage facilities, cruise

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1289 terminals, automated people mover systems, or any facilities
1290 necessary or useful in connection with any of the foregoing.

1291 4. The acquisition of vessel tracking systems, container
1292 cranes, or other mechanized equipment used in the movement of
1293 cargo or passengers in international commerce.

1294 5. The acquisition of land to be used for port purposes.

1295 6. The acquisition, improvement, enlargement, or extension
1296 of existing port facilities.

1297 7. Environmental protection projects which are necessary
1298 because of requirements imposed by a state agency as a condition
1299 of a permit or other form of state approval; which are necessary
1300 for environmental mitigation required as a condition of a state,
1301 federal, or local environmental permit; which are necessary for
1302 the acquisition of spoil disposal sites and improvements to
1303 existing and future spoil sites; or which result from the
1304 funding of eligible projects listed in this paragraph.

1305 8. Transportation facilities as defined in s. 334.03(31)
1306 which are not otherwise part of the Department of
1307 Transportation's adopted work program.

1308 9. Seaport intermodal access projects identified in the 5-
1309 year Florida Seaport Mission Plan as provided in s. 311.09(3).

1310 10. Construction or rehabilitation of port facilities as
1311 defined in s. 315.02, excluding any park or recreational
1312 facilities, in ports listed in s. 311.09(1) with operating
1313 revenues of \$5 million or less, provided that such projects
1314 create economic development opportunities, capital improvements,
1315 and positive financial returns to such ports.

1316 11. Seaport security measures. Such measures include:

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1317 a. Infrastructure security measures required by seaport
1318 security plans approved by the Office of Drug Control and the
1319 Department of Law Enforcement under s. 311.12, including
1320 security gates, physical barriers, and security-related lighting
1321 systems, equipment, or facilities to be used for seaport
1322 security monitoring and recording, remote surveillance systems,
1323 concealed recording systems, or other security infrastructure,
1324 technology, vulnerability assessments, or equipment that
1325 contributes to the overall security of the seaport and its
1326 facilities as specified in the security plans approved by the
1327 Office of Drug Control and the Department of Law Enforcement
1328 under s. 311.12 or as otherwise specifically found by the
1329 Department of Law Enforcement to be a measure consistent with
1330 and supportive of such an approved plan. Program funds for such
1331 measures may come from funds made available under subsection (2)
1332 and s. 320.20(3) or (4). Infrastructure measures required by an
1333 approved seaport security plan or as otherwise found by the
1334 Department of Law Enforcement to be consistent with and
1335 supportive of an approved plan as authorized in this sub-
1336 subparagraph are not subject to the matching fund requirements
1337 of paragraph (a) or s. 320.20(3) or (4).

1338 b. Law enforcement measures mandated by federal, state, or
1339 local governmental agencies, including the deployment of the
1340 Florida National Guard, local law enforcement personnel, seaport
1341 security personnel, private sector security personnel, or any
1342 combination thereof to provide operational security services at
1343 any seaport identified in s. 311.09(1). Program funds for such
1344 measures may come from funds made available under subsection

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1345 (2). Law enforcement measures are subject to the matching fund
1346 requirements of paragraph (a), except that any funds provided
1347 for the Florida National Guard shall remain exempt from the
1348 matching fund requirements of paragraph (a) through April 30,
1349 2002.

1350
1351 Notwithstanding s. 339.135(7) or any other provision of law to
1352 the contrary, seaports may request that the department change
1353 the purpose of a project in the 2000-2001 and 2001-2002 work
1354 programs to a purpose authorized under this subparagraph.
1355 Additional consideration shall be given to seaports having
1356 operating revenues of \$14 million or less for operational
1357 security and law enforcement measures for grants not to exceed
1358 \$350,000. Any federal funds that are provided for port security
1359 infrastructure improvements of which funds seaports in this
1360 state are the beneficiaries shall be allocated in a manner
1361 consistent with federal requirements and guidelines. Federal
1362 funds obtained by a seaport for a specific security
1363 infrastructure project, which project has also received state
1364 seaport transportation and economic development funds, shall be
1365 used to reimburse the state funds received by the seaport under
1366 this subparagraph for the specific project. These reimbursement
1367 funds must be used for projects and measures authorized under
1368 subparagraphs 1.-10. This subparagraph shall expire June 30,
1369 2005 ~~2004~~.

1370 Section 52. In order to implement Specific Appropriation
1371 2100 of the 2004-2005 General Appropriations Act, section

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1372 445.048, Florida Statutes, as amended by section 79 of chapter
1373 2003-399, Laws of Florida, is amended to read:

1374 445.048 Passport to Economic Progress demonstration
1375 program.--

1376 (1) AUTHORIZATION.--Notwithstanding any law to the
1377 contrary, Workforce Florida, Inc., in conjunction with the
1378 Department of Children and Family Services and the Agency for
1379 Workforce Innovation, shall implement a Passport to Economic
1380 Progress demonstration program ~~by November 1, 2001~~, consistent
1381 with the provisions of this section in Hillsborough, ~~and~~
1382 Manatee, and Sarasota Counties. Workforce Florida, Inc., must
1383 consult with the applicable regional workforce boards and the
1384 applicable local offices of the department which serve the
1385 demonstration areas and must encourage community input into the
1386 implementation process.

1387 (2) WAIVERS.--If Workforce Florida, Inc., in consultation
1388 with the Department of Children and Family Services, finds that
1389 federal waivers would facilitate implementation of the
1390 demonstration program, the department shall immediately request
1391 such waivers, and Workforce Florida, Inc., shall report to the
1392 Governor, the President of the Senate, and the Speaker of the
1393 House of Representatives if any refusal of the federal
1394 government to grant such waivers prevents the implementation of
1395 the demonstration program. If Workforce Florida, Inc., finds
1396 that federal waivers to provisions of the Food Stamp Program
1397 would facilitate implementation of the demonstration program,
1398 the Department of Children and Family Services shall immediately
1399 request such waivers in accordance with s. 414.175.

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1400 ~~(3) INCOME DISREGARD.--In order to provide an additional~~
1401 ~~incentive for employment, and notwithstanding the amount~~
1402 ~~specified in s. 414.095(12), for individuals residing in the~~
1403 ~~areas designated for this demonstration program, the first \$300~~
1404 ~~plus one-half of the remainder of earned income shall be~~
1405 ~~disregarded in determining eligibility for temporary cash~~
1406 ~~assistance. All other conditions and requirements of s.~~
1407 ~~414.095(12) shall continue to apply to such individuals.~~

1408 (3)(4) TRANSITIONAL BENEFITS AND SERVICES.--In order to
1409 assist them in making the transition to economic self-
1410 sufficiency, former recipients of temporary cash assistance
1411 residing within the areas designated for this demonstration
1412 program shall be eligible for the following benefits and
1413 services:

1414 (a) Notwithstanding the time period specified in s.
1415 445.030, transitional education and training support services as
1416 specified in s. 445.030 for up to 4 years after the family is no
1417 longer receiving temporary cash assistance;

1418 (b) Notwithstanding the time period specified in s.
1419 445.031, transitional transportation support services as
1420 specified in s. 445.031 for up to 4 years after the family is no
1421 longer receiving temporary cash assistance; and

1422 (c) Notwithstanding the time period specified in s.
1423 445.032, transitional child care as specified in s. 445.032 for
1424 up to 4 years after the family is no longer receiving temporary
1425 cash assistance.

1426

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1427 All other provisions of ss. 445.030, 445.031, and 445.032 shall
 1428 apply to such individuals, as appropriate. This subsection does
 1429 not constitute an entitlement to transitional benefits and
 1430 services. If funds are insufficient to provide benefits and
 1431 services under this subsection, the board of directors of
 1432 Workforce Florida, Inc., may limit such benefits and services or
 1433 otherwise establish priorities for the provisions of such
 1434 benefits and services.

1435 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.--

1436 (a) The Legislature finds that:

1437 1. There are former recipients of temporary cash
 1438 assistance who are working full time but whose incomes are below
 1439 the poverty level.

1440 2. Having incomes below the federal poverty level makes
 1441 such individuals particularly vulnerable to reliance on public
 1442 assistance despite their best efforts to achieve or maintain
 1443 economic independence through employment.

1444 3. It is necessary to implement a performance-based
 1445 program that defines economic incentives for achieving specific
 1446 benchmarks toward self-sufficiency while the individual is
 1447 working full time.

1448 (b) Workforce Florida, Inc., in cooperation with the
 1449 Department of Children and Family Services and the Agency for
 1450 Workforce Innovation, shall offer performance-based incentive
 1451 bonuses as a component of the Passport to Economic Progress
 1452 demonstration program in the areas of the state which are
 1453 designated for the demonstration program. The bonuses do not
 1454 represent a program entitlement and shall be contingent on

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1455 achieving specific benchmarks prescribed in the self-sufficiency
 1456 plan. If the funds appropriated for this purpose are
 1457 insufficient to provide this financial incentive, the board of
 1458 directors of Workforce Florida, Inc., shall reduce or suspend
 1459 the bonuses in order not to exceed the appropriation.

1460 ~~(5) WAGE SUPPLEMENTATION.--~~

1461 ~~(a) The Legislature finds that:~~

1462 ~~1. There are former recipients of temporary cash~~
 1463 ~~assistance who are working full time but whose incomes are below~~
 1464 ~~the federal poverty level.~~

1465 ~~2. Having incomes below the federal poverty level makes~~
 1466 ~~such individuals particularly vulnerable to reliance on public~~
 1467 ~~assistance despite their best efforts to achieve or maintain~~
 1468 ~~economic independence through employment.~~

1469 ~~3. It is necessary to supplement the wages of such~~
 1470 ~~individuals for a limited period of time in order to assist them~~
 1471 ~~in fulfilling the transition to economic self-sufficiency.~~

1472 ~~(b) Workforce Florida, Inc., in cooperation with the~~
 1473 ~~Department of Children and Family Services and the Agency for~~
 1474 ~~Workforce Innovation, shall create a transitional wage~~
 1475 ~~supplementation program by November 1, 2001, as a component of~~
 1476 ~~the Passport to Economic Progress demonstration program in the~~
 1477 ~~areas designated for the demonstration program. This wage~~
 1478 ~~supplementation program does not constitute an entitlement to~~
 1479 ~~wage supplementation. If funds appropriated are insufficient to~~
 1480 ~~provide wage supplementation, the board of directors of~~
 1481 ~~Workforce Florida, Inc., may limit wage supplementation or~~
 1482 ~~otherwise establish priorities for wage supplementation.~~

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- 1483 (c) To be eligible for an incentive bonus wage
 1484 ~~supplementation~~ under this subsection, an individual must:
- 1485 1. Be a former recipient of temporary cash assistance who
 - 1486 last received such assistance on or after January 1, 2000;
 - 1487 2. Be employed full time, which for the purposes of this
 - 1488 subsection means employment averaging at least 32 hours per
 - 1489 week, until the United States Congress enacts legislation
 - 1490 reauthorizing the Temporary Assistance for Needy Families block
 - 1491 grant and, after the reauthorization, means employment complying
 - 1492 with the employment requirements of the reauthorized law; and
 - 1493 3. Have an average family income for the 6 months
 - 1494 preceding the date of application for an incentive bonus wage
 - 1495 ~~supplementation~~ which is less than 150 ~~100~~ percent of the
 - 1496 federal poverty level.

1497 ~~(d) Workforce Florida, Inc., shall determine the schedule~~
 1498 ~~for the payment of wage supplementation under this subsection.~~
 1499 ~~An individual eligible for wage supplementation under this~~
 1500 ~~subsection may receive a payment that equals the amount~~
 1501 ~~necessary to bring the individual's total family income for the~~
 1502 ~~period covered by the payment to 100 percent of the federal~~
 1503 ~~poverty level. An individual may not receive wage~~
 1504 ~~supplementation payments for more than a total of 12 months.~~

1505 ~~(e) The wage supplementation program authorized by this~~
 1506 ~~subsection shall be administered through the regional workforce~~
 1507 ~~boards and the one-stop delivery system, under policy~~
 1508 ~~guidelines, criteria, and applications developed by Workforce~~
 1509 ~~Florida, Inc., in cooperation with the Department of Children~~
 1510 ~~and Family Services and the Agency for Workforce Innovation. To~~

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1511 ~~the maximum extent possible, the regional workforce boards shall~~
1512 ~~use electronic debit card technologies to provide wage~~
1513 ~~supplementation payments under this program.~~

1514 (5)~~(6)~~ EVALUATIONS AND RECOMMENDATIONS.--Workforce
1515 Florida, Inc., in conjunction with the Department of Children
1516 and Family Services, the Agency for Workforce Innovation, and
1517 the regional workforce boards in the areas designated for this
1518 demonstration program, shall conduct a comprehensive evaluation
1519 of the effectiveness of the demonstration program operated under
1520 this section. By January 1, 2005 ~~2003~~, Workforce Florida, Inc.,
1521 shall submit a report on such evaluation to the Governor, the
1522 President of the Senate, and the Speaker of the House of
1523 Representatives. The report must include recommendations as to
1524 whether the demonstration program should be expanded to other
1525 service areas or statewide and whether the program should be
1526 revised to enhance its administration or effectiveness.

1527 (6)~~(7)~~ CONFLICTS.--If there is a conflict between the
1528 implementation procedures described in this section and federal
1529 requirements and regulations, federal requirements and
1530 regulations shall control.

1531 Section 53. The amendment of section 445.048, Florida
1532 Statutes, by this act shall expire on July 1, 2005, and the text
1533 of that section shall revert to that in existence on June 30,
1534 2003, except that any amendments to such text enacted other than
1535 by this act shall be preserved and continue to operate to the
1536 extent that such amendments are not dependent upon the portions
1537 of such text which expire pursuant to the provisions of this
1538 act.

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1539 Section 54. In order to implement section 27 of the 2004-
1540 2005 General Appropriations Act, subsection (13) is added to
1541 section 253.034, Florida Statutes, to read:

1542 253.034 State-owned lands; uses.--

1543 (13) Notwithstanding the provisions of this section, funds
1544 from the sale of property by the Department of Highway Safety
1545 and Motor Vehicles located in Palm Beach and Orange Counties are
1546 authorized to be deposited into the Highway Safety Operating
1547 Trust Fund to facilitate the exchange as provided in the General
1548 Appropriations Act, provided that at the conclusion of both
1549 exchanges the values are equalized. This subsection expires July
1550 1, 2005.

1551 Section 55. In order to implement proviso language in
1552 Specific Appropriation 2122F of the 2004-2005 General
1553 Appropriations Act, section 402.3017, Florida Statutes, is
1554 amended to read:

1555 402.3017 Teacher Education and Compensation Helps (TEACH)
1556 scholarship program.--

1557 (1) The Legislature finds that the level of early child
1558 care teacher education and training is a key predictor for
1559 determining program quality. The Legislature also finds that low
1560 wages for child care workers prevent many from obtaining
1561 increased training and education and contribute to high turnover
1562 rates. The Legislature therefore intends to help fund a program
1563 which links teacher training and education to compensation and
1564 commitment to the field of early childhood education.

1565 (2) The Department of Children and Family Services is
1566 authorized to contract for the administration of the Teacher

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1567 Education and Compensation Helps (TEACH) scholarship program,
1568 which provides educational scholarships to caregivers and
1569 administrators of early childhood programs, family day care
1570 homes, and large family child care homes.

1571 (3) The department shall adopt rules as necessary to
1572 implement this section.

1573 (4) For the 2004-2005 ~~2003-2004~~ fiscal year only, the
1574 Agency for Workforce Innovation shall administer this section.
1575 This subsection expires July 1, 2005 ~~2004~~.

1576 Section 56. In order to implement Specific Appropriation
1577 2871BM of the 2004-2005 General Appropriations Act, subsection
1578 (7) of section 265.702, Florida Statutes, is amended to read:

1579 265.702 Regional cultural facilities; grants for
1580 acquisition, renovation, or construction; funding; approval;
1581 allocation.--

1582 (7)(a) The annual amount of a grant made under this
1583 section may not exceed the lesser of \$2.5 million or 10 percent
1584 of the total costs of the regional cultural facility. The total
1585 amount of the grants awarded to a regional cultural facility in
1586 a 5-year period may not exceed the lesser of \$10 million or 10
1587 percent of the total costs of a regional cultural facility. The
1588 total cost of a regional cultural facility must be calculated
1589 with respect to the primary scope of the original proposal as
1590 submitted under this section and may not include the cost of any
1591 additions that change the scope of the regional cultural
1592 facility, such as additional facilities or significant design
1593 alterations.

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1594 (b) For the 2004-2005 fiscal year only, the annual amount
 1595 of a grant made under this section may not exceed the amount
 1596 specified in the General Appropriations Act or the amount
 1597 specified in paragraph (a), whichever is less. This paragraph
 1598 expires July 1, 2005.

1599 Section 57. In order to implement Specific Appropriation
 1600 2871AU of the 2004-2005 General Appropriations Act, section 11
 1601 of chapter 2003-401, Laws of Florida, is amended to read:

1602 Section 11. A project that is ranked but not funded for
 1603 the fiscal year 2003-2004 grant cycle under the Department of
 1604 State's Historical Facilities Special Category Fixed Capital
 1605 Outlay Grants Program, Cultural Facilities Fixed Capital Outlay
 1606 Grants Program, or Regional Cultural Facilities Grants Program,
 1607 ~~or Library Construction Fixed Capital Outlay Grants Program~~
 1608 shall, if it continues to meet applicable criteria for the grant
 1609 program for which it is ranked, maintain its relative ranking
 1610 for the fiscal year 2004-2005 grant cycle and shall receive
 1611 priority ranking over new projects applying for the fiscal year
 1612 2004-2005 grant cycle. A project that is ranked but not funded
 1613 for the fiscal year 2003-2004 grant cycle under the Department
 1614 of State's Library Construction Fixed Capital Outlay Grants
 1615 Program shall, if it continues to meet applicable criteria for
 1616 the grant program for which it is ranked, and notwithstanding
 1617 the requirements of Chapter 1B-2, Florida Administrative Code,
 1618 be carried forward as the 2003-2004 list of ranked projects
 1619 recommended to the 2004 Legislature along with the 2004-2005
 1620 list of ranked projects submitted by the department. Each list

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1621 may be considered separately for funding by the 2004
 1622 Legislature.

1623 Section 58. In order to implement Specific Appropriation
 1624 2871H of the 2004-2005 General Appropriations Act, paragraph (f)
 1625 of subsection (5) of section 287.057, Florida Statutes, is
 1626 amended to read:

1627 287.057 Procurement of commodities or contractual
 1628 services.--

1629 (5) When the purchase price of commodities or contractual
 1630 services exceeds the threshold amount provided in s. 287.017 for
 1631 CATEGORY TWO, no purchase of commodities or contractual services
 1632 may be made without receiving competitive sealed bids,
 1633 competitive sealed proposals, or competitive sealed replies
 1634 unless:

1635 (f) The following contractual services and commodities are
 1636 not subject to the competitive-solicitation requirements of this
 1637 section:

- 1638 1. Artistic services.
- 1639 2. Academic program reviews.
- 1640 3. Lectures by individuals.
- 1641 4. Auditing services.
- 1642 5. Legal services, including attorney, paralegal, expert
 1643 witness, appraisal, or mediator services.
- 1644 6. Health services involving examination, diagnosis,
 1645 treatment, prevention, medical consultation, or administration.
- 1646 7. Services provided to persons with mental or physical
 1647 disabilities by not-for-profit corporations which have obtained
 1648 exemptions under the provisions of s. 501(c)(3) of the United

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1649 States Internal Revenue Code or when such services are governed
1650 by the provisions of Office of Management and Budget Circular A-
1651 122. However, in acquiring such services, the agency shall
1652 consider the ability of the vendor, past performance,
1653 willingness to meet time requirements, and price.

1654 8. Medicaid services delivered to an eligible Medicaid
1655 recipient by a health care provider who has not previously
1656 applied for and received a Medicaid provider number from the
1657 Agency for Health Care Administration. However, this exception
1658 shall be valid for a period not to exceed 90 days after the date
1659 of delivery to the Medicaid recipient and shall not be renewed
1660 by the agency.

1661 9. Family placement services.

1662 10. Prevention services related to mental health,
1663 including drug abuse prevention programs, child abuse prevention
1664 programs, and shelters for runaways, operated by not-for-profit
1665 corporations. However, in acquiring such services, the agency
1666 shall consider the ability of the vendor, past performance,
1667 willingness to meet time requirements, and price.

1668 11. Training and education services provided to injured
1669 employees pursuant to s. 440.49(1).

1670 12. Contracts entered into pursuant to s. 337.11.

1671 13. Services or commodities provided by governmental
1672 agencies.

1673 14. Voter education activities of the Department of State
1674 or the supervisors of elections funded by Specific Appropriation
1675 2871H of the 2004-2005 General Appropriations Act, either
1676 individually or in the aggregate or with their respective

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1677 professional associations. This subparagraph expires July 1,
1678 2005.

1679 Section 59. In order to implement Specific Appropriation
1680 2480K of the 2004-2005 General Appropriations Act, reference
1681 therein to "Streetscape Lee County" is changed to "Streetscape
1682 Design and Construction Enhancements - City of Ft. Myers."

1683 Section 60. In order to implement Specific Appropriation
1684 2480G of the 2004-2005 General Appropriations Act, subsection
1685 (7) of section 288.1045, Florida Statutes, is amended to read:

1686 288.1045 Qualified defense contractor tax refund
1687 program.--

1688 (7) EXPIRATION.--An applicant may not be certified as
1689 qualified under this section after June 30, 2005 ~~2004~~.

1690 Section 61. In order to implement Specific Appropriation
1691 2480G of the 2004-2005 General Appropriations Act, subsection
1692 (7) of section 288.106, Florida Statutes, is amended to read:

1693 288.106 Tax refund program for qualified target industry
1694 businesses.--

1695 (7) EXPIRATION.--This section expires June 30, 2005 ~~2004~~.

1696 Section 62. In order to implement Specific Appropriation
1697 2934C of the 2004-2005 General Appropriations Act, and pursuant
1698 to the notice, review, and objection procedures of s. 216.177,
1699 Florida Statutes, funds in Specific Appropriation 2934C of the
1700 2004-2005 General Appropriations Act may be transferred from the
1701 courts to the Justice Administrative Commission in order to
1702 address unanticipated shortfalls in due process services
1703 appropriations in excess of the contingency fund provided in

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1704 Specific Appropriation 829A of the 2004-2005 General
 1705 Appropriations Act. This section expires July 1, 2005.

1706 Section 63. In order to implement Specific Appropriation
 1707 831 of the 2004-2005 General Appropriations Act, section 27.701,
 1708 Florida Statutes, is amended to read:

1709 27.701 Capital collateral regional counsels.--

1710 (1) There are created three regional offices of capital
 1711 collateral counsel, which shall be located in a northern,
 1712 middle, and southern region of the state. The northern region
 1713 shall consist of the First, Second, Third, Fourth, Eighth, and
 1714 Fourteenth Judicial Circuits; the middle region shall consist of
 1715 the Fifth, Sixth, Seventh, Ninth, Tenth, Twelfth, Thirteenth,
 1716 and Eighteenth Judicial Circuits; and the southern region shall
 1717 consist of the Eleventh, Fifteenth, Sixteenth, Seventeenth,
 1718 Nineteenth, and Twentieth Judicial Circuits. Each regional
 1719 office shall be administered by a regional counsel. A regional
 1720 counsel must be, and must have been for the preceding 5 years, a
 1721 member in good standing of The Florida Bar or a similar
 1722 organization in another state. Each capital collateral regional
 1723 counsel shall be appointed by the Governor, and is subject to
 1724 confirmation by the Senate. The Supreme Court Judicial
 1725 Nominating Commission shall recommend to the Governor three
 1726 qualified candidates for each appointment as regional counsel.
 1727 The Governor shall appoint a regional counsel for each region
 1728 from among the recommendations, or, if it is in the best
 1729 interest of the fair administration of justice in capital cases,
 1730 the Governor may reject the nominations and request submission
 1731 of three new nominees by the Supreme Court Judicial Nominating

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1732 Commission. Each capital collateral regional counsel shall be
 1733 appointed to a term of 3 years. Vacancies in the office of
 1734 capital collateral regional counsel shall be filled in the same
 1735 manner as appointments. A person appointed as a regional counsel
 1736 may not run for or accept appointment to any state office for 2
 1737 years following vacation of office.

1738 (2) For the 2004-2005 ~~2003-2004~~ fiscal year only and
 1739 notwithstanding the provisions of subsection (1), the
 1740 responsibilities of the regional office of capital collateral
 1741 counsel for the northern region of the state shall be met
 1742 through a pilot program using only attorneys from the registry
 1743 of attorneys maintained pursuant to s. 27.710. Each attorney
 1744 participating in the pilot must be qualified to provide
 1745 representation in federal court. ~~The Auditor General shall~~
 1746 ~~present a status report on the implementation of the pilot~~
 1747 ~~program to the President of the Senate and the Speaker of the~~
 1748 ~~House of Representatives by February 27, 2004.~~ The Auditor
 1749 General shall ~~also~~ schedule a performance review of the pilot
 1750 program to determine the effectiveness and efficiency of using
 1751 attorneys from the registry compared to the capital collateral
 1752 regional counsels. The review, at a minimum, shall include
 1753 comparisons of the timeliness and costs of the pilot and the
 1754 counsels and shall be submitted to the President of the Senate
 1755 and the Speaker of the House of Representatives by January 30,
 1756 2007. This subsection expires July 1, 2005 ~~2004~~.

1757 Section 64. In order to implement Specific Appropriation
 1758 831 of the 2004-2005 General Appropriations Act, paragraphs (a)
 1759 and (c) of subsection (2) of section 27.709, Florida Statutes,

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1760 as amended by section 86 of chapter 2003-399, Laws of Florida,
1761 are amended to read:

1762 27.709 Commission on Capital Cases.--

1763 (2)(a) The commission shall review the administration of
1764 justice in capital collateral cases, receive relevant public
1765 input, review the operation of the capital collateral regional
1766 counsel and private counsel appointed pursuant to ss. 27.710 and
1767 27.711, and advise and make recommendations to the Governor,
1768 Legislature, and Supreme Court.

1769 (c) In addition, the commission shall receive complaints
1770 regarding the practice of any office of regional counsel and
1771 private counsel appointed pursuant to ss. 27.710 and 27.711 and
1772 shall refer any complaint to The Florida Bar, the State Supreme
1773 Court, or the Commission on Ethics, as appropriate.

1774 Section 65. The amendment of section 27.709, Florida
1775 Statutes, by this act shall expire on July 1, 2005, and the text
1776 of that section shall revert to that in existence on June 30,
1777 2003, except that any amendments to such text enacted other than
1778 by this act shall be preserved and continue to operate to the
1779 extent that such amendments are not dependent upon the portions
1780 of such text which expire pursuant to the provisions of this
1781 act.

1782 Section 66. In order to implement Specific Appropriation
1783 831 of the 2004-2005 General Appropriations Act, subsections (3)
1784 and (9) of section 27.711, Florida Statutes, as amended by
1785 section 88 of chapter 2003-399, Laws of Florida, are amended,
1786 and subsection (14) is added to said section, to read:

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1787 27.711 Terms and conditions of appointment of attorneys as
1788 counsel in postconviction capital collateral proceedings.--

1789 (3) An attorney appointed to represent a capital defendant
1790 is entitled to payment of the fees set forth in this section
1791 only upon full performance by the attorney of the duties
1792 specified in this section and approval of payment by the trial
1793 court, and the submission of a payment request by the attorney,
1794 subject to the availability of sufficient funding specifically
1795 appropriated for this purpose. An attorney may not be
1796 compensated under this section for work performed by the
1797 attorney before July 1, 2003, while employed by the northern
1798 regional office of the capital collateral counsel. The Chief
1799 Financial Officer shall notify the executive director and the
1800 court if it appears that sufficient funding has not been
1801 specifically appropriated for this purpose to pay any fees which
1802 may be incurred. The attorney shall maintain appropriate
1803 documentation, including a current and detailed hourly
1804 accounting of time spent representing the capital defendant. The
1805 fee and payment schedule in this section is the exclusive means
1806 of compensating a court-appointed attorney who represents a
1807 capital defendant. When appropriate, a court-appointed attorney
1808 must seek further compensation from the Federal Government, as
1809 provided in 18 U.S.C. s. 3006A or other federal law, in habeas
1810 corpus litigation in the federal courts.

1811 (9) An attorney may not represent more than five ~~capital~~
1812 defendants in capital postconviction litigation at any one time.

1813 (14) Each attorney participating in the pilot program in
1814 the northern region pursuant to s. 27.701(2), as a condition of

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1815 payment pursuant to this section, shall report on the
1816 performance measures adopted by the Legislature for the capital
1817 collateral regional counsels.

1818 Section 67. The amendment of section 27.711, Florida
1819 Statutes, by this act shall expire on July 1, 2005, and the text
1820 of that section shall revert to that in existence on June 30,
1821 2003, except that any amendments to such text enacted other than
1822 by this act shall be preserved and continue to operate to the
1823 extent that such amendments are not dependent upon the portions
1824 of such text which expire pursuant to the provisions of this
1825 act.

1826 Section 68. In order to implement Specific Appropriation
1827 831 of the 2004-2005 General Appropriations Act, paragraph (b)
1828 of subsection (4) of section 27.702, Florida Statutes, as
1829 amended by section 90 of chapter 2003-399, Laws of Florida, is
1830 amended to read:

1831 27.702 Duties of the capital collateral regional counsel;
1832 reports.--

1833 (4)

1834 (b) Each capital collateral regional counsel and each
1835 attorney participating in the pilot program in the northern
1836 region pursuant to s. 27.701(2) shall provide a quarterly report
1837 to the President of the Senate, the Speaker of the House of
1838 Representatives, and the Commission on Capital Cases which
1839 details the number of hours worked by investigators and legal
1840 counsel per case and the amounts per case expended during the
1841 preceding quarter in investigating and litigating capital
1842 collateral cases.

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1843 Section 69. The amendment of section 27.702, Florida
1844 Statutes, by this act shall expire on July 1, 2005, and the text
1845 of that section shall revert to that in existence on June 30,
1846 2003, except that any amendments to such text enacted other than
1847 by this act shall be preserved and continue to operate to the
1848 extent that such amendments are not dependent upon the portions
1849 of such text which expire pursuant to the provisions of this
1850 act.

1851 Section 70. In order to implement Specific Appropriations
1852 812-1066 and 2919-2968 of the 2004-2005 General Appropriations
1853 Act and for the 2004-2005 fiscal year only, all personnel moving
1854 from county government to positions in the state courts system,
1855 an office of the state attorney, or an office of the public
1856 defender as a part of the implementation of Revision 7 to
1857 Article V of the Florida Constitution who were eligible for
1858 coverage under a county-sponsored group insurance program June
1859 30, 2004, and who elect and are qualified to be covered under
1860 the State Group Insurance Program in the Department of
1861 Management Services shall be enrolled for health and life
1862 insurance effective July 1, 2004. The state courts system and
1863 the respective offices of the state attorney or the offices of
1864 the public defender shall be responsible for ensuring affected
1865 employees' health and life insurance benefit enrollment
1866 elections are made and processed by June 23, 2004, and shall
1867 make a one-time total premium payment to the Division of State
1868 Group Insurance of the Department of Management Services not
1869 later than July 15, 2004, for coverage for the month of July
1870 2004. For health and life insurance coverage only, the premium

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1871 remittance mechanism for each such premium payment shall be in
1872 the form of a separate journal transfer. Accompanying
1873 documentation, as prescribed by the Division of State Group
1874 Insurance, is required to distinguish employee from employer
1875 contributions, by subscriber. Subsequent premium payments and
1876 eligibility determinations shall be made in accordance with
1877 existing laws and administrative rules to ensure continuity of
1878 employee benefit coverage. This section shall take effect upon
1879 becoming law. This section expires July 1, 2005.

1880 Section 71. In order to implement Specific Appropriations
1881 853, 854, 892, 895, 903, 906, 915, 927, and 929 of the 2004-2005
1882 General Appropriations Act, subsection (4) of section 413.4021,
1883 Florida Statutes, is amended to read:

1884 413.4021 Pilot program participant county selection; tax
1885 collection enforcement diversion program.--The Department of
1886 Revenue, in coordination with the Florida Association of Centers
1887 for Independent Living and the Florida Prosecuting Attorneys
1888 Association, shall select four counties in which to operate the
1889 pilot program. The association and the state attorneys' offices
1890 in Duval County and the four pilot program counties shall
1891 develop and implement a tax collection enforcement diversion
1892 program, which shall collect revenue due from persons who have
1893 not remitted their collected sales tax. The criteria for
1894 referral to the tax collection enforcement diversion program
1895 shall be determined cooperatively between the state attorneys'
1896 offices in those counties and the Department of Revenue.

1897 (4) For the 2004-2005 ~~2003-2004~~ fiscal year only and
1898 notwithstanding the provisions of subsection (1), 50 percent of

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1899 the revenues collected from the tax collection enforcement
1900 diversion program shall be deposited into the operating account
1901 of the Florida Endowment Foundation for Vocational
1902 Rehabilitation, to be used to implement the personal care
1903 attendant pilot program and to contract with the state attorneys
1904 participating in the tax collection enforcement diversion
1905 program in an amount of not more than \$50,000 for each state
1906 attorney. This subsection expires July 1, 2005 ~~2004~~.

1907 Section 72. In order to implement Specific Appropriations
1908 825A, 825B, 826A, 826B, and 2956A of the 2004-2005 General
1909 Appropriations Act, if a deficit is projected by the Justice
1910 Administrative Commission or the state courts in any specific
1911 appropriation provided for due process services, the Governor or
1912 the Chief Justice of the Supreme Court, respectively, may submit
1913 a budget amendment for consideration by the Legislative Budget
1914 Commission to authorize the expenditure of funds from the
1915 Working Capital Fund to offset such deficiency. Any budget
1916 amendment submitted by the Governor to the Legislative Budget
1917 Commission shall contain certification by the Justice
1918 Administrative Commission that all actions required by section
1919 29.015, Florida Statutes, have been completed and that no funds
1920 exist in any contingency fund appropriation available to the
1921 entity projected to experience the deficiency. Any budget
1922 amendment submitted by the Supreme Court shall contain
1923 certification that the court has completed all actions required
1924 by section 29.016, Florida Statutes, and that no funds exist in
1925 any contingency fund available to the state courts system. This
1926 section expires July 1, 2005.

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1927 Section 73. In order to implement the transfer of moneys
1928 to the Working Capital Fund from trust funds in the 2004-2005
1929 General Appropriations Act, paragraph (b) of subsection (2) of
1930 section 215.32, Florida Statutes, is reenacted to read:

1931 215.32 State funds; segregation.--

1932 (2) The source and use of each of these funds shall be as
1933 follows:

1934 (b)1. The trust funds shall consist of moneys received by
1935 the state which under law or under trust agreement are
1936 segregated for a purpose authorized by law. The state agency or
1937 branch of state government receiving or collecting such moneys
1938 shall be responsible for their proper expenditure as provided by
1939 law. Upon the request of the state agency or branch of state
1940 government responsible for the administration of the trust fund,
1941 the Chief Financial Officer may establish accounts within the
1942 trust fund at a level considered necessary for proper
1943 accountability. Once an account is established within a trust
1944 fund, the Chief Financial Officer may authorize payment from
1945 that account only upon determining that there is sufficient cash
1946 and releases at the level of the account.

1947 2. In order to maintain a minimum number of trust funds in
1948 the State Treasury, each state agency or the judicial branch may
1949 consolidate, if permitted under the terms and conditions of
1950 their receipt, the trust funds administered by it; provided,
1951 however, the agency or judicial branch employs effectively a
1952 uniform system of accounts sufficient to preserve the integrity
1953 of such trust funds; and provided, further, that consolidation
1954 of trust funds is approved by the Governor or the Chief Justice.

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1955 3. All such moneys are hereby appropriated to be expended
1956 in accordance with the law or trust agreement under which they
1957 were received, subject always to the provisions of chapter 216
1958 relating to the appropriation of funds and to the applicable
1959 laws relating to the deposit or expenditure of moneys in the
1960 State Treasury.

1961 4.a. Notwithstanding any provision of law restricting the
1962 use of trust funds to specific purposes, unappropriated cash
1963 balances from selected trust funds may be authorized by the
1964 Legislature for transfer to the Budget Stabilization Fund and
1965 Working Capital Fund in the General Appropriations Act.

1966 b. This subparagraph does not apply to trust funds
1967 required by federal programs or mandates; trust funds
1968 established for bond covenants, indentures, or resolutions whose
1969 revenues are legally pledged by the state or public body to meet
1970 debt service or other financial requirements of any debt
1971 obligations of the state or any public body; the State
1972 Transportation Trust Fund; the trust fund containing the net
1973 annual proceeds from the Florida Education Lotteries; the
1974 Florida Retirement System Trust Fund; trust funds under the
1975 management of the Board of Regents, where such trust funds are
1976 for auxiliary enterprises, self-insurance, and contracts,
1977 grants, and donations, as those terms are defined by general
1978 law; trust funds that serve as clearing funds or accounts for
1979 the Chief Financial Officer or state agencies; trust funds that
1980 account for assets held by the state in a trustee capacity as an
1981 agent or fiduciary for individuals, private organizations, or

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1982 other governmental units; and other trust funds authorized by
1983 the State Constitution.

1984 Section 74. In order to implement the issuance of new debt
1985 authorized in the 2004-2005 General Appropriations Act, and
1986 pursuant to the requirements of section 215.98, Florida
1987 Statutes, the Legislature determines that the authorization and
1988 issuance of debt for the 2004-2005 fiscal year is in the best
1989 interest of the state and should be implemented.

1990 Section 75. A section of this act that implements a
1991 specific appropriation or specifically identified proviso
1992 language in the 2004-2005 General Appropriations Act is void if
1993 the specific appropriation or specifically identified proviso
1994 language is vetoed. A section of this act that implements more
1995 than one specific appropriation or more than one portion of
1996 specifically identified proviso language in the 2004-2005
1997 General Appropriations Act is void if all the specific
1998 appropriations or portions of specifically identified proviso
1999 language are vetoed.

2000 Section 76. If any other act passed in 2004 contains a
2001 provision that is substantively the same as a provision in this
2002 act, but that removes or is otherwise not subject to the future
2003 repeal applied to such provision by this act, the Legislature
2004 intends that the provision in the other act shall take
2005 precedence and shall continue to operate, notwithstanding the
2006 future repeal provided by this act.

2007 Section 77. It is the intent of the Legislature that,
2008 notwithstanding section 76 of this act, section 17 shall take
2009 precedence in fiscal year 2004-2005 over any other substantive

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2010 law regarding this issue with respect to the Economic Self-
2011 Sufficiency Services Program initiative.

2012 Section 78. The agency performance measures and standards
2013 in the document entitled "Performance Measures and Standards
2014 Approved by the Legislature for Fiscal Year 2004-2005" dated
2015 April 30, 2004, and filed with the Clerk of the House of
2016 Representatives are incorporated by reference. Such performance
2017 measures and standards are directly linked to the appropriations
2018 made in the General Appropriations Act for fiscal year 2004-
2019 2005, as required by the Government Performance and
2020 Accountability Act of 1994. State agencies are directed to
2021 revise their long-range program plans required under s. 216.013,
2022 Florida Statutes, to be consistent with these performance
2023 measures and standards.

2024 Section 79. If any law that is amended by this act was
2025 also amended by a law enacted at the 2004 Regular Session of the
2026 Legislature, such laws shall be construed as if they had been
2027 enacted during the same session of the Legislature, and full
2028 effect should be given to each if that is possible.

2029 Section 80. If any provision of this act or its
2030 application to any person or circumstance is held invalid, the
2031 invalidity does not affect other provisions or applications of
2032 the act which can be given effect without the invalid provision
2033 or application, and to this end the provisions of this act are
2034 severable.

2035 Section 81. Except as otherwise expressly provided in this
2036 act, this act shall take effect July 1, 2004; or, if this act
2037 fails to become a law until after that date, it shall take

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2038 effect upon becoming a law and shall operate retroactively to
2039 July 1, 2004.

2040

2041

2042 ===== T I T L E A M E N D M E N T =====

2043 Remove the entire title and insert:

2044 A bill to be entitled

2045 An act implementing the 2004-2005 General Appropriations
2046 Act; providing legislative intent; providing accounting
2047 requirements for the state universities for the 2004-2005
2048 fiscal year; authorizing Florida State University to
2049 construct a classroom building from certain funds;
2050 amending s. 216.292, F.S.; authorizing the Department of
2051 Children and Family Services to transfer funds within the
2052 family safety program; amending s. 561.121, F.S.;
2053 providing that moneys in the Children and Adolescents
2054 Substance Abuse Trust Fund may also be used for the
2055 purpose of funding programs directed at reducing and
2056 eliminating substance abuse problems among adults;
2057 amending s. 409.1671, F.S.; requiring that funds for
2058 privatized foster care and related services be allocated
2059 in accordance with a methodology adopted by the Department
2060 of Children and Family Services by rule and granting
2061 rulemaking authority for such purpose; providing for lump
2062 sum funding in the Department of Children and Family
2063 Services to provide for continuity of foster care under
2064 certain circumstances; amending s. 394.908, F.S.;
2065 providing for substance abuse and mental health funding

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2066 equity as provided in the General Appropriations Act;
2067 amending s. 287.057, F.S.; authorizing the Department of
2068 Children and Family Services to contract with a private
2069 provider for a mental health treatment facility; amending
2070 s. 381.0066, F.S.; continuing the additional fee on new
2071 construction permits for onsite sewage treatment and
2072 disposal systems the proceeds of which are used for system
2073 research, demonstration, and training projects; amending
2074 s. 385.207, F.S.; authorizing appropriation of funds in
2075 the Epilepsy Services Trust Fund for epilepsy case
2076 management services; amending s. 20.19, F.S.; authorizing
2077 Department of Children and Family Services to transfer of
2078 a portion of total district budget; amending s. 381.79,
2079 F.S.; providing for use of funds in the Brain and Spinal
2080 Cord Injury Program Trust Fund for spinal cord injury and
2081 brain injury research at the University of Miami;
2082 providing for enrollment in the Florida KidCare program;
2083 amending s. 402.305, F.S.; providing for the child care
2084 competency examination to be given in Spanish; amending s.
2085 402.33, F.S.; suspending authority of the Department of
2086 Children and Family Services to use funds in excess of fee
2087 collections; authorizing contracting with private vendors
2088 for eligibility determination functions of the Economic
2089 Self-Sufficiency Services Program; amending s. 216.181,
2090 F.S.; providing for state match for the LifeSaver Rx
2091 program; revising proviso to provide for a plan to
2092 identify funding necessary for an integrated, long-term
2093 care, fixed payment, delivery system for Medicaid

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2094 beneficiaries age 65 and older; providing for evaluation
2095 of the reimbursement methodology for Medicaid nursing home
2096 services; requiring a report to the Governor and
2097 Legislature; requiring the Florida Substance Abuse and
2098 Mental Health Corporation to include in its annual report
2099 a specific analysis of managed care contracts and the
2100 impact of these contracts on the mental health service
2101 delivery system in the state; requiring the Department of
2102 Health to review and examine how state and local fees are
2103 charged in the regulation of onsite sewage treatment and
2104 disposal systems; authorizing the Department of
2105 Corrections and the Department of Juvenile Justice to make
2106 certain expenditures to defray costs incurred by a
2107 municipality or county as a result of opening or operating
2108 a facility under authority of the respective department;
2109 amending s. 216.262, F.S.; providing for additional
2110 positions to operate additional prison bed capacity under
2111 certain circumstances; amending s. 16.555, F.S.;

2112 authorizing use of the Crime Stoppers Trust Fund to pay
2113 for salaries and benefits and other expenses of the
2114 Department of Legal Affairs; amending s. 215.96, F.S.;

2115 requiring the Financial Management Information Board to
2116 provide certain policies, procedures, and processes for
2117 integration of central administrative and financial
2118 information systems; providing for an agreement between
2119 the Department of Agriculture and Consumer Services and
2120 the Department of Transportation for the construction of
2121 an agricultural interdiction station in Escambia County;

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2122 providing for the budget of the Council for Education
2123 Policy Research and Improvement to be administered by the
2124 Auditor General; providing that the council is otherwise
2125 independent; authorizing the Executive Office of the
2126 Governor to transfer funds between departments for
2127 purposes of aligning amounts paid for risk management
2128 premiums and for purposes of aligning amounts paid for
2129 human resource management services; amending s. 110.1239,
2130 F.S.; providing requirements for the funding of the state
2131 group health insurance program; authorizing the Executive
2132 Office of the Governor to transfer funds between
2133 departments for purposes of aligning amounts paid for risk
2134 management premiums and for purposes of aligning amounts
2135 paid for human resource management services; amending s.
2136 112.061, F.S.; providing for computation of travel time
2137 and reimbursement for public officers' and employees'
2138 travel; amending s. 110.12315, F.S.; providing copayment
2139 requirements for the state employees' prescription drug
2140 program; establishing the rate of increase for legislative
2141 salaries; directing the Department of Environmental
2142 Protection to make specified awards of grant moneys for
2143 pollution control purposes; amending s. 375.041, F.S.;
2144 providing for use of funds allocated to the Land
2145 Acquisition Trust Fund for water quality issues; amending
2146 s. 375.045, F.S.; providing for use of certain moneys from
2147 the Florida Preservation 2000 Trust Fund for the Florida
2148 Forever Trust Fund; providing directives to the State
2149 Technology Office with respect to information technology;

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2150 amending s. 373.4137, F.S.; providing for water management
2151 districts to use specified funds in certain surface water
2152 improvement and management or invasive plant control
2153 projects; amending s. 468.404, F.S.; requiring talent
2154 agency fees to cover the costs of regulation; amending s.
2155 120.551, F.S.; continuing Internet publication of certain
2156 notices of the Department of Environmental Protection and
2157 the Board of Trustees of the Internal Improvement Trust
2158 Fund; amending s. 259.032, F.S.; authorizing use of
2159 certain funds in the Conservation and Lands Recreation
2160 Trust Fund for the Lake Jesup restoration project;
2161 amending s. 403.121, F.S.; specifying minimum
2162 administrative penalties for violations relating to public
2163 water systems; amending s. 403.08725, F.S.; providing
2164 exemption from certain air pollution construction and
2165 operation requirements for citrus juice processing
2166 facilities; amending s. 570.191, F.S.; authorizing use of
2167 funds in the Agricultural Emergency Eradication Trust Fund
2168 for insect control; amending s. 570.207, F.S.; authorizing
2169 use of funds in the Conservation and Recreation Lands
2170 Program Trust Fund for conservation easements and
2171 agreements; amending s. 252.373, F.S.; providing for use
2172 of funds of the Emergency Management, Preparedness, and
2173 Assistance Trust Fund, including the use of certain funds
2174 as state matching funds for federally approved Hazard
2175 Mitigation Grant Program projects; amending s. 411.01,
2176 F.S.; providing priority for placement of children in the
2177 school readiness program; amending s. 320.08058, F.S.;

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2178 authorizing proceeds from the Professional Sports
2179 Development Trust Fund to be used for operational expenses
2180 of the Florida Sports Foundation and financial support of
2181 the Sunshine State Games; amending s. 311.07, F.S.;
2182 continuing eligibility of seaport security infrastructure
2183 measures for funding by grant under the Florida Seaport
2184 Transportation and Economic Development Program; amending
2185 s. 445.048, F.S.; continuing and expanding the Passport to
2186 Economic Progress demonstration project; amending s.
2187 253.034, F.S.; authorizing deposit of funds from the sale
2188 of property by the Department of Highway Safety and Motor
2189 Vehicles located in Palm Beach and Orange Counties;
2190 amending s. 402.3017, F.S.; requiring the Agency for
2191 Workforce Innovation to administer Teacher Education and
2192 Compensation Helps (TEACH) scholarship program; amending
2193 s. 265.702, F.S.; providing a limit on the annual amount
2194 of individual cultural facilities grants; amending s. 11,
2195 ch. 2003-401, Laws of Florida; providing for separate
2196 funding of certain listed library construction projects;
2197 amending s. 287.057, F.S.; exempting certain voter
2198 education activities from competitive-solicitation
2199 requirements; correcting a reference in proviso; amending
2200 s. 288.1045, F.S.; extending the qualified defense
2201 contractor tax refund program; amending s. 288.106, F.S.;
2202 extending the tax refund program for qualified target
2203 industry businesses; authorizing transfer of certain funds
2204 from the courts to the Justice Administrative Commission
2205 to meet certain shortfalls in due process appropriations;

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2206 amending s. 27.701, F.S.; providing for a pilot program
2207 using a registry of attorneys instead of the capital
2208 collateral regional counsel in the northern region of the
2209 state; requiring certain qualification; requiring a
2210 report; amending s. 27.709, F.S.; expanding the
2211 jurisdiction of the Commission on Capital Cases; amending
2212 s. 27.711, F.S.; providing for compensation of counsel in
2213 the pilot program; providing for limitations on such
2214 counsel; amending s. 27.702, F.S.; requiring reports from
2215 attorneys participating in the pilot program; providing
2216 for continuity of health and life insurance coverage of
2217 employees transferring from county employment to
2218 employment in the state courts system, the office of a
2219 state attorney, or the office of a public defender;
2220 providing responsibilities of former and new employers;
2221 amending s. 413.4021, F.S.; requiring additional revenues
2222 from the tax collection enforcement diversion program to
2223 be used for the personal care attendant pilot program and
2224 for state attorney contracts; providing for expenditure of
2225 funds from the Working Capital Fund to offset deficiencies
2226 in due process services; reenacting s. 215.32(2)(b), F.S.,
2227 relating to the source and use of trust funds; providing
2228 finding of best interest of the state for authorization
2229 and issuance of certain debt; providing for future repeal
2230 or expiration of various provisions; providing for
2231 reversion of certain provisions; providing effect of veto
2232 of specific appropriation or proviso to which implementing
2233 language refers; incorporating by reference specified

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2234 | performance measures and standards directly linked to the
2235 | appropriations made in the 2004-2005 General
2236 | Appropriations Act, as required by the Government
2237 | Performance and Accountability Act of 1994; providing
2238 | applicability to other legislation; providing
2239 | severability; providing an effective date.

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