

Bill No. HB 1837, 1st Eng.

Amendment No. ____ Barcode 545250

CHAMBER ACTION

Senate

House

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Senator Pruitt moved the following amendment:

Senate Amendment (with title amendment)

delete 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, 21, 23, 27B, and 156-165 of the 2004-2005 General Appropriations Act:

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

(2) Notwithstanding the provisions of sections 216.181, 216.292, and 1011.4105, Florida Statutes, and pursuant to section 216.351, Florida Statutes, funds

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1 appropriated or reappropriated to the state universities in
2 the 2004-2005 General Appropriations Act, or any other act
3 passed by the 2004 Legislature containing appropriations,
4 shall be distributed to each university according to the
5 2004-2005 fiscal year operating budget approved by the
6 university board of trustees. Each university board of
7 trustees shall have authority to amend the operating budget as
8 circumstances warrant. The operating budget may utilize
9 traditional appropriation categories or it may consolidate the
10 appropriations into a special category appropriation account.
11 The Chief Financial Officer, upon the request of the
12 university board of trustees, shall record by journal transfer
13 the distribution of the appropriated funds and releases
14 according to the approved operating budget to the
15 appropriation accounts established for disbursement purposes
16 for each university within the state accounting system
17 (FLAIR).

18 (3) Notwithstanding the provisions of sections
19 216.181, 216.292, and 1011.4105, Florida Statutes, and
20 pursuant to section 216.351, Florida Statutes, each university
21 board of trustees shall include in an approved operating
22 budget the revenue in trust funds supported by student and
23 other fees as well as the trust funds within the Contract,
24 Grants, and Donations, Auxiliary Enterprises, and Sponsored
25 Research budget entities. The university board of trustees
26 shall have the authority to amend the operating budget as
27 circumstances warrant. The operating budget may utilize
28 traditional appropriation categories or it may consolidate the
29 trust fund spending authority into a special category
30 appropriation account. The Chief Financial Officer, upon the
31 request of the university board of trustees, shall record the

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1 distribution of the trust fund spending authority and releases
2 according to the approved operating budget to the
3 appropriation accounts established for disbursement purposes
4 for each university within the state accounting system
5 (FLAIR).

6 (4) Notwithstanding those provisions of sections
7 216.181, 216.292, and 1011.4105, Florida Statutes, which are
8 inconsistent with the provisions of this subsection and
9 pursuant to section 216.351, Florida Statutes, fixed capital
10 outlay funds appropriated or reappropriated in the 2004-2005
11 General Appropriations Act, or any other act passed by the
12 2004 Legislature containing fixed capital outlay
13 appropriations, for universities that have made the
14 transition, effective July 1, 2004, from the state accounting
15 system (FLAIR) shall be administered by the Department of
16 Education and shall be distributed to the universities as
17 needed for projects based upon estimated invoices to be paid
18 during the following 30 days or as required by bond documents.
19 For undisbursed fixed capital outlay appropriations from prior
20 fiscal years for universities that have made the transition,
21 effective July 1, 2004, from the state accounting system
22 (FLAIR), the Executive Office of the Governor and the Chief
23 Financial Officer shall have authority to transfer such
24 undisbursed fixed capital outlay appropriations into
25 appropriations under the Department of Education for
26 distribution to the universities as needed for projects based
27 on estimated invoices to be paid during the following 30 days
28 or as required by bond documents. Expenditure of fixed capital
29 outlay appropriations shall be consistent with legislative
30 policy and intent.

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

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1 Section 3. In order to implement Specific
2 Appropriations 303, 306, and 308 of the 2004-2005 General
3 Appropriations Act, subsection (12) of section 216.292,
4 Florida Statutes, is amended to read:

5 216.292 Appropriations nontransferable; exceptions.--

6 (12) For the 2004-2005 ~~2003-2004~~ fiscal year only and
7 notwithstanding the other provisions of this section, the
8 Department of Children and Family Services may transfer funds
9 within the family safety program identified in the General
10 Appropriations Act from identical funding sources between the
11 following appropriation categories without limitation as long
12 as such a transfer does not result in an increase to the total
13 recurring general revenue or trust fund cost of the agency in
14 the subsequent fiscal year: adoption services and subsidy;
15 family foster care; and emergency shelter care. Such transfers
16 must be consistent with legislative policy and intent and must
17 not adversely affect achievement of approved performance
18 outcomes or outputs in the family safety program. Notice of
19 proposed transfers under this authority must be provided to
20 the Executive Office of the Governor and the chairs of the
21 legislative appropriations committees at least 5 working days
22 before their implementation. This subsection expires July 1,
23 2005 ~~2004~~.

24 Section 4. In order to implement Specific
25 Appropriation 545 of the 2004-2005 General Appropriations Act,
26 paragraph (k) of subsection (2) of section 381.0066, Florida
27 Statutes, is amended to read:

28 381.0066 Onsite sewage treatment and disposal systems;
29 fees.--

30 (2) The minimum fees in the following fee schedule
31 apply until changed by rule by the department within the

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1 following limits:

2 (k) Research: An additional \$5 fee shall be added to
 3 each new system construction permit issued during fiscal years
 4 1996-2005 ~~1996-2004~~ to be used for onsite sewage treatment and
 5 disposal system research, demonstration, and training
 6 projects. Five dollars from any repair permit fee collected
 7 under this section shall be used for funding the hands-on
 8 training centers described in s. 381.0065(3)(j).

9
 10 The funds collected pursuant to this subsection must be
 11 deposited in a trust fund administered by the department, to
 12 be used for the purposes stated in this section and ss.
 13 381.0065 and 381.00655.

14 Section 5. In order to implement Specific
 15 Appropriation 510 of the 2004-2005 General Appropriations Act,
 16 subsection (6) of section 385.207, Florida Statutes, is
 17 amended to read:

18 385.207 Care and assistance of persons with epilepsy;
 19 establishment of programs in epilepsy control.--

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

24 Section 6. In order to implement Specific
 25 Appropriations 356-388 of the 2004-2005 General Appropriations
 26 Act, subsection (8) of section 394.908, Florida Statutes, is
 27 amended to read:

28 394.908 Substance abuse and mental health funding
 29 equity; distribution of appropriations.--In recognition of the
 30 historical inequity among service districts of the former
 31 Department of Health and Rehabilitative Services in the

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1 funding of substance abuse and mental health services, and in
 2 order to rectify this inequity and provide for equitable
 3 funding in the future throughout the state, the following
 4 funding process shall be adhered to:

5 (8) For fiscal year 2004-2005 ~~2003-2004~~ only, and
 6 notwithstanding the provisions of this section, all new funds
 7 received in excess of fiscal year 2003-2004 ~~2002-2003~~
 8 recurring appropriations shall be allocated in accordance with
 9 the provisions of the General Appropriations Act; however, no
 10 district shall receive an allocation of recurring funds less
 11 than its initial approved operating budget, plus any
 12 distributions of lump sum appropriations or reductions in
 13 unfunded budget, for fiscal year 2003-2004 ~~2002-2003~~. This
 14 subsection expires July 1, 2005 ~~2004~~.

15 Section 7. In order to implement Specific
 16 Appropriation 275 of the 2004-2005 General Appropriations Act,
 17 paragraph (b) of subsection (5) of section 20.19, Florida
 18 Statutes, is amended to read:

19 20.19 Department of Children and Family
 20 Services.--There is created a Department of Children and
 21 Family Services.

22 (5) SERVICE DISTRICTS.--

23 (b)1. The secretary shall appoint a district
 24 administrator for each of the service districts. The district
 25 administrator shall serve at the pleasure of the secretary and
 26 shall perform such duties as assigned by the secretary.
 27 Subject to the approval of the secretary, such duties shall
 28 include transferring up to 10 percent of the total district
 29 budget, the provisions of ss. 216.292 and 216.351
 30 notwithstanding.

31 2. For the 2004-2005 ~~2003-2004~~ fiscal year only, the

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1 transfer authority provided in this subsection must be
2 specifically appropriated in the 2004-2005 ~~2003-2004~~ General
3 Appropriations Act and shall be pursuant to the requirements
4 of s. 216.292. This subparagraph expires July 1, 2005 ~~2004~~.

5 Section 8. In order to implement Specific
6 Appropriation 588AB of the 2004-2005 General Appropriations
7 Act, subsection (7) of section 381.79, Florida Statutes, is
8 amended to read:

9 381.79 Brain and Spinal Cord Injury Program Trust
10 Fund.--

11 (7) For the 2004-2005 ~~2003-2004~~ fiscal year and
12 notwithstanding the provisions of this section, the department
13 shall disburse all funds appropriated for brain and spinal
14 cord injury research in Specific Appropriation 588AB ~~598A~~ of
15 the 2004-2005 ~~2003-2004~~ General Appropriations Act in equal
16 payments at the end of each quarter. This subsection expires
17 July 1, 2005 ~~2004~~.

18 Section 9. In order to implement Specific
19 Appropriations 1142-1208M of the 2004-2005 General
20 Appropriations Act, subsection (17) of section 216.181,
21 Florida Statutes, is amended to read:

22 216.181 Approved budgets for operations and fixed
23 capital outlay.--

24 (17) Notwithstanding any other provision of this
25 section to the contrary, and for the 2004-2005 ~~2003-2004~~
26 fiscal year only, the Department of Law Enforcement may
27 transfer up to 20 positions and associated budget between
28 budget entities, provided the same funding source is used
29 throughout each transfer. The department may also transfer up
30 to 10 percent of the initial approved salary rate between
31 budget entities, provided the same funding source is used

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1 throughout each transfer. The department must provide notice
 2 to the Executive Office of the Governor, the chair of the
 3 Senate Budget Committee, and the chair of the House Committee
 4 on Criminal Justice Appropriations for all transfers of
 5 positions or salary rate. This subsection expires July 1, 2005
 6 ~~2004~~.

7 Section 10. In order to implement Specific
 8 Appropriation 1232 of the 2004-2005 General Appropriations
 9 Act, paragraph (b) of subsection (3) of section 16.555,
 10 Florida Statutes, is amended to read:

11 16.555 Crime Stoppers Trust Fund; rulemaking.--

12 (3)

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

18 Section 11. In order to implement Specific
 19 Appropriations 655-751 and 781-794 of the 2004-2005 General
 20 Appropriations Act, subsection (4) of section 216.262, Florida
 21 Statutes, is amended to read:

22 216.262 Authorized positions.--

23 (4) Notwithstanding the provisions of this chapter on
 24 increasing the number of authorized positions, and for the
 25 2004-2005 ~~2003-2004~~ fiscal year only, if the actual inmate
 26 population of the Department of Corrections exceeds the inmate
 27 population projections of the July 9, 2003, Criminal Justice
 28 Estimating Conference by 1 percent for 2 consecutive months or
 29 2 percent for any month, the Executive Office of the Governor
 30 shall immediately notify the Criminal Justice Estimating
 31 Conference, which shall convene as soon as possible to revise

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1 the estimates. The Department of Corrections may then submit a
2 budget amendment requesting the establishment of positions in
3 excess of the number authorized by the Legislature and
4 additional appropriations from the General Revenue Fund or the
5 Working Capital Fund sufficient to provide for essential staff
6 and other resources to provide classification, security, food
7 services, health services, and other variable expenses within
8 the institutions to accommodate the estimated increase in the
9 inmate population. All actions taken pursuant to the authority
10 granted in this subsection shall be subject to review and
11 approval by the Legislative Budget Commission. This subsection
12 expires July 1, 2005 ~~2004~~.

13 Section 12. Consistent with the provisions of section
14 216.163, Florida Statutes, in accordance with
15 performance-based program budgeting requirements, and
16 notwithstanding the provisions of section 216.181, Florida
17 Statutes, the Department of Law Enforcement may transfer up to
18 one-half of 1 percent of the funds in Specific Appropriations
19 1142, 1167, 1176, 1183, 1195B, 1195D, 1196, 1202, 1208B, and
20 1208G of the 2004-2005 General Appropriations Act for salary
21 bonuses for departmental employees at the discretion of the
22 executive director, provided that such bonuses are given only
23 to selected employees for meritorious performance, instead of
24 being given as across-the-board bonuses for all employees. The
25 department, after consultation with the Executive Office of
26 the Governor, shall provide a plan to the chairs of the
27 legislative appropriations committees responsible for
28 producing the General Appropriations Act for review before
29 awarding such bonuses. This section expires July 1, 2005.

30 Section 13. In order to implement Specific
31 Appropriation 2068 of the 2004-2005 General Appropriations

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1 Act, subsection (4) of section 287.161, Florida Statutes, is
2 amended to read:

3 287.161 Executive aircraft pool; assignment of
4 aircraft; charge for transportation.--

5 (4) Notwithstanding the requirements of subsections
6 (2) and (3) and for the 2004-2005 ~~2003-2004~~ fiscal year only,
7 the Department of Management Services shall charge all persons
8 receiving transportation from the executive aircraft pool a
9 rate not less than the mileage allowance fixed by the
10 Legislature for the use of privately owned vehicles. Fees
11 collected for persons traveling by aircraft in the executive
12 aircraft pool shall be deposited into the Bureau of Aircraft
13 Trust Fund and shall be expended for costs incurred to operate
14 the aircraft management activities of the department. It is
15 the intent of the Legislature that the executive aircraft pool
16 be operated on a full cost recovery basis, less available
17 funds. This subsection expires July 1, 2005 ~~2004~~.

18 Section 14. In order to implement Section 8 of the
19 2004-2005 General Appropriations Act, subsection (7) of
20 section 110.12315, Florida Statutes, is amended to read:

21 110.12315 Prescription drug program.--The state
22 employees' prescription drug program is established. This
23 program shall be administered by the Department of Management
24 Services, according to the terms and conditions of the plan as
25 established by the relevant provisions of the annual General
26 Appropriations Act and implementing legislation, subject to
27 the following conditions:

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

30 ~~(a) Effective January 1, 2001, through December 31,~~
31 ~~2003+~~

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

7 (a)(b) Effective January 1, 2004:

- 8 1. For generic drug with card.....\$10.
- 9 2. For preferred brand name drug with card.....\$25.
- 10 3. For nonpreferred brand name drug with card.....\$40.
- 11 4. For generic mail order drug.....\$20.
- 12 5. For preferred brand name mail order drug.....\$50.
- 13 6. For nonpreferred brand name drug.....\$80.

14 (b)(c) The Department of Management Services shall
15 create a preferred brand name drug list to be used in the
16 administration of the state employees' prescription drug
17 program.

18
19 This subsection expires July 1, 2005 ~~2004~~.

20 Section 15. In order to implement Specific
21 Appropriations 2573 and 2574 of the 2004-2005 General
22 Appropriations Act, and notwithstanding section 11.13(1)(b),
23 Florida Statutes, or any other law, the salary of members of
24 the Senate and the House of Representatives shall not be
25 calculated according to that paragraph; instead, the annual
26 salaries of these members for the 2003-2004 fiscal year shall
27 not be increased for the 2004-2005 fiscal year. This section
28 expires June 30, 2005.

29 Section 16. In order to implement Specific
30 Appropriation 2589 of the 2004-2005 General Appropriations
31 Act, effective July 1, 2003, and notwithstanding the

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1 provisions of section 1008.51, Florida Statutes, the budget
 2 for the Council for Education Policy Research and Improvement
 3 shall be administered by the Auditor General. However, the
 4 Council for Education Policy Research and Improvement shall
 5 remain independent of the Auditor General for all programmatic
 6 purposes, serving as a citizen board for conducting and
 7 reviewing education research, providing independent analysis
 8 on education progress, and providing independent evaluation of
 9 education issues of statewide concern, as prescribed in
 10 section 1008.51, Florida Statutes. All work products of the
 11 Council for Education Policy Research and Improvement are
 12 advisory in nature. This section expires July 1, 2005.

13 Section 17. In order to implement the appropriation of
 14 funds in Special Categories-Risk Management Insurance of the
 15 2004-2005 General Appropriations Act, and pursuant to the
 16 notice, review, and objection procedures of section 216.177,
 17 Florida Statutes, the Executive Office of the Governor is
 18 authorized to transfer funds appropriated in the appropriation
 19 category "Special Categories-Risk Management Insurance" of the
 20 2004-2005 General Appropriations Act between departments in
 21 order to align the budget authority granted with the premiums
 22 paid by each department for risk management insurance. This
 23 section expires July 1, 2005.

24 Section 18. In order to implement the appropriation of
 25 funds in Special Categories-Transfer to Department of
 26 Management Services-Human Resources Services Purchased Per
 27 Statewide Contract of the 2004-2005 General Appropriations
 28 Act, and pursuant to the notice, review, and objection
 29 procedures of section 216.177, Florida Statutes, the Executive
 30 Office of the Governor is authorized to transfer funds
 31 appropriated in the appropriation category "Special

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1 Categories-Transfer to Department of Management Services-Human
 2 Resources Services Purchased Per Statewide Contract" of the
 3 2004-2005 General Appropriations Act between departments in
 4 order to align the budget authority granted with the
 5 assessments that must be paid by each agency to the Department
 6 of Management Services for human resource management services.
 7 This section expires July 1, 2005.

8 Section 19. In order to implement Section 8 of the
 9 2004-2005 General Appropriations Act, section 110.1239,
 10 Florida Statutes, is amended to read:

11 110.1239 State group health insurance program
 12 funding.--For the 2004-2005 ~~2003-2004~~ fiscal year only, it is
 13 the intent of the Legislature that the state group health
 14 insurance program be managed, administered, operated, and
 15 funded in such a manner as to maximize the protection of state
 16 employee health insurance benefits. Inherent in this intent is
 17 the recognition that the health insurance liabilities
 18 attributable to the benefits offered state employees should be
 19 fairly, orderly, and equitably funded. Accordingly:

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

26 (2) The Governor, in the Governor's recommended
 27 budget, shall provide premium rates necessary for full funding
 28 of the state group health insurance program, and the
 29 Legislature shall provide in the General Appropriations Act
 30 for a premium level necessary for full funding of the state
 31 group health insurance program.

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

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

6 Section 20. In order to implement Sections 2-7 of the
7 2004-2005 General Appropriations Act, paragraph (c) of
8 subsection (5) and paragraph (d) of subsection (6) of section
9 112.061, Florida Statutes, are amended to read:

10 112.061 Per diem and travel expenses of public
11 officers, employees, and authorized persons.--

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

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

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

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

30 Section 21. In order to implement Specific
31 Appropriation 2321 of the 2004-2005 General Appropriations

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1 Act, subsection (4) of section 215.96, Florida Statutes, is
2 amended to read:

3 215.96 Coordinating council and design and
4 coordination staff.--

5 (4) The Financial Management Information Board,
6 through the coordinating council, shall provide the necessary
7 planning, implementation, and integration policies,
8 coordination procedures, and reporting processes to facilitate
9 the successful and efficient integration of the central
10 administrative and financial management information systems,
11 including the Florida Accounting Information Resource system
12 (FLAIR), Cash Management System (CMS), and FLAIR/CMS
13 replacement project, the payroll system in the Department of
14 Financial Services, the Legislative Appropriations
15 System/Planning and Budgeting Subsystem (LAS/PBS), the State
16 Purchasing System (SPURS) and MyFlorida Marketplace project,
17 the Cooperative Personnel Employment Subsystem (COPEs) and the
18 PeopleFirst Outsourcing project, and the State Unified Tax
19 system (SUNTAX).

20 (a) To fulfill this role, the coordinating council
21 shall establish an Enterprise Resource Planning Integration
22 Task Force, which shall consist of the coordinating council
23 members plus the Chief Information Officer in the State
24 Technology Office and the Executive Director or designee in
25 the Department of Revenue, who shall serve with voting rights
26 on the task force. The nonvoting ex officio members of the
27 coordinating council shall be nonvoting members of the task
28 force.

29 (b) The task force shall be established by August 1,
30 2003, and shall remain in existence until the integration
31 goals have been achieved among the FLAIR/CMS Replacement

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1 project, SPURS and MyFlorida Marketplace project, COPES and
2 PeopleFirst project, payroll system, LAS/PBS, and SUNTAX
3 system, or until June 30, 2005, whichever is later. The task
4 force shall hold its initial meeting no later than September
5 1, 2003, and shall meet at the call of the chair or at least
6 once every 60 days. In its initial meeting, task force members
7 shall:

8 1. Adopt a task force charter that identifies major
9 objectives, activities, milestones and deliverables,
10 significant assumptions, and constraints on the task force
11 functions and major stakeholder groups interested in the
12 outcome of the task force.

13 2. Consider and adopt processes by which information
14 will be collected and business process and technical
15 integration issues will be raised for analysis and
16 recommendation by the task force.

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

20 (c) The coordinating council shall provide
21 administrative and technical support to the task force as is
22 reasonably necessary for the task force to effectively and
23 timely carry out its duties and responsibilities. The cost of
24 providing such support may be paid from funds appropriated for
25 the operation of the council or the FLAIR/CMS Replacement
26 project. The task force also may contract for services to
27 obtain specific expertise to analyze, facilitate, and
28 formulate recommendations to address process and technical
29 integration problems that need to be resolved.

30 (d) Using information and input from project teams and
31 stakeholders responsible for the FLAIR/CMS Replacement

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1 project, SPURS and MyFlorida Marketplace project, COPES and
2 PeopleFirst project, payroll system, LAS/PBS, and SUNTAX
3 system, the responsibilities of the task force shall include,
4 but not be limited to:

5 1. Identifying and documenting central administrative
6 and financial management policies, procedures, and processes
7 that need to be integrated and recommending steps for
8 implementation.

9 2. Collecting information from the subsystem owners
10 and project teams and developing and publishing a consolidated
11 list of enterprise resource planning functional and technical
12 integration requirements.

13 3. Publishing integration plans and timelines based on
14 information collected from task force members.

15 4. Forming committees, workgroups, and teams as
16 provided in subsection (3).

17 5. Developing recommendations for the Financial
18 Management Information Board which clearly describe any
19 business or technical problems that need to be addressed, the
20 options for resolving the problem, and the recommended
21 actions.

22 6. Developing and implementing plans for reporting
23 status of integration efforts.

24 (e) The task force shall provide recommendations to
25 the Financial Management Information Board for review and
26 approval regarding the technical, procedural, policy, and
27 process requirements and changes that are needed to
28 successfully integrate, implement, and realize the benefits of
29 the enterprise resource planning initiatives associated with
30 the FLAIR/CMS Replacement project, SPURS and MyFlorida
31 Marketplace project, COPES and PeopleFirst project, payroll

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1 system, LAS/PBS, and SUNTAX system. The first of these reports
2 should be provided no later than October 3, 2003.

3 (f) The task force shall monitor, review, and evaluate
4 the progress of the FLAIR/CMS Replacement project, SPURS and
5 MyFlorida Marketplace project, COPES and PeopleFirst project,
6 payroll system, LAS/PBS, and SUNTAX system, in implementing
7 the process and technical integration requirements and changes
8 approved by the Financial Management Information Board and in
9 achieving the necessary integration among the central
10 administrative and financial management information systems
11 represented on the task force. The task force shall prepare
12 and submit quarterly reports to the Executive Office of the
13 Governor, the chairs of the Senate Appropriations Committee
14 and the House Appropriations Committee, and the Financial
15 Management Information Board. Each quarterly report shall
16 identify and describe the technical, procedural, policy, and
17 process requirements and changes proposed and adopted by the
18 board and shall describe the status of the implementation of
19 these integration efforts, identify any problems, issues, or
20 risks that require executive-level action, and report actual
21 costs related to the Enterprise Resource Planning Integration
22 Task Force.

23 (g) By January 15, 2004, and annually thereafter,
24 until it is disbanded, the Enterprise Resource Planning
25 Integration Task Force shall report to the Financial
26 Management Information Board, the Speaker of the House of
27 Representatives, and the President of the Senate the results
28 of the task force's monitoring, review, and evaluation of
29 enterprise resource planning integration activities and
30 requirements, and any recommendations for statutory changes to
31 be considered by the Legislature.

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

2 Section 22. In order to implement Specific
3 Appropriation 2275 of the 2004-2005 General Appropriations
4 Act, paragraph (f) of subsection (3) of section 601.15,
5 Florida Statutes, is amended to read:

6 601.15 Advertising campaign; methods of conducting;
7 excise tax; emergency reserve fund; citrus research.--

8 (3)

9 (f) For the 2004-2005 ~~2003-2004~~ fiscal year only and
10 notwithstanding the provisions of this section ~~paragraph (e)~~,
11 the commission, upon a majority vote, may reduce, for the
12 current or future citrus season, the tax rates specified in
13 this subsection. This paragraph expires July 1, 2005 ~~2004~~.

14 Section 23. Notwithstanding the provisions of section
15 403.7095, Florida Statutes, in order to implement Specific
16 Appropriation 1741 of the 2004-2005 General Appropriations
17 Act, the Department of Environmental Protection shall award:

18 (1) \$6,500,000 in grants equally to counties with
19 populations of fewer than 100,000 for waste tire, litter
20 prevention, recycling and education, and general solid waste
21 programs.

22 (2) \$2,939,999 in waste tire grants to counties, on a
23 per capita basis, with populations of 100,000 or more.

24 (3) \$1,347,570 in competitive innovative grants to
25 cities and counties on the prioritized list of projects
26 submitted by the Department of Environmental Protection to the
27 Legislature.

28 Section 24. In order to implement Specific
29 Appropriation 1403 of the 2004-2005 General Appropriations Act
30 and notwithstanding any provision of chapter 287 or chapter
31 337, Florida Statutes, from the funds appropriated to the

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1 Department of Agriculture and Consumer Services for the
2 2002-2003, 2003-2004, and 2004-2005 fiscal years for the
3 purpose of constructing and operating an agricultural
4 interdiction station on Interstate 10 in Escambia County, the
5 Department of Agriculture and Consumer Services shall enter
6 into an agreement with the Department of Transportation
7 wherein the Department of Transportation, on behalf of the
8 Department of Agriculture and Consumer Services, shall proceed
9 with the construction of the station under the authority
10 established in chapter 337, Florida Statutes. The Department
11 of Agriculture and Consumer Services shall be authorized to
12 execute all contracts resulting from such Department of
13 Transportation selection of contractors in compliance with
14 chapter 337, Florida Statutes. This section expires July 1,
15 2005.

16 Section 25. In order to implement Specific
17 Appropriation 1684 of the 2004-2005 General Appropriations
18 Act, subsection (6) is added to section 375.041, Florida
19 Statutes, to read:

20 375.041 Land Acquisition Trust Fund.--

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

25 Section 26. In order to implement Specific
26 Appropriation 1584A of the 2004-2005 General Appropriations
27 Act, subsection (5) is added to section 375.045, Florida
28 Statutes, to read:

29 375.045 Florida Preservation 2000 Trust Fund.--

30 (5) For the 2004-2005 fiscal year only, any
31 unobligated moneys in the Florida Preservation 2000 Trust Fund

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1 resulting from interest earnings and from reversions of prior
 2 appropriations to any agency may be appropriated to the
 3 Florida Forever Trust Fund for use pursuant to s. 259.1051.
 4 This subsection expires July 1, 2005.

5
 6 Upon a determination by the Department of Environmental
 7 Protection that proceeds being held in the trust fund to
 8 support distributions outside the Department of Environmental
 9 Protection are not likely to be disbursed in accordance with
 10 the foregoing considerations, the Department of Environmental
 11 Protection shall petition the Governor and Cabinet to allow
 12 for the immediate disbursement of such funds for the
 13 acquisition of projects approved for purchase pursuant to the
 14 provisions of chapter 259.

15 Section 27. In order to implement Specific
 16 Appropriations 2652-2654 of the 2004-2005 General
 17 Appropriations Act and for the 2004-2005 fiscal year only, the
 18 State Technology Office is directed to implement the
 19 provisions of subsection (2) of section 282.102, Florida
 20 Statutes, related to rulemaking on best practices for
 21 acquiring, using, upgrading, modifying, replacing, or
 22 disposing of information technology, no later than December
 23 31, 2004. The State Technology Office is further directed to
 24 include in the agency and state information technology
 25 resource inventory lists required by sections 282.3063(2)(f)
 26 and 282.310(2)(g), Florida Statutes, the methods used for
 27 final disposition of the resources. This section expires July
 28 1, 2005.

29 Section 28. In order to implement Specific
 30 Appropriations 1677-1703 of the 2004-2005 General
 31 Appropriations Act, paragraph (c) of subsection (4) of section

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1 373.4137, Florida Statutes, is amended to read:

2 373.4137 Mitigation requirements.--

3 (4) Prior to December 1 of each year, each water
4 management district, in consultation with the Department of
5 Environmental Protection, the United States Army Corps of
6 Engineers, the Department of Transportation, transportation
7 authorities established pursuant to chapter 348 or chapter
8 349, and other appropriate federal, state, and local
9 governments, and other interested parties, including entities
10 operating mitigation banks, shall develop a plan for the
11 primary purpose of complying with the mitigation requirements
12 adopted pursuant to this part and 33 U.S.C. s. 1344. This plan
13 shall also address significant invasive plant problems within
14 wetlands and other surface waters. In developing such plans,
15 the districts shall utilize sound ecosystem management
16 practices to address significant water resource needs and
17 shall focus on activities of the Department of Environmental
18 Protection and the water management districts, such as surface
19 water improvement and management (SWIM) waterbodies and lands
20 identified for potential acquisition for preservation,
21 restoration, and enhancement, to the extent that such
22 activities comply with the mitigation requirements adopted
23 under this part and 33 U.S.C. s. 1344. In determining the
24 activities to be included in such plans, the districts shall
25 also consider the purchase of credits from public or private
26 mitigation banks permitted under s. 373.4136 and associated
27 federal authorization and shall include such purchase as a
28 part of the mitigation plan when such purchase would offset
29 the impact of the transportation project, provide equal
30 benefits to the water resources than other mitigation options
31 being considered, and provide the most cost-effective

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1 mitigation option. The mitigation plan shall be preliminarily
2 approved by the water management district governing board and
3 shall be submitted to the secretary of the Department of
4 Environmental Protection for review and final approval. The
5 preliminary approval by the water management district
6 governing board does not constitute a decision that affects
7 substantial interests as provided by s. 120.569. At least 30
8 days prior to preliminary approval, the water management
9 district shall provide a copy of the draft mitigation plan to
10 any person who has requested a copy.

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

30 Section 29. In order to implement Specific
31 Appropriations 2236, 2238, and 2239 of the 2004-2005 General

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1 Appropriations Act, paragraph (m) of subsection (1) of section
2 718.501, Florida Statutes, is amended to read:

3 718.501 Powers and duties of Division of Florida Land
4 Sales, Condominiums, and Mobile Homes.--

5 (1) The Division of Florida Land Sales, Condominiums,
6 and Mobile Homes of the Department of Business and
7 Professional Regulation, referred to as the "division" in this
8 part, in addition to other powers and duties prescribed by
9 chapter 498, has the power to enforce and ensure compliance
10 with the provisions of this chapter and rules promulgated
11 pursuant hereto relating to the development, construction,
12 sale, lease, ownership, operation, and management of
13 residential condominium units. In performing its duties, the
14 division has the following powers and duties:

15 (m)1. When a complaint is made, the division shall
16 conduct its inquiry with due regard to the interests of the
17 affected parties. Within 30 days after receipt of a complaint,
18 the division shall acknowledge the complaint in writing and
19 notify the complainant whether the complaint is within the
20 jurisdiction of the division and whether additional
21 information is needed by the division from the complainant.
22 The division shall conduct its investigation and shall, within
23 90 days after receipt of the original complaint or of timely
24 requested additional information, take action upon the
25 complaint. However, the failure to complete the investigation
26 within 90 days does not prevent the division from continuing
27 the investigation, accepting or considering evidence obtained
28 or received after 90 days, or taking administrative action if
29 reasonable cause exists to believe that a violation of this
30 chapter or a rule of the division has occurred. If an
31 investigation is not completed within the time limits

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1 established in this paragraph, the division shall, on a
2 monthly basis, notify the complainant in writing of the status
3 of the investigation. When reporting its action to the
4 complainant, the division shall inform the complainant of any
5 right to a hearing pursuant to ss. 120.569 and 120.57.

6 2. For the 2004-2005 fiscal year only, and
7 notwithstanding the provisions of subparagraph 1., when a
8 complaint is made, the division shall conduct its inquiry with
9 due regard to the interests of the affected parties. Within 15
10 days after receipt of a complaint, the division shall
11 acknowledge the complaint in writing and notify the
12 complainant whether the complaint is within the jurisdiction
13 of the division and whether additional information is needed
14 by the division from the complainant. The division shall
15 conduct its investigation and shall, within 30 days after
16 receipt of the original complaint or of timely requested
17 additional information, take action upon the complaint.
18 However, the failure to complete the investigation within 30
19 days does not prevent the division from continuing the
20 investigation, accepting or considering evidence obtained or
21 received after 30 days, or taking administrative action if
22 reasonable cause exists to believe that a violation of this
23 chapter or a rule of the division has occurred. If an
24 investigation is not completed within the time limits
25 established in this subparagraph, the division shall, on a
26 monthly basis, notify the complainant in writing of the status
27 of the investigation. When reporting its action to the
28 complainant, the division shall inform the complainant of any
29 right to a hearing pursuant to ss. 120.569 and 120.57. This
30 subparagraph expires July 1, 2005.

31 Section 30. In order to implement Specific

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1 Appropriation 2480L of the 2004-2005 General Appropriations
2 Act, paragraph (b) of subsection (9) of section 320.08058,
3 Florida Statutes, is amended to read:

4 320.08058 Specialty license plates.--

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

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

8 1. Fifty-five percent of the proceeds from the Florida
9 Professional Sports Team plate must be deposited into the
10 Professional Sports Development Trust Fund within the Office
11 of Tourism, Trade, and Economic Development. These funds must
12 be used solely to attract and support major sports events in
13 this state. As used in this subparagraph, the term "major
14 sports events" means, but is not limited to, championship or
15 all-star contests of Major League Baseball, the National
16 Basketball Association, the National Football League, the
17 National Hockey League, the men's and women's National
18 Collegiate Athletic Association Final Four basketball
19 championship, or a horseracing or dogracing Breeders' Cup. All
20 funds must be used to support and promote major sporting
21 events, and the uses must be approved by the Florida Sports
22 Foundation.

23 2. The remaining proceeds of the Florida Professional
24 Sports Team license plate must be allocated to the Florida
25 Sports Foundation, a direct-support organization of the Office
26 of Tourism, Trade, and Economic Development. These funds must
27 be deposited into the Professional Sports Development Trust
28 Fund within the Office of Tourism, Trade, and Economic
29 Development. These funds must be used by the Florida Sports
30 Foundation to promote the economic development of the sports
31 industry; to distribute licensing and royalty fees to

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1 participating professional sports teams; to institute a grant
2 program for communities bidding on minor sporting events that
3 create an economic impact for the state; to distribute funds
4 to Florida-based charities designated by the Florida Sports
5 Foundation and the participating professional sports teams;
6 and to fulfill the sports promotion responsibilities of the
7 Office of Tourism, Trade, and Economic Development.

8 3. The Florida Sports Foundation shall provide an
9 annual financial audit in accordance with s. 215.981 of its
10 financial accounts and records by an independent certified
11 public accountant pursuant to the contract established by the
12 Office of Tourism, Trade, and Economic Development as
13 specified in s. 288.1229(5). The auditor shall submit the
14 audit report to the Office of Tourism, Trade, and Economic
15 Development for review and approval. If the audit report is
16 approved, the office shall certify the audit report to the
17 Auditor General for review.

18 4. For the 2004-2005 ~~2003-2004~~ fiscal year only and
19 notwithstanding the provisions of subparagraphs 1. and 2.,
20 proceeds from the Professional Sports Development Trust Fund
21 may also be used for operational expenses of the Florida
22 Sports Foundation and financial support of the Sunshine State
23 Games. This subparagraph expires July 1, 2005 ~~2004~~.

24 Section 31. In order to implement Specific
25 Appropriation 2100 of the 2004-2005 General Appropriations
26 Act, section 445.048, Florida Statutes, as amended by section
27 79 of chapter 2003-399, Laws of Florida, is amended to read:

28 445.048 Passport to Economic Progress demonstration
29 program.--

30 (1) AUTHORIZATION.--Notwithstanding any law to the
31 contrary, Workforce Florida, Inc., in conjunction with the

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

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

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

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1 ~~(3)~~(4) TRANSITIONAL BENEFITS AND SERVICES.--In order
 2 to assist them in making the transition to economic
 3 self-sufficiency, former recipients of temporary cash
 4 assistance residing within the areas designated for this
 5 demonstration program shall be eligible for the following
 6 benefits and services:

7 (a) Notwithstanding the time period specified in s.
 8 445.030, transitional education and training support services
 9 as specified in s. 445.030 for up to 4 years after the family
 10 is no longer receiving temporary cash assistance;

11 (b) Notwithstanding the time period specified in s.
 12 445.031, transitional transportation support services as
 13 specified in s. 445.031 for up to 4 years after the family is
 14 no longer receiving temporary cash assistance; and

15 (c) Notwithstanding the time period specified in s.
 16 445.032, transitional child care as specified in s. 445.032
 17 for up to 4 years after the family is no longer receiving
 18 temporary cash assistance.

19
 20 All other provisions of ss. 445.030, 445.031, and 445.032
 21 shall apply to such individuals, as appropriate. This
 22 subsection does not constitute an entitlement to transitional
 23 benefits and services. If funds are insufficient to provide
 24 benefits and services under this subsection, the board of
 25 directors of Workforce Florida, Inc., may limit such benefits
 26 and services or otherwise establish priorities for the
 27 provisions of such benefits and services.

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

29 (a) The Legislature finds that:

- 30 1. There are former recipients of temporary cash
 31 assistance who are working full time but whose incomes are

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1 below the poverty level.

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

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

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

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

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

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

28 ~~2. Having incomes below the federal poverty level~~
29 ~~makes such individuals particularly vulnerable to reliance on~~
30 ~~public assistance despite their best efforts to achieve or~~
31 ~~maintain economic independence through employment.~~

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

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

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

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

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

27 ~~3. Have an average family income for the 6 months~~
28 ~~preceding the date of application for an incentive bonus wage~~
29 ~~supplementation which is less than 150 ~~100~~ percent of the~~
30 ~~federal poverty level.~~

31 ~~(d) Workforce Florida, Inc., shall determine the~~

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1 ~~schedule for the payment of wage supplementation under this~~
2 ~~subsection. An individual eligible for wage supplementation~~
3 ~~under this subsection may receive a payment that equals the~~
4 ~~amount necessary to bring the individual's total family income~~
5 ~~for the period covered by the payment to 100 percent of the~~
6 ~~federal poverty level. An individual may not receive wage~~
7 ~~supplementation payments for more than a total of 12 months.~~

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

17 ~~(5)(6) EVALUATIONS AND RECOMMENDATIONS.--~~Workforce
18 Florida, Inc., in conjunction with the Department of Children
19 and Family Services, the Agency for Workforce Innovation, and
20 the regional workforce boards in the areas designated for this
21 demonstration program, shall conduct a comprehensive
22 evaluation of the effectiveness of the demonstration program
23 operated under this section. By January 1, 2005 ~~2003~~,
24 Workforce Florida, Inc., shall submit a report on such
25 evaluation to the Governor, the President of the Senate, and
26 the Speaker of the House of Representatives. The report must
27 include recommendations as to whether the demonstration
28 program should be expanded to other service areas or statewide
29 and whether the program should be revised to enhance its
30 administration or effectiveness.

31 ~~(6)(7) CONFLICTS.--~~If there is a conflict between the

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1 implementation procedures described in this section and
2 federal requirements and regulations, federal requirements and
3 regulations shall control.

4 Section 32. The amendment of section 445.048, Florida
5 Statutes, by this act shall expire on July 1, 2005, and the
6 text of that section shall revert to that in existence on June
7 30, 2003, except that any amendments to such text enacted
8 other than by this act shall be preserved and continue to
9 operate to the extent that such amendments are not dependent
10 upon the portions of such text which expire pursuant to the
11 provisions of this act.

12 Section 33. In order to implement Specific
13 Appropriation 831 of the 2004-2005 General Appropriations Act,
14 section 27.701, Florida Statutes, is amended to read:

15 27.701 Capital collateral regional counsels.--

16 (1) There are created three regional offices of
17 capital collateral counsel, which shall be located in a
18 northern, middle, and southern region of the state. The
19 northern region shall consist of the First, Second, Third,
20 Fourth, Eighth, and Fourteenth Judicial Circuits; the middle
21 region shall consist of the Fifth, Sixth, Seventh, Ninth,
22 Tenth, Twelfth, Thirteenth, and Eighteenth Judicial Circuits;
23 and the southern region shall consist of the Eleventh,
24 Fifteenth, Sixteenth, Seventeenth, Nineteenth, and Twentieth
25 Judicial Circuits. Each regional office shall be administered
26 by a regional counsel. A regional counsel must be, and must
27 have been for the preceding 5 years, a member in good standing
28 of The Florida Bar or a similar organization in another state.
29 Each capital collateral regional counsel shall be appointed by
30 the Governor, and is subject to confirmation by the Senate.
31 The Supreme Court Judicial Nominating Commission shall

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1 recommend to the Governor three qualified candidates for each
2 appointment as regional counsel. The Governor shall appoint a
3 regional counsel for each region from among the
4 recommendations, or, if it is in the best interest of the fair
5 administration of justice in capital cases, the Governor may
6 reject the nominations and request submission of three new
7 nominees by the Supreme Court Judicial Nominating Commission.
8 Each capital collateral regional counsel shall be appointed to
9 a term of 3 years. Vacancies in the office of capital
10 collateral regional counsel shall be filled in the same manner
11 as appointments. A person appointed as a regional counsel may
12 not run for or accept appointment to any state office for 2
13 years following vacation of office.

14 (2) For the 2004-2005 ~~2003-2004~~ fiscal year only and
15 notwithstanding the provisions of subsection (1), the
16 responsibilities of the regional office of capital collateral
17 counsel for the northern region of the state shall be met
18 through a pilot program using only attorneys from the registry
19 of attorneys maintained pursuant to s. 27.710. Each attorney
20 participating in the pilot must be qualified to provide
21 representation in federal court. ~~The Auditor General shall~~
22 ~~present a status report on the implementation of the pilot~~
23 ~~program to the President of the Senate and the Speaker of the~~
24 ~~House of Representatives by February 27, 2004.~~ The Auditor
25 General shall ~~also~~ schedule a performance review of the pilot
26 program to determine the effectiveness and efficiency of using
27 attorneys from the registry compared to the capital collateral
28 regional counsels. The review, at a minimum, shall include
29 comparisons of the timeliness and costs of the pilot and the
30 counsels and shall be submitted to the President of the Senate
31 and the Speaker of the House of Representatives by January 30,

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1 2007. This subsection expires July 1, 2005 ~~2004~~.

2 Section 34. In order to implement Specific
3 Appropriation 831 of the 2004-2005 General Appropriations Act,
4 paragraphs (a) and (c) of subsection (2) of section 27.709,
5 Florida Statutes, as amended by section 86 of chapter
6 2003-399, Laws of Florida, are amended to read:

7 27.709 Commission on Capital Cases.--

8 (2)(a) The commission shall review the administration
9 of justice in capital collateral cases, receive relevant
10 public input, review the operation of the capital collateral
11 regional counsel and private counsel appointed pursuant to ss.
12 27.710 and 27.711, and advise and make recommendations to the
13 Governor, Legislature, and Supreme Court.

14 (c) In addition, the commission shall receive
15 complaints regarding the practice of any office of regional
16 counsel and private counsel appointed pursuant to ss. 27.710
17 and 27.711 and shall refer any complaint to The Florida Bar,
18 the State Supreme Court, or the Commission on Ethics, as
19 appropriate.

20 Section 35. The amendment of section 27.709, Florida
21 Statutes, by this act shall expire on July 1, 2005, and the
22 text of that section shall revert to that in existence on June
23 30, 2003, except that any amendments to such text enacted
24 other than by this act shall be preserved and continue to
25 operate to the extent that such amendments are not dependent
26 upon the portions of such text which expire pursuant to the
27 provisions of this act.

28 Section 36. In order to implement Specific
29 Appropriation 831 of the 2004-2005 General Appropriations Act,
30 subsections (3) and (9) of section 27.711, Florida Statutes,
31 as amended by section 88 of chapter 2003-399, Laws of Florida,

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1 are amended, and subsection (14) is added to that section, to
2 read:

3 27.711 Terms and conditions of appointment of
4 attorneys as counsel in postconviction capital collateral
5 proceedings.--

6 (3) An attorney appointed to represent a capital
7 defendant is entitled to payment of the fees set forth in this
8 section only upon full performance by the attorney of the
9 duties specified in this section and approval of payment by
10 the trial court, and the submission of a payment request by
11 the attorney, subject to the availability of sufficient
12 funding specifically appropriated for this purpose. An
13 attorney may not be compensated under this section for work
14 performed by the attorney before July 1, 2003, while employed
15 by the northern regional office of the capital collateral
16 counsel. The Chief Financial Officer shall notify the
17 executive director and the court if it appears that sufficient
18 funding has not been specifically appropriated for this
19 purpose to pay any fees which may be incurred. The attorney
20 shall maintain appropriate documentation, including a current
21 and detailed hourly accounting of time spent representing the
22 capital defendant. The fee and payment schedule in this
23 section is the exclusive means of compensating a
24 court-appointed attorney who represents a capital defendant.
25 When appropriate, a court-appointed attorney must seek further
26 compensation from the Federal Government, as provided in 18
27 U.S.C. s. 3006A or other federal law, in habeas corpus
28 litigation in the federal courts.

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

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

6 Section 37. The amendment of section 27.711, Florida
7 Statutes, by this act shall expire on July 1, 2005, and the
8 text of that section shall revert to that in existence on June
9 30, 2003, except that any amendments to such text enacted
10 other than by this act shall be preserved and continue to
11 operate to the extent that such amendments are not dependent
12 upon the portions of such text which expire pursuant to the
13 provisions of this act.

14 Section 38. In order to implement Specific
15 Appropriation 831 of the 2004-2005 General Appropriations Act,
16 paragraph (b) of subsection (4) of section 27.702, Florida
17 Statutes, as amended by section 90 of chapter 2003-399, Laws
18 of Florida, is amended to read:

19 27.702 Duties of the capital collateral regional
20 counsel; reports.--

21 (4)

22 (b) Each capital collateral regional counsel and each
23 attorney participation in the pilot program in the northern
24 region pursuant to s. 27.701(2) shall provide a quarterly
25 report to the President of the Senate, the Speaker of the
26 House of Representatives, and the Commission on Capital Cases
27 which details the number of hours worked by investigators and
28 legal counsel per case and the amounts per case expended
29 during the preceding quarter in investigating and litigating
30 capital collateral cases.

31 Section 39. The amendment of section 27.702, Florida

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1 Statutes, by this act shall expire on July 1, 2005, and the
2 text of that section shall revert to that in existence on June
3 30, 2003, except that any amendments to such text enacted
4 other than by this act shall be preserved and continue to
5 operate to the extent that such amendments are not dependent
6 upon the portions of such text which expire pursuant to the
7 provisions of this act.

8 Section 40. In order to implement Specific
9 Appropriations 812-1066 and 2919-2968 of the 2004-2005 General
10 Appropriations Act and for the 2004-2005 fiscal year only, all
11 personnel moving from county government to positions in the
12 state courts system, an office of the state attorney, or an
13 office of the public defender as a part of the implementation
14 of revision 7 to Article V of the Florida Constitution who
15 were eligible for coverage under a county-sponsored group
16 insurance program June 30, 2004, and who elect and are
17 qualified to be covered under the State Group Insurance
18 Program in the Department of Management Services shall be
19 enrolled for health and life insurance effective July 1, 2004.
20 The state courts system and the respective offices of the
21 state attorney or the offices of the public defender shall be
22 responsible for ensuring affected employees' health and life
23 insurance benefit enrollment elections are made and processed
24 by June 23, 2004, and shall make a one-time total premium
25 payment to the Division of State Group Insurance of the
26 Department of Management Services not later than July 15,
27 2004, for coverage for the month of July 2004. For health and
28 life insurance coverage only, the premium remittance mechanism
29 for each such premium payment shall be in the form of a
30 separate journal transfer. Accompanying documentation, as
31 prescribed by the Division of State Group Insurance, is

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1 required to distinguish employee from employer contributions,
 2 by subscriber. Subsequent premium payments and eligibility
 3 determinations shall be made in accordance with existing laws
 4 and administrative rules to ensure continuity of employee
 5 benefit coverage. This section shall take effect upon becoming
 6 law. This section expires July 1, 2005.

7 Section 41. In order to implement Specific
 8 Appropriations 853, 854, 892, 895, 903, 906, 915, 927, and 929
 9 of the 2004-2005 General Appropriations Act, subsection (4) of
 10 section 413.4021, Florida Statutes, is amended, to read:

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

25 (4) For the 2004-2005 ~~2003-2004~~ fiscal year only and
 26 notwithstanding the provisions of subsection (1), 50 percent
 27 of the revenues collected from the tax collection enforcement
 28 diversion program shall be deposited into the operating
 29 account of the Florida Endowment Foundation for Vocational
 30 Rehabilitation, to be used to implement the personal care
 31 attendant pilot program and to contract with the state

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1 attorneys participating in the tax collection enforcement
2 diversion program in an amount of not more than \$50,000 for
3 each state attorney. This subsection expires July 1, 2005
4 ~~2004~~.

5 Section 42. A section of this act that implements a
6 specific appropriation or specifically identified proviso
7 language in the 2004-2005 General Appropriations Act is void
8 if the specific appropriation or specifically identified
9 proviso language is vetoed. A section of this act that
10 implements more than one specific appropriation or more than
11 one portion of specifically identified proviso language in the
12 2004-2005 General Appropriations Act is void if all the
13 specific appropriations or portions of specifically identified
14 proviso language are vetoed.

15 Section 43. If any other act passed in 2004 contains a
16 provision that is substantively the same as a provision in
17 this act, but that removes or is otherwise not subject to the
18 future repeal applied to such provision by this act, the
19 Legislature intends that the provision in the other act shall
20 take precedence and shall continue to operate, notwithstanding
21 the future repeal provided by this act.

22 Section 44. The agency performance measures and
23 standards in the document entitled "Performance Measures and
24 Standards Approved by the Legislature for Fiscal Year
25 2004-2005" dated March 22, 2004, and filed with the Secretary
26 of the Senate are incorporated by reference. Such performance
27 measures and standards are directly linked to the
28 appropriations made in the General Appropriations Act for
29 fiscal year 2004-2005, as required by the Government
30 Performance and Accountability Act of 1994. State agencies are
31 directed to revise their long-range program plans required

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1 under section 216.013, Florida Statutes, to be consistent with
2 these performance measures and standards.

3 Section 45. If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 invalidity does not affect other provisions or applications of
6 the act which can be given effect without the invalid
7 provision or application, and to this end the provisions of
8 this act are severable.

9 Section 46. Except as otherwise expressly provided in
10 this act, this act shall take effect July 1, 2004; or, if this
11 act fails to become a law until after that date, it shall take
12 effect upon becoming a law and shall operate retroactively to
13 July 1, 2004.

14
15

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

17 And the title is amended as follows:

18 delete everything before the enacting clause

19

20 and insert:

21 An act implementing the 2004-2005 General
22 Appropriations Act; providing legislative
23 intent; providing accounting requirements for
24 the state universities for the 2004-2005 fiscal
25 year; amending s. 216.292, F.S.; authorizing
26 the Department of Children and Family Services
27 to transfer funds within the family safety
28 program; amending s. 381.0066, F.S.; continuing
29 the additional fee on new construction permits
30 for onsite sewage treatment and disposal
31 systems the proceeds of which are used for

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1 system research, demonstration, and training
2 projects; amending s. 385.207, F.S. ;
3 authorizing appropriation of funds in the
4 Epilepsy Services Trust Fund for epilepsy case
5 management services; amending s. 394.908, F.S. ;
6 providing for substance abuse and mental health
7 funding equity as provided in the General
8 Appropriations Act; amending s. 20.19, F.S. ;
9 requiring specific authority for transfer of
10 funds by the Department of Children and Family
11 Services; amending s. 381.79, F.S. ; providing
12 conditions for disbursement of funds
13 appropriated for brain and spinal cord injury
14 research; amending s. 216.181, F.S. ;
15 authorizing the Department of Law Enforcement
16 to transfer positions and associated budgets
17 and a certain percentage of salary rate between
18 budget entities and providing requirements with
19 respect thereto; amending s. 16.555, F.S. ;
20 authorizing use of the Crime Stoppers Trust
21 Fund to pay for salaries and benefits and other
22 expenses of the Department of Legal Affairs;
23 amending s. 216.262, F.S. ; providing for
24 additional positions to operate additional
25 prison bed capacity under certain
26 circumstances; authorizing the Department of
27 Law Enforcement to use certain moneys to
28 provide bonuses to employees for meritorious
29 performance, subject to review; amending s.
30 287.161, F.S. ; requiring the Department of
31 Management Services to charge all persons

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1 receiving transportation from the executive
2 aircraft pool a specified rate; amending s.
3 110.12315, F.S.; providing copayment
4 requirements for the state employees'
5 prescription drug program; establishing the
6 rate of increase for legislative salaries;
7 providing for the budget of the Council for
8 Education Policy Research and Improvement to be
9 administered by the Auditor General; providing
10 that the council is otherwise independent;
11 authorizing the Executive Office of the
12 Governor to transfer funds between departments
13 for purposes of aligning amounts paid for risk
14 management premiums and for purposes of
15 aligning amounts paid for human resource
16 management services; amending s. 110.1239,
17 F.S.; providing requirements for the funding of
18 the state group health insurance program;
19 amending s. 112.061, F.S.; providing for
20 computation of travel time and reimbursement
21 for public officers' and employees' travel;
22 amending s. 215.96, F.S.; requiring the
23 Financial Management Information Board to
24 provide certain policies, procedures, and
25 processes for integration of central
26 administrative and financial information
27 systems; requiring a task force; specifying
28 membership and responsibilities; requiring
29 recommendations on specific information systems
30 and projects; amending s. 601.15, F.S.;

31 permitting the Florida Citrus Commission to

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1 reduce certain statutory tax rates by majority
2 vote; directing the Department of Environmental
3 Protection to make specified awards of grant
4 moneys for pollution control purposes;
5 providing for an agreement between the
6 Department of Agriculture and Consumer Services
7 and the Department of Transportation for the
8 construction and operation of an agricultural
9 interdiction station in Escambia County;
10 amending s. 375.041, F.S.; providing for use of
11 funds allocated to the Land Acquisition Trust
12 Fund for water quality issues; amending s.
13 375.045, F.S.; providing for use of certain
14 moneys from the Florida Preservation 2000 Trust
15 Fund for the Florida Forever Trust Fund;
16 providing directives to the State Technology
17 Office with respect to information technology;
18 amending s. 373.4137, F.S.; providing for water
19 management districts to use specified funds in
20 certain surface water improvement and
21 management or invasive plant control projects;
22 amending s. 718.501, F.S.; reducing the number
23 of days for the Division of Florida Land Sales,
24 Condominiums, and Mobile Homes of the
25 Department of Business and Professional
26 Regulation to acknowledge and investigate
27 complaints; amending s. 320.08058, F.S.;
28 authorizing proceeds from the Professional
29 Sports Development Trust Fund to be used for
30 operational expenses of the Florida Sports
31 Foundation and financial support of the

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1 Sunshine State Games; amending s. 445.048,
2 F.S.; continuing and expanding the Passport to
3 Economic Progress demonstration project;
4 amending s. 27.701, F.S.; providing for a pilot
5 program using a registry of attorneys instead
6 of the capital collateral regional counsel in
7 the northern region of the state; requiring
8 certain qualification; requiring a report;
9 amending s. 27.709, F.S.; expanding the
10 jurisdiction of the Commission on Capital
11 Cases; amending s. 27.711, F.S.; providing for
12 compensation of counsel in the pilot program;
13 providing for limitations on such counsel;
14 amending s. 27.702, F.S.; requiring reports
15 from attorneys participating in the pilot
16 program; providing for continuity of health and
17 life insurance coverage of employees
18 transferring from county employment to
19 employment in the state courts system, the
20 office of a state attorney, or the office of a
21 public defender; providing responsibilities of
22 former and new employers; amending s. 413.4021,
23 F.S.; requiring additional revenues from the
24 tax collection enforcement diversion program to
25 be used for the personal care attendant pilot
26 program and for state attorney contracts;
27 providing for the effect of a veto of a
28 specific appropriation or proviso to which
29 implementing provisions refer; providing
30 applicability to other legislation;
31 incorporating by reference specified

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1 performance measures and standards directly
2 linked to the appropriations made in the
3 2003-2004 General Appropriations Act, as
4 required by the Government Performance and
5 Accountability Act of 1994; providing for
6 severability; providing for retroactive
7 application; providing effective dates.

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