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1 A bill to be entitled

2 An act implementing the 2004-2005 General Appropriations
3 Act; providing legislative intent; providing accounting
4 requirements for the state universities for the 2004-2005
5 fiscal year; amending s. 220.187, F.S.; specifying the
6 total amount of scholarship funding tax credits and
7 carryforward tax credits that may be granted for the 2004-
8 2005 fiscal year; amending s. 216.292, F.S.; authorizing
9 the Department of Children and Family Services to transfer
10 funds within the family safety program; amending s.
11 561.121, F.S.; providing that moneys in the Children and
12 Adolescents Substance Abuse Trust Fund may also be used
13 for the purpose of funding programs directed at reducing
14 and eliminating substance abuse problems among adults;
15 amending s. 409.1671, F.S.; requiring that funds for
16 privatized foster care and related services be allocated
17 in accordance with a methodology adopted by the Department
18 of Children and Family Services by rule and granting
19 rulemaking authority for such purpose; providing for lump
20 sum funding in the Department of Children and Family
21 Services to provide for continuity of foster care under
22 certain circumstances; amending s. 394.908, F.S.;
23 providing for substance abuse and mental health funding
24 equity as provided in the General Appropriations Act;
25 amending s. 287.057, F.S.; authorizing the Department of
26 Children and Family Services to contract with a private
27 provider for a mental health treatment facility;
28 authorizing the Department of Corrections and the
29 Department of Juvenile Justice to make certain

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30 expenditures to defray costs incurred by a municipality or
 31 county as a result of opening or operating a facility
 32 under authority of the respective department; amending s.
 33 216.262, F.S.; providing for additional positions to
 34 operate additional prison bed capacity under certain
 35 circumstances; authorizing transfer of certain funds from
 36 the courts to the Justice Administrative Commission to
 37 meet certain shortfalls in due process appropriations;
 38 amending s. 215.96, F.S.; requiring the Financial
 39 Management Information Board to provide certain policies,
 40 procedures, and processes for integration of central
 41 administrative and financial information systems;
 42 providing for an agreement between the Department of
 43 Agriculture and Consumer Services and the Department of
 44 Transportation for the construction of an agricultural
 45 interdiction station in Escambia County; amending s.
 46 373.59, F.S.; reallocating funds from the Water Management
 47 Lands Trust Fund to water management districts; amending
 48 s. 252.373, F.S.; providing for use of funds of the
 49 Emergency Management, Preparedness, and Assistance Trust
 50 Fund, including the use of certain funds as state matching
 51 funds for federally approved Hazard Mitigation Grant
 52 Program projects; amending s. 411.01, F.S.; providing
 53 priority for placement of children in the school readiness
 54 program; amending s. 320.08058, F.S.; authorizing proceeds
 55 from the Professional Sports Development Trust Fund to be
 56 used for operational expenses of the Florida Sports
 57 Foundation and financial support of the Sunshine State
 58 Games; amending s. 339.08, F.S.; transferring funds from

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59 | the State Transportation Trust Fund to the General Revenue
60 | Fund; reducing the amount transferred from certain
61 | transportation calculation requirements; amending s.
62 | 287.057, F.S.; exempting certain voter education
63 | activities from competitive-solicitation requirements;
64 | amending s. 311.07, F.S.; continuing eligibility of
65 | seaport security infrastructure measures for funding by
66 | grant under the Florida Seaport Transportation and
67 | Economic Development Program; providing for the budget of
68 | the Council for Education Policy Research and Improvement
69 | to be administered by the Auditor General; providing that
70 | the council is otherwise independent; authorizing the
71 | Executive Office of the Governor to transfer funds between
72 | departments for purposes of aligning amounts paid for risk
73 | management premiums and for purposes of aligning amounts
74 | paid for human resource management services; authorizing
75 | the Executive Office of the Governor to transfer certain
76 | funds to align budget authority pursuant to redesign of
77 | the State Employees Group Health Insurance Program;
78 | amending s. 110.1239, F.S.; providing requirements for the
79 | funding of the state group health insurance program;
80 | amending s. 112.061, F.S.; providing for computation of
81 | travel time and reimbursement for public officers' and
82 | employees' travel; providing for future repeal or
83 | expiration of various provisions; providing for reversion
84 | of certain provisions; providing effect of veto of
85 | specific appropriation or proviso to which implementing
86 | language refers; providing applicability to other

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87 legislation; providing severability; providing an
 88 effective date.

89
 90 Be It Enacted by the Legislature of the State of Florida:

91
 92 Section 1. It is the intent of the Legislature that the
 93 implementing and administering provisions of this act apply to
 94 the General Appropriations Act for fiscal year 2004-2005.

95 Section 2. In order to implement Specific Appropriations
 96 32-36, 153-157, 159, and 160 of the 2004-2005 General
 97 Appropriations Act:

98 (1) Each university that has not made the transition,
 99 effective July 1, 2004, from the state accounting system (FLAIR)
 100 shall utilize the state accounting system for fiscal year 2004-
 101 2005 but is not required to provide funds to the Department of
 102 Financial Services for its utilization.

103 (2) Notwithstanding the provisions of ss. 216.181,
 104 216.292, and 1011.4105, Florida Statutes, and pursuant to s.
 105 216.351, Florida Statutes, funds appropriated or reappropriated
 106 to the state universities in the 2004-2005 General
 107 Appropriations Act, or any other act passed by the 2004
 108 Legislature containing appropriations, shall be distributed to
 109 each university according to the 2004-2005 fiscal year operating
 110 budget approved by the university board of trustees. Each
 111 university board of trustees shall have authority to amend the
 112 operating budget as circumstances warrant. The operating budget
 113 may utilize traditional appropriation categories or it may
 114 consolidate the appropriations into a special category
 115 appropriation account. The Chief Financial Officer, upon the

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116 request of the university board of trustees, shall record by
 117 journal transfer the distribution of the appropriated funds and
 118 releases according to the approved operating budget to the
 119 appropriation accounts established for disbursement purposes for
 120 each university within the state accounting system (FLAIR).

121 (3) Notwithstanding the provisions of ss. 216.181,
 122 216.292, and 1011.4105, Florida Statutes, and pursuant to s.
 123 216.351, Florida Statutes, each university board of trustees
 124 shall include in an approved operating budget the revenue in
 125 trust funds supported by student and other fees as well as the
 126 trust funds within the Contracts, Grants, and Donations;
 127 Auxiliary Enterprises; and Sponsored Research budget entities.
 128 The university board of trustees shall have the authority to
 129 amend the operating budget as circumstances warrant. The
 130 operating budget may utilize traditional appropriation
 131 categories or it may consolidate the trust fund spending
 132 authority into a special category appropriation account. The
 133 Chief Financial Officer, upon the request of the university
 134 board of trustees, shall record the distribution of the trust
 135 fund spending authority and releases according to the approved
 136 operating budget to the appropriation accounts established for
 137 disbursement purposes for each university within the state
 138 accounting system (FLAIR).

139 (4) Notwithstanding those provisions of ss. 216.181,
 140 216.292, and 1011.4105, Florida Statutes, which are inconsistent
 141 with the provisions of this subsection and pursuant to s.
 142 216.351, Florida Statutes, fixed capital outlay funds
 143 appropriated or reappropriated in the 2004-2005 General
 144 Appropriations Act, or any other act passed by the 2004

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145 Legislature containing fixed capital outlay appropriations, for
 146 universities that have made the transition, effective July 1,
 147 2004, from the state accounting system (FLAIR) shall be
 148 administered by the Department of Education and shall be
 149 distributed to the universities as needed for projects based
 150 upon estimated invoices to be paid during the following 30 days
 151 or as required by bond documents. For undisbursed fixed capital
 152 outlay appropriations from prior fiscal years for universities
 153 that have made the transition, effective July 1, 2004, from the
 154 state accounting system (FLAIR), the Executive Office of the
 155 Governor and the Chief Financial Officer shall have authority to
 156 transfer such undisbursed fixed capital outlay appropriations
 157 into appropriations under the Department of Education for
 158 distribution to the universities as needed for projects based on
 159 estimated invoices to be paid during the following 30 days or as
 160 required by bond documents. Expenditure of fixed capital outlay
 161 appropriations shall be consistent with legislative policy and
 162 intent.

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

164 Section 3. In order to implement sections 2 through 7 of
 165 the 2004-2005 General Appropriations Act, paragraph (b) of
 166 subsection (3) of section 220.187, Florida Statutes, is amended
 167 to read:

168 220.187 Credits for contributions to nonprofit
 169 scholarship-funding organizations.--

170 (3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX
 171 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

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172 (b)1. The total amount of tax credits and carryforward of
 173 tax credits which may be granted each state fiscal year under
 174 this section is \$88 million.

175 2. Notwithstanding subparagraph 1., and for the 2004-2005
 176 fiscal year only, the total amount of tax credits and
 177 carryforward of tax credits which may be granted each state
 178 fiscal year under this section is \$50 million. This subparagraph
 179 expires July 1, 2005.

180 Section 4. In order to implement Specific Appropriations
 181 303, 306, and 308 of the 2004-2005 General Appropriations Act,
 182 subsection (12) of section 216.292, Florida Statutes, is amended
 183 to read:

184 216.292 Appropriations nontransferable; exceptions.--

185 (12) For the 2004-2005 ~~2003-2004~~ fiscal year only and
 186 notwithstanding the other provisions of this section, the
 187 Department of Children and Family Services may transfer funds
 188 within the family safety program identified in the General
 189 Appropriations Act from identical funding sources between the
 190 following appropriation categories without limitation as long as
 191 such a transfer does not result in an increase to the total
 192 recurring general revenue or trust fund cost of the agency in
 193 the subsequent fiscal year: adoption services and subsidy;
 194 family foster care; and emergency shelter care. Such transfers
 195 must be consistent with legislative policy and intent and must
 196 not adversely affect achievement of approved performance
 197 outcomes or outputs in the family safety program. Notice of
 198 proposed transfers under this authority must be provided to the
 199 Executive Office of the Governor and the chairs of the
 200 legislative appropriations committees at least 5 working days

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201 before their implementation. This subsection expires July 1,
 202 2005 ~~2004~~.

203 Section 5. In order to implement Specific Appropriations
 204 385 and 388 of the 2004-2005 General Appropriations Act,
 205 subsection (4) of section 561.121, Florida Statutes, is amended
 206 to read:

207 561.121 Deposit of revenue.--

208 (4)(a) State funds collected pursuant to s. 561.501 shall
 209 be paid into the State Treasury and credited to the following
 210 accounts:

211 1. Twenty-seven and two-tenths percent of the surcharge on
 212 the sale of alcoholic beverages for consumption on premises
 213 shall be transferred to the Children and Adolescents Substance
 214 Abuse Trust Fund, which shall remain with the Department of
 215 Children and Family Services for the purpose of funding programs
 216 directed at reducing and eliminating substance abuse problems
 217 among children and adolescents.

218 2. The remainder of collections shall be credited to the
 219 General Revenue Fund.

220 (b) For the 2004-2005 ~~2003-2004~~ state fiscal year only,
 221 and notwithstanding the provisions of subparagraph (a)1., moneys
 222 in the Children and Adolescents Substance Abuse Trust Fund may
 223 also be used for the purpose of funding programs directed at
 224 reducing and eliminating substance abuse problems among adults.
 225 This paragraph expires July 1, 2005 ~~2004~~.

226 Section 6. In order to implement Specific Appropriation
 227 301D of the 2004-2005 General Appropriations Act, subsection (7)
 228 of section 409.1671, Florida Statutes, as amended by section 27
 229 of chapter 2003-399, Laws of Florida, is amended to read:

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230 409.1671 Foster care and related services;
 231 privatization.--

232 (7) The department, in consultation with existing lead
 233 agencies, shall develop a proposal regarding the long-term use
 234 and structure of a statewide shared earnings program which
 235 addresses the financial risk to eligible lead community-based
 236 providers resulting from unanticipated caseload growth or from
 237 significant changes in client mixes or services eligible for
 238 federal reimbursement. The recommendations in the statewide
 239 proposal must also be available to entities of the department
 240 until the conversion to community-based care takes place. At a
 241 minimum, the proposal must allow for use of federal earnings
 242 received from child welfare programs, which earnings are
 243 determined by the department to be in excess of the amount
 244 appropriated in the General Appropriations Act, to be used for
 245 specific purposes. These purposes include, but are not limited
 246 to:

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

249 (b) Significant changes in the services that are eligible
 250 for reimbursement.

251 (c) Significant changes in the availability of federal
 252 funds.

253 (d) Shortfalls in state funds available for eligible or
 254 ineligible services.

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

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

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

260 (h) Appropriate incentive structures.

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

263

264 The department shall further specify the necessary steps to
 265 ensure the financial integrity of these dollars and their
 266 continued availability on an ongoing basis. The final proposal
 267 shall be submitted to the Legislative Budget Commission for
 268 formal adoption before December 31, 2004 ~~2002~~. If the
 269 Legislative Budget Commission refuses to concur with the
 270 adoption of the proposal, the department shall present its
 271 proposal in the form of recommended legislation to the President
 272 of the Senate and the Speaker of the House of Representatives
 273 before the commencement of the next legislative session. For
 274 fiscal year 2003-2004 and annually thereafter, the department ~~of~~
 275 ~~Children and Family Services~~ may request in its legislative
 276 budget request, and the Governor may recommend, the funding
 277 necessary to carry out paragraph (i) from excess federal
 278 earnings. The General Appropriations Act shall include any funds
 279 appropriated for this purpose in a lump sum in the department
 280 ~~Administered Funds Program~~, which funds constitute partial
 281 security for lead agency contract performance. The department
 282 shall use this appropriation to offset the need for a
 283 performance bond for that year after a comparison of risk to the
 284 funds available. In no event shall this performance bond exceed
 285 2.5 percent of the annual contract value. The department may
 286 separately require a bond to mitigate the financial consequences

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287 of potential acts of malfeasance, misfeasance, or criminal
 288 violations by the provider. Prior to the release of any funds in
 289 the lump sum, the department shall submit a detailed operational
 290 plan, which must identify the sources of specific trust funds to
 291 be used. The release of the trust fund shall be subject to the
 292 notice and review provisions of s. 216.177. However, the release
 293 shall not require approval of the Legislative Budget Commission.

294 Section 7. The amendment of subsection (7) of section
 295 409.1671, Florida Statutes, by this act shall expire on July 1,
 296 2005, and the text of that subsection shall revert to that in
 297 existence on June 30, 2004, except that any amendments to such
 298 text enacted other than by this act shall be preserved and
 299 continue to operate to the extent that such amendments are not
 300 dependent upon the portions of such text which expire pursuant
 301 to the provisions of this act.

302 Section 8. In order to implement Specific Appropriations
 303 356-388 of the 2004-2005 General Appropriations Act, subsection
 304 (8) of section 394.908, Florida Statutes, is amended to read:

305 394.908 Substance abuse and mental health funding equity;
 306 distribution of appropriations.--In recognition of the
 307 historical inequity among service districts of the former
 308 Department of Health and Rehabilitative Services in the funding
 309 of substance abuse and mental health services, and in order to
 310 rectify this inequity and provide for equitable funding in the
 311 future throughout the state, the following funding process shall
 312 be adhered to:

313 (8) For fiscal year 2004-2005 ~~2003-2004~~ only, and
 314 notwithstanding the provisions of this section, all new funds
 315 received in excess of fiscal year 2003-2004 ~~2002-2003~~ recurring

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316 appropriations shall be allocated in accordance with the
 317 provisions of the General Appropriations Act; however, no
 318 district shall receive an allocation of recurring funds less
 319 than its initial approved operating budget, plus any
 320 distributions of lump sum appropriations or reductions in
 321 unfunded budget, for fiscal year 2003-2004 ~~2002-2003~~. This
 322 subsection expires July 1, 2005 ~~2004~~.

323 Section 9. In order to implement Specific Appropriations
 324 436-445 of the 2004-2005 General Appropriations Act, subsection
 325 (14) of section 287.057, Florida Statutes, is amended to read:

326 287.057 Procurement of commodities or contractual
 327 services.--

328 (14)(a) Contracts for commodities or contractual services
 329 may be renewed for a period that may not exceed 3 years or the
 330 term of the original contract, whichever period is longer.
 331 Renewal of a contract for commodities or contractual services
 332 shall be in writing and shall be subject to the same terms and
 333 conditions set forth in the initial contract. If the commodity
 334 or contractual service is purchased as a result of the
 335 solicitation of bids, proposals, or replies, the price of the
 336 commodity or contractual service to be renewed shall be
 337 specified in the bid, proposal, or reply. A renewal contract may
 338 not include any compensation for costs associated with the
 339 renewal. Renewals shall be contingent upon satisfactory
 340 performance evaluations by the agency and subject to the
 341 availability of funds. Exceptional purchase contracts pursuant
 342 to s. 287.057(5)(a) and (c) may not be renewed.

343 (b) Notwithstanding paragraph (a), the Department of
 344 Children and Family Services may enter into agreements, not to

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345 exceed 20 years, with a private provider to finance, design, and
 346 construct a treatment facility, as defined in s. 394.455, of at
 347 least 200 beds and to operate all aspects of daily operations
 348 within the treatment facility. The selected contractor is
 349 authorized to sponsor the issuance of tax-exempt certificates of
 350 participation or other securities to finance the project, and
 351 the state is authorized to enter into a lease-purchase agreement
 352 for the treatment facility. The Department of Children and
 353 Family Services shall begin the implementation of this
 354 privatization initiative by January 1, 2005. This paragraph
 355 expires July 1, 2005.

356 Section 10. In order to fulfill legislative intent
 357 regarding the use of funds contained in Specific Appropriations
 358 667, 681, 693, and 1138 of the 2004-2005 General Appropriations
 359 Act, the Department of Corrections and the Department of
 360 Juvenile Justice may expend appropriated funds to assist in
 361 defraying the costs of impacts that are incurred by a
 362 municipality or county and associated with opening or operating
 363 a facility under the authority of the respective department
 364 which is located within that municipality or county. The amount
 365 that is to be paid under this section for any facility may not
 366 exceed 1 percent of the facility construction cost, less
 367 building impact fees imposed by the municipality or by the
 368 county if the facility is located in the unincorporated portion
 369 of the county. This section expires July 1, 2005.

370 Section 11. In order to implement Specific Appropriations
 371 655-751 and 781-794 of the 2004-2005 General Appropriations Act,
 372 subsection (4) of section 216.262, Florida Statutes, is amended
 373 to read:

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374 216.262 Authorized positions.--

375 (4) Notwithstanding the provisions of this chapter on
 376 increasing the number of authorized positions, and for the 2004-
 377 2005 ~~2003-2004~~ fiscal year only, if the actual inmate population
 378 of the Department of Corrections exceeds the inmate population
 379 projections of the February 16, 2004 ~~July 9, 2003~~, Criminal
 380 Justice Estimating Conference by 1 percent for 2 consecutive
 381 months or 2 percent for any month, the Executive Office of the
 382 Governor, with the approval of the Legislative Budget
 383 Commission, shall immediately notify the Criminal Justice
 384 Estimating Conference, which shall convene as soon as possible
 385 to revise the estimates. The Department of Corrections may then
 386 submit a budget amendment requesting the establishment of
 387 positions in excess of the number authorized by the Legislature
 388 and additional appropriations from the General Revenue Fund or
 389 the Working Capital Fund sufficient to provide for essential
 390 staff and other resources to provide classification, security,
 391 food services, health services, and other variable expenses
 392 within the institutions to accommodate the estimated increase in
 393 the inmate population. All actions taken pursuant to the
 394 authority granted in this subsection shall be subject to review
 395 and approval by the Legislative Budget Commission. This
 396 subsection expires July 1, 2005 ~~2004~~.

397 Section 12. In order to implement Specific Appropriation
 398 2889C of the 2004-2005 General Appropriations Act, and pursuant
 399 to the notice, review, and objection procedures of s. 216.177,
 400 Florida Statutes, funds in Specific Appropriation 2889C of the
 401 2004-2005 General Appropriations Act may be transferred from the
 402 courts to the Justice Administrative Commission in order to

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403 address unanticipated shortfalls in due process appropriations
 404 in excess of the contingency fund provided in Specific
 405 Appropriation 829A of the 2004-2005 General Appropriations Act.
 406 This section expires July 1, 2005.

407 Section 13. In order to implement Specific Appropriation
 408 2321 of the 2004-2005 General Appropriations Act, subsection (4)
 409 of section 215.96, Florida Statutes, is amended to read:

410 215.96 Coordinating council and design and coordination
 411 staff.--

412 (4) The Financial Management Information Board, through
 413 the coordinating council, shall provide the necessary planning,
 414 implementation, and integration policies, coordination
 415 procedures, and reporting processes to facilitate the successful
 416 and efficient integration of the central administrative and
 417 financial management information systems, including the Florida
 418 Accounting Information Resource system (FLAIR), Cash Management
 419 System (CMS), and FLAIR/CMS replacement (Aspire) project, the
 420 payroll system in the Department of Financial Services, the
 421 Legislative Appropriations System/Planning and Budgeting
 422 Subsystem (LAS/PBS), the State Purchasing System (SPURS) and
 423 MyFlorida Marketplace project, the Cooperative Personnel
 424 Employment Subsystem (COPEs) and the PeopleFirst Outsourcing
 425 project, and the State Unified Tax system (SUNTAX).

426 (a) To fulfill this role, the coordinating council shall
 427 establish an Enterprise Resource Planning Integration Task
 428 Force, which shall consist of the coordinating council members
 429 plus the Chief Information Officer in the State Technology
 430 Office and the Executive Director or designee in the Department
 431 of Revenue, who shall serve with voting rights on the task

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432 force. The nonvoting ex officio members of the coordinating
 433 council shall be nonvoting members of the task force.

434 (b) The task force shall ~~be established by August 1, 2003,~~
 435 ~~and shall~~ remain in existence until the integration goals have
 436 been achieved among the (Aspire) ~~FLAIR/CMS Replacement~~ project,
 437 SPURS and MyFlorida Marketplace project, COPES and PeopleFirst
 438 project, payroll system, LAS/PBS, and SUNTAX system, or until
 439 June 30, 2005, whichever is later. The task force shall ~~hold its~~
 440 ~~initial meeting no later than September 1, 2003, and shall meet~~
 441 at the call of the chair or at least once every 60 days. ~~In its~~
 442 ~~initial meeting,~~ The task force members shall:

443 1. Adopt a task force charter that identifies major
 444 objectives, activities, milestones and deliverables, significant
 445 assumptions, and constraints on the task force functions and
 446 major stakeholder groups interested in the outcome of the task
 447 force.

448 2. Consider and adopt processes by which information will
 449 be collected and business process and technical integration
 450 issues will be raised for analysis and recommendation by the
 451 task force.

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

455 (c) The coordinating council shall provide administrative
 456 and technical support to the task force as is reasonably
 457 necessary for the task force to effectively and timely carry out
 458 its duties and responsibilities. The cost of providing such
 459 support may be paid from funds appropriated for the operation of
 460 the council or the (Aspire) ~~FLAIR/CMS Replacement~~ project. The

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461 task force also may contract for services to obtain specific
 462 expertise to analyze, facilitate, and formulate recommendations
 463 to address process and technical integration problems that need
 464 to be resolved.

465 (d) Using information and input from project teams and
 466 stakeholders responsible for the (Aspire) ~~FLAIR/CMS Replacement~~
 467 project, SPURS and MyFlorida Marketplace project, COPES and
 468 PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system,
 469 the responsibilities of the task force shall include, but not be
 470 limited to:

471 1. Identifying and documenting central administrative and
 472 financial management policies, procedures, and processes that
 473 need to be integrated and recommending steps for implementation.

474 2. Collecting information from the subsystem owners and
 475 project teams and developing and publishing a consolidated list
 476 of enterprise resource planning functional and technical
 477 integration requirements.

478 3. Publishing integration plans and timelines based on
 479 information collected from task force members.

480 4. Forming committees, workgroups, and teams as provided
 481 in subsection (3).

482 5. Developing recommendations for the Financial Management
 483 Information Board which clearly describe any business or
 484 technical problems that need to be addressed, the options for
 485 resolving the problem, and the recommended actions.

486 6. Developing and implementing plans for reporting status
 487 of integration efforts.

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

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490 regarding the technical, procedural, policy, and process
 491 requirements and changes that are needed to successfully
 492 integrate, implement, and realize the benefits of the enterprise
 493 resource planning initiatives associated with the (Aspire)
 494 ~~FLAIR/CMS Replacement~~ project, SPURS and MyFlorida Marketplace
 495 project, COPES and PeopleFirst project, payroll system, LAS/PBS,
 496 and SUNTAX system. ~~The first of these reports should be provided~~
 497 ~~no later than October 3, 2003.~~

498 (f) The task force shall monitor, review, and evaluate the
 499 progress of the (Aspire) ~~FLAIR/CMS Replacement~~ project, SPURS
 500 and MyFlorida Marketplace project, COPES and PeopleFirst
 501 project, payroll system, LAS/PBS, and SUNTAX system, in
 502 implementing the process and technical integration requirements
 503 and changes approved by the Financial Management Information
 504 Board and in achieving the necessary integration among the
 505 central administrative and financial management information
 506 systems represented on the task force. The task force shall
 507 prepare and submit quarterly reports to the Executive Office of
 508 the Governor, the chairs of the Senate Appropriations Committee
 509 and the House Appropriations Committee, and the Financial
 510 Management Information Board. Each quarterly report shall
 511 identify and describe the technical, procedural, policy, and
 512 process requirements and changes proposed and adopted by the
 513 board and shall describe the status of the implementation of
 514 these integration efforts, identify any problems, issues, or
 515 risks that require executive-level action, and report actual
 516 costs related to the Enterprise Resource Planning Integration
 517 Task Force.

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518 (g) By January 15, 2005 ~~2004~~, and ~~annually thereafter~~,
 519 ~~until it is disbanded~~, the Enterprise Resource Planning
 520 Integration Task Force shall report to the Financial Management
 521 Information Board, the Speaker of the House of Representatives,
 522 and the President of the Senate the results of the task force's
 523 monitoring, review, and evaluation of enterprise resource
 524 planning integration activities and requirements, and any
 525 recommendations for statutory changes to be considered by the
 526 Legislature.

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

528 Section 14. In order to continue implementing Specific
 529 Appropriation 1379B of the 2003-2004 General Appropriations Act
 530 and notwithstanding any provision of chapter 287 or chapter 337,
 531 Florida Statutes, from the funds appropriated to the Department
 532 of Agriculture and Consumer Services for the 2003-2004 and 2004-
 533 2005 fiscal years for the purpose of constructing an
 534 agricultural interdiction station on Interstate 10 in Escambia
 535 County, the Department of Agriculture and Consumer Services
 536 shall enter into an agreement with the Department of
 537 Transportation wherein the Department of Transportation, on
 538 behalf of the Department of Agriculture and Consumer Services,
 539 shall proceed with the construction of the station under the
 540 authority established in chapter 337, Florida Statutes. The
 541 Department of Agriculture and Consumer Services shall be
 542 authorized to execute all contracts resulting from such
 543 Department of Transportation selection of contractors in
 544 compliance with chapter 337, Florida Statutes. This section
 545 expires July 1, 2005.

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546 Section 15. In order to implement Specific Appropriation
 547 1705A and 1706 of the 2004-2005 General Appropriations Act,
 548 subsection (8) of section 373.59, Florida Statutes, is amended
 549 to read:

550 373.59 Water Management Lands Trust Fund.--

551 (8)(a) Moneys from the Water Management Lands Trust Fund
 552 shall be allocated to the five water management districts in the
 553 following percentages:

554 1.~~(a)~~ Thirty percent to the South Florida Water Management
 555 District.

556 2.~~(b)~~ Twenty-five percent to the Southwest Florida Water
 557 Management District.

558 3.~~(c)~~ Twenty-five percent to the St. Johns River Water
 559 Management District.

560 4.~~(d)~~ Ten percent to the Suwannee River Water Management
 561 District.

562 5.~~(e)~~ Ten percent to the Northwest Florida Water
 563 Management District.

564 (b) Notwithstanding paragraph (a), and for the 2004-2005
 565 fiscal year only, the first \$329,977 of the moneys allocated to
 566 the water management districts from the Water Management Lands
 567 Trust Fund shall be distributed to the Suwannee River Water
 568 Management District for implementing best management practices
 569 in the Suwannee River Basin and the next \$1,044,926 shall be
 570 distributed to the Northwest Florida Water Management District
 571 for administration. The remaining moneys shall be distributed as
 572 provided in paragraph (a). This paragraph expires July 1, 2005.

573 Section 16. In order to implement Specific Appropriation
 574 1496 of the 2004-2005 General Appropriations Act, paragraphs (b)

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575 and (c) of subsection (1) of section 252.373, Florida Statutes,
 576 are amended to read:

577 252.373 Allocation of funds; rules.--

578 (1)

579 (b) Notwithstanding the provisions of paragraph (a), and
 580 for the 2004-2005 ~~2003-2004~~ fiscal year only, the use of the
 581 Emergency Management, Preparedness, and Assistance Trust Fund
 582 shall be as provided in the General Appropriations Act. This
 583 paragraph expires on July 1, 2005 ~~2004~~.

584 (c) Notwithstanding the provisions of paragraph (a), and
 585 for the 2004-2005 ~~2003-2004~~ fiscal year only, the Department of
 586 Community Affairs shall conduct a review of funds available in
 587 the Emergency Management, Preparedness, and Assistance Trust
 588 Fund. By December 31, 2004 ~~2003~~, when actual receipts for the
 589 2003-2004 ~~2002-2003~~ fiscal year are determined, the Department
 590 of Community Affairs may identify any funds that were unspent or
 591 unencumbered in the 2003-2004 ~~2002-2003~~ fiscal year, and such
 592 funds may be transferred to the Grants and Donations Trust Fund
 593 to be used for the state portion of the match requirements for
 594 federally approved disaster projects. This paragraph expires
 595 July 1, 2005 ~~2004~~.

596 Section 17. In order to implement Specific Appropriations
 597 2122F and 2122G of the 2004-2005 General Appropriations Act,
 598 subsection (13) of section 411.01, Florida Statutes, is amended
 599 to read:

600 411.01 Florida Partnership for School Readiness; school
 601 readiness coalitions.--

602 (13) PLACEMENTS.--Notwithstanding any other provision of
 603 this section to the contrary, and for fiscal year 2004-2005

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604 ~~2003-2004~~ only, the first children to be placed in the school
 605 readiness program shall be those from families receiving
 606 temporary cash assistance and subject to federal work
 607 requirements. Subsequent placements shall be pursuant to the
 608 provisions of this section. This subsection expires July 1, 2005
 609 ~~2004~~.

610 Section 18. In order to implement Specific Appropriation
 611 2480L of the 2004-2005 General Appropriations Act, paragraph (b)
 612 of subsection (9) of section 320.08058, Florida Statutes, is
 613 amended to read:

614 320.08058 Specialty license plates.--

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

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

618 1. Fifty-five percent of the proceeds from the Florida
 619 Professional Sports Team plate must be deposited into the
 620 Professional Sports Development Trust Fund within the Office of
 621 Tourism, Trade, and Economic Development. These funds must be
 622 used solely to attract and support major sports events in this
 623 state. As used in this subparagraph, the term "major sports
 624 events" means, but is not limited to, championship or all-star
 625 contests of Major League Baseball, the National Basketball
 626 Association, the National Football League, the National Hockey
 627 League, the men's and women's National Collegiate Athletic
 628 Association Final Four basketball championship, or a horseracing
 629 or dogracing Breeders' Cup. All funds must be used to support
 630 and promote major sporting events, and the uses must be approved
 631 by the Florida Sports Foundation.

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632 2. The remaining proceeds of the Florida Professional
 633 Sports Team license plate must be allocated to the Florida
 634 Sports Foundation, a direct-support organization of the Office
 635 of Tourism, Trade, and Economic Development. These funds must be
 636 deposited into the Professional Sports Development Trust Fund
 637 within the Office of Tourism, Trade, and Economic Development.
 638 These funds must be used by the Florida Sports Foundation to
 639 promote the economic development of the sports industry; to
 640 distribute licensing and royalty fees to participating
 641 professional sports teams; to institute a grant program for
 642 communities bidding on minor sporting events that create an
 643 economic impact for the state; to distribute funds to Florida-
 644 based charities designated by the Florida Sports Foundation and
 645 the participating professional sports teams; and to fulfill the
 646 sports promotion responsibilities of the Office of Tourism,
 647 Trade, and Economic Development.

648 3. The Florida Sports Foundation shall provide an annual
 649 financial audit in accordance with s. 215.981 of its financial
 650 accounts and records by an independent certified public
 651 accountant pursuant to the contract established by the Office of
 652 Tourism, Trade, and Economic Development as specified in s.
 653 288.1229(5). The auditor shall submit the audit report to the
 654 Office of Tourism, Trade, and Economic Development for review
 655 and approval. If the audit report is approved, the office shall
 656 certify the audit report to the Auditor General for review.

657 4. For the 2004-2005 ~~2003-2004~~ fiscal year only and
 658 notwithstanding the provisions of subparagraphs 1. and 2.,
 659 proceeds from the Professional Sports Development Trust Fund may
 660 also be used for operational expenses of the Florida Sports

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661 Foundation and financial support of the Sunshine State Games.

662 This subparagraph expires July 1, 2005 ~~2004~~.

663 Section 19. In order to implement section 20 of the 2004-
664 2005 General Appropriations Act, subsection (5) of section
665 339.08, Florida Statutes, is amended to read:

666 339.08 Use of moneys in State Transportation Trust Fund.--

667 (5) For the 2004-2005 ~~2003-2004~~ fiscal year only and
668 notwithstanding the provisions of this section and s. 339.09(1),
669 \$100 ~~\$200~~ million may be transferred from the State
670 Transportation Trust Fund to the General Revenue Fund in the
671 2004-2005 ~~2003-2004~~ General Appropriations Act. Such transfer
672 may be comprised of several smaller transfers made during the
673 2004-2005 ~~2003-2004~~ fiscal year. Notwithstanding ss. 206.46(3)
674 and 206.606(2), the total amount transferred shall be reduced
675 from total state revenues deposited into the State
676 Transportation Trust Fund for the calculation requirements of
677 ss. 206.46(3) and 206.606(2). This subsection expires July 1,
678 2005 ~~2004~~.

679 Section 20. In order to implement Specific Appropriation
680 28260 of the 2004-2005 General Appropriations Act, paragraph (f)
681 of subsection (5) of section 287.057, Florida Statutes, is
682 amended to read:

683 287.057 Procurement of commodities or contractual
684 services.--

685 (5) When the purchase price of commodities or contractual
686 services exceeds the threshold amount provided in s. 287.017 for
687 CATEGORY TWO, no purchase of commodities or contractual services
688 may be made without receiving competitive sealed bids,

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689 competitive sealed proposals, or competitive sealed replies

690 unless:

691 (f) The following contractual services and commodities are
 692 not subject to the competitive-solicitation requirements of this
 693 section:

694 1. Artistic services.

695 2. Academic program reviews.

696 3. Lectures by individuals.

697 4. Auditing services.

698 5. Legal services, including attorney, paralegal, expert
 699 witness, appraisal, or mediator services.

700 6. Health services involving examination, diagnosis,
 701 treatment, prevention, medical consultation, or administration.

702 7. Services provided to persons with mental or physical
 703 disabilities by not-for-profit corporations which have obtained
 704 exemptions under the provisions of s. 501(c)(3) of the United
 705 States Internal Revenue Code or when such services are governed
 706 by the provisions of Office of Management and Budget Circular A-
 707 122. However, in acquiring such services, the agency shall
 708 consider the ability of the vendor, past performance,
 709 willingness to meet time requirements, and price.

710 8. Medicaid services delivered to an eligible Medicaid
 711 recipient by a health care provider who has not previously
 712 applied for and received a Medicaid provider number from the
 713 Agency for Health Care Administration. However, this exception
 714 shall be valid for a period not to exceed 90 days after the date
 715 of delivery to the Medicaid recipient and shall not be renewed
 716 by the agency.

717 9. Family placement services.

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718 10. Prevention services related to mental health,
 719 including drug abuse prevention programs, child abuse prevention
 720 programs, and shelters for runaways, operated by not-for-profit
 721 corporations. However, in acquiring such services, the agency
 722 shall consider the ability of the vendor, past performance,
 723 willingness to meet time requirements, and price.

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

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

727 13. Services or commodities provided by governmental
 728 agencies.

729 14. Voter education activities of the Department of State
 730 or the supervisors of elections, either individually or in the
 731 aggregate or with their respective professional associations.
 732 This subparagraph expires July 1, 2005.

733 Section 21. In order to implement Specific Appropriation
 734 1993 of the 2004-2005 General Appropriations Act, paragraph (b)
 735 of subsection (3) of section 311.07, Florida Statutes, is
 736 amended to read:

737 311.07 Florida seaport transportation and economic
 738 development funding.--

739 (3)

740 (b) Projects eligible for funding by grants under the
 741 program are limited to the following port facilities or port
 742 transportation projects:

743 1. Transportation facilities within the jurisdiction of
 744 the port.

745 2. The dredging or deepening of channels, turning basins,
 746 or harbors.

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747 3. The construction or rehabilitation of wharves, docks,
 748 structures, jetties, piers, storage facilities, cruise
 749 terminals, automated people mover systems, or any facilities
 750 necessary or useful in connection with any of the foregoing.

751 4. The acquisition of container cranes or other mechanized
 752 equipment used in the movement of cargo or passengers in
 753 international commerce.

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

755 6. The acquisition, improvement, enlargement, or extension
 756 of existing port facilities.

757 7. Environmental protection projects which are necessary
 758 because of requirements imposed by a state agency as a condition
 759 of a permit or other form of state approval; which are necessary
 760 for environmental mitigation required as a condition of a state,
 761 federal, or local environmental permit; which are necessary for
 762 the acquisition of spoil disposal sites and improvements to
 763 existing and future spoil sites; or which result from the
 764 funding of eligible projects listed in this paragraph.

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

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

770 10. Construction or rehabilitation of port facilities as
 771 defined in s. 315.02, excluding any park or recreational
 772 facilities, in ports listed in s. 311.09(1) with operating
 773 revenues of \$5 million or less, provided that such projects
 774 create economic development opportunities, capital improvements,
 775 and positive financial returns to such ports.

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776 11. Seaport security measures. Such measures include:
 777 a. Infrastructure security measures required by seaport
 778 security plans approved by the Office of Drug Control and the
 779 Department of Law Enforcement under s. 311.12, including
 780 security gates, physical barriers, and security-related lighting
 781 systems, equipment, or facilities to be used for seaport
 782 security monitoring and recording, remote surveillance systems,
 783 concealed recording systems, or other security infrastructure,
 784 technology, vulnerability assessments, or equipment that
 785 contributes to the overall security of the seaport and its
 786 facilities as specified in the security plans approved by the
 787 Office of Drug Control and the Department of Law Enforcement
 788 under s. 311.12 or as otherwise specifically found by the
 789 Department of Law Enforcement to be a measure consistent with
 790 and supportive of such an approved plan. Program funds for such
 791 measures may come from funds made available under subsection (2)
 792 and s. 320.20(3) or (4). Infrastructure measures required by an
 793 approved seaport security plan or as otherwise found by the
 794 Department of Law Enforcement to be consistent with and
 795 supportive of an approved plan as authorized in this sub-
 796 subparagraph are not subject to the matching fund requirements
 797 of paragraph (a) or s. 320.20(3) or (4).
 798 b. Law enforcement measures mandated by federal, state, or
 799 local governmental agencies, including the deployment of the
 800 Florida National Guard, local law enforcement personnel, seaport
 801 security personnel, private sector security personnel, or any
 802 combination thereof to provide operational security services at
 803 any seaport identified in s. 311.09(1). Program funds for such
 804 measures may come from funds made available under subsection

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805 (2). Law enforcement measures are subject to the matching fund
 806 requirements of paragraph (a), except that any funds provided
 807 for the Florida National Guard shall remain exempt from the
 808 matching fund requirements of paragraph (a) through April 30,
 809 2002.

810
 811 Notwithstanding s. 339.135(7) or any other provision of law to
 812 the contrary, seaports may request that the department change
 813 the purpose of a project in the 2000-2001 and 2001-2002 work
 814 programs to a purpose authorized under this subparagraph.
 815 Additional consideration shall be given to seaports having
 816 operating revenues of \$14 million or less for operational
 817 security and law enforcement measures for grants not to exceed
 818 \$350,000. Any federal funds that are provided for port security
 819 infrastructure improvements of which funds seaports in this
 820 state are the beneficiaries shall be allocated in a manner
 821 consistent with federal requirements and guidelines. Federal
 822 funds obtained by a seaport for a specific security
 823 infrastructure project, which project has also received state
 824 seaport transportation and economic development funds, shall be
 825 used to reimburse the state funds received by the seaport under
 826 this subparagraph for the specific project. These reimbursement
 827 funds must be used for projects and measures authorized under
 828 subparagraphs 1.-10. This subparagraph shall expire June 30,
 829 2005 ~~2004~~.

830 Section 22. In order to implement Specific Appropriation
 831 2589 of the 2004-2005 General Appropriations Act, effective July
 832 1, 2004, and notwithstanding the provisions of s. 1008.51,
 833 Florida Statutes, the budget for the Council for Education

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834 Policy Research and Improvement shall be administered by the
 835 Auditor General. However, the Council for Education Policy
 836 Research and Improvement shall remain independent of the Auditor
 837 General for all programmatic purposes, serving as a citizen
 838 board for conducting and reviewing education research, providing
 839 independent analysis on education progress, and providing
 840 independent evaluation of education issues of statewide concern,
 841 as prescribed in s. 1008.51, Florida Statutes. All work products
 842 of the Council for Education Policy Research and Improvement are
 843 advisory in nature. This section expires July 1, 2005.

844 Section 23. In order to implement the appropriation of
 845 funds in Special Categories-Risk Management Insurance of the
 846 2004-2005 General Appropriations Act, and pursuant to the
 847 notice, review, and objection procedures of s. 216.177, Florida
 848 Statutes, the Executive Office of the Governor is authorized to
 849 transfer funds appropriated in the appropriation category
 850 "Special Categories-Risk Management Insurance" of the 2004-2005
 851 General Appropriations Act between departments in order to align
 852 the budget authority granted with the premiums paid by each
 853 department for risk management insurance. This section expires
 854 July 1, 2005.

855 Section 24. In order to implement the appropriation of
 856 funds in Special Categories-Transfer to Department of Management
 857 Services-Human Resources Services Purchased Per Statewide
 858 Contract of the 2004-2005 General Appropriations Act, and
 859 pursuant to the notice, review, and objection procedures of s.
 860 216.177, Florida Statutes, the Executive Office of the Governor
 861 is authorized to transfer funds appropriated in the
 862 appropriation category "Special Categories-Transfer to

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863 Department of Management Services-Human Resources Services
 864 Purchased Per Statewide Contract" of the 2004-2005 General
 865 Appropriations Act between departments in order to align the
 866 budget authority granted with the assessments that must be paid
 867 by each agency to the Department of Management Services for
 868 human resource management services. This section expires July 1,
 869 2005.

870 Section 25. In order to implement section 8 of the 2004-
 871 2005 General Appropriations Act, relating to the state
 872 contribution for the State Employees Group Health Insurance Plan
 873 and pursuant to the notice, review, and objection procedures of
 874 s. 216.177, Florida Statutes, the Executive Office of the
 875 Governor is authorized to transfer funds appropriated in the
 876 Salaries and Benefits category of the General Appropriations Act
 877 between departments in order to align the budget authority
 878 granted in accordance with the redesign of the State Employees
 879 Group Health Insurance Program and the realignment necessary
 880 based upon state contribution revisions and the results of the
 881 open enrollment period. This transfer is not subject to the
 882 provisions of s. 216.181, Florida Statutes. This section expires
 883 July 1, 2005.

884 Section 26. In order to implement section 8 of the 2004-
 885 2005 General Appropriations Act, section 110.1239, Florida
 886 Statutes, is amended to read:

887 110.1239 State group health insurance program
 888 funding.--For the 2004-2005 ~~2003-2004~~ fiscal year only, it is
 889 the intent of the Legislature that the state group health
 890 insurance program be managed, administered, operated, and funded
 891 in such a manner as to maximize the protection of state employee

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892 health insurance benefits. Inherent in this intent is the
 893 recognition that the health insurance liabilities attributable
 894 to the benefits offered state employees should be fairly,
 895 orderly, and equitably funded. Accordingly:

896 (1) The division shall determine the level of premiums
 897 necessary to fully fund the state group health insurance program
 898 for the next fiscal year. Such determination shall be made after
 899 each Self-Insurance Estimating Conference as provided in s.
 900 216.136(11), but not later than December 1 and April 1 of each
 901 fiscal year.

902 (2) The Governor, in the Governor's recommended budget,
 903 shall provide premium rates necessary for full funding of the
 904 state group health insurance program, and the Legislature shall
 905 provide in the General Appropriations Act for a premium level
 906 necessary for full funding of the state group health insurance
 907 program.

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

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

913 Section 27. In order to implement sections 2 through 7 of
 914 the 2004-2005 General Appropriations Act, paragraph (c) of
 915 subsection (5) and paragraph (d) of subsection (6) of section
 916 112.061, Florida Statutes, are amended to read:

917 112.061 Per diem and travel expenses of public officers,
 918 employees, and authorized persons.--

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

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

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

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

936 Section 28. A section of this act that implements a
 937 specific appropriation or specifically identified proviso
 938 language in the 2004-2005 General Appropriations Act is void if
 939 the specific appropriation or specifically identified proviso
 940 language is vetoed. A section of this act that implements more
 941 than one specific appropriation or more than one portion of
 942 specifically identified proviso language in the 2004-2005
 943 General Appropriations Act is void if all the specific
 944 appropriations or portions of specifically identified proviso
 945 language are vetoed.

946 Section 29. If any other act passed in 2004 contains a
 947 provision that is substantively the same as a provision in this

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948 act, but that removes or is otherwise not subject to the future
 949 repeal applied to such provision by this act, the Legislature
 950 intends that the provision in the other act shall take
 951 precedence and shall continue to operate, notwithstanding the
 952 future repeal provided by this act.

953 Section 30. If any law that is amended by this act was
 954 also amended by a law enacted at the 2004 Regular Session of the
 955 Legislature, such laws shall be construed as if they had been
 956 enacted during the same session of the Legislature, and full
 957 effect should be given to each if that is possible.

958 Section 31. If any provision of this act or its
 959 application to any person or circumstance is held invalid, the
 960 invalidity does not affect other provisions or applications of
 961 the act which can be given effect without the invalid provision
 962 or application, and to this end the provisions of this act are
 963 severable.

964 Section 32. Except as otherwise expressly provided in this
 965 act, this act shall take effect July 1, 2004; or, if this act
 966 fails to become a law until after that date, it shall take
 967 effect upon becoming a law and shall operate retroactively to
 968 July 1, 2004.