

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

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 implementation of  
83 | strategies for state agencies to reduce salary budget;  
84 | requiring vendors to agree to use only state residents in  
85 | certain contracts; authorizing the Department of  
86 | Management Services to waive such requirement under  
87 | certain circumstances; providing waiver criteria amount to

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88 employing state residents; providing for ineligibility for  
 89 further funds or incentives for violation; providing for  
 90 future repeal or expiration of various provisions;  
 91 providing for reversion of certain provisions; providing  
 92 effect of veto of specific appropriation or proviso to  
 93 which implementing language refers; incorporating by  
 94 reference specified performance measures and standards  
 95 directly linked to the appropriations made in the 2004-  
 96 2005 General Appropriations Act, as required by the  
 97 Government Performance and Accountability Act of 1994;  
 98 providing applicability to other legislation; providing  
 99 severability; providing an effective date.

100  
 101 Be It Enacted by the Legislature of the State of Florida:

102  
 103 Section 1. It is the intent of the Legislature that the  
 104 implementing and administering provisions of this act apply to  
 105 the General Appropriations Act for fiscal year 2004-2005.

106 Section 2. In order to implement Specific Appropriations  
 107 32-36, 153-157, 159, and 160 of the 2004-2005 General  
 108 Appropriations Act:

109 (1) Each university that has not made the transition,  
 110 effective July 1, 2004, from the state accounting system (FLAIR)  
 111 shall utilize the state accounting system for fiscal year 2004-  
 112 2005 but is not required to provide funds to the Department of  
 113 Financial Services for its utilization.

114 (2) Notwithstanding the provisions of ss. 216.181,  
 115 216.292, and 1011.4105, Florida Statutes, and pursuant to s.  
 116 216.351, Florida Statutes, funds appropriated or reappropriated

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117 to the state universities in the 2004-2005 General  
118 Appropriations Act, or any other act passed by the 2004  
119 Legislature containing appropriations, shall be distributed to  
120 each university according to the 2004-2005 fiscal year operating  
121 budget approved by the university board of trustees. Each  
122 university board of trustees shall have authority to amend the  
123 operating budget as circumstances warrant. The operating budget  
124 may utilize traditional appropriation categories or it may  
125 consolidate the appropriations into a special category  
126 appropriation account. The Chief Financial Officer, upon the  
127 request of the university board of trustees, shall record by  
128 journal transfer the distribution of the appropriated funds and  
129 releases according to the approved operating budget to the  
130 appropriation accounts established for disbursement purposes for  
131 each university within the state accounting system (FLAIR).

132 (3) Notwithstanding the provisions of ss. 216.181,  
133 216.292, and 1011.4105, Florida Statutes, and pursuant to s.  
134 216.351, Florida Statutes, each university board of trustees  
135 shall include in an approved operating budget the revenue in  
136 trust funds supported by student and other fees as well as the  
137 trust funds within the Contracts, Grants, and Donations;  
138 Auxiliary Enterprises; and Sponsored Research budget entities.  
139 The university board of trustees shall have the authority to  
140 amend the operating budget as circumstances warrant. The  
141 operating budget may utilize traditional appropriation  
142 categories or it may consolidate the trust fund spending  
143 authority into a special category appropriation account. The  
144 Chief Financial Officer, upon the request of the university  
145 board of trustees, shall record the distribution of the trust

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146 fund spending authority and releases according to the approved  
147 operating budget to the appropriation accounts established for  
148 disbursement purposes for each university within the state  
149 accounting system (FLAIR).

150 (4) Notwithstanding those provisions of ss. 216.181,  
151 216.292, and 1011.4105, Florida Statutes, which are inconsistent  
152 with the provisions of this subsection and pursuant to s.  
153 216.351, Florida Statutes, fixed capital outlay funds  
154 appropriated or reappropriated in the 2004-2005 General  
155 Appropriations Act, or any other act passed by the 2004  
156 Legislature containing fixed capital outlay appropriations, for  
157 universities that have made the transition, effective July 1,  
158 2004, from the state accounting system (FLAIR) shall be  
159 administered by the Department of Education and shall be  
160 distributed to the universities as needed for projects based  
161 upon estimated invoices to be paid during the following 30 days  
162 or as required by bond documents. For undisbursed fixed capital  
163 outlay appropriations from prior fiscal years for universities  
164 that have made the transition, effective July 1, 2004, from the  
165 state accounting system (FLAIR), the Executive Office of the  
166 Governor and the Chief Financial Officer shall have authority to  
167 transfer such undisbursed fixed capital outlay appropriations  
168 into appropriations under the Department of Education for  
169 distribution to the universities as needed for projects based on  
170 estimated invoices to be paid during the following 30 days or as  
171 required by bond documents. Expenditure of fixed capital outlay  
172 appropriations shall be consistent with legislative policy and  
173 intent.

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

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

179 220.187 Credits for contributions to nonprofit  
 180 scholarship-funding organizations.--

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

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

186 2. Notwithstanding subparagraph 1., and for the 2004-2005  
 187 fiscal year only, the total amount of tax credits and  
 188 carryforward of tax credits which may be granted each state  
 189 fiscal year under this section is \$50 million. This subparagraph  
 190 expires July 1, 2005.

191 Section 4. In order to implement Specific Appropriations  
 192 303, 306, and 308 of the 2004-2005 General Appropriations Act,  
 193 subsection (12) of section 216.292, Florida Statutes, is amended  
 194 to read:

195 216.292 Appropriations nontransferable; exceptions.--

196 (12) For the 2004-2005 ~~2003-2004~~ fiscal year only and  
 197 notwithstanding the other provisions of this section, the  
 198 Department of Children and Family Services may transfer funds  
 199 within the family safety program identified in the General  
 200 Appropriations Act from identical funding sources between the  
 201 following appropriation categories without limitation as long as  
 202 such a transfer does not result in an increase to the total  
 203 recurring general revenue or trust fund cost of the agency in

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204 the subsequent fiscal year: adoption services and subsidy;  
 205 family foster care; and emergency shelter care. Such transfers  
 206 must be consistent with legislative policy and intent and must  
 207 not adversely affect achievement of approved performance  
 208 outcomes or outputs in the family safety program. Notice of  
 209 proposed transfers under this authority must be provided to the  
 210 Executive Office of the Governor and the chairs of the  
 211 legislative appropriations committees at least 5 working days  
 212 before their implementation. This subsection expires July 1,  
 213 2005 ~~2004~~.

214 Section 5. In order to implement Specific Appropriations  
 215 385 and 388 of the 2004-2005 General Appropriations Act,  
 216 subsection (4) of section 561.121, Florida Statutes, is amended  
 217 to read:

218 561.121 Deposit of revenue.--

219 (4)(a) State funds collected pursuant to s. 561.501 shall  
 220 be paid into the State Treasury and credited to the following  
 221 accounts:

222 1. Twenty-seven and two-tenths percent of the surcharge on  
 223 the sale of alcoholic beverages for consumption on premises  
 224 shall be transferred to the Children and Adolescents Substance  
 225 Abuse Trust Fund, which shall remain with the Department of  
 226 Children and Family Services for the purpose of funding programs  
 227 directed at reducing and eliminating substance abuse problems  
 228 among children and adolescents.

229 2. The remainder of collections shall be credited to the  
 230 General Revenue Fund.

231 (b) For the 2004-2005 ~~2003-2004~~ state fiscal year only,  
 232 and notwithstanding the provisions of subparagraph (a)1., moneys



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233 in the Children and Adolescents Substance Abuse Trust Fund may  
 234 also be used for the purpose of funding programs directed at  
 235 reducing and eliminating substance abuse problems among adults.  
 236 This paragraph expires July 1, 2005 ~~2004~~.

237 Section 6. In order to implement Specific Appropriation  
 238 301D of the 2004-2005 General Appropriations Act, subsection (7)  
 239 of section 409.1671, Florida Statutes, as amended by section 27  
 240 of chapter 2003-399, Laws of Florida, is amended to read:

241 409.1671 Foster care and related services;  
 242 privatization.--

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

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

260 (b) Significant changes in the services that are eligible  
 261 for reimbursement.

- 262 (c) Significant changes in the availability of federal
- 263 funds.
- 264 (d) Shortfalls in state funds available for eligible or
- 265 ineligible services.
- 266 (e) Significant changes in the mix of available funds.
- 267 (f) Scheduled or unanticipated, but necessary, advances to
- 268 providers or other cash-flow issues.
- 269 (g) Proposals to participate in optional Medicaid services
- 270 or other federal grant opportunities.
- 271 (h) Appropriate incentive structures.
- 272 (i) Continuity of care in the event of lead agency
- 273 failure, discontinuance of service, or financial misconduct.

274

275 The department shall further specify the necessary steps to

276 ensure the financial integrity of these dollars and their

277 continued availability on an ongoing basis. The final proposal

278 shall be submitted to the Legislative Budget Commission for

279 formal adoption before December 31, 2004 ~~2002~~. If the

280 Legislative Budget Commission refuses to concur with the

281 adoption of the proposal, the department shall present its

282 proposal in the form of recommended legislation to the President

283 of the Senate and the Speaker of the House of Representatives

284 before the commencement of the next legislative session. For

285 fiscal year 2003-2004 and annually thereafter, the department ~~of~~

286 ~~Children and Family Services~~ may request in its legislative

287 budget request, and the Governor may recommend, the funding

288 necessary to carry out paragraph (i) from excess federal

289 earnings. The General Appropriations Act shall include any funds

290 appropriated for this purpose in a lump sum in the department

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291 ~~Administered Funds Program~~, which funds constitute partial  
292 security for lead agency contract performance. The department  
293 shall use this appropriation to offset the need for a  
294 performance bond for that year after a comparison of risk to the  
295 funds available. In no event shall this performance bond exceed  
296 2.5 percent of the annual contract value. The department may  
297 separately require a bond to mitigate the financial consequences  
298 of potential acts of malfeasance, misfeasance, or criminal  
299 violations by the provider. Prior to the release of any funds in  
300 the lump sum, the department shall submit a detailed operational  
301 plan, which must identify the sources of specific trust funds to  
302 be used. The release of the trust fund shall be subject to the  
303 notice and review provisions of s. 216.177. However, the release  
304 shall not require approval of the Legislative Budget Commission.

305 Section 7. The amendment of subsection (7) of section  
306 409.1671, Florida Statutes, by this act shall expire on July 1,  
307 2005, and the text of that subsection shall revert to that in  
308 existence on June 30, 2004, except that any amendments to such  
309 text enacted other than by this act shall be preserved and  
310 continue to operate to the extent that such amendments are not  
311 dependent upon the portions of such text which expire pursuant  
312 to the provisions of this act.

313 Section 8. In order to implement Specific Appropriations  
314 356-388 of the 2004-2005 General Appropriations Act, subsection  
315 (8) of section 394.908, Florida Statutes, is amended to read:

316 394.908 Substance abuse and mental health funding equity;  
317 distribution of appropriations.--In recognition of the  
318 historical inequity among service districts of the former  
319 Department of Health and Rehabilitative Services in the funding

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320 of substance abuse and mental health services, and in order to  
 321 rectify this inequity and provide for equitable funding in the  
 322 future throughout the state, the following funding process shall  
 323 be adhered to:

324 (8) For fiscal year 2004-2005 ~~2003-2004~~ only, and  
 325 notwithstanding the provisions of this section, all new funds  
 326 received in excess of fiscal year 2003-2004 ~~2002-2003~~ recurring  
 327 appropriations shall be allocated in accordance with the  
 328 provisions of the General Appropriations Act; however, no  
 329 district shall receive an allocation of recurring funds less  
 330 than its initial approved operating budget, plus any  
 331 distributions of lump sum appropriations or reductions in  
 332 unfunded budget, for fiscal year 2003-2004 ~~2002-2003~~. This  
 333 subsection expires July 1, 2005 ~~2004~~.

334 Section 9. In order to implement Specific Appropriations  
 335 436-445 of the 2004-2005 General Appropriations Act, subsection  
 336 (14) of section 287.057, Florida Statutes, is amended to read:

337 287.057 Procurement of commodities or contractual  
 338 services.--

339 (14)(a) Contracts for commodities or contractual services  
 340 may be renewed for a period that may not exceed 3 years or the  
 341 term of the original contract, whichever period is longer.  
 342 Renewal of a contract for commodities or contractual services  
 343 shall be in writing and shall be subject to the same terms and  
 344 conditions set forth in the initial contract. If the commodity  
 345 or contractual service is purchased as a result of the  
 346 solicitation of bids, proposals, or replies, the price of the  
 347 commodity or contractual service to be renewed shall be  
 348 specified in the bid, proposal, or reply. A renewal contract may

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349 not include any compensation for costs associated with the  
350 renewal. Renewals shall be contingent upon satisfactory  
351 performance evaluations by the agency and subject to the  
352 availability of funds. Exceptional purchase contracts pursuant  
353 to s. 287.057(5)(a) and (c) may not be renewed.

354 (b) Notwithstanding paragraph (a), the Department of  
355 Children and Family Services may enter into agreements, not to  
356 exceed 20 years, with a private provider to finance, design, and  
357 construct a treatment facility, as defined in s. 394.455, of at  
358 least 200 beds and to operate all aspects of daily operations  
359 within the treatment facility. The selected contractor is  
360 authorized to sponsor the issuance of tax-exempt certificates of  
361 participation or other securities to finance the project, and  
362 the state is authorized to enter into a lease-purchase agreement  
363 for the treatment facility. The Department of Children and  
364 Family Services shall begin the implementation of this  
365 privatization initiative by January 1, 2005. This paragraph  
366 expires July 1, 2005.

367 Section 10. In order to fulfill legislative intent  
368 regarding the use of funds contained in Specific Appropriations  
369 667, 681, 693, and 1138 of the 2004-2005 General Appropriations  
370 Act, the Department of Corrections and the Department of  
371 Juvenile Justice may expend appropriated funds to assist in  
372 defraying the costs of impacts that are incurred by a  
373 municipality or county and associated with opening or operating  
374 a facility under the authority of the respective department  
375 which is located within that municipality or county. The amount  
376 that is to be paid under this section for any facility may not  
377 exceed 1 percent of the facility construction cost, less

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378 building impact fees imposed by the municipality or by the  
379 county if the facility is located in the unincorporated portion  
380 of the county. This section expires July 1, 2005.

381 Section 11. In order to implement Specific Appropriations  
382 655-751 and 781-794 of the 2004-2005 General Appropriations Act,  
383 subsection (4) of section 216.262, Florida Statutes, is amended  
384 to read:

385 216.262 Authorized positions.--

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

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406 and approval by the Legislative Budget Commission. This  
407 subsection expires July 1, 2005 ~~2004~~.

408       Section 12. In order to implement Specific Appropriation  
409 2889C of the 2004-2005 General Appropriations Act, and pursuant  
410 to the notice, review, and objection procedures of s. 216.177,  
411 Florida Statutes, funds in Specific Appropriation 2889C of the  
412 2004-2005 General Appropriations Act may be transferred from the  
413 courts to the Justice Administrative Commission in order to  
414 address unanticipated shortfalls in due process appropriations  
415 in excess of the contingency fund provided in Specific  
416 Appropriation 829A of the 2004-2005 General Appropriations Act.  
417 This section expires July 1, 2005.

418       Section 13. In order to implement Specific Appropriation  
419 2321 of the 2004-2005 General Appropriations Act, subsection (4)  
420 of section 215.96, Florida Statutes, is amended to read:

421       215.96 Coordinating council and design and coordination  
422 staff.--

423       (4) The Financial Management Information Board, through  
424 the coordinating council, shall provide the necessary planning,  
425 implementation, and integration policies, coordination  
426 procedures, and reporting processes to facilitate the successful  
427 and efficient integration of the central administrative and  
428 financial management information systems, including the Florida  
429 Accounting Information Resource system (FLAIR), Cash Management  
430 System (CMS), and FLAIR/CMS replacement (Aspire) project, the  
431 payroll system in the Department of Financial Services, the  
432 Legislative Appropriations System/Planning and Budgeting  
433 Subsystem (LAS/PBS), the State Purchasing System (SPURS) and  
434 MyFlorida Marketplace project, the Cooperative Personnel

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435 Employment Subsystem (COPEs) and the PeopleFirst Outsourcing  
436 project, and the State Unified Tax system (SUNTAX).

437 (a) To fulfill this role, the coordinating council shall  
438 establish an Enterprise Resource Planning Integration Task  
439 Force, which shall consist of the coordinating council members  
440 plus the Chief Information Officer in the State Technology  
441 Office and the Executive Director or designee in the Department  
442 of Revenue, who shall serve with voting rights on the task  
443 force. The nonvoting ex officio members of the coordinating  
444 council shall be nonvoting members of the task force.

445 (b) The task force shall ~~be established by August 1, 2003,~~  
446 ~~and shall~~ remain in existence until the integration goals have  
447 been achieved among the (Aspire) ~~FLAIR/CMS Replacement~~ project,  
448 SPURS and MyFlorida Marketplace project, COPEs and PeopleFirst  
449 project, payroll system, LAS/PBS, and SUNTAX system, or until  
450 June 30, 2005, whichever is later. The task force shall ~~hold its~~  
451 ~~initial meeting no later than September 1, 2003, and shall meet~~  
452 at the call of the chair or at least once every 60 days. ~~In its~~  
453 ~~initial meeting,~~ The task force members shall:

454 1. Adopt a task force charter that identifies major  
455 objectives, activities, milestones and deliverables, significant  
456 assumptions, and constraints on the task force functions and  
457 major stakeholder groups interested in the outcome of the task  
458 force.

459 2. Consider and adopt processes by which information will  
460 be collected and business process and technical integration  
461 issues will be raised for analysis and recommendation by the  
462 task force.



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

466           (c) The coordinating council shall provide administrative  
467 and technical support to the task force as is reasonably  
468 necessary for the task force to effectively and timely carry out  
469 its duties and responsibilities. The cost of providing such  
470 support may be paid from funds appropriated for the operation of  
471 the council or the (Aspire) ~~FLAIR/CMS Replacement~~ project. The  
472 task force also may contract for services to obtain specific  
473 expertise to analyze, facilitate, and formulate recommendations  
474 to address process and technical integration problems that need  
475 to be resolved.

476           (d) Using information and input from project teams and  
477 stakeholders responsible for the (Aspire) ~~FLAIR/CMS Replacement~~  
478 project, SPURS and MyFlorida Marketplace project, COPES and  
479 PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system,  
480 the responsibilities of the task force shall include, but not be  
481 limited to:

482           1. Identifying and documenting central administrative and  
483 financial management policies, procedures, and processes that  
484 need to be integrated and recommending steps for implementation.

485           2. Collecting information from the subsystem owners and  
486 project teams and developing and publishing a consolidated list  
487 of enterprise resource planning functional and technical  
488 integration requirements.

489           3. Publishing integration plans and timelines based on  
490 information collected from task force members.

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491 4. Forming committees, workgroups, and teams as provided  
492 in subsection (3).

493 5. Developing recommendations for the Financial Management  
494 Information Board which clearly describe any business or  
495 technical problems that need to be addressed, the options for  
496 resolving the problem, and the recommended actions.

497 6. Developing and implementing plans for reporting status  
498 of integration efforts.

499 (e) The task force shall provide recommendations to the  
500 Financial Management Information Board for review and approval  
501 regarding the technical, procedural, policy, and process  
502 requirements and changes that are needed to successfully  
503 integrate, implement, and realize the benefits of the enterprise  
504 resource planning initiatives associated with the (Aspire)  
505 ~~FLAIR/CMS Replacement~~ project, SPURS and MyFlorida Marketplace  
506 project, COPES and PeopleFirst project, payroll system, LAS/PBS,  
507 and SUNTAX system. ~~The first of these reports should be provided~~  
508 ~~no later than October 3, 2003.~~

509 (f) The task force shall monitor, review, and evaluate the  
510 progress of the (Aspire) ~~FLAIR/CMS Replacement~~ project, SPURS  
511 and MyFlorida Marketplace project, COPES and PeopleFirst  
512 project, payroll system, LAS/PBS, and SUNTAX system, in  
513 implementing the process and technical integration requirements  
514 and changes approved by the Financial Management Information  
515 Board and in achieving the necessary integration among the  
516 central administrative and financial management information  
517 systems represented on the task force. The task force shall  
518 prepare and submit quarterly reports to the Executive Office of  
519 the Governor, the chairs of the Senate Appropriations Committee

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520 and the House Appropriations Committee, and the Financial  
521 Management Information Board. Each quarterly report shall  
522 identify and describe the technical, procedural, policy, and  
523 process requirements and changes proposed and adopted by the  
524 board and shall describe the status of the implementation of  
525 these integration efforts, identify any problems, issues, or  
526 risks that require executive-level action, and report actual  
527 costs related to the Enterprise Resource Planning Integration  
528 Task Force.

529 (g) By January 15, 2005 ~~2004~~, ~~and annually thereafter,~~  
530 ~~until it is disbanded,~~ the Enterprise Resource Planning  
531 Integration Task Force shall report to the Financial Management  
532 Information Board, the Speaker of the House of Representatives,  
533 and the President of the Senate the results of the task force's  
534 monitoring, review, and evaluation of enterprise resource  
535 planning integration activities and requirements, and any  
536 recommendations for statutory changes to be considered by the  
537 Legislature.

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

539 Section 14. In order to continue implementing Specific  
540 Appropriation 1379B of the 2003-2004 General Appropriations Act  
541 and notwithstanding any provision of chapter 287 or chapter 337,  
542 Florida Statutes, from the funds appropriated to the Department  
543 of Agriculture and Consumer Services for the 2003-2004 and 2004-  
544 2005 fiscal years for the purpose of constructing an  
545 agricultural interdiction station on Interstate 10 in Escambia  
546 County, the Department of Agriculture and Consumer Services  
547 shall enter into an agreement with the Department of  
548 Transportation wherein the Department of Transportation, on

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549 behalf of the Department of Agriculture and Consumer Services,  
 550 shall proceed with the construction of the station under the  
 551 authority established in chapter 337, Florida Statutes. The  
 552 Department of Agriculture and Consumer Services shall be  
 553 authorized to execute all contracts resulting from such  
 554 Department of Transportation selection of contractors in  
 555 compliance with chapter 337, Florida Statutes. This section  
 556 expires July 1, 2005.

557 Section 15. In order to implement Specific Appropriation  
 558 1705A and 1706 of the 2004-2005 General Appropriations Act,  
 559 subsection (8) of section 373.59, Florida Statutes, is amended  
 560 to read:

561 373.59 Water Management Lands Trust Fund.--

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

565 1.(a) Thirty percent to the South Florida Water Management  
 566 District.

567 2.(b) Twenty-five percent to the Southwest Florida Water  
 568 Management District.

569 3.(c) Twenty-five percent to the St. Johns River Water  
 570 Management District.

571 4.(d) Ten percent to the Suwannee River Water Management  
 572 District.

573 5.(e) Ten percent to the Northwest Florida Water  
 574 Management District.

575 (b) Notwithstanding paragraph (a), and for the 2004-2005  
 576 fiscal year only, the first \$329,977 of the moneys allocated to  
 577 the water management districts from the Water Management Lands

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578 Trust Fund shall be distributed to the Suwannee River Water  
 579 Management District for implementing best management practices  
 580 in the Suwannee River Basin and the next \$1,044,926 shall be  
 581 distributed to the Northwest Florida Water Management District  
 582 for administration. The remaining moneys shall be distributed as  
 583 provided in paragraph (a). This paragraph expires July 1, 2005.

584 Section 16. In order to implement Specific Appropriation  
 585 1496 of the 2004-2005 General Appropriations Act, paragraphs (b)  
 586 and (c) of subsection (1) of section 252.373, Florida Statutes,  
 587 are amended to read:

588 252.373 Allocation of funds; rules.--

589 (1)

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

595 (c) Notwithstanding the provisions of paragraph (a), and  
 596 for the 2004-2005 ~~2003-2004~~ fiscal year only, the Department of  
 597 Community Affairs shall conduct a review of funds available in  
 598 the Emergency Management, Preparedness, and Assistance Trust  
 599 Fund. By December 31, 2004 ~~2003~~, when actual receipts for the  
 600 2003-2004 ~~2002-2003~~ fiscal year are determined, the Department  
 601 of Community Affairs may identify any funds that were unspent or  
 602 unencumbered in the 2003-2004 ~~2002-2003~~ fiscal year, and such  
 603 funds may be transferred to the Grants and Donations Trust Fund  
 604 to be used for the state portion of the match requirements for  
 605 federally approved disaster projects. This paragraph expires  
 606 July 1, 2005 ~~2004~~.

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607 Section 17. In order to implement Specific Appropriations  
 608 2122F and 2122G of the 2004-2005 General Appropriations Act,  
 609 subsection (13) of section 411.01, Florida Statutes, is amended  
 610 to read:

611 411.01 Florida Partnership for School Readiness; school  
 612 readiness coalitions.--

613 (13) PLACEMENTS.--Notwithstanding any other provision of  
 614 this section to the contrary, and for fiscal year 2004-2005  
 615 ~~2003-2004~~ only, the first children to be placed in the school  
 616 readiness program shall be those from families receiving  
 617 temporary cash assistance and subject to federal work  
 618 requirements. Subsequent placements shall be pursuant to the  
 619 provisions of this section. This subsection expires July 1, 2005  
 620 ~~2004~~.

621 Section 18. In order to implement Specific Appropriation  
 622 2480L of the 2004-2005 General Appropriations Act, paragraph (b)  
 623 of subsection (9) of section 320.08058, Florida Statutes, is  
 624 amended to read:

625 320.08058 Specialty license plates.--

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

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

629 1. Fifty-five percent of the proceeds from the Florida  
 630 Professional Sports Team plate must be deposited into the  
 631 Professional Sports Development Trust Fund within the Office of  
 632 Tourism, Trade, and Economic Development. These funds must be  
 633 used solely to attract and support major sports events in this  
 634 state. As used in this subparagraph, the term "major sports  
 635 events" means, but is not limited to, championship or all-star

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636 contests of Major League Baseball, the National Basketball  
637 Association, the National Football League, the National Hockey  
638 League, the men's and women's National Collegiate Athletic  
639 Association Final Four basketball championship, or a horseracing  
640 or dogracing Breeders' Cup. All funds must be used to support  
641 and promote major sporting events, and the uses must be approved  
642 by the Florida Sports Foundation.

643       2. The remaining proceeds of the Florida Professional  
644 Sports Team license plate must be allocated to the Florida  
645 Sports Foundation, a direct-support organization of the Office  
646 of Tourism, Trade, and Economic Development. These funds must be  
647 deposited into the Professional Sports Development Trust Fund  
648 within the Office of Tourism, Trade, and Economic Development.  
649 These funds must be used by the Florida Sports Foundation to  
650 promote the economic development of the sports industry; to  
651 distribute licensing and royalty fees to participating  
652 professional sports teams; to institute a grant program for  
653 communities bidding on minor sporting events that create an  
654 economic impact for the state; to distribute funds to Florida-  
655 based charities designated by the Florida Sports Foundation and  
656 the participating professional sports teams; and to fulfill the  
657 sports promotion responsibilities of the Office of Tourism,  
658 Trade, and Economic Development.

659       3. The Florida Sports Foundation shall provide an annual  
660 financial audit in accordance with s. 215.981 of its financial  
661 accounts and records by an independent certified public  
662 accountant pursuant to the contract established by the Office of  
663 Tourism, Trade, and Economic Development as specified in s.  
664 288.1229(5). The auditor shall submit the audit report to the

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665 Office of Tourism, Trade, and Economic Development for review  
 666 and approval. If the audit report is approved, the office shall  
 667 certify the audit report to the Auditor General for review.

668 4. For the 2004-2005 ~~2003-2004~~ fiscal year only and  
 669 notwithstanding the provisions of subparagraphs 1. and 2.,  
 670 proceeds from the Professional Sports Development Trust Fund may  
 671 also be used for operational expenses of the Florida Sports  
 672 Foundation and financial support of the Sunshine State Games.  
 673 This subparagraph expires July 1, 2005 ~~2004~~.

674 Section 19. In order to implement section 20 of the 2004-  
 675 2005 General Appropriations Act, subsection (5) of section  
 676 339.08, Florida Statutes, is amended to read:

677 339.08 Use of moneys in State Transportation Trust Fund.--

678 (5) For the 2004-2005 ~~2003-2004~~ fiscal year only and  
 679 notwithstanding the provisions of this section and s. 339.09(1),  
 680 \$100 ~~\$200~~ million may be transferred from the State  
 681 Transportation Trust Fund to the General Revenue Fund in the  
 682 2004-2005 ~~2003-2004~~ General Appropriations Act. Such transfer  
 683 may be comprised of several smaller transfers made during the  
 684 2004-2005 ~~2003-2004~~ fiscal year. Notwithstanding ss. 206.46(3)  
 685 and 206.606(2), the total amount transferred shall be reduced  
 686 from total state revenues deposited into the State  
 687 Transportation Trust Fund for the calculation requirements of  
 688 ss. 206.46(3) and 206.606(2). This subsection expires July 1,  
 689 2005 ~~2004~~.

690 Section 20. In order to implement Specific Appropriation  
 691 28260 of the 2004-2005 General Appropriations Act, paragraph (f)  
 692 of subsection (5) of section 287.057, Florida Statutes, is  
 693 amended to read:



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694 287.057 Procurement of commodities or contractual  
 695 services.--

696 (5) When the purchase price of commodities or contractual  
 697 services exceeds the threshold amount provided in s. 287.017 for  
 698 CATEGORY TWO, no purchase of commodities or contractual services  
 699 may be made without receiving competitive sealed bids,  
 700 competitive sealed proposals, or competitive sealed replies  
 701 unless:

702 (f) The following contractual services and commodities are  
 703 not subject to the competitive-solicitation requirements of this  
 704 section:

- 705 1. Artistic services.
- 706 2. Academic program reviews.
- 707 3. Lectures by individuals.
- 708 4. Auditing services.
- 709 5. Legal services, including attorney, paralegal, expert  
 710 witness, appraisal, or mediator services.
- 711 6. Health services involving examination, diagnosis,  
 712 treatment, prevention, medical consultation, or administration.
- 713 7. Services provided to persons with mental or physical  
 714 disabilities by not-for-profit corporations which have obtained  
 715 exemptions under the provisions of s. 501(c)(3) of the United  
 716 States Internal Revenue Code or when such services are governed  
 717 by the provisions of Office of Management and Budget Circular A-  
 718 122. However, in acquiring such services, the agency shall  
 719 consider the ability of the vendor, past performance,  
 720 willingness to meet time requirements, and price.
- 721 8. Medicaid services delivered to an eligible Medicaid  
 722 recipient by a health care provider who has not previously

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723 applied for and received a Medicaid provider number from the  
724 Agency for Health Care Administration. However, this exception  
725 shall be valid for a period not to exceed 90 days after the date  
726 of delivery to the Medicaid recipient and shall not be renewed  
727 by the agency.

728 9. Family placement services.

729 10. Prevention services related to mental health,  
730 including drug abuse prevention programs, child abuse prevention  
731 programs, and shelters for runaways, operated by not-for-profit  
732 corporations. However, in acquiring such services, the agency  
733 shall consider the ability of the vendor, past performance,  
734 willingness to meet time requirements, and price.

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

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

738 13. Services or commodities provided by governmental  
739 agencies.

740 14. Voter education activities of the Department of State  
741 or the supervisors of elections, either individually or in the  
742 aggregate or with their respective professional associations.  
743 This subparagraph expires July 1, 2005.

744 Section 21. In order to implement Specific Appropriation  
745 1993 of the 2004-2005 General Appropriations Act, paragraph (b)  
746 of subsection (3) of section 311.07, Florida Statutes, is  
747 amended to read:

748 311.07 Florida seaport transportation and economic  
749 development funding.--

750 (3)

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751 (b) Projects eligible for funding by grants under the  
752 program are limited to the following port facilities or port  
753 transportation projects:

754 1. Transportation facilities within the jurisdiction of  
755 the port.

756 2. The dredging or deepening of channels, turning basins,  
757 or harbors.

758 3. The construction or rehabilitation of wharves, docks,  
759 structures, jetties, piers, storage facilities, cruise  
760 terminals, automated people mover systems, or any facilities  
761 necessary or useful in connection with any of the foregoing.

762 4. The acquisition of container cranes or other mechanized  
763 equipment used in the movement of cargo or passengers in  
764 international commerce.

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

766 6. The acquisition, improvement, enlargement, or extension  
767 of existing port facilities.

768 7. Environmental protection projects which are necessary  
769 because of requirements imposed by a state agency as a condition  
770 of a permit or other form of state approval; which are necessary  
771 for environmental mitigation required as a condition of a state,  
772 federal, or local environmental permit; which are necessary for  
773 the acquisition of spoil disposal sites and improvements to  
774 existing and future spoil sites; or which result from the  
775 funding of eligible projects listed in this paragraph.

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

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

781 10. Construction or rehabilitation of port facilities as  
782 defined in s. 315.02, excluding any park or recreational  
783 facilities, in ports listed in s. 311.09(1) with operating  
784 revenues of \$5 million or less, provided that such projects  
785 create economic development opportunities, capital improvements,  
786 and positive financial returns to such ports.

787 11. Seaport security measures. Such measures include:

788 a. Infrastructure security measures required by seaport  
789 security plans approved by the Office of Drug Control and the  
790 Department of Law Enforcement under s. 311.12, including  
791 security gates, physical barriers, and security-related lighting  
792 systems, equipment, or facilities to be used for seaport  
793 security monitoring and recording, remote surveillance systems,  
794 concealed recording systems, or other security infrastructure,  
795 technology, vulnerability assessments, or equipment that  
796 contributes to the overall security of the seaport and its  
797 facilities as specified in the security plans approved by the  
798 Office of Drug Control and the Department of Law Enforcement  
799 under s. 311.12 or as otherwise specifically found by the  
800 Department of Law Enforcement to be a measure consistent with  
801 and supportive of such an approved plan. Program funds for such  
802 measures may come from funds made available under subsection (2)  
803 and s. 320.20(3) or (4). Infrastructure measures required by an  
804 approved seaport security plan or as otherwise found by the  
805 Department of Law Enforcement to be consistent with and  
806 supportive of an approved plan as authorized in this sub-

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807 subparagraph are not subject to the matching fund requirements  
 808 of paragraph (a) or s. 320.20(3) or (4).

809       b. Law enforcement measures mandated by federal, state, or  
 810 local governmental agencies, including the deployment of the  
 811 Florida National Guard, local law enforcement personnel, seaport  
 812 security personnel, private sector security personnel, or any  
 813 combination thereof to provide operational security services at  
 814 any seaport identified in s. 311.09(1). Program funds for such  
 815 measures may come from funds made available under subsection  
 816 (2). Law enforcement measures are subject to the matching fund  
 817 requirements of paragraph (a), except that any funds provided  
 818 for the Florida National Guard shall remain exempt from the  
 819 matching fund requirements of paragraph (a) through April 30,  
 820 2002.

821  
 822 Notwithstanding s. 339.135(7) or any other provision of law to  
 823 the contrary, seaports may request that the department change  
 824 the purpose of a project in the 2000-2001 and 2001-2002 work  
 825 programs to a purpose authorized under this subparagraph.  
 826 Additional consideration shall be given to seaports having  
 827 operating revenues of \$14 million or less for operational  
 828 security and law enforcement measures for grants not to exceed  
 829 \$350,000. Any federal funds that are provided for port security  
 830 infrastructure improvements of which funds seaports in this  
 831 state are the beneficiaries shall be allocated in a manner  
 832 consistent with federal requirements and guidelines. Federal  
 833 funds obtained by a seaport for a specific security  
 834 infrastructure project, which project has also received state  
 835 seaport transportation and economic development funds, shall be

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836 used to reimburse the state funds received by the seaport under  
837 this subparagraph for the specific project. These reimbursement  
838 funds must be used for projects and measures authorized under  
839 subparagraphs 1.-10. This subparagraph shall expire June 30,  
840 2005 ~~2004~~.

841 Section 22. In order to implement Specific Appropriation  
842 2589 of the 2004-2005 General Appropriations Act, effective July  
843 1, 2004, and notwithstanding the provisions of s. 1008.51,  
844 Florida Statutes, the budget for the Council for Education  
845 Policy Research and Improvement shall be administered by the  
846 Auditor General. However, the Council for Education Policy  
847 Research and Improvement shall remain independent of the Auditor  
848 General for all programmatic purposes, serving as a citizen  
849 board for conducting and reviewing education research, providing  
850 independent analysis on education progress, and providing  
851 independent evaluation of education issues of statewide concern,  
852 as prescribed in s. 1008.51, Florida Statutes. All work products  
853 of the Council for Education Policy Research and Improvement are  
854 advisory in nature. This section expires July 1, 2005.

855 Section 23. In order to implement the appropriation of  
856 funds in Special Categories-Risk Management Insurance of the  
857 2004-2005 General Appropriations Act, and pursuant to the  
858 notice, review, and objection procedures of s. 216.177, Florida  
859 Statutes, the Executive Office of the Governor is authorized to  
860 transfer funds appropriated in the appropriation category  
861 "Special Categories-Risk Management Insurance" of the 2004-2005  
862 General Appropriations Act between departments in order to align  
863 the budget authority granted with the premiums paid by each  
864 department for risk management insurance. This section expires

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865 July 1, 2005.

866       Section 24. In order to implement the appropriation of  
867 funds in Special Categories-Transfer to Department of Management  
868 Services-Human Resources Services Purchased Per Statewide  
869 Contract of the 2004-2005 General Appropriations Act, and  
870 pursuant to the notice, review, and objection procedures of s.  
871 216.177, Florida Statutes, the Executive Office of the Governor  
872 is authorized to transfer funds appropriated in the  
873 appropriation category "Special Categories-Transfer to  
874 Department of Management Services-Human Resources Services  
875 Purchased Per Statewide Contract" of the 2004-2005 General  
876 Appropriations Act between departments in order to align the  
877 budget authority granted with the assessments that must be paid  
878 by each agency to the Department of Management Services for  
879 human resource management services. This section expires July 1,  
880 2005.

881       Section 25. In order to implement section 8 of the 2004-  
882 2005 General Appropriations Act, relating to the state  
883 contribution for the State Employees Group Health Insurance Plan  
884 and pursuant to the notice, review, and objection procedures of  
885 s. 216.177, Florida Statutes, the Executive Office of the  
886 Governor is authorized to transfer funds appropriated in the  
887 Salaries and Benefits category of the General Appropriations Act  
888 between departments in order to align the budget authority  
889 granted in accordance with the redesign of the State Employees  
890 Group Health Insurance Program and the realignment necessary  
891 based upon state contribution revisions and the results of the  
892 open enrollment period. This transfer is not subject to the

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893 provisions of s. 216.181, Florida Statutes. This section expires  
 894 July 1, 2005.

895 Section 26. In order to implement section 8 of the 2004-  
 896 2005 General Appropriations Act, section 110.1239, Florida  
 897 Statutes, is amended to read:

898 110.1239 State group health insurance program  
 899 funding.--For the 2004-2005 ~~2003-2004~~ fiscal year only, it is  
 900 the intent of the Legislature that the state group health  
 901 insurance program be managed, administered, operated, and funded  
 902 in such a manner as to maximize the protection of state employee  
 903 health insurance benefits. Inherent in this intent is the  
 904 recognition that the health insurance liabilities attributable  
 905 to the benefits offered state employees should be fairly,  
 906 orderly, and equitably funded. Accordingly:

907 (1) The division shall determine the level of premiums  
 908 necessary to fully fund the state group health insurance program  
 909 for the next fiscal year. Such determination shall be made after  
 910 each Self-Insurance Estimating Conference as provided in s.  
 911 216.136(11), but not later than December 1 and April 1 of each  
 912 fiscal year.

913 (2) The Governor, in the Governor's recommended budget,  
 914 shall provide premium rates necessary for full funding of the  
 915 state group health insurance program, and the Legislature shall  
 916 provide in the General Appropriations Act for a premium level  
 917 necessary for full funding of the state group health insurance  
 918 program.

919 (3) For purposes of funding, any additional appropriation  
 920 amounts allocated to the state group health insurance program by



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921 the Legislature shall be considered as a state contribution and  
 922 thus an increase in the state premiums.

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

924 Section 27. In order to implement sections 2 through 7 of  
 925 the 2004-2005 General Appropriations Act, paragraph (c) of  
 926 subsection (5) and paragraph (d) of subsection (6) of section  
 927 112.061, Florida Statutes, are amended to read:

928 112.061 Per diem and travel expenses of public officers,  
 929 employees, and authorized persons.--

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

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

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

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

947 Section 28. In order to implement all line items in the  
 948 2004-2005 General Appropriations Act relating to the  
 949 nonrecurring portion of the salary budget, it is the intent of

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950 the Legislature that the head of each state agency as defined in  
 951 s. 216.011, Florida Statutes, immediately begin to implement  
 952 strategies to achieve an overall salary reduction that  
 953 annualizes to 10 percent of the agency's 2004-2005 approved  
 954 salary budget by July 1, 2005. Such strategies must include, but  
 955 are not limited to:

956 (1) Hiring replacement positions for retiring employees at  
 957 10 percent below the departing employee's salary or at the  
 958 minimum for the class if that is higher.

959 (2) Using attrition to eliminate vacant positions that are  
 960 not serving critical functions.

961 (3) Employing time-limited assistance to address functions  
 962 that are seasonal or cyclical in nature in lieu of full-time  
 963 employees.

964 (4) Monitoring and limiting the use of overtime.

965 (5) Outsourcing, when such activity produces a savings  
 966 during each year of the contracted period.

967 Section 29. In order to implement Specific Appropriations  
 968 2652-2660 of the 2004-2005 General Appropriations Act,  
 969 notwithstanding any provision of law to the contrary and for the  
 970 2004-2005 fiscal year only, each state contract over \$50,000 for  
 971 the performance of services must specify that vendors shall be  
 972 required to agree, as a provision in the contract, to use only  
 973 residents of this state as the providers of the services. This  
 974 requirement also applies to any employees or other business  
 975 entities subcontracted for services by the vendor under such  
 976 contract. The requirement may be waived if the Department of  
 977 Management Services determines that a compelling state interest  
 978 exists to waive the requirement and such a determination is

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979 approved by the Administration Commission. If a contractor is  
980 found to be in violation of the state contract for the  
981 performance of services with regard to the residence of  
982 employees as provided in this section, the contractor and its  
983 principals shall be deemed ineligible to receive any state  
984 contract, grant, or incentive funding for the remainder of the  
985 fiscal year. This section expires July 1, 2005.

986 Section 30. A section of this act that implements a  
987 specific appropriation or specifically identified proviso  
988 language in the 2004-2005 General Appropriations Act is void if  
989 the specific appropriation or specifically identified proviso  
990 language is vetoed. A section of this act that implements more  
991 than one specific appropriation or more than one portion of  
992 specifically identified proviso language in the 2004-2005  
993 General Appropriations Act is void if all the specific  
994 appropriations or portions of specifically identified proviso  
995 language are vetoed.

996 Section 31. If any other act passed in 2004 contains a  
997 provision that is substantively the same as a provision in this  
998 act, but that removes or is otherwise not subject to the future  
999 repeal applied to such provision by this act, the Legislature  
1000 intends that the provision in the other act shall take  
1001 precedence and shall continue to operate, notwithstanding the  
1002 future repeal provided by this act.

1003 Section 32. The agency performance measures and standards  
1004 in the document entitled "Performance Measures and Standards  
1005 Approved by the Legislature for Fiscal Year 2004-2005" dated  
1006 March 31, 2004, and filed with the Clerk of the House of  
1007 Representatives are incorporated by reference. Such performance

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1008 measures and standards are directly linked to the appropriations  
 1009 made in the General Appropriations Act for fiscal year 2004-  
 1010 2005, as required by the Government Performance and  
 1011 Accountability Act of 1994. State agencies are directed to  
 1012 revise their long-range program plans required under s. 216.013,  
 1013 Florida Statutes, to be consistent with these performance  
 1014 measures and standards.

1015 Section 33. If any law that is amended by this act was  
 1016 also amended by a law enacted at the 2004 Regular Session of the  
 1017 Legislature, such laws shall be construed as if they had been  
 1018 enacted during the same session of the Legislature, and full  
 1019 effect should be given to each if that is possible.

1020 Section 34. If any provision of this act or its  
 1021 application to any person or circumstance is held invalid, the  
 1022 invalidity does not affect other provisions or applications of  
 1023 the act which can be given effect without the invalid provision  
 1024 or application, and to this end the provisions of this act are  
 1025 severable.

1026 Section 35. Except as otherwise expressly provided in this  
 1027 act, this act shall take effect July 1, 2004; or, if this act  
 1028 fails to become a law until after that date, it shall take  
 1029 effect upon becoming a law and shall operate retroactively to  
 1030 July 1, 2004.