

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; authorizing Florida State University to
6 construct a classroom building from certain funds;
7 amending s. 216.292, F.S.; authorizing the Department of
8 Children and Family Services to transfer funds within the
9 family safety program; amending s. 561.121, F.S.;
10 providing that moneys in the Children and Adolescents
11 Substance Abuse Trust Fund may also be used for the
12 purpose of funding programs directed at reducing and
13 eliminating substance abuse problems among adults;
14 amending s. 409.1671, F.S.; requiring that funds for
15 privatized foster care and related services be allocated
16 in accordance with a methodology adopted by the Department
17 of Children and Family Services by rule and granting
18 rulemaking authority for such purpose; providing for lump
19 sum funding in the Department of Children and Family
20 Services to provide for continuity of foster care under
21 certain circumstances; amending s. 394.908, F.S.;
22 providing for substance abuse and mental health funding
23 equity as provided in the General Appropriations Act;
24 amending s. 287.057, F.S.; authorizing the Department of
25 Children and Family Services to contract with a private
26 provider for a mental health treatment facility; amending
27 s. 381.0066, F.S.; continuing the additional fee on new
28 construction permits for onsite sewage treatment and
29 disposal systems the proceeds of which are used for system

30 research, demonstration, and training projects; amending
 31 s. 385.207, F.S.; authorizing appropriation of funds in
 32 the Epilepsy Services Trust Fund for epilepsy case
 33 management services; amending s. 20.19, F.S.; authorizing
 34 Department of Children and Family Services to transfer of
 35 a portion of total district budget; amending s. 381.79,
 36 F.S.; providing for use of funds in the Brain and Spinal
 37 Cord Injury Program Trust Fund for spinal cord injury and
 38 brain injury research at the University of Miami;
 39 providing for enrollment in the Florida KidCare program;
 40 amending s. 402.305, F.S.; providing for the child care
 41 competency examination to be given in Spanish; amending s.
 42 402.33, F.S.; suspending authority of the Department of
 43 Children and Family Services to use funds in excess of fee
 44 collections; authorizing contracting with private vendors
 45 for eligibility determination functions of the Economic
 46 Self-Sufficiency Services Program; amending s. 216.181,
 47 F.S.; providing for state match for the LifeSaver Rx
 48 program; revising proviso to provide for a plan to
 49 identify funding necessary for an integrated, long-term
 50 care, fixed payment, delivery system for Medicaid
 51 beneficiaries age 65 and older; providing for evaluation
 52 of the reimbursement methodology for Medicaid nursing home
 53 services; requiring a report to the Governor and
 54 Legislature; requiring the Florida Substance Abuse and
 55 Mental Health Corporation to include in its annual report
 56 a specific analysis of managed care contracts and the
 57 impact of these contracts on the mental health service
 58 delivery system in the state; requiring the Department of

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59 Health to review and examine how state and local fees are
60 charged in the regulation of onsite sewage treatment and
61 disposal systems; authorizing the Department of
62 Corrections and the Department of Juvenile Justice to make
63 certain expenditures to defray costs incurred by a
64 municipality or county as a result of opening or operating
65 a facility under authority of the respective department;
66 amending s. 216.262, F.S.; providing for additional
67 positions to operate additional prison bed capacity under
68 certain circumstances; amending s. 16.555, F.S.;

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

72 requiring the Financial Management Information Board to
73 provide certain policies, procedures, and processes for
74 integration of central administrative and financial
75 information systems; providing for an agreement between
76 the Department of Agriculture and Consumer Services and
77 the Department of Transportation for the construction of
78 an agricultural interdiction station in Escambia County;

79 providing for the budget of the Council for Education
80 Policy Research and Improvement to be administered by the
81 Auditor General; providing that the council is otherwise
82 independent; authorizing the Executive Office of the
83 Governor to transfer funds between departments for
84 purposes of aligning amounts paid for risk management
85 premiums and for purposes of aligning amounts paid for
86 human resource management services; amending s. 110.1239,
87 F.S.; providing requirements for the funding of the state

88 group health insurance program; authorizing the Executive
89 Office of the Governor to transfer funds between
90 departments for purposes of aligning amounts paid for risk
91 management premiums and for purposes of aligning amounts
92 paid for human resource management services; amending s.
93 112.061, F.S.; providing for computation of travel time
94 and reimbursement for public officers' and employees'
95 travel; amending s. 110.12315, F.S.; providing copayment
96 requirements for the state employees' prescription drug
97 program; establishing the rate of increase for legislative
98 salaries; directing the Department of Environmental
99 Protection to make specified awards of grant moneys for
100 pollution control purposes; amending s. 375.041, F.S.;
101 providing for use of funds allocated to the Land
102 Acquisition Trust Fund for water quality issues; amending
103 s. 375.045, F.S.; providing for use of certain moneys from
104 the Florida Preservation 2000 Trust Fund for the Florida
105 Forever Trust Fund; providing directives to the State
106 Technology Office with respect to information technology;
107 amending s. 373.4137, F.S.; providing for water management
108 districts to use specified funds in certain surface water
109 improvement and management or invasive plant control
110 projects; amending s. 468.404, F.S.; requiring talent
111 agency fees to cover the costs of regulation; amending s.
112 120.551, F.S.; continuing Internet publication of certain
113 notices of the Department of Environmental Protection and
114 the Board of Trustees of the Internal Improvement Trust
115 Fund; amending s. 259.032, F.S.; authorizing use of
116 certain funds in the Conservation and Lands Recreation

117 Trust Fund for the Lake Jesup restoration project;
 118 amending s. 403.121, F.S.; specifying minimum
 119 administrative penalties for violations relating to public
 120 water systems; amending s. 403.08725, F.S.; providing
 121 exemption from certain air pollution construction and
 122 operation requirements for citrus juice processing
 123 facilities; amending s. 570.191, F.S.; authorizing use of
 124 funds in the Agricultural Emergency Eradication Trust Fund
 125 for insect control; amending s. 570.207, F.S.; authorizing
 126 use of funds in the Conservation and Recreation Lands
 127 Program Trust Fund for conservation easements and
 128 agreements; amending s. 252.373, F.S.; providing for use
 129 of funds of the Emergency Management, Preparedness, and
 130 Assistance Trust Fund, including the use of certain funds
 131 as state matching funds for federally approved Hazard
 132 Mitigation Grant Program projects; amending s. 411.01,
 133 F.S.; providing priority for placement of children in the
 134 school readiness program; amending s. 320.08058, F.S.;
 135 authorizing proceeds from the Professional Sports
 136 Development Trust Fund to be used for operational expenses
 137 of the Florida Sports Foundation and financial support of
 138 the Sunshine State Games; amending s. 311.07, F.S.;
 139 continuing eligibility of seaport security infrastructure
 140 measures for funding by grant under the Florida Seaport
 141 Transportation and Economic Development Program; amending
 142 s. 445.048, F.S.; continuing and expanding the Passport to
 143 Economic Progress demonstration project; amending s.
 144 253.034, F.S.; authorizing deposit of funds from the sale
 145 of property by the Department of Highway Safety and Motor

146 Vehicles located in Palm Beach and Orange Counties;
 147 amending s. 402.3017, F.S.; requiring the Agency for
 148 Workforce Innovation to administer Teacher Education and
 149 Compensation Helps (TEACH) scholarship program; amending
 150 s. 265.702, F.S.; providing a limit on the annual amount
 151 of individual cultural facilities grants; amending s. 11,
 152 ch. 2003-401, Laws of Florida; providing for separate
 153 funding of certain listed library construction projects;
 154 amending s. 287.057, F.S.; exempting certain voter
 155 education activities from competitive-solicitation
 156 requirements; correcting a reference in proviso; amending
 157 s. 288.1045, F.S.; extending the qualified defense
 158 contractor tax refund program; amending s. 288.106, F.S.;
 159 extending the tax refund program for qualified target
 160 industry businesses; authorizing transfer of certain funds
 161 from the courts to the Justice Administrative Commission
 162 to meet certain shortfalls in due process appropriations;
 163 amending s. 27.701, F.S.; providing for a pilot program
 164 using a registry of attorneys instead of the capital
 165 collateral regional counsel in the northern region of the
 166 state; requiring certain qualification; requiring a
 167 report; amending s. 27.709, F.S.; expanding the
 168 jurisdiction of the Commission on Capital Cases; amending
 169 s. 27.711, F.S.; providing for compensation of counsel in
 170 the pilot program; providing for limitations on such
 171 counsel; amending s. 27.702, F.S.; requiring reports from
 172 attorneys participating in the pilot program; providing
 173 for continuity of health and life insurance coverage of
 174 employees transferring from county employment to

175 employment in the state courts system, the office of a
 176 state attorney, or the office of a public defender;
 177 providing responsibilities of former and new employers;
 178 amending s. 413.4021, F.S.; requiring additional revenues
 179 from the tax collection enforcement diversion program to
 180 be used for the personal care attendant pilot program and
 181 for state attorney contracts; providing for expenditure of
 182 funds from the Working Capital Fund to offset deficiencies
 183 in due process services; reenacting s. 215.32(2)(b), F.S.,
 184 relating to the source and use of trust funds; providing
 185 finding of best interest of the state for authorization
 186 and issuance of certain debt; providing for future repeal
 187 or expiration of various provisions; providing for
 188 reversion of certain provisions; providing effect of veto
 189 of specific appropriation or proviso to which implementing
 190 language refers; incorporating by reference specified
 191 performance measures and standards directly linked to the
 192 appropriations made in the 2004-2005 General
 193 Appropriations Act, as required by the Government
 194 Performance and Accountability Act of 1994; providing
 195 applicability to other legislation; providing
 196 severability; providing an effective date.

197

198 Be It Enacted by the Legislature of the State of Florida:

199

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

203 Section 2. In order to implement Specific Appropriations

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204 13-18, 20, 21, 23, 24, 27B-28, and 156-165 of the 2004-2005

205 General Appropriations Act:

206 (1) Each university that has not made the transition,
 207 effective July 1, 2004, from the state accounting system (FLAIR)
 208 shall utilize the state accounting system for fiscal year 2004-
 209 2005 but is not required to provide funds to the Department of
 210 Financial Services for its utilization.

211 (2) Notwithstanding the provisions of ss. 216.181,
 212 216.292, and 1011.4105, Florida Statutes, and pursuant to s.
 213 216.351, Florida Statutes, funds appropriated or reappropriated
 214 to the state universities in the 2004-2005 General
 215 Appropriations Act, or any other act passed by the 2004
 216 Legislature containing appropriations, shall be distributed to
 217 each university according to the 2004-2005 fiscal year operating
 218 budget approved by the university board of trustees. Each
 219 university board of trustees shall have authority to amend the
 220 operating budget as circumstances warrant. The operating budget
 221 may utilize traditional appropriation categories or it may
 222 consolidate the appropriations into a special category
 223 appropriation account. The Chief Financial Officer, upon the
 224 request of the university board of trustees, shall record by
 225 journal transfer the distribution of the appropriated funds and
 226 releases according to the approved operating budget to the
 227 appropriation accounts established for disbursement purposes for
 228 each university within the state accounting system (FLAIR).

229 (3) Notwithstanding the provisions of ss. 216.181,
 230 216.292, and 1011.4105, Florida Statutes, and pursuant to s.
 231 216.351, Florida Statutes, each university board of trustees
 232 shall include in an approved operating budget the revenue in

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233 trust funds supported by student and other fees as well as the
 234 trust funds within the Contracts, Grants, and Donations;
 235 Auxiliary Enterprises; and Sponsored Research budget entities.
 236 The university board of trustees shall have the authority to
 237 amend the operating budget as circumstances warrant. The
 238 operating budget may utilize traditional appropriation
 239 categories or it may consolidate the trust fund spending
 240 authority into a special category appropriation account. The
 241 Chief Financial Officer, upon the request of the university
 242 board of trustees, shall record the distribution of the trust
 243 fund spending authority and releases according to the approved
 244 operating budget to the appropriation accounts established for
 245 disbursement purposes for each university within the state
 246 accounting system (FLAIR).

247 (4) Notwithstanding those provisions of ss. 216.181,
 248 216.292, and 1011.4105, Florida Statutes, which are inconsistent
 249 with the provisions of this subsection and pursuant to s.
 250 216.351, Florida Statutes, fixed capital outlay funds
 251 appropriated or reappropriated in the 2004-2005 General
 252 Appropriations Act, or any other act passed by the 2004
 253 Legislature containing fixed capital outlay appropriations, for
 254 universities that have made the transition, effective July 1,
 255 2004, from the state accounting system (FLAIR) shall be
 256 administered by the Department of Education and shall be
 257 distributed to the universities as needed for projects based
 258 upon estimated invoices to be paid during the following 30 days
 259 or as required by bond documents. For undisbursed fixed capital
 260 outlay appropriations from prior fiscal years for universities
 261 that have made the transition, effective July 1, 2004, from the

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262 state accounting system (FLAIR), the Executive Office of the
 263 Governor and the Chief Financial Officer shall have authority to
 264 transfer such undisbursed fixed capital outlay appropriations
 265 into appropriations under the Department of Education for
 266 distribution to the universities as needed for projects based on
 267 estimated invoices to be paid during the following 30 days or as
 268 required by bond documents. Expenditure of fixed capital outlay
 269 appropriations shall be consistent with legislative policy and
 270 intent.

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

272 Section 3. In order to implement Specific Appropriation
 273 156 and section 9 of the 2004-2005 General Appropriations Act,
 274 and notwithstanding the provisions of section 216.292(5)(d),
 275 Florida Statutes, the Florida State University is authorized to
 276 construct a classroom building from the funding received
 277 pursuant to the 2004-2005 General Appropriations Act. This
 278 section expires July 1, 2005.

279 Section 4. In order to implement Specific Appropriations
 280 303, 306, and 308 of the 2004-2005 General Appropriations Act,
 281 subsection (12) of section 216.292, Florida Statutes, is amended
 282 to read:

283 216.292 Appropriations nontransferable; exceptions.--

284 (12) For the 2004-2005 ~~2003-2004~~ fiscal year only and
 285 notwithstanding the other provisions of this section, the
 286 Department of Children and Family Services may transfer funds
 287 within the family safety program identified in the General
 288 Appropriations Act from identical funding sources between the
 289 following appropriation categories without limitation as long as
 290 such a transfer does not result in an increase to the total

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291 recurring general revenue or trust fund cost of the agency in
 292 the subsequent fiscal year: adoption services and subsidy;
 293 family foster care; and emergency shelter care. Such transfers
 294 must be consistent with legislative policy and intent and must
 295 not adversely affect achievement of approved performance
 296 outcomes or outputs in the family safety program. Notice of
 297 proposed transfers under this authority must be provided to the
 298 Executive Office of the Governor and the chairs of the
 299 legislative appropriations committees at least 5 working days
 300 before their implementation. This subsection expires July 1,
 301 2005 ~~2004~~.

302 Section 5. In order to implement Specific Appropriation
 303 388 of the 2004-2005 General Appropriations Act, subsection (4)
 304 of section 561.121, Florida Statutes, is amended to read:

305 561.121 Deposit of revenue.--

306 (4)(a) State funds collected pursuant to s. 561.501 shall
 307 be paid into the State Treasury and credited to the following
 308 accounts:

309 1. Twenty-seven and two-tenths percent of the surcharge on
 310 the sale of alcoholic beverages for consumption on premises
 311 shall be transferred to the Children and Adolescents Substance
 312 Abuse Trust Fund, which shall remain with the Department of
 313 Children and Family Services for the purpose of funding programs
 314 directed at reducing and eliminating substance abuse problems
 315 among children and adolescents.

316 2. The remainder of collections shall be credited to the
 317 General Revenue Fund.

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

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

324 Section 6. In order to implement Specific Appropriation
 325 301B of the 2004-2005 General Appropriations Act, subsection (7)
 326 of section 409.1671, Florida Statutes, as amended by section 27
 327 of chapter 2003-399, Laws of Florida, is amended to read:

328 409.1671 Foster care and related services;
 329 privatization.--

330 (7) The department, in consultation with existing lead
 331 agencies, shall develop a proposal regarding the long-term use
 332 and structure of a statewide shared earnings program which
 333 addresses the financial risk to eligible lead community-based
 334 providers resulting from unanticipated caseload growth or from
 335 significant changes in client mixes or services eligible for
 336 federal reimbursement. The recommendations in the statewide
 337 proposal must also be available to entities of the department
 338 until the conversion to community-based care takes place. At a
 339 minimum, the proposal must allow for use of federal earnings
 340 received from child welfare programs, which earnings are
 341 determined by the department to be in excess of the amount
 342 appropriated in the General Appropriations Act, to be used for
 343 specific purposes. These purposes include, but are not limited
 344 to:

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

347 (b) Significant changes in the services that are eligible
 348 for reimbursement.

- 349 (c) Significant changes in the availability of federal
- 350 funds.
- 351 (d) Shortfalls in state funds available for eligible or
- 352 ineligible services.
- 353 (e) Significant changes in the mix of available funds.
- 354 (f) Scheduled or unanticipated, but necessary, advances to
- 355 providers or other cash-flow issues.
- 356 (g) Proposals to participate in optional Medicaid services
- 357 or other federal grant opportunities.
- 358 (h) Appropriate incentive structures.
- 359 (i) Continuity of care in the event of lead agency
- 360 failure, discontinuance of service, or financial misconduct.

361

362 The department shall further specify the necessary steps to

363 ensure the financial integrity of these dollars and their

364 continued availability on an ongoing basis. The final proposal

365 shall be submitted to the Legislative Budget Commission for

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

367 Legislative Budget Commission refuses to concur with the

368 adoption of the proposal, the department shall present its

369 proposal in the form of recommended legislation to the President

370 of the Senate and the Speaker of the House of Representatives

371 before the commencement of the next legislative session. For

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

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

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

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

376 earnings. The General Appropriations Act shall include any funds

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

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378 ~~Administered Funds Program~~, which funds constitute partial
 379 security for lead agency contract performance. The department
 380 shall use this appropriation to offset the need for a
 381 performance bond for that year after a comparison of risk to the
 382 funds available. In no event shall this performance bond exceed
 383 2.5 percent of the annual contract value. The department may
 384 separately require a bond to mitigate the financial consequences
 385 of potential acts of malfeasance, misfeasance, or criminal
 386 violations by the provider. Prior to the release of any funds in
 387 the lump sum, the department shall submit a detailed operational
 388 plan, which must identify the sources of specific trust funds to
 389 be used. The release of the trust fund shall be subject to the
 390 notice and review provisions of s. 216.177. However, the release
 391 shall not require approval of the Legislative Budget Commission.

392 Section 7. The amendment of subsection (7) of section
 393 409.1671, Florida Statutes, by this act shall expire on July 1,
 394 2005, and the text of that subsection shall revert to that in
 395 existence on June 30, 2004, except that any amendments to such
 396 text enacted other than by this act shall be preserved and
 397 continue to operate to the extent that such amendments are not
 398 dependent upon the portions of such text which expire pursuant
 399 to the provisions of this act.

400 Section 8. In order to implement Specific Appropriations
 401 382-388 of the 2004-2005 General Appropriations Act, subsection
 402 (8) of section 394.908, Florida Statutes, is amended to read:

403 394.908 Substance abuse and mental health funding equity;
 404 distribution of appropriations.--In recognition of the
 405 historical inequity among service districts of the former
 406 Department of Health and Rehabilitative Services in the funding

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407 of substance abuse and mental health services, and in order to
 408 rectify this inequity and provide for equitable funding in the
 409 future throughout the state, the following funding process shall
 410 be adhered to:

411 (8) For fiscal year 2004-2005 ~~2003-2004~~ only, and
 412 notwithstanding the provisions of this section, all new funds
 413 received in excess of fiscal year 2003-2004 ~~2002-2003~~ recurring
 414 appropriations shall be allocated in accordance with the
 415 provisions of the General Appropriations Act; however, no
 416 district shall receive an allocation of recurring funds less
 417 than its initial approved operating budget, plus any
 418 distributions of lump sum appropriations or reductions in
 419 unfunded budget, for fiscal year 2003-2004 ~~2002-2003~~. This
 420 subsection expires July 1, 2005 ~~2004~~.

421 Section 9. In order to implement Specific Appropriations
 422 436-445 of the 2004-2005 General Appropriations Act, subsection
 423 (14) of section 287.057, Florida Statutes, is amended to read:

424 287.057 Procurement of commodities or contractual
 425 services.--

426 (14)(a) Contracts for commodities or contractual services
 427 may be renewed for a period that may not exceed 3 years or the
 428 term of the original contract, whichever period is longer.
 429 Renewal of a contract for commodities or contractual services
 430 shall be in writing and shall be subject to the same terms and
 431 conditions set forth in the initial contract. If the commodity
 432 or contractual service is purchased as a result of the
 433 solicitation of bids, proposals, or replies, the price of the
 434 commodity or contractual service to be renewed shall be
 435 specified in the bid, proposal, or reply. A renewal contract may

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

441 (b) Notwithstanding paragraph (a), the Department of
 442 Children and Family Services may enter into agreements, not to
 443 exceed 20 years, with a private provider to finance, design, and
 444 construct a treatment facility, as defined in s. 394.455, of at
 445 least 200 beds and to operate all aspects of daily operations
 446 within the treatment facility. The selected contractor is
 447 authorized to sponsor the issuance of tax-exempt certificates of
 448 participation or other securities to finance the project, and
 449 the state is authorized to enter into a lease-purchase agreement
 450 for the treatment facility. The Department of Children and
 451 Family Services shall begin the implementation of this
 452 privatization initiative by January 1, 2005. This paragraph
 453 expires July 1, 2005.

454 Section 10. In order to implement Specific Appropriation
 455 545 of the 2004-2005 General Appropriations Act, paragraph (k)
 456 of subsection (2) of section 381.0066, Florida Statutes, is
 457 amended to read:

458 381.0066 Onsite sewage treatment and disposal systems;
 459 fees.--

460 (2) The minimum fees in the following fee schedule apply
 461 until changed by rule by the department within the following
 462 limits:

463 (k) Research: An additional \$5 fee shall be added to each
 464 new system construction permit issued during fiscal years 1996-

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465 2005 ~~1996-2004~~ to be used for onsite sewage treatment and
 466 disposal system research, demonstration, and training projects.
 467 Five dollars from any repair permit fee collected under this
 468 section shall be used for funding the hands-on training centers
 469 described in s. 381.0065(3)(j).

470
 471
 472 The funds collected pursuant to this subsection must be
 473 deposited in a trust fund administered by the department, to be
 474 used for the purposes stated in this section and ss. 381.0065
 475 and 381.00655.

476 Section 11. In order to implement Specific Appropriation
 477 510 of the 2004-2005 General Appropriations Act, subsection (6)
 478 of section 385.207, Florida Statutes, is amended to read:

479 385.207 Care and assistance of persons with epilepsy;
 480 establishment of programs in epilepsy control.--

481 (6) For the 2004-2005 ~~2003-2004~~ fiscal year only, funds in
 482 the Epilepsy Services Trust Fund may be appropriated for
 483 epilepsy case management services. This subsection expires July
 484 1, 2005 ~~2004~~.

485 Section 12. In order to implement Specific Appropriation
 486 251-445 of the 2004-2005 General Appropriations Act, paragraph
 487 (b) of subsection (5) of section 20.19, Florida Statutes, is
 488 amended to read:

489 20.19 Department of Children and Family Services.--There
 490 is created a Department of Children and Family Services.

491 (5) SERVICE DISTRICTS.--

492 (b)1. The secretary shall appoint a district administrator
 493 for each of the service districts. The district administrator

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494 shall serve at the pleasure of the secretary and shall perform
 495 such duties as assigned by the secretary. Subject to the
 496 approval of the secretary, such duties shall include
 497 transferring up to 10 percent of the total district budget, the
 498 provisions of ss. 216.292 and 216.351 notwithstanding.

499 2. For the 2003-2004 fiscal year only, the transfer
 500 authority provided in this subsection must be specifically
 501 appropriated in the 2003-2004 General Appropriations Act and
 502 shall be pursuant to the requirements of s. 216.292. This
 503 subparagraph expires July 1, 2004.

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

508 Section 13. In order to implement Specific Appropriation
 509 588 of the 2004-2005 General Appropriations Act, subsection (3)
 510 of section 381.79, Florida Statutes, is amended to read:

511 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

512 (3)(a) Annually, 5 percent of the revenues deposited
 513 monthly in the fund pursuant to s. 318.21(2)(d) shall be
 514 appropriated to the University of Florida and 5 percent to the
 515 University of Miami for spinal cord injury and brain injury
 516 research. The amount to be distributed to the universities shall
 517 be calculated based on the deposits into the fund for each
 518 quarter in the fiscal year, but may not exceed \$500,000 per
 519 university per year. Funds distributed under this subsection
 520 shall be made in quarterly payments at the end of each quarter
 521 during the fiscal year.

522 (b) For the 2004-2005 fiscal year only, and

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523 notwithstanding paragraph (a), revenues deposited in the fund
 524 pursuant to s. 318.21(2)(d) may be appropriated for spinal cord
 525 injury and brain injury research at the University of Miami. The
 526 amount appropriated in the 2004-2005 General Appropriations Act
 527 shall be distributed in equal quarterly payments at the end of
 528 each quarter during the fiscal year. This paragraph expires July
 529 1, 2005.

530 Section 14. Effective upon this act becoming a law, in
 531 order to implement Specific Appropriation 174-178 of the 2004-
 532 2005 General Appropriations Act, and notwithstanding section
 533 409.8134, Florida Statutes, as amended by chapter 2004-1, Laws
 534 of Florida:

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

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

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

542 Section 15. In order to implement Specific Appropriation
 543 284 of the 2004-2005 General Appropriations Act, paragraph (g)
 544 is added to subsection (2) of section 402.305, Florida Statutes,
 545 to read:

546 402.305 Licensing standards; child care facilities.--

547 (2) PERSONNEL.—Minimum standards for child care personnel
 548 shall include minimum requirements as to:

549 (g) The Department of Children and Families shall provide
 550 at least one Child Care Competency Exam in Spanish during the
 551 2004-2005 fiscal year. This paragraph expires July 1, 2005.

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552 Section 16. In order to implement Specific Appropriations
 553 251-445 of the 2004-2005 General Appropriations Act, subsection
 554 (10) of section 402.33, Florida Statutes, is amended to read:

555 402.33 Department authority to charge fees for services
 556 provided.--

557 (10)(a) Unless otherwise specified by the Legislature, fee
 558 collections, including third-party reimbursements, in excess of
 559 fee-supported appropriations may be used in conformance with the
 560 provisions of chapter 216 to fund nonrecurring expenditures for
 561 direct client services and to fund administrative costs of
 562 improving the fee collection program of the department. No more
 563 than one-sixth of the amount of collections in excess of the
 564 amount of appropriations may be used to fund such improvements
 565 to the program. Priority consideration for the expenditure of
 566 excess collections shall be given to those districts and
 567 programs most responsible for the excess. A plan for the use of
 568 excess collections not spent in the fiscal year in which
 569 collected shall be subject to approval by the Executive Office
 570 of the Governor within 90 days from the end of the state fiscal
 571 year in which the excess occurs.

572 (b) For the 2004-2005 fiscal year only, the provisions of
 573 paragraph (a) shall not apply. This paragraph expires July 1,
 574 2005.

575 Section 17. Effective upon this act becoming a law, in
 576 order to implement Specific Appropriations 389-393 of the 2004-
 577 2005 General Appropriations Act, in its Economic Self-
 578 Sufficiency Services Program, the Department of Children and
 579 Family Services may provide its eligibility determination
 580 functions either with the department staff or through contract

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581 with at least two private vendors or with a combination of at
 582 least one private vendor and department employees, with the
 583 following restrictions:

584 (1) With the exception of information technology, no
 585 contract with a private vendor shall be for a geographic area
 586 larger than a combined seven districts or combined three zones
 587 without the prior approval of the Legislative Budget Commission;
 588 and

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

592
 593 This section expires July 1, 2005.

594 Section 18. In order to implement Specific Appropriation
 595 216 of the 2004-2005 General Appropriations Act, subsection (18)
 596 is added to section 216.181, Florida Statutes, to read:

597 216.181 Approved budgets for operations and fixed capital
 598 outlay.--

599 (18) In order to implement Specific Appropriation 216 of
 600 the 2004-2005 General Appropriations Act, if the federal Centers
 601 for Medicare and Medicaid approve LifeSaver Rx during the 2004-
 602 2005 fiscal year, the Agency for Health Care Administration may
 603 submit a budget amendment certifying the amount of funds
 604 necessary and requesting additional appropriations from the
 605 General Revenue Fund sufficient to provide the state match for
 606 the program and related trust fund appropriations. All actions
 607 taken pursuant to the authority granted in this subsection shall
 608 be subject to review and approval by the Legislative Budget
 609 Commission. This subsection expires July 1, 2005.

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610 Section 19. In order to implement Specific Appropriations
 611 228-237 of the 2004-2005 General Appropriations Act, the proviso
 612 immediately preceding Specific Appropriation 227 of the 2004-
 613 2005 General Appropriations Act, is amended to read:

614
 615 From the funds in Specific Appropriations 228 through 237, the
 616 Agency for Health Care Administration, in partnership with the
 617 Department of Elder Affairs, shall develop a plan which
 618 identifies ~~identify~~ funding necessary for to develop and
 619 ~~implement~~ an integrated, long-term care, fixed payment, delivery
 620 system for Medicaid beneficiaries age 65 and older. Identified
 621 funds shall include funds for Medicaid Home and Community-Based
 622 waiver services, all Medicaid services authorized in sections
 623 409.905 and 409.906, Florida Statutes, including Medicaid
 624 nursing home services and funds paid for Medicare premiums,
 625 coinsurance and deductibles for persons dually eligible for
 626 Medicaid and Medicare as prescribed in section 409.908(13),
 627 Florida Statutes. The plan shall provide for the ~~program shall~~
 628 transition of all Medicaid services for eligible elderly
 629 individuals into an integrated care management model designed to
 630 serve consumers in their community. The agency and the
 631 department shall consult with the appropriations committees and
 632 the appropriate substantive committees of the Legislature during
 633 the development of the plan. The plan shall include specific
 634 pilot project sites and may include strategies for the phase-in
 635 of statewide coverage. The plan to implement the pilot project
 636 and any necessary budget amendments shall be presented to the
 637 Legislative Budget Commission no later than December 31, 2004,
 638 for approval. This long-term care model shall operate in

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639 ~~Hillsborough, Polk, Orange and Seminole counties.~~

640

641 The plan shall provide for integration of ~~agency shall, pursuant~~
642 ~~to Chapter 216, Florida Statutes, move the proportional share of~~
643 ~~Medicaid funding from specified budget entities and categories~~
644 ~~to fund the integrated long-term care delivery system. Upon~~
645 ~~approval, the agency is authorized to integrate~~ all funding for
646 Medicaid services provided to individuals over the age of 65
647 into the integrated system. The agency is authorized to seek
648 federal waivers as necessary to implement this project.

649

650 The plan shall provide for a competitive procurement to operate
651 the project ~~agency, in consultation with the Department of Elder~~
652 ~~Affairs, is authorized to contract through competitive~~
653 ~~procurement with two organizations to operate the project. The~~
654 agency shall insure that rates proposed in the plan are
655 actuarially sound and reflect the intent of the project to
656 provide quality care in the least restrictive setting. The
657 agency shall also insure that the plan provides for
658 organizations to develop a service provider credentialing system
659 and ~~require that the organizations to~~ contract with all Gold
660 Seal nursing homes and exclude, where feasible, chronically poor
661 performing nursing homes. In the absence of a contract between
662 the organization and the nursing home, the plan shall provide
663 that current Medicaid rates shall prevail. The plan shall
664 provide that if the consumer resides in a non-contracted nursing
665 home at the time the program is initiated, the consumer shall be
666 permitted to continue to reside in the non-contracted home for
667 not less than twelve months. The agency and the Department of

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668 Elder Affairs shall jointly develop procedures to manage the
669 services provided through this project to ensure quality and
670 consumer choice. ~~The project shall be implemented by January 1,~~
671 ~~2005.~~

672 Section 20. In order to implement Specific Appropriation
673 232 of the 2004-2005 General Appropriations Act, the Agency for
674 Health Care Administration, in conjunction with the Florida
675 Health Care Association and the Florida Association of Homes for
676 the Aging, shall evaluate the reimbursement methodology for
677 Medicaid nursing home services to determine the adequacy of
678 current payment rates in meeting the costs of providing care to
679 Florida's Medicaid residents. The agency shall report its
680 findings to the Speaker of the House of Representatives, the
681 President of the Senate, and the Governor by December 1, 2004.
682 The report must make recommendations for changes in the current
683 payment methodology or for development of a new payment
684 methodology necessary to ensure a stable financial environment
685 in which reimbursement is adequate to meet the costs of
686 providing nursing home care for Florida's Medicaid residents
687 served by a majority of nursing home providers.

688 Section 21. In order to implement Specific Appropriation
689 372 of the 2004-2005 General Appropriations Act, the annual
690 report required by section 394.655(10), Florida Statutes, for
691 2004 shall include a specific analysis of managed care contracts
692 and the impact of these contracts on the mental health service
693 delivery system in Florida. Provider and client outcomes must be
694 assessed from the perspectives of cost effectiveness, quality of
695 care, and access to care. Additionally, a comparison of levels
696 of benefit packages must be included. This paragraph expires

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697
 698 Section 22. In order to implement Specific Appropriation
 699 545 of the 2004-2005 General Appropriations Act, the Department
 700 of Health shall review and examine how state and local fees are
 701 charged in the regulation of onsite sewage treatment and
 702 disposal systems. The department shall work with the affected
 703 county governments, home building industry and septic tank
 704 contracting interests, and the Technical Review and Advisory
 705 Panel (TRAP) in arriving at recommendations. Preliminary
 706 recommendations shall be submitted to TRAP for comment and input
 707 no later than November 15, 2004. Final recommendations shall be
 708 submitted to the Governor, the Speaker of the House of
 709 Representatives, the President of the Senate, the chair and vice
 710 chair of the House Appropriations Committee, and the chair and
 711 vice chair of the Senate Appropriations Committee no later than
 712 January 15, 2005.

713 Section 23. In order to fulfill legislative intent
 714 regarding the use of funds contained in Specific Appropriations
 715 667, 681, 693, and 1138 of the 2004-2005 General Appropriations
 716 Act, the Department of Corrections and the Department of
 717 Juvenile Justice may expend appropriated funds to assist in
 718 defraying the costs of impacts that are incurred by a
 719 municipality or county and associated with opening or operating
 720 a facility under the authority of the respective department
 721 which is located within that municipality or county. The amount
 722 that is to be paid under this section for any facility may not
 723 exceed 1 percent of the facility construction cost, less
 724 building impact fees imposed by the municipality or by the
 725 county if the facility is located in the unincorporated portion

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726 of the county. This section expires July 1, 2005.

727 Section 24. In order to implement Specific Appropriations
 728 655-751 and 781-794 of the 2004-2005 General Appropriations Act,
 729 subsection (4) of section 216.262, Florida Statutes, is amended
 730 to read:

731 216.262 Authorized positions.--

732 (4) Notwithstanding the provisions of this chapter on
 733 increasing the number of authorized positions, and for the 2004-
 734 2005 ~~2003-2004~~ fiscal year only, if the actual inmate population
 735 of the Department of Corrections exceeds the inmate population
 736 projections of the February 16, 2004 ~~July 9, 2003~~, Criminal
 737 Justice Estimating Conference by 1 percent for 2 consecutive
 738 months or 2 percent for any month, the Executive Office of the
 739 Governor, with the approval of the Legislative Budget
 740 Commission, shall immediately notify the Criminal Justice
 741 Estimating Conference, which shall convene as soon as possible
 742 to revise the estimates. The Department of Corrections may then
 743 submit a budget amendment requesting the establishment of
 744 positions in excess of the number authorized by the Legislature
 745 and additional appropriations from the General Revenue Fund or
 746 the Working Capital Fund sufficient to provide for essential
 747 staff and other resources to provide classification, security,
 748 food services, health services, and other variable expenses
 749 within the institutions to accommodate the estimated increase in
 750 the inmate population. All actions taken pursuant to the
 751 authority granted in this subsection shall be subject to review
 752 and approval by the Legislative Budget Commission. This
 753 subsection expires July 1, 2005 ~~2004~~.

754 Section 25. In order to implement Specific Appropriation

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755 1232 of the 2004-2005 General Appropriations Act, paragraph (b)
 756 of subsection (3) of section 16.555, Florida Statutes, is
 757 amended to read:

758 16.555 Crime Stoppers Trust Fund; rulemaking.--

759 (3)

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

765 Section 26. In order to implement Specific Appropriation
 766 2321 of the 2004-2005 General Appropriations Act, subsection (4)
 767 of section 215.96, Florida Statutes, is amended to read:

768 215.96 Coordinating council and design and coordination
 769 staff.--

770 (4) The Financial Management Information Board, through
 771 the coordinating council, shall provide the necessary planning,
 772 implementation, and integration policies, coordination
 773 procedures, and reporting processes to facilitate the successful
 774 and efficient integration of the central administrative and
 775 financial management information systems, including the Florida
 776 Accounting Information Resource system (FLAIR), Cash Management
 777 System (CMS), and FLAIR/CMS replacement (Aspire) project, the
 778 payroll system in the Department of Financial Services, the
 779 Legislative Appropriations System/Planning and Budgeting
 780 Subsystem (LAS/PBS), the State Purchasing System (SPURS) and
 781 MyFlorida Marketplace project, the Cooperative Personnel
 782 Employment Subsystem (COPEs) and the PeopleFirst Outsourcing
 783 project, and the State Unified Tax system (SUNTAX).

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784 (a) To fulfill this role, the coordinating council shall
 785 establish an Enterprise Resource Planning Integration Task
 786 Force, which shall consist of the coordinating council members
 787 plus the Chief Information Officer in the State Technology
 788 Office and the Executive Director or designee in the Department
 789 of Revenue, who shall serve with voting rights on the task
 790 force. The nonvoting ex officio members of the coordinating
 791 council shall be nonvoting members of the task force.

792 (b) The task force shall ~~be established by August 1, 2003,~~
 793 ~~and shall~~ remain in existence until the integration goals have
 794 been achieved among the Aspire ~~FLAIR/CMS Replacement~~ project,
 795 SPURS and MyFlorida Marketplace project, COPES and PeopleFirst
 796 project, payroll system, LAS/PBS, and SUNTAX system, or until
 797 June 30, 2005, whichever is later. The task force shall ~~hold its~~
 798 ~~initial meeting no later than September 1, 2003, and shall meet~~
 799 at the call of the chair or at least once every 60 days. ~~In its~~
 800 ~~initial meeting,~~ The task force members shall:

801 1. Adopt a task force charter that identifies major
 802 objectives, activities, milestones and deliverables, significant
 803 assumptions, and constraints on the task force functions and
 804 major stakeholder groups interested in the outcome of the task
 805 force.

806 2. Consider and adopt processes by which information will
 807 be collected and business process and technical integration
 808 issues will be raised for analysis and recommendation by the
 809 task force.

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

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813 (c) The coordinating council shall provide administrative
814 and technical support to the task force as is reasonably
815 necessary for the task force to effectively and timely carry out
816 its duties and responsibilities. The cost of providing such
817 support may be paid from funds appropriated for the operation of
818 the council or the Aspire ~~FLAIR/CMS Replacement~~ project. The
819 task force also may contract for services to obtain specific
820 expertise to analyze, facilitate, and formulate recommendations
821 to address process and technical integration problems that need
822 to be resolved.

823 (d) Using information and input from project teams and
824 stakeholders responsible for the Aspire ~~FLAIR/CMS Replacement~~
825 project, SPURS and MyFlorida Marketplace project, COPES and
826 PeopleFirst project, payroll system, LAS/PBS, and SUNTAX system,
827 the responsibilities of the task force shall include, but not be
828 limited to:

829 1. Identifying and documenting central administrative and
830 financial management policies, procedures, and processes that
831 need to be integrated and recommending steps for implementation.

832 2. Collecting information from the subsystem owners and
833 project teams and developing and publishing a consolidated list
834 of enterprise resource planning functional and technical
835 integration requirements.

836 3. Publishing integration plans and timelines based on
837 information collected from task force members.

838 4. Forming committees, workgroups, and teams as provided
839 in subsection (3).

840 5. Developing recommendations for the Financial Management
841 Information Board which clearly describe any business or

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842 technical problems that need to be addressed, the options for
 843 resolving the problem, and the recommended actions.

844 6. Developing and implementing plans for reporting status
 845 of integration efforts.

846 (e) The task force shall provide recommendations to the
 847 Financial Management Information Board for review and approval
 848 regarding the technical, procedural, policy, and process
 849 requirements and changes that are needed to successfully
 850 integrate, implement, and realize the benefits of the enterprise
 851 resource planning initiatives associated with the Aspire
 852 ~~FLAIR/CMS Replacement~~ project, SPURS and MyFlorida Marketplace
 853 project, COPEs and PeopleFirst project, payroll system, LAS/PBS,
 854 and SUNTAX system. ~~The first of these reports should be provided~~
 855 ~~no later than October 3, 2003.~~

856 (f) The task force shall monitor, review, and evaluate the
 857 progress of the Aspire ~~FLAIR/CMS Replacement~~ project, SPURS and
 858 MyFlorida Marketplace project, COPEs and PeopleFirst project,
 859 payroll system, LAS/PBS, and SUNTAX system, in implementing the
 860 process and technical integration requirements and changes
 861 approved by the Financial Management Information Board and in
 862 achieving the necessary integration among the central
 863 administrative and financial management information systems
 864 represented on the task force. The task force shall prepare and
 865 submit quarterly reports to the Executive Office of the
 866 Governor, the chairs of the Senate Appropriations Committee and
 867 the House Appropriations Committee, and the Financial Management
 868 Information Board. Each quarterly report shall identify and
 869 describe the technical, procedural, policy, and process
 870 requirements and changes proposed and adopted by the board and

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871 shall describe the status of the implementation of these
 872 integration efforts, identify any problems, issues, or risks
 873 that require executive-level action, and report actual costs
 874 related to the Enterprise Resource Planning Integration Task
 875 Force.

876 (g) By January 15, 2005 ~~2004~~, ~~and annually thereafter,~~
 877 ~~until it is disbanded,~~ the Enterprise Resource Planning
 878 Integration Task Force shall report to the Financial Management
 879 Information Board, the Speaker of the House of Representatives,
 880 and the President of the Senate the results of the task force's
 881 monitoring, review, and evaluation of enterprise resource
 882 planning integration activities and requirements, and any
 883 recommendations for statutory changes to be considered by the
 884 Legislature.

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

886 Section 27. In order to implement Specific Appropriations
 887 1403 and 1405 of the 2004-2005 General Appropriations Act and
 888 notwithstanding any provision of chapter 287 or chapter 337,
 889 Florida Statutes, from the funds appropriated to the Department
 890 of Agriculture and Consumer Services for the 2002-2003, 2003-
 891 2004, and 2004-2005 fiscal years for the purpose of constructing
 892 and operating an agricultural interdiction station on Interstate
 893 10 in Escambia County, the Department of Agriculture and
 894 Consumer Services shall enter into an agreement with the
 895 Department of Transportation wherein the Department of
 896 Transportation, on behalf of the Department of Agriculture and
 897 Consumer Services, shall proceed with the construction of the
 898 station under the authority established in chapter 337, Florida
 899 Statutes. The Department of Agriculture and Consumer Services

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900 shall be authorized to execute all contracts resulting from such
 901 Department of Transportation selection of contractors in
 902 compliance with chapter 337, Florida Statutes. This section
 903 expires July 1, 2005.

904 Section 28. In order to implement Specific Appropriation
 905 2589 of the 2004-2005 General Appropriations Act, effective July
 906 1, 2004, and notwithstanding the provisions of s. 1008.51,
 907 Florida Statutes, the budget for the Council for Education
 908 Policy Research and Improvement shall be administered by the
 909 Auditor General. However, the Council for Education Policy
 910 Research and Improvement shall remain independent of the Auditor
 911 General for all programmatic purposes, serving as a citizen
 912 board for conducting and reviewing education research, providing
 913 independent analysis on education progress, and providing
 914 independent evaluation of education issues of statewide concern,
 915 as prescribed in s. 1008.51, Florida Statutes. All work products
 916 of the Council for Education Policy Research and Improvement are
 917 advisory in nature. This section expires July 1, 2005.

918 Section 29. In order to implement the appropriation of
 919 funds in Special Categories-Risk Management Insurance of the
 920 2004-2005 General Appropriations Act, and pursuant to the
 921 notice, review, and objection procedures of s. 216.177, Florida
 922 Statutes, the Executive Office of the Governor is authorized to
 923 transfer funds appropriated in the appropriation category
 924 "Special Categories-Risk Management Insurance" of the 2004-2005
 925 General Appropriations Act between departments in order to align
 926 the budget authority granted with the premiums paid by each
 927 department for risk management insurance. This section expires
 928 July 1, 2005.

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929 Section 30. In order to implement section 8 of the 2004-
 930 2005 General Appropriations Act, section 110.1239, Florida
 931 Statutes, is amended to read:

932 110.1239 State group health insurance program funding.--
 933 For the 2004-2005 ~~2003-2004~~ fiscal year only, it is the intent
 934 of the Legislature that the state group health insurance program
 935 be managed, administered, operated, and funded in such a manner
 936 as to maximize the protection of state employee health insurance
 937 benefits. Inherent in this intent is the recognition that the
 938 health insurance liabilities attributable to the benefits
 939 offered state employees should be fairly, orderly, and equitably
 940 funded. Accordingly:

941 (1) The division shall determine the level of premiums
 942 necessary to fully fund the state group health insurance program
 943 for the next fiscal year. Such determination shall be made after
 944 each Self-Insurance Estimating Conference as provided in s.
 945 216.136(11), but not later than December 1 and April 1 of each
 946 fiscal year.

947 (2) The Governor, in the Governor's recommended budget,
 948 shall provide premium rates necessary for full funding of the
 949 state group health insurance program, and the Legislature shall
 950 provide in the General Appropriations Act for a premium level
 951 necessary for full funding of the state group health insurance
 952 program.

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

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

CODING: Words **stricken** are deletions; words **underlined** are additions.

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958 Section 31. In order to implement the appropriation of
 959 funds in Special Categories-Transfer to Department of Management
 960 Services-Human Resources Services Purchased Per Statewide
 961 Contract of the 2004-2005 General Appropriations Act, and
 962 pursuant to the notice, review, and objection procedures of s.
 963 216.177, Florida Statutes, the Executive Office of the Governor
 964 is authorized to transfer funds appropriated in the
 965 appropriation category "Special Categories-Transfer to
 966 Department of Management Services-Human Resources Services
 967 Purchased Per Statewide Contract" of the 2004-2005 General
 968 Appropriations Act between departments in order to align the
 969 budget authority granted with the assessments that must be paid
 970 by each agency to the Department of Management Services for
 971 human resource management services. This section expires July 1,
 972 2005.

973 Section 32. In order to implement sections 2 through 7 of
 974 the 2004-2005 General Appropriations Act, paragraph (c) of
 975 subsection (5) and paragraph (d) of subsection (6) of section
 976 112.061, Florida Statutes, are amended to read:

977 112.061 Per diem and travel expenses of public officers,
 978 employees, and authorized persons.--

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

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

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

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

996 Section 33. In order to implement Section 8 of the 2004-
 997 2005 General Appropriations Act, subsection (7) of section
 998 110.12315, Florida Statutes, is amended to read:

999 110.12315 Prescription drug program.--The state employees'
 1000 prescription drug program is established. This program shall be
 1001 administered by the Department of Management Services, according
 1002 to the terms and conditions of the plan as established by the
 1003 relevant provisions of the annual General Appropriations Act and
 1004 implementing legislation, subject to the following conditions:

1005 (7) Under the state employees' prescription drug program
 1006 copayments must be made as follows:

1007 ~~(a) Effective January 1, 2001, through December 31, 2003:~~

- 1008 ~~1. For generic drug with card....\$7.~~
- 1009 ~~2. For preferred brand name drug with card....\$20.~~
- 1010 ~~3. For nonpreferred brand name drug with card....\$35.~~
- 1011 ~~4. For generic mail order drug....\$10.50.~~
- 1012 ~~5. For preferred brand name mail order drug....\$30.~~
- 1013 ~~6. For nonpreferred brand name drug....\$52.50.~~

1014 (a)(b) Effective January 1, 2004:

- 1015 1. For generic drug with card....\$10.

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- 1016 2. For preferred brand name drug with card....\$25.
- 1017 3. For nonpreferred brand name drug with card....\$40.
- 1018 4. For generic mail order drug....\$20.
- 1019 5. For preferred brand name mail order drug....\$50.
- 1020 6. For nonpreferred brand name drug....\$80.

1021 ~~(b)(e)~~ The Department of Management Services shall create
 1022 a preferred brand name drug list to be used in the
 1023 administration of the state employees' prescription drug
 1024 program.

1025
 1026 This subsection expires July 1, 2005 ~~2004~~.

1027 Section 34. In order to implement Specific Appropriations
 1028 2573 and 2574 of the 2004-2005 General Appropriations Act, and
 1029 notwithstanding section 11.13(1)(b), Florida Statutes, or any
 1030 other law, the salary of members of the Senate and the House of
 1031 Representatives shall not be calculated according to that
 1032 paragraph; instead, the annual salaries of these members for the
 1033 2003-2004 fiscal year shall not be increased for the 2004-2005
 1034 fiscal year. Further, members of the Senate and the House of
 1035 Representatives shall not be eligible for any bonus payments
 1036 during the 2004-2005 fiscal year. This section expires June 30,
 1037 2005.

1038 Section 35. Notwithstanding the provisions of section
 1039 403.7095, Florida Statutes, in order to implement Specific
 1040 Appropriation 1741 of the 2004-2005 General Appropriations Act,
 1041 the Department of Environmental Protection shall award:

- 1042 (1) \$6,500,000 in grants equally to counties with
 1043 populations of fewer than 100,000 for waste tire, litter
 1044 prevention, recycling and education, and general solid waste

1045 programs.

1046 (2) \$2,639,999 in waste tire grants to counties, on a per
 1047 capita basis, with populations of 100,000 or more.

1048 (3) \$1,347,570 in competitive innovative grants to cities
 1049 and counties on the prioritized list of projects submitted by
 1050 the Department of Environmental Protection to the Legislature.

1051
 1052 This section expires July 1, 2005.

1053 Section 36. In order to implement Specific Appropriation
 1054 1684 of the 2004-2005 General Appropriations Act, subsection (6)
 1055 is added to section 375.041, Florida Statutes, to read:

1056 375.041 Land Acquisition Trust Fund.--

1057 (6) For the 2004-2005 fiscal year only, funds allocated to
 1058 the Land Acquisition Trust Fund may also be appropriated for
 1059 water quality issues in the General Appropriations Act. This
 1060 subsection expires July 1, 2005.

1061 Section 37. In order to implement Specific Appropriation
 1062 1584A of the 2004-2005 General Appropriations Act, subsection
 1063 (5) is added to section 375.045, Florida Statutes, to read:

1064 375.045 Florida Preservation 2000 Trust Fund.--

1065 (5) For the 2004-2005 fiscal year only, any unobligated
 1066 moneys in the Florida Preservation 2000 Trust Fund resulting
 1067 from interest earnings and from reversions of prior
 1068 appropriations to any agency may be appropriated to the Florida
 1069 Forever Trust Fund for use pursuant to s. 259.1051. This
 1070 subsection expires July 1, 2005.

1071
 1072 Upon a determination by the Department of Environmental
 1073 Protection that proceeds being held in the trust fund to support

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1074 distributions outside the Department of Environmental Protection
 1075 are not likely to be disbursed in accordance with the foregoing
 1076 considerations, the Department of Environmental Protection shall
 1077 petition the Governor and Cabinet to allow for the immediate
 1078 disbursement of such funds for the acquisition of projects
 1079 approved for purchase pursuant to the provisions of chapter 259.

1080 Section 38. In order to implement Specific Appropriations
 1081 2652-2654 of the 2004-2005 General Appropriations Act and for
 1082 the 2004-2005 fiscal year only, the State Technology Office is
 1083 directed to implement the provisions of subsection (2) of
 1084 section 282.102, Florida Statutes, related to rulemaking on best
 1085 practices for acquiring, using, upgrading, modifying, replacing,
 1086 or disposing of information technology, no later than December
 1087 31, 2004. The State Technology Office is further directed to
 1088 include in the agency and state information technology resource
 1089 inventory lists required by sections 282.3063(2)(f) and
 1090 282.310(2)(g), Florida Statutes, the methods used for final
 1091 disposition of the resources. This section expires July 1, 2005.

1092 Section 39. In order to implement Specific Appropriations
 1093 1677-1703 of the 2004-2005 General Appropriations Act, paragraph
 1094 (c) of subsection (4) of section 373.4137, Florida Statutes, is
 1095 amended to read:

1096 373.4137 Mitigation requirements.--

1097 (4) Prior to December 1 of each year, each water
 1098 management district, in consultation with the Department of
 1099 Environmental Protection, the United States Army Corps of
 1100 Engineers, the Department of Transportation, transportation
 1101 authorities established pursuant to chapter 348 or chapter 349,
 1102 and other appropriate federal, state, and local governments, and

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1103 other interested parties, including entities operating
 1104 mitigation banks, shall develop a plan for the primary purpose
 1105 of complying with the mitigation requirements adopted pursuant
 1106 to this part and 33 U.S.C. s. 1344. This plan shall also address
 1107 significant invasive plant problems within wetlands and other
 1108 surface waters. In developing such plans, the districts shall
 1109 utilize sound ecosystem management practices to address
 1110 significant water resource needs and shall focus on activities
 1111 of the Department of Environmental Protection and the water
 1112 management districts, such as surface water improvement and
 1113 management (SWIM) waterbodies and lands identified for potential
 1114 acquisition for preservation, restoration, and enhancement, to
 1115 the extent that such activities comply with the mitigation
 1116 requirements adopted under this part and 33 U.S.C. s. 1344. In
 1117 determining the activities to be included in such plans, the
 1118 districts shall also consider the purchase of credits from
 1119 public or private mitigation banks permitted under s. 373.4136
 1120 and associated federal authorization and shall include such
 1121 purchase as a part of the mitigation plan when such purchase
 1122 would offset the impact of the transportation project, provide
 1123 equal benefits to the water resources than other mitigation
 1124 options being considered, and provide the most cost-effective
 1125 mitigation option. The mitigation plan shall be preliminarily
 1126 approved by the water management district governing board and
 1127 shall be submitted to the secretary of the Department of
 1128 Environmental Protection for review and final approval. The
 1129 preliminary approval by the water management district governing
 1130 board does not constitute a decision that affects substantial
 1131 interests as provided by s. 120.569. At least 30 days prior to

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1132 preliminary approval, the water management district shall
 1133 provide a copy of the draft mitigation plan to any person who
 1134 has requested a copy.

1135 (c) Surface water improvement and management or invasive
 1136 plant control projects undertaken using the \$12 million advance
 1137 transferred from the Department of Transportation to the
 1138 Department of Environmental Protection in fiscal year 1996-1997
 1139 which meet the requirements for mitigation under this part and
 1140 33 U.S.C. s. 1344 shall remain available for mitigation until
 1141 the \$12 million is fully credited up to and including fiscal
 1142 year 2005-2006 ~~2004-2005~~. When these projects are used as
 1143 mitigation, the \$12 million advance shall be reduced by \$75,000
 1144 per acre of impact mitigated. For any fiscal year through and
 1145 including fiscal year 2005-2006 ~~2004-2005~~, to the extent the
 1146 cost of developing and implementing the mitigation plans is less
 1147 than the amount transferred pursuant to subsection (3), the
 1148 difference shall be credited towards the \$12 million advance.
 1149 Except as provided in this paragraph, any funds not directed to
 1150 implement the mitigation plan should, to the greatest extent
 1151 possible, be directed to fund invasive plant control within
 1152 wetlands and other surface waters.

1153 Section 40. In order to implement Specific Appropriations
 1154 2160-2184 of the 2004-2005 General Appropriations Act,
 1155 subsection (1) of section 468.404, Florida Statutes, is amended
 1156 to read:

1157 468.404 License; fees; renewals.--

1158 (1)(a) The department by rule shall establish biennial
 1159 fees for initial licensing, renewal of license, and
 1160 reinstatement of license, none of which fees shall exceed \$400.

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1161 The department may by rule establish a delinquency fee of no
 1162 more than \$50. The fees shall be adequate to proportionately
 1163 fund the expenses of the department which are allocated to the
 1164 regulation of talent agencies and shall be based on the
 1165 department's estimate of the revenue required to administer this
 1166 part.

1167 (b) For the 2004-2005 ~~2003-2004~~ fiscal year only,
 1168 notwithstanding the provisions of paragraph (a), the department
 1169 shall assess talent agency license fees at a level sufficient to
 1170 cover the cost of regulation appropriated in the 2004-2005 ~~2003-~~
 1171 ~~2004~~ General Appropriations Act, or any other act passed by the
 1172 2004 ~~2003~~ Legislature containing appropriations for such
 1173 purpose. This paragraph expires July 1, 2005 ~~2004~~.

1174 Section 41. In order to implement Specific Appropriation
 1175 1670 of the 2004-2005 General Appropriations Act, subsection (3)
 1176 of section 120.551, Florida Statutes, is amended to read:

1177 120.551 Internet publication.--

1178 (3) This section is repealed effective July 1, 2005 ~~2004~~,
 1179 unless reviewed and reenacted by the Legislature before that
 1180 date.

1181 Section 42. In order to implement Specific Appropriation
 1182 1922K of the 2004-2005 General Appropriations Act, subsection
 1183 (16) is added to section 259.032, Florida Statutes, to read:

1184 259.032 Conservation and Recreation Lands Trust Fund;
 1185 purpose.--

1186 (16) For the 2004-2005 fiscal year only, moneys in the
 1187 Conservation and Recreation Lands Trust Fund reserved pursuant
 1188 to paragraph (e) of subsection (11) may be appropriated for the
 1189 Lake Jesup restoration project. This subsection expires July 1,

1190 2005.

1191 Section 43. In order to implement Specific Appropriation
 1192 1701 of the 2004-2005 General Appropriations Act, paragraph (b)
 1193 of subsection (2), paragraph (f) of subsection (4), and
 1194 subsection (5) of section 403.121, Florida Statutes, are amended
 1195 to read:

1196 403.121 Enforcement; procedure; remedies.--The department
 1197 shall have the following judicial and administrative remedies
 1198 available to it for violations of this chapter, as specified in
 1199 s. 403.161(1).

1200 (2) Administrative remedies:

1201 (b) If the department has reason to believe a violation
 1202 has occurred, it may institute an administrative proceeding to
 1203 order the prevention, abatement, or control of the conditions
 1204 creating the violation or other appropriate corrective action.
 1205 Except for violations involving hazardous wastes, asbestos, or
 1206 underground injection, the department shall proceed
 1207 administratively in all cases in which the department seeks
 1208 administrative penalties that do not exceed \$10,000 per
 1209 assessment as calculated in accordance with subsections (3),
 1210 (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the
 1211 administrative penalty assessed pursuant to subsection (3),
 1212 subsection (4), or subsection (5) against a public water system
 1213 servicing a population of more than 10,000 shall be not less than
 1214 \$1,000 per day per violation. The department shall not impose
 1215 administrative penalties in excess of \$10,000 in a notice of
 1216 violation. The department shall not have more than one notice of
 1217 violation seeking administrative penalties pending against the
 1218 same party at the same time unless the violations occurred at a

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1219 different site or the violations were discovered by the
 1220 department subsequent to the filing of a previous notice of
 1221 violation.

1222 (4) In an administrative proceeding, in addition to the
 1223 penalties that may be assessed under subsection (3), the
 1224 department shall assess administrative penalties according to
 1225 the following schedule:

1226 (f) Except as provided in subsection (2) with respect to
 1227 public water systems serving a population of more than 10,000,
 1228 for failure to prepare, submit, maintain, or use required
 1229 reports or other required documentation, \$500.

1230 (5) Except as provided in subsection (2) with respect to
 1231 public water systems serving a population of more than 10,000,
 1232 for failure to comply with any other departmental regulatory
 1233 statute or rule requirement not otherwise identified in this
 1234 section, the department may assess a penalty of \$500.

1235 Section 44. The amendment of section 403.121, Florida
 1236 Statutes, by this act shall expire on July 1, 2005, and the text
 1237 of that section shall revert to that in existence on June 30,
 1238 2003, except that any amendments to such text enacted other than
 1239 by this act shall be preserved and continue to operate to the
 1240 extent that such amendments are not dependent upon the portions
 1241 of such text which expire pursuant to the provisions of this
 1242 act.

1243 Section 45. In order to implement Specific Appropriations
 1244 1805-1820 of the 2004-2005 General Appropriations Act,
 1245 subsection (9) of section 403.08725, Florida Statutes, is
 1246 amended to read:

1247 403.08725 Citrus juice processing facilities.--

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1248 (9)(a) ENVIRONMENTAL PROTECTION AGENCY APPROVAL.--No later
 1249 than February 1, 2001, the department shall submit this act to
 1250 the United States Environmental Protection Agency as a revision
 1251 of Florida's state implementation plan and as a revision of
 1252 Florida's approved state Title V program. If the United States
 1253 Environmental Protection Agency fails to approve this act as a
 1254 revision of Florida's state implementation plan within 3 years
 1255 after submittal, this act shall not apply with respect to
 1256 construction requirements for facilities subject to regulation
 1257 under the act, and the facilities subject to regulation
 1258 thereunder must comply with all construction permitting
 1259 requirements, including those for prevention of significant
 1260 deterioration, and must make application for construction
 1261 permits for any construction or modification at the facility
 1262 which was not undertaken in compliance with all permitting
 1263 requirements of Florida's state implementation plan, within 3
 1264 months thereafter. If the United States Environmental Protection
 1265 Agency fails to approve this act as a revision of Florida's
 1266 approved state Title V program within 3 years after submittal,
 1267 this act shall not apply with respect to operation requirements,
 1268 and all facilities subject to regulation under the act must
 1269 immediately comply with all Title V program requirements and
 1270 must make application for Title V operation permits within 3
 1271 months thereafter.

1272 (b) Notwithstanding the provisions of paragraph (a) and
 1273 for the 2004-2005 fiscal year only, if the United States
 1274 Environmental Protection Agency fails to approve this act as a
 1275 revision of Florida's state implementation plan within 4 years
 1276 after submittal, this act shall not apply with respect to

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1277 construction requirements for facilities subject to regulation
 1278 under the act, and the facilities subject to regulation
 1279 thereunder must comply with all construction permitting
 1280 requirements, including those for prevention of significant
 1281 deterioration, and must make application for construction
 1282 permits for any construction or modification at the facility
 1283 which was not undertaken in compliance with all permitting
 1284 requirements of Florida's state implementation plan, within 3
 1285 months thereafter. If the United States Environmental Protection
 1286 Agency fails to approve this act as a revision of Florida's
 1287 approved state Title V program within 4 years after submittal,
 1288 this act shall not apply with respect to operation requirements,
 1289 and all facilities subject to regulation under the act must
 1290 immediately comply with all Title V program requirements and
 1291 must make application for Title V operation permits within 3
 1292 months thereafter. This paragraph expires July 1, 2005.

1293 Section 46. In order to implement Specific Appropriation
 1294 1358A of the 2004-2005 General Appropriations Act, section
 1295 570.191, Florida Statutes, is amended to read:

1296 570.191 Agricultural Emergency Eradication Trust Fund.--
 1297 There is created in the office of the commissioner the
 1298 Agricultural Emergency Eradication Trust Fund. Funds in the
 1299 trust fund:

1300 (1) May be made available upon certification by the
 1301 commissioner that an agricultural emergency exists and that
 1302 funds specifically appropriated for the emergency's purpose are
 1303 exhausted or insufficient to eliminate the agricultural
 1304 emergency. The term "agricultural emergency" means an animal or
 1305 plant disease, insect infestation, or plant or pest endangering

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1306 or threatening the horticultural, aquacultural, or other
 1307 agricultural interests in this state.

1308 (2) May be appropriated for insect control. This
 1309 subsection expires July 1, 2005.

1310 Section 47. In order to implement Specific Appropriation
 1311 1322A of the 2004-2005 General Appropriations Act, subsection
 1312 (4) is added to section 570.207, Florida Statutes, to read:

1313 570.207 Conservation and Recreation Lands Program Trust
 1314 Fund of the Department of Agriculture and Consumer Services.--

1315 (4) For the 2004-2005 fiscal year only, funds in the
 1316 Conservation and Recreation Lands Program Trust Fund may be
 1317 appropriated for conservation easements and agreements pursuant
 1318 to s. 570.71. This subsection expires July 1, 2005.

1319 Section 48. In order to implement Specific Appropriation
 1320 1496 of the 2004-2005 General Appropriations Act, section
 1321 252.373, Florida Statutes, is amended to read:

1322 252.373 Allocation of funds; rules.--

1323 (1)(a) Funds appropriated from the Emergency Management,
 1324 Preparedness, and Assistance Trust Fund shall be allocated by
 1325 the Department of Community Affairs for the following purposes
 1326 ~~as follows:~~

1327 1. ~~Sixty percent~~ To implement and administer state and
 1328 local emergency management programs, including administration,
 1329 training, and operations ~~of which 20 percent shall be used by~~
 1330 ~~the division and 80 percent shall be allocated to local~~
 1331 ~~emergency management agencies and programs. Of this 80 percent,~~
 1332 ~~at least 80 percent shall be allocated to counties.~~

1333 2. ~~Twenty percent to provide for state relief assistance~~
 1334 ~~for nonfederally declared disasters, including but not limited~~

1335 ~~to grants and below interest rate loans to businesses for~~
 1336 ~~uninsured losses resulting from a disaster.~~

1337 2.3. ~~Twenty percent~~ For grants and loans to state or
 1338 regional agencies, local governments, and private organizations
 1339 to implement projects that will further state and local
 1340 emergency management objectives. These projects must include,
 1341 but need not be limited to, projects that will promote public
 1342 education on disaster preparedness and recovery issues, enhance
 1343 coordination of relief efforts of statewide private sector
 1344 organizations, and improve the training and operations
 1345 capabilities of agencies assigned lead or support
 1346 responsibilities in the state comprehensive emergency management
 1347 plan, including the State Fire Marshal's Office for coordinating
 1348 the Florida fire services. The division shall establish criteria
 1349 and procedures for competitive allocation of these funds by
 1350 rule. No more than 5 percent of any award made pursuant to this
 1351 subparagraph may be used for administrative expenses. This
 1352 competitive criteria must give priority consideration to
 1353 hurricane evacuation shelter retrofit projects.

1354 3. To meet any matching requirements imposed as a
 1355 condition of receiving federal disaster relief assistance.

1356 (b) Notwithstanding the provisions of paragraph (a), and
 1357 for the 2003-2004 fiscal year only, the use of the Emergency
 1358 Management, Preparedness, and Assistance Trust Fund shall be as
 1359 provided in the General Appropriations Act. This paragraph
 1360 expires on July 1, 2004.

1361 (c) Notwithstanding the provisions of paragraph (a), and
 1362 for the 2003-2004 fiscal year only, the Department of Community
 1363 Affairs shall conduct a review of funds available in the

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1364 Emergency Management, Preparedness, and Assistance Trust Fund.
 1365 By December 31, 2003, when actual receipts for the 2002-2003
 1366 fiscal year are determined, the Department of Community Affairs
 1367 may identify any funds that were unspent or unencumbered in the
 1368 2002-2003 fiscal year, and such funds may be transferred to the
 1369 Grants and Donations Trust Fund to be used for the state portion
 1370 of the match requirements for federally approved disaster
 1371 projects. This paragraph expires July 1, 2004.

1372 ~~(2) The distribution formula provided in subsection (1)~~
 1373 ~~may be adjusted proportionally when necessary to meet any~~
 1374 ~~matching requirements imposed as a condition of receiving~~
 1375 ~~federal disaster relief assistance or planning funds.~~

1376 (2)~~(3)~~ The department shall allocate funds from the
 1377 Emergency Management, Preparedness, and Assistance Trust Fund to
 1378 local emergency management agencies and programs pursuant to
 1379 criteria specified in rule. Such rules shall include, but are
 1380 not limited to:

1381 (a) Requiring that, at a minimum, a local emergency
 1382 management agency either:

1383 1. Have a program director who works at least 40 hours a
 1384 week in that capacity; or

1385 2. If the county has fewer than 75,000 population or is
 1386 party to an interjurisdictional emergency management agreement
 1387 entered into pursuant to s. 252.38(3)(b), that is recognized by
 1388 the Governor by executive order or rule, have an emergency
 1389 management coordinator who works at least 20 hours a week in
 1390 that capacity.

1391 (b) Specifying a formula that establishes a base grant
 1392 allocation and weighted factors for funds to be allocated over

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1393 the base grant amount.

1394 (c) Specifying match requirements.

1395 (d) Preferential funding to provide incentives to counties
1396 and municipalities to participate in mutual aid agreements.

1397 ~~(3)~~~~(4)~~ If adequate funds are available as determined by
1398 the division, every county shall receive funds at least
1399 sufficient to fund a dedicated, full-time emergency preparedness
1400 officer position.

1401 Section 49. In order to implement Specific Appropriations
1402 2122F and 2122G of the 2004-2005 General Appropriations Act,
1403 subsection (13) of section 411.01, Florida Statutes, is amended
1404 to read:

1405 411.01 Florida Partnership for School Readiness; school
1406 readiness coalitions.--

1407 (13) PLACEMENTS.--Notwithstanding any other provision of
1408 this section to the contrary, and for fiscal year 2004-2005
1409 ~~2003-2004~~ only, the first children to be placed in the school
1410 readiness program shall be those from families receiving
1411 temporary cash assistance and subject to federal work
1412 requirements. Subsequent placements shall be pursuant to the
1413 provisions of this section. This subsection expires July 1, 2005
1414 ~~2004~~.

1415 Section 50. In order to implement Specific Appropriation
1416 2480M of the 2004-2005 General Appropriations Act, paragraph (b)
1417 of subsection (9) of section 320.08058, Florida Statutes, is
1418 amended to read:

1419 320.08058 Specialty license plates.--

1420 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.--

1421 (b) The license plate annual use fees are to be annually

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1422 distributed as follows:

1423 1. Fifty-five percent of the proceeds from the Florida
 1424 Professional Sports Team plate must be deposited into the
 1425 Professional Sports Development Trust Fund within the Office of
 1426 Tourism, Trade, and Economic Development. These funds must be
 1427 used solely to attract and support major sports events in this
 1428 state. As used in this subparagraph, the term "major sports
 1429 events" means, but is not limited to, championship or all-star
 1430 contests of Major League Baseball, the National Basketball
 1431 Association, the National Football League, the National Hockey
 1432 League, the men's and women's National Collegiate Athletic
 1433 Association Final Four basketball championship, or a horseracing
 1434 or dogracing Breeders' Cup. All funds must be used to support
 1435 and promote major sporting events, and the uses must be approved
 1436 by the Florida Sports Foundation.

1437 2. The remaining proceeds of the Florida Professional
 1438 Sports Team license plate must be allocated to the Florida
 1439 Sports Foundation, a direct-support organization of the Office
 1440 of Tourism, Trade, and Economic Development. These funds must be
 1441 deposited into the Professional Sports Development Trust Fund
 1442 within the Office of Tourism, Trade, and Economic Development.
 1443 These funds must be used by the Florida Sports Foundation to
 1444 promote the economic development of the sports industry; to
 1445 distribute licensing and royalty fees to participating
 1446 professional sports teams; to institute a grant program for
 1447 communities bidding on minor sporting events that create an
 1448 economic impact for the state; to distribute funds to Florida-
 1449 based charities designated by the Florida Sports Foundation and
 1450 the participating professional sports teams; and to fulfill the

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1451 sports promotion responsibilities of the Office of Tourism,
 1452 Trade, and Economic Development.

1453 3. The Florida Sports Foundation shall provide an annual
 1454 financial audit in accordance with s. 215.981 of its financial
 1455 accounts and records by an independent certified public
 1456 accountant pursuant to the contract established by the Office of
 1457 Tourism, Trade, and Economic Development as specified in s.
 1458 288.1229(5). The auditor shall submit the audit report to the
 1459 Office of Tourism, Trade, and Economic Development for review
 1460 and approval. If the audit report is approved, the office shall
 1461 certify the audit report to the Auditor General for review.

1462 4. For the 2004-2005 ~~2003-2004~~ fiscal year only and
 1463 notwithstanding the provisions of subparagraphs 1. and 2.,
 1464 proceeds from the Professional Sports Development Trust Fund may
 1465 also be used for operational expenses of the Florida Sports
 1466 Foundation and financial support of the Sunshine State Games.
 1467 This subparagraph expires July 1, 2005 ~~2004~~.

1468 Section 51. In order to implement Specific Appropriation
 1469 1993 of the 2004-2005 General Appropriations Act, paragraph (b)
 1470 of subsection (3) of section 311.07, Florida Statutes, is
 1471 amended to read:

1472 311.07 Florida seaport transportation and economic
 1473 development funding.--

1474 (3)

1475 (b) Projects eligible for funding by grants under the
 1476 program are limited to the following port facilities or port
 1477 transportation projects:

1478 1. Transportation facilities within the jurisdiction of
 1479 the port.

1480 2. The dredging or deepening of channels, turning basins,
1481 or harbors.

1482 3. The construction or rehabilitation of wharves, docks,
1483 structures, jetties, piers, storage facilities, cruise
1484 terminals, automated people mover systems, or any facilities
1485 necessary or useful in connection with any of the foregoing.

1486 4. The acquisition of vessel tracking systems, container
1487 cranes, or other mechanized equipment used in the movement of
1488 cargo or passengers in international commerce.

1489 5. The acquisition of land to be used for port purposes.

1490 6. The acquisition, improvement, enlargement, or extension
1491 of existing port facilities.

1492 7. Environmental protection projects which are necessary
1493 because of requirements imposed by a state agency as a condition
1494 of a permit or other form of state approval; which are necessary
1495 for environmental mitigation required as a condition of a state,
1496 federal, or local environmental permit; which are necessary for
1497 the acquisition of spoil disposal sites and improvements to
1498 existing and future spoil sites; or which result from the
1499 funding of eligible projects listed in this paragraph.

1500 8. Transportation facilities as defined in s. 334.03(31)
1501 which are not otherwise part of the Department of
1502 Transportation's adopted work program.

1503 9. Seaport intermodal access projects identified in the 5-
1504 year Florida Seaport Mission Plan as provided in s. 311.09(3).

1505 10. Construction or rehabilitation of port facilities as
1506 defined in s. 315.02, excluding any park or recreational
1507 facilities, in ports listed in s. 311.09(1) with operating
1508 revenues of \$5 million or less, provided that such projects

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1509 create economic development opportunities, capital improvements,
 1510 and positive financial returns to such ports.

1511 11. Seaport security measures. Such measures include:

1512 a. Infrastructure security measures required by seaport
 1513 security plans approved by the Office of Drug Control and the
 1514 Department of Law Enforcement under s. 311.12, including
 1515 security gates, physical barriers, and security-related lighting
 1516 systems, equipment, or facilities to be used for seaport
 1517 security monitoring and recording, remote surveillance systems,
 1518 concealed recording systems, or other security infrastructure,
 1519 technology, vulnerability assessments, or equipment that
 1520 contributes to the overall security of the seaport and its
 1521 facilities as specified in the security plans approved by the
 1522 Office of Drug Control and the Department of Law Enforcement
 1523 under s. 311.12 or as otherwise specifically found by the
 1524 Department of Law Enforcement to be a measure consistent with
 1525 and supportive of such an approved plan. Program funds for such
 1526 measures may come from funds made available under subsection (2)
 1527 and s. 320.20(3) or (4). Infrastructure measures required by an
 1528 approved seaport security plan or as otherwise found by the
 1529 Department of Law Enforcement to be consistent with and
 1530 supportive of an approved plan as authorized in this sub-
 1531 subparagraph are not subject to the matching fund requirements
 1532 of paragraph (a) or s. 320.20(3) or (4).

1533 b. Law enforcement measures mandated by federal, state, or
 1534 local governmental agencies, including the deployment of the
 1535 Florida National Guard, local law enforcement personnel, seaport
 1536 security personnel, private sector security personnel, or any
 1537 combination thereof to provide operational security services at

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1538 any seaport identified in s. 311.09(1). Program funds for such
 1539 measures may come from funds made available under subsection
 1540 (2). Law enforcement measures are subject to the matching fund
 1541 requirements of paragraph (a), except that any funds provided
 1542 for the Florida National Guard shall remain exempt from the
 1543 matching fund requirements of paragraph (a) through April 30,
 1544 2002.

1545
 1546 Notwithstanding s. 339.135(7) or any other provision of law to
 1547 the contrary, seaports may request that the department change
 1548 the purpose of a project in the 2000-2001 and 2001-2002 work
 1549 programs to a purpose authorized under this subparagraph.
 1550 Additional consideration shall be given to seaports having
 1551 operating revenues of \$14 million or less for operational
 1552 security and law enforcement measures for grants not to exceed
 1553 \$350,000. Any federal funds that are provided for port security
 1554 infrastructure improvements of which funds seaports in this
 1555 state are the beneficiaries shall be allocated in a manner
 1556 consistent with federal requirements and guidelines. Federal
 1557 funds obtained by a seaport for a specific security
 1558 infrastructure project, which project has also received state
 1559 seaport transportation and economic development funds, shall be
 1560 used to reimburse the state funds received by the seaport under
 1561 this subparagraph for the specific project. These reimbursement
 1562 funds must be used for projects and measures authorized under
 1563 subparagraphs 1.-10. This subparagraph shall expire June 30,
 1564 2005 ~~2004~~.

1565 Section 52. In order to implement Specific Appropriation
 1566 2100 of the 2004-2005 General Appropriations Act, section

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1567 445.048, Florida Statutes, as amended by section 79 of chapter
 1568 2003-399, Laws of Florida, is amended to read:

1569 445.048 Passport to Economic Progress demonstration
 1570 program.--

1571 (1) AUTHORIZATION.--Notwithstanding any law to the
 1572 contrary, Workforce Florida, Inc., in conjunction with the
 1573 Department of Children and Family Services and the Agency for
 1574 Workforce Innovation, shall implement a Passport to Economic
 1575 Progress demonstration program ~~by November 1, 2001,~~ consistent
 1576 with the provisions of this section in Hillsborough, and
 1577 Manatee, and Sarasota Counties. Workforce Florida, Inc., must
 1578 consult with the applicable regional workforce boards and the
 1579 applicable local offices of the department which serve the
 1580 demonstration areas and must encourage community input into the
 1581 implementation process.

1582 (2) WAIVERS.--If Workforce Florida, Inc., in consultation
 1583 with the Department of Children and Family Services, finds that
 1584 federal waivers would facilitate implementation of the
 1585 demonstration program, the department shall immediately request
 1586 such waivers, and Workforce Florida, Inc., shall report to the
 1587 Governor, the President of the Senate, and the Speaker of the
 1588 House of Representatives if any refusal of the federal
 1589 government to grant such waivers prevents the implementation of
 1590 the demonstration program. If Workforce Florida, Inc., finds
 1591 that federal waivers to provisions of the Food Stamp Program
 1592 would facilitate implementation of the demonstration program,
 1593 the Department of Children and Family Services shall immediately
 1594 request such waivers in accordance with s. 414.175.

1595 ~~(3) INCOME DISREGARD.--In order to provide an additional~~

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1596 ~~incentive for employment, and notwithstanding the amount~~
 1597 ~~specified in s. 414.095(12), for individuals residing in the~~
 1598 ~~areas designated for this demonstration program, the first \$300~~
 1599 ~~plus one half of the remainder of earned income shall be~~
 1600 ~~disregarded in determining eligibility for temporary cash~~
 1601 ~~assistance. All other conditions and requirements of s.~~
 1602 ~~414.095(12) shall continue to apply to such individuals.~~

1603 (3)~~(4)~~ TRANSITIONAL BENEFITS AND SERVICES.--In order to
 1604 assist them in making the transition to economic self-
 1605 sufficiency, former recipients of temporary cash assistance
 1606 residing within the areas designated for this demonstration
 1607 program shall be eligible for the following benefits and
 1608 services:

1609 (a) Notwithstanding the time period specified in s.
 1610 445.030, transitional education and training support services as
 1611 specified in s. 445.030 for up to 4 years after the family is no
 1612 longer receiving temporary cash assistance;

1613 (b) Notwithstanding the time period specified in s.
 1614 445.031, transitional transportation support services as
 1615 specified in s. 445.031 for up to 4 years after the family is no
 1616 longer receiving temporary cash assistance; and

1617 (c) Notwithstanding the time period specified in s.
 1618 445.032, transitional child care as specified in s. 445.032 for
 1619 up to 4 years after the family is no longer receiving temporary
 1620 cash assistance.

1621
 1622 All other provisions of ss. 445.030, 445.031, and 445.032 shall
 1623 apply to such individuals, as appropriate. This subsection does
 1624 not constitute an entitlement to transitional benefits and

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1625 services. If funds are insufficient to provide benefits and
1626 services under this subsection, the board of directors of
1627 Workforce Florida, Inc., may limit such benefits and services or
1628 otherwise establish priorities for the provisions of such
1629 benefits and services.

1630 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.--

1631 (a) The Legislature finds that:

1632 1. There are former recipients of temporary cash
1633 assistance who are working full time but whose incomes are below
1634 the poverty level.

1635 2. Having incomes below the federal poverty level makes
1636 such individuals particularly vulnerable to reliance on public
1637 assistance despite their best efforts to achieve or maintain
1638 economic independence through employment.

1639 3. It is necessary to implement a performance-based
1640 program that defines economic incentives for achieving specific
1641 benchmarks toward self-sufficiency while the individual is
1642 working full time.

1643 (b) Workforce Florida, Inc., in cooperation with the
1644 Department of Children and Family Services and the Agency for
1645 Workforce Innovation, shall offer performance-based incentive
1646 bonuses as a component of the Passport to Economic Progress
1647 demonstration program in the areas of the state which are
1648 designated for the demonstration program. The bonuses do not
1649 represent a program entitlement and shall be contingent on
1650 achieving specific benchmarks prescribed in the self-sufficiency
1651 plan. If the funds appropriated for this purpose are
1652 insufficient to provide this financial incentive, the board of
1653 directors of Workforce Florida, Inc., shall reduce or suspend

1654 the bonuses in order not to exceed the appropriation.

1655 ~~(5) WAGE SUPPLEMENTATION.--~~

1656 ~~(a) The Legislature finds that:~~

1657 ~~1. There are former recipients of temporary cash~~
 1658 ~~assistance who are working full time but whose incomes are below~~
 1659 ~~the federal poverty level.~~

1660 ~~2. Having incomes below the federal poverty level makes~~
 1661 ~~such individuals particularly vulnerable to reliance on public~~
 1662 ~~assistance despite their best efforts to achieve or maintain~~
 1663 ~~economic independence through employment.~~

1664 ~~3. It is necessary to supplement the wages of such~~
 1665 ~~individuals for a limited period of time in order to assist them~~
 1666 ~~in fulfilling the transition to economic self-sufficiency.~~

1667 ~~(b) Workforce Florida, Inc., in cooperation with the~~
 1668 ~~Department of Children and Family Services and the Agency for~~
 1669 ~~Workforce Innovation, shall create a transitional wage~~
 1670 ~~supplementation program by November 1, 2001, as a component of~~
 1671 ~~the Passport to Economic Progress demonstration program in the~~
 1672 ~~areas designated for the demonstration program. This wage~~
 1673 ~~supplementation program does not constitute an entitlement to~~
 1674 ~~wage supplementation. If funds appropriated are insufficient to~~
 1675 ~~provide wage supplementation, the board of directors of~~
 1676 ~~Workforce Florida, Inc., may limit wage supplementation or~~
 1677 ~~otherwise establish priorities for wage supplementation.~~

1678 ~~(c) To be eligible for an incentive bonus wage~~
 1679 ~~supplementation under this subsection, an individual must:~~

- 1680 ~~1. Be a former recipient of temporary cash assistance who~~
- 1681 ~~last received such assistance on or after January 1, 2000;~~
- 1682 ~~2. Be employed full time, which for the purposes of this~~

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1683 subsection means employment averaging at least 32 hours per
 1684 week, until the United States Congress enacts legislation
 1685 reauthorizing the Temporary Assistance for Needy Families block
 1686 grant and, after the reauthorization, means employment complying
 1687 with the employment requirements of the reauthorized law; and

1688 3. Have an average family income for the 6 months
 1689 preceding the date of application for an incentive bonus wage
 1690 supplementation which is less than 150 ~~100~~ percent of the
 1691 federal poverty level.

1692 ~~(d) Workforce Florida, Inc., shall determine the schedule~~
 1693 ~~for the payment of wage supplementation under this subsection.~~
 1694 ~~An individual eligible for wage supplementation under this~~
 1695 ~~subsection may receive a payment that equals the amount~~
 1696 ~~necessary to bring the individual's total family income for the~~
 1697 ~~period covered by the payment to 100 percent of the federal~~
 1698 ~~poverty level. An individual may not receive wage~~
 1699 ~~supplementation payments for more than a total of 12 months.~~

1700 ~~(e) The wage supplementation program authorized by this~~
 1701 ~~subsection shall be administered through the regional workforce~~
 1702 ~~boards and the one stop delivery system, under policy~~
 1703 ~~guidelines, criteria, and applications developed by Workforce~~
 1704 ~~Florida, Inc., in cooperation with the Department of Children~~
 1705 ~~and Family Services and the Agency for Workforce Innovation. To~~
 1706 ~~the maximum extent possible, the regional workforce boards shall~~
 1707 ~~use electronic debit card technologies to provide wage~~
 1708 ~~supplementation payments under this program.~~

1709 (5)~~(6)~~ EVALUATIONS AND RECOMMENDATIONS.--Workforce
 1710 Florida, Inc., in conjunction with the Department of Children
 1711 and Family Services, the Agency for Workforce Innovation, and

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1712 the regional workforce boards in the areas designated for this
 1713 demonstration program, shall conduct a comprehensive evaluation
 1714 of the effectiveness of the demonstration program operated under
 1715 this section. By January 1, 2005 ~~2003~~, Workforce Florida, Inc.,
 1716 shall submit a report on such evaluation to the Governor, the
 1717 President of the Senate, and the Speaker of the House of
 1718 Representatives. The report must include recommendations as to
 1719 whether the demonstration program should be expanded to other
 1720 service areas or statewide and whether the program should be
 1721 revised to enhance its administration or effectiveness.

1722 ~~(6)~~~~(7)~~ CONFLICTS.--If there is a conflict between the
 1723 implementation procedures described in this section and federal
 1724 requirements and regulations, federal requirements and
 1725 regulations shall control.

1726 Section 53. The amendment of section 445.048, Florida
 1727 Statutes, by this act shall expire on July 1, 2005, and the text
 1728 of that section shall revert to that in existence on June 30,
 1729 2003, except that any amendments to such text enacted other than
 1730 by this act shall be preserved and continue to operate to the
 1731 extent that such amendments are not dependent upon the portions
 1732 of such text which expire pursuant to the provisions of this
 1733 act.

1734 Section 54. In order to implement section 27 of the 2004-
 1735 2005 General Appropriations Act, subsection (13) is added to
 1736 section 253.034, Florida Statutes, to read:

1737 253.034 State-owned lands; uses.--

1738 (13) Notwithstanding the provisions of this section, funds
 1739 from the sale of property by the Department of Highway Safety
 1740 and Motor Vehicles located in Palm Beach and Orange Counties are

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1741 authorized to be deposited into the Highway Safety Operating
 1742 Trust Fund to facilitate the exchange as provided in the General
 1743 Appropriations Act, provided that at the conclusion of both
 1744 exchanges the values are equalized. This subsection expires July
 1745 1, 2005.

1746 Section 55. In order to implement proviso language in
 1747 Specific Appropriation 2122F of the 2004-2005 General
 1748 Appropriations Act, section 402.3017, Florida Statutes, is
 1749 amended to read:

1750 402.3017 Teacher Education and Compensation Helps (TEACH)
 1751 scholarship program.--

1752 (1) The Legislature finds that the level of early child
 1753 care teacher education and training is a key predictor for
 1754 determining program quality. The Legislature also finds that low
 1755 wages for child care workers prevent many from obtaining
 1756 increased training and education and contribute to high turnover
 1757 rates. The Legislature therefore intends to help fund a program
 1758 which links teacher training and education to compensation and
 1759 commitment to the field of early childhood education.

1760 (2) The Department of Children and Family Services is
 1761 authorized to contract for the administration of the Teacher
 1762 Education and Compensation Helps (TEACH) scholarship program,
 1763 which provides educational scholarships to caregivers and
 1764 administrators of early childhood programs, family day care
 1765 homes, and large family child care homes.

1766 (3) The department shall adopt rules as necessary to
 1767 implement this section.

1768 (4) For the 2004-2005 ~~2003-2004~~ fiscal year only, the
 1769 Agency for Workforce Innovation shall administer this section.

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1770 This subsection expires July 1, 2005 ~~2004~~.

1771 Section 56. In order to implement Specific Appropriation
 1772 2871BM of the 2004-2005 General Appropriations Act, subsection
 1773 (7) of section 265.702, Florida Statutes, is amended to read:

1774 265.702 Regional cultural facilities; grants for
 1775 acquisition, renovation, or construction; funding; approval;
 1776 allocation.--

1777 (7)(a) The annual amount of a grant made under this
 1778 section may not exceed the lesser of \$2.5 million or 10 percent
 1779 of the total costs of the regional cultural facility. The total
 1780 amount of the grants awarded to a regional cultural facility in
 1781 a 5-year period may not exceed the lesser of \$10 million or 10
 1782 percent of the total costs of a regional cultural facility. The
 1783 total cost of a regional cultural facility must be calculated
 1784 with respect to the primary scope of the original proposal as
 1785 submitted under this section and may not include the cost of any
 1786 additions that change the scope of the regional cultural
 1787 facility, such as additional facilities or significant design
 1788 alterations.

1789 (b) For the 2004-2005 fiscal year only, the annual amount
 1790 of a grant made under this section may not exceed the amount
 1791 specified in the General Appropriations Act or the amount
 1792 specified in paragraph (a), whichever is less. This paragraph
 1793 expires July 1, 2005.

1794 Section 57. In order to implement Specific Appropriation
 1795 2871AU of the 2004-2005 General Appropriations Act, section 11
 1796 of chapter 2003-401, Laws of Florida, is amended to read:

1797 Section 11. A project that is ranked but not funded for
 1798 the fiscal year 2003-2004 grant cycle under the Department of

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1799 State's Historical Facilities Special Category Fixed Capital
 1800 Outlay Grants Program, Cultural Facilities Fixed Capital Outlay
 1801 Grants Program, or Regional Cultural Facilities Grants Program,
 1802 ~~or Library Construction Fixed Capital Outlay Grants Program~~
 1803 shall, if it continues to meet applicable criteria for the grant
 1804 program for which it is ranked, maintain its relative ranking
 1805 for the fiscal year 2004-2005 grant cycle and shall receive
 1806 priority ranking over new projects applying for the fiscal year
 1807 2004-2005 grant cycle. A project that is ranked but not funded
 1808 for the fiscal year 2003-2004 grant cycle under the Department
 1809 of State's Library Construction Fixed Capital Outlay Grants
 1810 Program shall, if it continues to meet applicable criteria for
 1811 the grant program for which it is ranked, and notwithstanding
 1812 the requirements of Chapter 1B-2, Florida Administrative Code,
 1813 be carried forward as the 2003-2004 list of ranked projects
 1814 recommended to the 2004 Legislature along with the 2004-2005
 1815 list of ranked projects submitted by the department. Each list
 1816 may be considered separately for funding by the 2004
 1817 Legislature.

1818 Section 58. In order to implement Specific Appropriation
 1819 2871H of the 2004-2005 General Appropriations Act, paragraph (f)
 1820 of subsection (5) of section 287.057, Florida Statutes, is
 1821 amended to read:

1822 287.057 Procurement of commodities or contractual
 1823 services.--

1824 (5) When the purchase price of commodities or contractual
 1825 services exceeds the threshold amount provided in s. 287.017 for
 1826 CATEGORY TWO, no purchase of commodities or contractual services
 1827 may be made without receiving competitive sealed bids,

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1828 competitive sealed proposals, or competitive sealed replies

1829 unless:

1830 (f) The following contractual services and commodities are
 1831 not subject to the competitive-solicitation requirements of this
 1832 section:

1833 1. Artistic services.

1834 2. Academic program reviews.

1835 3. Lectures by individuals.

1836 4. Auditing services.

1837 5. Legal services, including attorney, paralegal, expert
 1838 witness, appraisal, or mediator services.

1839 6. Health services involving examination, diagnosis,
 1840 treatment, prevention, medical consultation, or administration.

1841 7. Services provided to persons with mental or physical
 1842 disabilities by not-for-profit corporations which have obtained
 1843 exemptions under the provisions of s. 501(c)(3) of the United
 1844 States Internal Revenue Code or when such services are governed
 1845 by the provisions of Office of Management and Budget Circular A-
 1846 122. However, in acquiring such services, the agency shall
 1847 consider the ability of the vendor, past performance,
 1848 willingness to meet time requirements, and price.

1849 8. Medicaid services delivered to an eligible Medicaid
 1850 recipient by a health care provider who has not previously
 1851 applied for and received a Medicaid provider number from the
 1852 Agency for Health Care Administration. However, this exception
 1853 shall be valid for a period not to exceed 90 days after the date
 1854 of delivery to the Medicaid recipient and shall not be renewed
 1855 by the agency.

1856 9. Family placement services.

1857 10. Prevention services related to mental health,
 1858 including drug abuse prevention programs, child abuse prevention
 1859 programs, and shelters for runaways, operated by not-for-profit
 1860 corporations. However, in acquiring such services, the agency
 1861 shall consider the ability of the vendor, past performance,
 1862 willingness to meet time requirements, and price.

1863 11. Training and education services provided to injured
 1864 employees pursuant to s. 440.49(1).

1865 12. Contracts entered into pursuant to s. 337.11.

1866 13. Services or commodities provided by governmental
 1867 agencies.

1868 14. Voter education activities of the Department of State
 1869 or the supervisors of elections funded by Specific Appropriation
 1870 2871H of the 2004-2005 General Appropriations Act, either
 1871 individually or in the aggregate or with their respective
 1872 professional associations. This subparagraph expires July 1,
 1873 2005.

1874 Section 59. In order to implement Specific Appropriation
 1875 2480K of the 2004-2005 General Appropriations Act, reference
 1876 therein to "Streetscape Lee County" is changed to "Streetscape
 1877 Design and Construction Enhancements - City of Ft. Myers."

1878 Section 60. In order to implement Specific Appropriation
 1879 2480G of the 2004-2005 General Appropriations Act, subsection
 1880 (7) of section 288.1045, Florida Statutes, is amended to read:

1881 288.1045 Qualified defense contractor tax refund
 1882 program.--

1883 (7) EXPIRATION.--An applicant may not be certified as
 1884 qualified under this section after June 30, 2005 ~~2004~~.

1885 Section 61. In order to implement Specific Appropriation

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1886 2480G of the 2004-2005 General Appropriations Act, subsection
 1887 (7) of section 288.106, Florida Statutes, is amended to read:

1888 288.106 Tax refund program for qualified target industry
 1889 businesses.--

1890 (7) EXPIRATION.--This section expires June 30, 2005 ~~2004~~.

1891 Section 62. In order to implement Specific Appropriation
 1892 2934C of the 2004-2005 General Appropriations Act, and pursuant
 1893 to the notice, review, and objection procedures of s. 216.177,
 1894 Florida Statutes, funds in Specific Appropriation 2934C of the
 1895 2004-2005 General Appropriations Act may be transferred from the
 1896 courts to the Justice Administrative Commission in order to
 1897 address unanticipated shortfalls in due process services
 1898 appropriations in excess of the contingency fund provided in
 1899 Specific Appropriation 829A of the 2004-2005 General
 1900 Appropriations Act. This section expires July 1, 2005.

1901 Section 63. In order to implement Specific Appropriation
 1902 831 of the 2004-2005 General Appropriations Act, section 27.701,
 1903 Florida Statutes, is amended to read:

1904 27.701 Capital collateral regional counsels.--

1905 (1) There are created three regional offices of capital
 1906 collateral counsel, which shall be located in a northern,
 1907 middle, and southern region of the state. The northern region
 1908 shall consist of the First, Second, Third, Fourth, Eighth, and
 1909 Fourteenth Judicial Circuits; the middle region shall consist of
 1910 the Fifth, Sixth, Seventh, Ninth, Tenth, Twelfth, Thirteenth,
 1911 and Eighteenth Judicial Circuits; and the southern region shall
 1912 consist of the Eleventh, Fifteenth, Sixteenth, Seventeenth,
 1913 Nineteenth, and Twentieth Judicial Circuits. Each regional
 1914 office shall be administered by a regional counsel. A regional

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1915 counsel must be, and must have been for the preceding 5 years, a
 1916 member in good standing of The Florida Bar or a similar
 1917 organization in another state. Each capital collateral regional
 1918 counsel shall be appointed by the Governor, and is subject to
 1919 confirmation by the Senate. The Supreme Court Judicial
 1920 Nominating Commission shall recommend to the Governor three
 1921 qualified candidates for each appointment as regional counsel.
 1922 The Governor shall appoint a regional counsel for each region
 1923 from among the recommendations, or, if it is in the best
 1924 interest of the fair administration of justice in capital cases,
 1925 the Governor may reject the nominations and request submission
 1926 of three new nominees by the Supreme Court Judicial Nominating
 1927 Commission. Each capital collateral regional counsel shall be
 1928 appointed to a term of 3 years. Vacancies in the office of
 1929 capital collateral regional counsel shall be filled in the same
 1930 manner as appointments. A person appointed as a regional counsel
 1931 may not run for or accept appointment to any state office for 2
 1932 years following vacation of office.

1933 (2) For the 2004-2005 ~~2003-2004~~ fiscal year only and
 1934 notwithstanding the provisions of subsection (1), the
 1935 responsibilities of the regional office of capital collateral
 1936 counsel for the northern region of the state shall be met
 1937 through a pilot program using only attorneys from the registry
 1938 of attorneys maintained pursuant to s. 27.710. Each attorney
 1939 participating in the pilot must be qualified to provide
 1940 representation in federal court. ~~The Auditor General shall~~
 1941 ~~present a status report on the implementation of the pilot~~
 1942 ~~program to the President of the Senate and the Speaker of the~~
 1943 ~~House of Representatives by February 27, 2004.~~ The Auditor

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1944 General shall ~~also~~ schedule a performance review of the pilot
 1945 program to determine the effectiveness and efficiency of using
 1946 attorneys from the registry compared to the capital collateral
 1947 regional counsels. The review, at a minimum, shall include
 1948 comparisons of the timeliness and costs of the pilot and the
 1949 counsels and shall be submitted to the President of the Senate
 1950 and the Speaker of the House of Representatives by January 30,
 1951 2007. This subsection expires July 1, 2005 ~~2004~~.

1952 Section 64. In order to implement Specific Appropriation
 1953 831 of the 2004-2005 General Appropriations Act, paragraphs (a)
 1954 and (c) of subsection (2) of section 27.709, Florida Statutes,
 1955 as amended by section 86 of chapter 2003-399, Laws of Florida,
 1956 are amended to read:

1957 27.709 Commission on Capital Cases.--

1958 (2)(a) The commission shall review the administration of
 1959 justice in capital collateral cases, receive relevant public
 1960 input, review the operation of the capital collateral regional
 1961 counsel and private counsel appointed pursuant to ss. 27.710 and
 1962 27.711, and advise and make recommendations to the Governor,
 1963 Legislature, and Supreme Court.

1964 (c) In addition, the commission shall receive complaints
 1965 regarding the practice of any office of regional counsel and
 1966 private counsel appointed pursuant to ss. 27.710 and 27.711 and
 1967 shall refer any complaint to The Florida Bar, the State Supreme
 1968 Court, or the Commission on Ethics, as appropriate.

1969 Section 65. The amendment of section 27.709, Florida
 1970 Statutes, by this act shall expire on July 1, 2005, and the text
 1971 of that section shall revert to that in existence on June 30,
 1972 2003, except that any amendments to such text enacted other than

1973 by this act shall be preserved and continue to operate to the
 1974 extent that such amendments are not dependent upon the portions
 1975 of such text which expire pursuant to the provisions of this
 1976 act.

1977 Section 66. In order to implement Specific Appropriation
 1978 831 of the 2004-2005 General Appropriations Act, subsections (3)
 1979 and (9) of section 27.711, Florida Statutes, as amended by
 1980 section 88 of chapter 2003-399, Laws of Florida, are amended,
 1981 and subsection (14) is added to said section, to read:

1982 27.711 Terms and conditions of appointment of attorneys as
 1983 counsel in postconviction capital collateral proceedings.--

1984 (3) An attorney appointed to represent a capital defendant
 1985 is entitled to payment of the fees set forth in this section
 1986 only upon full performance by the attorney of the duties
 1987 specified in this section and approval of payment by the trial
 1988 court, and the submission of a payment request by the attorney,
 1989 subject to the availability of sufficient funding specifically
 1990 appropriated for this purpose. An attorney may not be
 1991 compensated under this section for work performed by the
 1992 attorney before July 1, 2003, while employed by the northern
 1993 regional office of the capital collateral counsel. The Chief
 1994 Financial Officer shall notify the executive director and the
 1995 court if it appears that sufficient funding has not been
 1996 specifically appropriated for this purpose to pay any fees which
 1997 may be incurred. The attorney shall maintain appropriate
 1998 documentation, including a current and detailed hourly
 1999 accounting of time spent representing the capital defendant. The
 2000 fee and payment schedule in this section is the exclusive means
 2001 of compensating a court-appointed attorney who represents a

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2002 capital defendant. When appropriate, a court-appointed attorney
 2003 must seek further compensation from the Federal Government, as
 2004 provided in 18 U.S.C. s. 3006A or other federal law, in habeas
 2005 corpus litigation in the federal courts.

2006 (9) An attorney may not represent more than five ~~capital~~
 2007 defendants in capital postconviction litigation at any one time.

2008 (14) Each attorney participating in the pilot program in
 2009 the northern region pursuant to s. 27.701(2), as a condition of
 2010 payment pursuant to this section, shall report on the
 2011 performance measures adopted by the Legislature for the capital
 2012 collateral regional counsels.

2013 Section 67. The amendment of section 27.711, Florida
 2014 Statutes, by this act shall expire on July 1, 2005, and the text
 2015 of that section shall revert to that in existence on June 30,
 2016 2003, except that any amendments to such text enacted other than
 2017 by this act shall be preserved and continue to operate to the
 2018 extent that such amendments are not dependent upon the portions
 2019 of such text which expire pursuant to the provisions of this
 2020 act.

2021 Section 68. In order to implement Specific Appropriation
 2022 831 of the 2004-2005 General Appropriations Act, paragraph (b)
 2023 of subsection (4) of section 27.702, Florida Statutes, as
 2024 amended by section 90 of chapter 2003-399, Laws of Florida, is
 2025 amended to read:

2026 27.702 Duties of the capital collateral regional counsel;
 2027 reports.--

2028 (4)

2029 (b) Each capital collateral regional counsel and each
 2030 attorney participating in the pilot program in the northern

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2031 region pursuant to s. 27.701(2) shall provide a quarterly report
 2032 to the President of the Senate, the Speaker of the House of
 2033 Representatives, and the Commission on Capital Cases which
 2034 details the number of hours worked by investigators and legal
 2035 counsel per case and the amounts per case expended during the
 2036 preceding quarter in investigating and litigating capital
 2037 collateral cases.

2038 Section 69. The amendment of section 27.702, Florida
 2039 Statutes, by this act shall expire on July 1, 2005, and the text
 2040 of that section shall revert to that in existence on June 30,
 2041 2003, except that any amendments to such text enacted other than
 2042 by this act shall be preserved and continue to operate to the
 2043 extent that such amendments are not dependent upon the portions
 2044 of such text which expire pursuant to the provisions of this
 2045 act.

2046 Section 70. In order to implement Specific Appropriations
 2047 812-1066 and 2919-2968 of the 2004-2005 General Appropriations
 2048 Act and for the 2004-2005 fiscal year only, all personnel moving
 2049 from county government to positions in the state courts system,
 2050 an office of the state attorney, or an office of the public
 2051 defender as a part of the implementation of Revision 7 to
 2052 Article V of the Florida Constitution who were eligible for
 2053 coverage under a county-sponsored group insurance program June
 2054 30, 2004, and who elect and are qualified to be covered under
 2055 the State Group Insurance Program in the Department of
 2056 Management Services shall be enrolled for health and life
 2057 insurance effective July 1, 2004. The state courts system and
 2058 the respective offices of the state attorney or the offices of
 2059 the public defender shall be responsible for ensuring affected

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2060 employees' health and life insurance benefit enrollment
 2061 elections are made and processed by June 23, 2004, and shall
 2062 make a one-time total premium payment to the Division of State
 2063 Group Insurance of the Department of Management Services not
 2064 later than July 15, 2004, for coverage for the month of July
 2065 2004. For health and life insurance coverage only, the premium
 2066 remittance mechanism for each such premium payment shall be in
 2067 the form of a separate journal transfer. Accompanying
 2068 documentation, as prescribed by the Division of State Group
 2069 Insurance, is required to distinguish employee from employer
 2070 contributions, by subscriber. Subsequent premium payments and
 2071 eligibility determinations shall be made in accordance with
 2072 existing laws and administrative rules to ensure continuity of
 2073 employee benefit coverage. This section shall take effect upon
 2074 becoming law. This section expires July 1, 2005.

2075 Section 71. In order to implement Specific Appropriations
 2076 853, 854, 892, 895, 903, 906, 915, 927, and 929 of the 2004-2005
 2077 General Appropriations Act, subsection (4) of section 413.4021,
 2078 Florida Statutes, is amended to read:

2079 413.4021 Pilot program participant county selection; tax
 2080 collection enforcement diversion program.--The Department of
 2081 Revenue, in coordination with the Florida Association of Centers
 2082 for Independent Living and the Florida Prosecuting Attorneys
 2083 Association, shall select four counties in which to operate the
 2084 pilot program. The association and the state attorneys' offices
 2085 in Duval County and the four pilot program counties shall
 2086 develop and implement a tax collection enforcement diversion
 2087 program, which shall collect revenue due from persons who have
 2088 not remitted their collected sales tax. The criteria for

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2089 referral to the tax collection enforcement diversion program
 2090 shall be determined cooperatively between the state attorneys'
 2091 offices in those counties and the Department of Revenue.

2092 (4) For the 2004-2005 ~~2003-2004~~ fiscal year only and
 2093 notwithstanding the provisions of subsection (1), 50 percent of
 2094 the revenues collected from the tax collection enforcement
 2095 diversion program shall be deposited into the operating account
 2096 of the Florida Endowment Foundation for Vocational
 2097 Rehabilitation, to be used to implement the personal care
 2098 attendant pilot program and to contract with the state attorneys
 2099 participating in the tax collection enforcement diversion
 2100 program in an amount of not more than \$50,000 for each state
 2101 attorney. This subsection expires July 1, 2005 ~~2004~~.

2102 Section 72. In order to implement Specific Appropriations
 2103 825A, 825B, 826A, 826B, and 2956A of the 2004-2005 General
 2104 Appropriations Act, if a deficit is projected by the Justice
 2105 Administrative Commission or the state courts in any specific
 2106 appropriation provided for due process services, the Governor or
 2107 the Chief Justice of the Supreme Court, respectively, may submit
 2108 a budget amendment for consideration by the Legislative Budget
 2109 Commission to authorize the expenditure of funds from the
 2110 Working Capital Fund to offset such deficiency. Any budget
 2111 amendment submitted by the Governor to the Legislative Budget
 2112 Commission shall contain certification by the Justice
 2113 Administrative Commission that all actions required by section
 2114 29.015, Florida Statutes, have been completed and that no funds
 2115 exist in any contingency fund appropriation available to the
 2116 entity projected to experience the deficiency. Any budget
 2117 amendment submitted by the Supreme Court shall contain

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2118 certification that the court has completed all actions required
 2119 by section 29.016, Florida Statutes, and that no funds exist in
 2120 any contingency fund available to the state courts system. This
 2121 section expires July 1, 2005.

2122 Section 73. In order to implement the transfer of moneys
 2123 to the Working Capital Fund from trust funds in the 2004-2005
 2124 General Appropriations Act, paragraph (b) of subsection (2) of
 2125 section 215.32, Florida Statutes, is reenacted to read:

2126 215.32 State funds; segregation.--

2127 (2) The source and use of each of these funds shall be as
 2128 follows:

2129 (b)1. The trust funds shall consist of moneys received by
 2130 the state which under law or under trust agreement are
 2131 segregated for a purpose authorized by law. The state agency or
 2132 branch of state government receiving or collecting such moneys
 2133 shall be responsible for their proper expenditure as provided by
 2134 law. Upon the request of the state agency or branch of state
 2135 government responsible for the administration of the trust fund,
 2136 the Chief Financial Officer may establish accounts within the
 2137 trust fund at a level considered necessary for proper
 2138 accountability. Once an account is established within a trust
 2139 fund, the Chief Financial Officer may authorize payment from
 2140 that account only upon determining that there is sufficient cash
 2141 and releases at the level of the account.

2142 2. In order to maintain a minimum number of trust funds in
 2143 the State Treasury, each state agency or the judicial branch may
 2144 consolidate, if permitted under the terms and conditions of
 2145 their receipt, the trust funds administered by it; provided,
 2146 however, the agency or judicial branch employs effectively a

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2147 uniform system of accounts sufficient to preserve the integrity
 2148 of such trust funds; and provided, further, that consolidation
 2149 of trust funds is approved by the Governor or the Chief Justice.

2150 3. All such moneys are hereby appropriated to be expended
 2151 in accordance with the law or trust agreement under which they
 2152 were received, subject always to the provisions of chapter 216
 2153 relating to the appropriation of funds and to the applicable
 2154 laws relating to the deposit or expenditure of moneys in the
 2155 State Treasury.

2156 4.a. Notwithstanding any provision of law restricting the
 2157 use of trust funds to specific purposes, unappropriated cash
 2158 balances from selected trust funds may be authorized by the
 2159 Legislature for transfer to the Budget Stabilization Fund and
 2160 Working Capital Fund in the General Appropriations Act.

2161 b. This subparagraph does not apply to trust funds
 2162 required by federal programs or mandates; trust funds
 2163 established for bond covenants, indentures, or resolutions whose
 2164 revenues are legally pledged by the state or public body to meet
 2165 debt service or other financial requirements of any debt
 2166 obligations of the state or any public body; the State
 2167 Transportation Trust Fund; the trust fund containing the net
 2168 annual proceeds from the Florida Education Lotteries; the
 2169 Florida Retirement System Trust Fund; trust funds under the
 2170 management of the Board of Regents, where such trust funds are
 2171 for auxiliary enterprises, self-insurance, and contracts,
 2172 grants, and donations, as those terms are defined by general
 2173 law; trust funds that serve as clearing funds or accounts for
 2174 the Chief Financial Officer or state agencies; trust funds that
 2175 account for assets held by the state in a trustee capacity as an

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2176 agent or fiduciary for individuals, private organizations, or
 2177 other governmental units; and other trust funds authorized by
 2178 the State Constitution.

2179 Section 74. In order to implement the issuance of new debt
 2180 authorized in the 2004-2005 General Appropriations Act, and
 2181 pursuant to the requirements of section 215.98, Florida
 2182 Statutes, the Legislature determines that the authorization and
 2183 issuance of debt for the 2004-2005 fiscal year is in the best
 2184 interest of the state and should be implemented.

2185 Section 75. A section of this act that implements a
 2186 specific appropriation or specifically identified proviso
 2187 language in the 2004-2005 General Appropriations Act is void if
 2188 the specific appropriation or specifically identified proviso
 2189 language is vetoed. A section of this act that implements more
 2190 than one specific appropriation or more than one portion of
 2191 specifically identified proviso language in the 2004-2005
 2192 General Appropriations Act is void if all the specific
 2193 appropriations or portions of specifically identified proviso
 2194 language are vetoed.

2195 Section 76. If any other act passed in 2004 contains a
 2196 provision that is substantively the same as a provision in this
 2197 act, but that removes or is otherwise not subject to the future
 2198 repeal applied to such provision by this act, the Legislature
 2199 intends that the provision in the other act shall take
 2200 precedence and shall continue to operate, notwithstanding the
 2201 future repeal provided by this act.

2202 Section 77. It is the intent of the Legislature that,
 2203 notwithstanding section 76 of this act, section 17 shall take
 2204 precedence in fiscal year 2004-2005 over any other substantive

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2205 law regarding this issue with respect to the Economic Self-
 2206 Sufficiency Services Program initiative.

2207 Section 78. The agency performance measures and standards
 2208 in the document entitled "Performance Measures and Standards
 2209 Approved by the Legislature for Fiscal Year 2004-2005" dated
 2210 April 30, 2004, and filed with the Clerk of the House of
 2211 Representatives are incorporated by reference. Such performance
 2212 measures and standards are directly linked to the appropriations
 2213 made in the General Appropriations Act for fiscal year 2004-
 2214 2005, as required by the Government Performance and
 2215 Accountability Act of 1994. State agencies are directed to
 2216 revise their long-range program plans required under s. 216.013,
 2217 Florida Statutes, to be consistent with these performance
 2218 measures and standards.

2219 Section 79. If any law that is amended by this act was
 2220 also amended by a law enacted at the 2004 Regular Session of the
 2221 Legislature, such laws shall be construed as if they had been
 2222 enacted during the same session of the Legislature, and full
 2223 effect should be given to each if that is possible.

2224 Section 80. If any provision of this act or its
 2225 application to any person or circumstance is held invalid, the
 2226 invalidity does not affect other provisions or applications of
 2227 the act which can be given effect without the invalid provision
 2228 or application, and to this end the provisions of this act are
 2229 severable.

2230 Section 81. Except as otherwise expressly provided in this
 2231 act, this act shall take effect July 1, 2004; or, if this act
 2232 fails to become a law until after that date, it shall take
 2233 effect upon becoming a law and shall operate retroactively to

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July 1, 2004.

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