

1 A bill to be entitled
2 An act implementing the 2005-2006 General Appropriations
3 Act; providing legislative intent; amending s. 1013.62,
4 F.S.; deleting a provision providing for the allocation of
5 charter school capital outlay funds if the appropriation
6 for such funds is greater than the 2002-2003
7 appropriation; creating s. 1004.065, F.S.; providing a
8 limitation on university and direct-support organization
9 financings; amending s. 394.908, F.S.; providing for
10 substance abuse and mental health funding equity as
11 provided in the General Appropriations Act; including
12 funds appropriated for projects in specific locations in
13 the base funding of such locations when calculating the
14 distribution of funds under the equity formula; amending
15 s. 287.057, F.S.; authorizing the Department of Children
16 and Family Services to contract with a private provider
17 for a mental health treatment facility; amending s.
18 381.79, F.S.; providing for use of funds in the Brain and
19 Spinal Cord Injury Program Trust Fund for spinal cord
20 injury and brain injury research at the University of
21 Miami; amending s. 402.33, F.S.; suspending authority of
22 the Department of Children and Family Services to use
23 funds in excess of fee collections; authorizing the
24 Department of Corrections and the Department of Juvenile
25 Justice to make certain expenditures to defray costs
26 incurred by a municipality or county as a result of
27 opening or operating a facility under authority of the
28 respective department; amending s. 216.262, F.S.;

29 providing for additional positions to operate additional
30 prison bed capacity under certain circumstances; providing
31 for the transfer of a specified building to the Department
32 of Corrections for additional prison beds; authorizing the
33 Executive Office of the Governor to transfer funds between
34 departments for purposes of aligning amounts paid for risk
35 management premiums and for purposes of aligning amounts
36 paid for human resource management services; amending s.
37 112.061, F.S.; providing for computation of travel time
38 and reimbursement for public officers' and employees'
39 travel; amending s. 376.3071, F.S.; providing for use of
40 funds from the Inland Protection Trust Fund to clean up
41 certain petroleum contaminated sites and to purchase
42 generators for emergency fuel supply; amending s.
43 373.4137, F.S.; providing for water management districts
44 to use specified funds in certain surface water
45 improvement and management or invasive plant control
46 projects; amending s. 120.551, F.S.; continuing Internet
47 publication of certain notices of the Department of
48 Environmental Protection and the Board of Trustees of the
49 Internal Improvement Trust Fund; creating the Florida Pork
50 Producers Transition Grant Program within the Department
51 of Agriculture and Consumer Services; entitling certain
52 persons using farming methods described in the Florida
53 Constitution on a certain date to apply for a grant;
54 providing a cap on such grants and authorizing the
55 department to adopt rules to implement the grant program;
56 amending s. 320.08058, F.S.; authorizing proceeds from the

57 Professional Sports Development Trust Fund to be used for
58 operational expenses of the Florida Sports Foundation and
59 financial support of the Sunshine State Games; amending s.
60 445.048, F.S.; requiring that Workforce Florida, Inc.,
61 expand the Passport to Economic Progress demonstration
62 program to a statewide program; authorizing Workforce
63 Florida, Inc., to designate regional workforce boards to
64 participate in the program; deleting a provision relating
65 to the disregard of income for purposes of determining
66 eligibility for cash assistance; requiring that Workforce
67 Florida, Inc., offer incentive bonuses; providing
68 requirements for such bonuses; providing that such bonuses
69 are not an entitlement; requiring Workforce Florida, Inc.,
70 to submit evaluations and recommendations for the program
71 as part of its annual report to the Legislature; amending
72 s. 253.034, F.S.; authorizing deposit of funds from the
73 sale of property by the Department of Highway Safety and
74 Motor Vehicles located in Palm Beach County; amending s.
75 402.3017, F.S.; requiring the Agency for Workforce
76 Innovation to administer Teacher Education and
77 Compensation Helps (TEACH) scholarship program; amending
78 s. 265.702, F.S.; providing a limit on the annual amount
79 of individual cultural facilities grants; amending s.
80 287.057, F.S.; exempting certain voter education
81 activities from competitive-solicitation requirements;
82 authorizing transfer of certain funds from the courts to
83 the Justice Administrative Commission to meet certain
84 shortfalls in due process appropriations; providing for

85 expenditure of funds from the Working Capital Fund to
 86 offset deficiencies in due process services; reenacting s.
 87 215.32(2)(b), F.S., relating to the source and use of
 88 trust funds; providing for future repeal or expiration of
 89 various provisions; providing for reversion of certain
 90 provisions; providing effect of veto of specific
 91 appropriation or proviso to which implementing language
 92 refers; incorporating by reference specified performance
 93 measures and standards directly linked to the
 94 appropriations made in the 2005-2006 General
 95 Appropriations Act, as required by the Government
 96 Performance and Accountability Act of 1994; providing
 97 severability; providing an effective date.

98

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

100

101 Section 1. It is the intent of the Legislature that the
 102 implementing and administering provisions of this act apply to
 103 the General Appropriations Act for fiscal year 2005-2006.

104 Section 2. In order to implement Specific Appropriation 17
 105 of the 2005-2006 General Appropriations Act, subsection (7) of
 106 section 1013.62, Florida Statutes, is amended to read:

107 1013.62 Charter schools capital outlay funding.--

108 (7) Notwithstanding the provisions of this section,
 109 beginning in the 2003-2004 fiscal year:

110 (a) If the appropriation for charter school capital outlay
 111 funds is no greater than the 2002-2003 appropriation, the funds
 112 shall be allocated according to the formula outlined in

113 subsection (1) to:

114 1. The same schools that received funding in 2002-2003.

115 2. Schools that are an expanded feeder pattern of schools
116 that received funding in 2002-2003.

117 3. Schools that have an approved charter and are serving
118 students at the start of the 2003-2004 school year and either
119 incurred long-term financial obligations prior to January 31,
120 2003, or began construction on educational facilities prior to
121 December 31, 2002.

122 (b) If the appropriation for charter school capital outlay
123 funds is less than the 2002-2003 appropriation, the funds shall
124 be prorated among the schools eligible in paragraph (a).

125 ~~(c) If the appropriation for charter school capital outlay~~
126 ~~funds is greater than the 2002-2003 appropriation, the amount of~~
127 ~~funds provided in the 2002-2003 appropriation shall be allocated~~
128 ~~according to paragraph (a). First priority for allocating the~~
129 ~~amount in excess of the 2002-2003 appropriation shall be to~~
130 ~~prorate the excess funds among the charter schools with long-~~
131 ~~term debt or long-term lease to the extent that the initial~~
132 ~~allocation is insufficient to provide one-fifteenth of the cost~~
133 ~~per student station specified in s. 1013.64(6)(b), and second~~
134 ~~priority shall be to other eligible charter schools.~~

135 Section 3. The amendment of subsection (7) of s. 1013.62,
136 Florida Statutes, by this act shall expire on July 1, 2006, and
137 the text of that section shall revert to that in existence on
138 June 30, 2005, except that any amendments to such text enacted
139 other than by this act shall be preserved and continue to
140 operate to the extent that such amendments are not dependent

141 upon the portions of such text which expire pursuant to the
 142 provisions of this act.

143 Section 4. In order to implement section 11 of the 2005-
 144 2006 General Appropriations Act, section 1004.065, Florida
 145 Statutes, is created to read:

146 1004.065 Limitation on university and direct-support
 147 organization financings.--No project may be financed by or on
 148 behalf of a university or a direct-support organization pursuant
 149 to s. 1001.74(5), s. 1004.28(6), s. 1010.60(2), s. 1013.15, s.
 150 1013.16, s. 1013.17, s. 1013.171, s. 1013.74, or s. 1013.78, or
 151 through any financing mechanism, including, but not limited to,
 152 revenue bonds, promissory notes, certificates of participation,
 153 lease-purchase agreements, or any other form of indebtedness,
 154 without prior approval of the project by the Legislature by an
 155 act relating to appropriations or general law. This section
 156 expires July 1, 2006.

157 Section 5. In order to implement Specific Appropriations
 158 325-328, 332-336, 351, and 354 of the 2005-2006 General
 159 Appropriations Act, subsection (8) of section 394.908, Florida
 160 Statutes, is amended to read:

161 394.908 Substance abuse and mental health funding equity;
 162 distribution of appropriations.--In recognition of the
 163 historical inequity among service districts of the former
 164 Department of Health and Rehabilitative Services in the funding
 165 of substance abuse and mental health services, and in order to
 166 rectify this inequity and provide for equitable funding in the
 167 future throughout the state, the following funding process shall
 168 be adhered to:

169 (8) For fiscal year 2005-2006 ~~2004-2005~~ only, and
 170 notwithstanding the provisions of this section, all new funds
 171 received in excess of fiscal year 2004-2005 ~~2003-2004~~ recurring
 172 appropriations shall be allocated in accordance with the
 173 provisions of the General Appropriations Act; however, no
 174 district shall receive an allocation of recurring funds less
 175 than its initial approved operating budget, plus any
 176 distributions of lump sum appropriations or reductions in
 177 unfunded budget, for fiscal year 2004-2005 ~~2003-2004~~. Funds
 178 appropriated for projects in specific locations in the General
 179 Appropriations Act shall be included in the base funding of the
 180 respective district when calculating the distribution of funds
 181 under the equity formula. This subsection expires July 1, 2006
 182 2005.

183 Section 6. In order to implement Specific Appropriations
 184 395-404 of the 2005-2006 General Appropriations Act, paragraph
 185 (b) of subsection (14) of section 287.057, Florida Statutes, is
 186 amended to read:

187 287.057 Procurement of commodities or contractual
 188 services.--

189 (14)

190 (b) Notwithstanding paragraph (a), the Department of
 191 Children and Family Services may enter into agreements, not to
 192 exceed 20 years, with a private provider to finance, design, and
 193 construct a treatment facility, as defined in s. 394.455, of at
 194 least 200 beds and to operate all aspects of daily operations
 195 within the treatment facility. The selected contractor is
 196 authorized to sponsor the issuance of tax-exempt certificates of

197 participation or other securities to finance the project, and
 198 the state is authorized to enter into a lease-purchase agreement
 199 for the treatment facility. The Department of Children and
 200 Family Services shall begin the implementation of this
 201 privatization initiative by January 1, 2006 ~~2005~~. This paragraph
 202 expires July 1, 2006 ~~2005~~.

203 Section 7. In order to implement Specific Appropriation
 204 595 of the 2005-2006 General Appropriations Act, subsection (3)
 205 of section 381.79, Florida Statutes, is amended to read:

206 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

207 (3)(a) Annually, 5 percent of the revenues deposited
 208 monthly in the fund pursuant to s. 318.21(2)(d) shall be
 209 appropriated to the University of Florida and 5 percent to the
 210 University of Miami for spinal cord injury and brain injury
 211 research. The amount to be distributed to the universities shall
 212 be calculated based on the deposits into the fund for each
 213 quarter in the fiscal year, but may not exceed \$500,000 per
 214 university per year. Funds distributed under this subsection
 215 shall be made in quarterly payments at the end of each quarter
 216 during the fiscal year.

217 (b) For the 2005-2006 ~~2004-2005~~ fiscal year only, and
 218 notwithstanding paragraph (a), revenues deposited in the fund
 219 pursuant to s. 318.21(2)(d) may be appropriated for spinal cord
 220 injury and brain injury research at the University of Miami. The
 221 amount appropriated in the 2005-2006 ~~2004-2005~~ General
 222 Appropriations Act shall be distributed in equal quarterly
 223 payments at the end of each quarter during the fiscal year. This
 224 paragraph expires July 1, 2006 ~~2005~~.

225 Section 8. In order to implement Specific Appropriations
 226 238-404 of the 2005-2006 General Appropriations Act, paragraph
 227 (b) of subsection (10) of section 402.33, Florida Statutes, is
 228 amended to read:

229 402.33 Department authority to charge fees for services
 230 provided.--

231 (10)

232 (b) For the 2005-2006 ~~2004-2005~~ fiscal year only, the
 233 provisions of paragraph (a) shall not apply. This paragraph
 234 expires July 1, 2006 ~~2005~~.

235 Section 9. In order to fulfill legislative intent
 236 regarding the use of funds contained in Specific Appropriations
 237 676, 688, 698, and 1136 of the 2005-2006 General Appropriations
 238 Act, the Department of Corrections and the Department of
 239 Juvenile Justice may expend appropriated funds to assist in
 240 defraying the costs of impacts that are incurred by a
 241 municipality or county and associated with opening or operating
 242 a facility under the authority of the respective department
 243 which is located within that municipality or county. The amount
 244 that is to be paid under this section for any facility may not
 245 exceed 1 percent of the facility construction cost, less
 246 building impact fees imposed by the municipality or by the
 247 county if the facility is located in the unincorporated portion
 248 of the county. This section expires July 1, 2006.

249 Section 10. In order to implement Specific Appropriations
 250 666-761 and 797-827 of the 2005-2006 General Appropriations Act,
 251 subsection (4) of section 216.262, Florida Statutes, is amended
 252 to read:

253 216.262 Authorized positions.--
 254 (4) Notwithstanding the provisions of this chapter on
 255 increasing the number of authorized positions, and for the 2005-
 256 2006 ~~2004-2005~~ fiscal year only, if the actual inmate population
 257 of the Department of Corrections exceeds the inmate population
 258 projections of the February 16, 2005 ~~2004~~, Criminal Justice
 259 Estimating Conference by 1 percent for 2 consecutive months or 2
 260 percent for any month, the Executive Office of the Governor,
 261 with the approval of the Legislative Budget Commission, shall
 262 immediately notify the Criminal Justice Estimating Conference,
 263 which shall convene as soon as possible to revise the estimates.
 264 The Department of Corrections may then submit a budget amendment
 265 requesting the establishment of positions in excess of the
 266 number authorized by the Legislature and additional
 267 appropriations from the General Revenue Fund or the Working
 268 Capital Fund sufficient to provide for essential staff and other
 269 resources to provide classification, security, food services,
 270 health services, and other variable expenses within the
 271 institutions to accommodate the estimated increase in the inmate
 272 population. All actions taken pursuant to the authority granted
 273 in this subsection shall be subject to review and approval by
 274 the Legislative Budget Commission. This subsection expires July
 275 1, 2006 ~~2005~~.

276 Section 11. In order to implement Specific Appropriation
 277 751 of the 2005-2006 General Appropriations Act, the Department
 278 of Children and Family Services shall transfer the Tramell
 279 Building on the grounds of the Florida State Hospital to the
 280 Department of Corrections to be used for 953 additional prison

281 beds.

282 Section 12. In order to implement the appropriation of
 283 funds in Special Categories-Risk Management Insurance of the
 284 2005-2006 General Appropriations Act, and pursuant to the
 285 notice, review, and objection procedures of s. 216.177, Florida
 286 Statutes, the Executive Office of the Governor is authorized to
 287 transfer funds appropriated in the appropriation category
 288 "Special Categories-Risk Management Insurance" of the 2005-2006
 289 General Appropriations Act between departments in order to align
 290 the budget authority granted with the premiums paid by each
 291 department for risk management insurance. This section expires
 292 July 1, 2006.

293 Section 13. In order to implement the appropriation of
 294 funds in Special Categories-Transfer to Department of Management
 295 Services-Human Resources Services Purchased Per Statewide
 296 Contract of the 2005-2006 General Appropriations Act, and
 297 pursuant to the notice, review, and objection procedures of s.
 298 216.177, Florida Statutes, the Executive Office of the Governor
 299 is authorized to transfer funds appropriated in the
 300 appropriation category "Special Categories-Transfer to
 301 Department of Management Services-Human Resources Services
 302 Purchased Per Statewide Contract" of the 2005-2006 General
 303 Appropriations Act between departments in order to align the
 304 budget authority granted with the assessments that must be paid
 305 by each agency to the Department of Management Services for
 306 human resource management services. This section expires July 1,
 307 2006.

308 Section 14. In order to implement sections 2 through 7 of

309 the 2005-2006 General Appropriations Act, paragraph (c) of
 310 subsection (5) and paragraph (d) of subsection (6) of section
 311 112.061, Florida Statutes, are amended to read:

312 112.061 Per diem and travel expenses of public officers,
 313 employees, and authorized persons.--

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

317 (c) For the 2005-2006 ~~2004-2005~~ fiscal year only and
 318 notwithstanding the other provisions of this subsection, for
 319 Class C travel, a state traveler shall not be reimbursed on a
 320 per diem basis nor shall a traveler receive subsistence
 321 allowance. This paragraph expires July 1, 2006 ~~2005~~.

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

326 (d) For the 2005-2006 ~~2004-2005~~ fiscal year only and
 327 notwithstanding the other provisions of this subsection, for
 328 Class C travel, a state traveler shall not be reimbursed on a
 329 per diem basis nor shall a traveler receive subsistence
 330 allowance. This paragraph expires July 1, 2006 ~~2005~~.

331 Section 15. In order to implement Specific Appropriation
 332 1742, subsection (14) is added to section 376.3071, Florida
 333 Statutes, to read:

334 376.3071 Inland Protection Trust Fund; creation; purposes;
 335 funding.--

336 (14) ADDITIONAL USES OF FUNDS FOR SPECIFIED FISCAL
 337 YEAR.--Notwithstanding subsection (4) and s. 376.30711, for the
 338 2005-2006 fiscal year only funds from the Inland Protection
 339 Trust Fund may be used to clean up petroleum contaminated sites
 340 registered in a state-funded program that have been identified
 341 as viable affordable housing sites by the Department of
 342 Community Affairs together with local governments and may be
 343 used to purchase generators for emergency fuel supply. This
 344 subsection expires July 1, 2006.

345 Section 16. In order to implement Specific Appropriation
 346 1590 of the 2005-2006 General Appropriations Act, paragraph (c)
 347 of subsection (4) of section 373.4137, Florida Statutes, is
 348 amended to read:

349 373.4137 Mitigation requirements.--

350 (4) Prior to December 1 of each year, each water
 351 management district, in consultation with the Department of
 352 Environmental Protection, the United States Army Corps of
 353 Engineers, the Department of Transportation, transportation
 354 authorities established pursuant to chapter 348 or chapter 349,
 355 and other appropriate federal, state, and local governments, and
 356 other interested parties, including entities operating
 357 mitigation banks, shall develop a plan for the primary purpose
 358 of complying with the mitigation requirements adopted pursuant
 359 to this part and 33 U.S.C. s. 1344. This plan shall also address
 360 significant invasive plant problems within wetlands and other
 361 surface waters. In developing such plans, the districts shall
 362 utilize sound ecosystem management practices to address
 363 significant water resource needs and shall focus on activities

364 of the Department of Environmental Protection and the water
365 management districts, such as surface water improvement and
366 management (SWIM) waterbodies and lands identified for potential
367 acquisition for preservation, restoration, and enhancement, to
368 the extent that such activities comply with the mitigation
369 requirements adopted under this part and 33 U.S.C. s. 1344. In
370 determining the activities to be included in such plans, the
371 districts shall also consider the purchase of credits from
372 public or private mitigation banks permitted under s. 373.4136
373 and associated federal authorization and shall include such
374 purchase as a part of the mitigation plan when such purchase
375 would offset the impact of the transportation project, provide
376 equal benefits to the water resources than other mitigation
377 options being considered, and provide the most cost-effective
378 mitigation option. The mitigation plan shall be preliminarily
379 approved by the water management district governing board and
380 shall be submitted to the secretary of the Department of
381 Environmental Protection for review and final approval. The
382 preliminary approval by the water management district governing
383 board does not constitute a decision that affects substantial
384 interests as provided by s. 120.569. At least 30 days prior to
385 preliminary approval, the water management district shall
386 provide a copy of the draft mitigation plan to any person who
387 has requested a copy.

388 (c) Surface water improvement and management or invasive
389 plant control projects undertaken using the \$12 million advance
390 transferred from the Department of Transportation to the
391 Department of Environmental Protection in fiscal year 1996-1997

392 which meet the requirements for mitigation under this part and
 393 33 U.S.C. s. 1344 shall remain available for mitigation until
 394 the \$12 million is fully credited up to and including fiscal
 395 year 2006-2007 ~~2005-2006~~. When these projects are used as
 396 mitigation, the \$12 million advance shall be reduced by \$75,000
 397 per acre of impact mitigated. For any fiscal year through and
 398 including fiscal year 2006-2007 ~~2005-2006~~, to the extent the
 399 cost of developing and implementing the mitigation plans is less
 400 than the amount transferred pursuant to subsection (3), the
 401 difference shall be credited towards the \$12 million advance.
 402 Except as provided in this paragraph, any funds not directed to
 403 implement the mitigation plan should, to the greatest extent
 404 possible, be directed to fund invasive plant control within
 405 wetlands and other surface waters.

406 Section 17. In order to implement Specific Appropriation
 407 1690 of the 2004-2005 General Appropriations Act, subsection (3)
 408 of section 120.551, Florida Statutes, is amended to read:

409 120.551 Internet publication.--

410 (3) This section is repealed effective July 1, 2006 ~~2005~~,
 411 unless reviewed and reenacted by the Legislature before that
 412 date.

413 Section 18. (1) In order to implement Specific
 414 Appropriation 1453A of the 2005-2006 General Appropriations Act,
 415 there is hereby created the Florida Pork Producers Transition
 416 Grant Program within the Department of Agriculture and Consumer
 417 Services to provide assistance to any person or persons or
 418 entities that were using farming methods described in Article X,
 419 Section 21 of the Florida Constitution on November 5, 2002. The

420 purpose of the program is to assist Florida pork producers in
 421 reducing encumbered debt on stranded investment in equipment and
 422 in transitioning into other farming or agriculture activities.

423 (2) Any person or persons or entities that were using
 424 farming methods described in Article X, Section 21 of the
 425 Florida Constitution on November 5, 2002, are entitled to apply
 426 for a grant from the program if that person or entity signs a
 427 letter of intent to cease or has ceased using farming methods
 428 described in Article X, Section 21 of the Florida Constitution
 429 on land within this state and agrees in writing to continue to
 430 use the land as actively engaged in an agricultural or farming
 431 activity other than pork production until at least November
 432 2008.

433 (3) The department shall provide grants of not more than
 434 \$275,000 to each person or persons or entities who meet the
 435 criteria for the program and who enter into such a letter of
 436 intent with the department, on a first-come first-served basis;
 437 provided that the application for the grant is made on or before
 438 December 29, 2005. The department may adopt rules to implement
 439 the Florida Pork Producers Transition Grant Program.

440 (4) This section expires July 1, 2006.

441 Section 19. In order to implement Specific Appropriation
 442 2501 of the 2005-2006 General Appropriations Act, paragraph (b)
 443 of subsection (9) of section 320.08058, Florida Statutes, is
 444 amended to read:

445 320.08058 Specialty license plates.--

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

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

449 1. Fifty-five percent of the proceeds from the Florida
 450 Professional Sports Team plate must be deposited into the
 451 Professional Sports Development Trust Fund within the Office of
 452 Tourism, Trade, and Economic Development. These funds must be
 453 used solely to attract and support major sports events in this
 454 state. As used in this subparagraph, the term "major sports
 455 events" means, but is not limited to, championship or all-star
 456 contests of Major League Baseball, the National Basketball
 457 Association, the National Football League, the National Hockey
 458 League, the men's and women's National Collegiate Athletic
 459 Association Final Four basketball championship, or a horseracing
 460 or dogracing Breeders' Cup. All funds must be used to support
 461 and promote major sporting events, and the uses must be approved
 462 by the Florida Sports Foundation.

463 2. The remaining proceeds of the Florida Professional
 464 Sports Team license plate must be allocated to the Florida
 465 Sports Foundation, a direct-support organization of the Office
 466 of Tourism, Trade, and Economic Development. These funds must be
 467 deposited into the Professional Sports Development Trust Fund
 468 within the Office of Tourism, Trade, and Economic Development.
 469 These funds must be used by the Florida Sports Foundation to
 470 promote the economic development of the sports industry; to
 471 distribute licensing and royalty fees to participating
 472 professional sports teams; to promote education programs in
 473 Florida schools that provide an awareness of the benefits of
 474 physical activity and nutrition standards; to partner with the

475 Department of Education and the Department of Health to develop
 476 a program that recognizes schools whose students demonstrate
 477 excellent physical fitness or fitness improvement; to institute
 478 a grant program for communities bidding on minor sporting events
 479 that create an economic impact for the state; to distribute
 480 funds to Florida-based charities designated by the Florida
 481 Sports Foundation and the participating professional sports
 482 teams; and to fulfill the sports promotion responsibilities of
 483 the Office of Tourism, Trade, and Economic Development.

484 3. The Florida Sports Foundation shall provide an annual
 485 financial audit in accordance with s. 215.981 of its financial
 486 accounts and records by an independent certified public
 487 accountant pursuant to the contract established by the Office of
 488 Tourism, Trade, and Economic Development as specified in s.
 489 288.1229(5). The auditor shall submit the audit report to the
 490 Office of Tourism, Trade, and Economic Development for review
 491 and approval. If the audit report is approved, the office shall
 492 certify the audit report to the Auditor General for review.

493 4. For the 2005-2006 ~~2004-2005~~ fiscal year only and
 494 notwithstanding the provisions of subparagraphs 1. and 2.,
 495 proceeds from the Professional Sports Development Trust Fund may
 496 also be used for operational expenses of the Florida Sports
 497 Foundation and financial support of the Sunshine State Games.
 498 This subparagraph expires July 1, 2006 ~~2005~~.

499 Section 20. In order to implement Specific Appropriation
 500 2121 of the 2005-2006 General Appropriations Act, section
 501 445.048, Florida Statutes, as amended by section 53 of chapter
 502 2004-269, Laws of Florida, is amended to read:

503 445.048 Passport to Economic Progress ~~demonstration~~
 504 program.--

505 (1) AUTHORIZATION.--Notwithstanding any law to the
 506 contrary, Workforce Florida, Inc., in conjunction with the
 507 Department of Children and Family Services and the Agency for
 508 Workforce Innovation, shall implement a Passport to Economic
 509 Progress ~~demonstration~~ program ~~by November 1, 2001,~~ consistent
 510 with the provisions of this section ~~in Hillsborough and Manatee~~
 511 ~~counties.~~ Workforce Florida, Inc., may designate regional
 512 workforce boards to participate in the program. Expenses for the
 513 program may come from appropriated revenues or from funds
 514 otherwise available to a regional workforce board which may be
 515 legally used for such purposes. Workforce Florida, Inc., must
 516 consult with the applicable regional workforce boards and the
 517 applicable local offices of the Department of Children and
 518 Family Services which serve the demonstration areas and must
 519 encourage community input into the implementation process.

520 (2) WAIVERS.--If Workforce Florida, Inc., in consultation
 521 with the Department of Children and Family Services, finds that
 522 federal waivers would facilitate implementation of the
 523 demonstration program, the department shall immediately request
 524 such waivers, and Workforce Florida, Inc., shall report to the
 525 Governor, the President of the Senate, and the Speaker of the
 526 House of Representatives if any refusal of the federal
 527 government to grant such waivers prevents the implementation of
 528 the demonstration program. If Workforce Florida, Inc., finds
 529 that federal waivers to provisions of the Food Stamp Program
 530 would facilitate implementation of the demonstration program,

531 the Department of Children and Family Services shall immediately
 532 request such waivers in accordance with s. 414.175.

533 ~~(3) INCOME DISREGARD.--In order to provide an additional~~
 534 ~~incentive for employment, and notwithstanding the amount~~
 535 ~~specified in s. 414.095(12), for individuals residing in the~~
 536 ~~areas designated for this demonstration program, the first \$300~~
 537 ~~plus one-half of the remainder of earned income shall be~~
 538 ~~disregarded in determining eligibility for temporary cash~~
 539 ~~assistance. All other conditions and requirements of s.~~
 540 ~~414.095(12) shall continue to apply to such individuals.~~

541 (3)~~(4)~~ TRANSITIONAL BENEFITS AND SERVICES.--In order to
 542 assist them in making the transition to economic self-
 543 sufficiency, former recipients of temporary cash assistance
 544 residing within the areas designated for this demonstration
 545 program shall be eligible for the following benefits and
 546 services:

547 (a) Notwithstanding the time period specified in s.
 548 445.030, transitional education and training support services as
 549 specified in s. 445.030 for up to 4 years after the family is no
 550 longer receiving temporary cash assistance;

551 (b) Notwithstanding the time period specified in s.
 552 445.031, transitional transportation support services as
 553 specified in s. 445.031 for up to 4 years after the family is no
 554 longer receiving temporary cash assistance; and

555 (c) Notwithstanding the time period specified in s.
 556 445.032, transitional child care as specified in s. 445.032 for
 557 up to 4 years after the family is no longer receiving temporary
 558 cash assistance.

559
 560 All other provisions of ss. 445.030, 445.031, and 445.032 shall
 561 apply to such individuals, as appropriate. This subsection does
 562 not constitute an entitlement to transitional benefits and
 563 services. If funds are insufficient to provide benefits and
 564 services under this subsection, the board of directors of
 565 Workforce Florida, Inc., or its agent, may limit such benefits
 566 and services or otherwise establish priorities for the
 567 provisions of such benefits and services.

568 ~~(4)(5) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY WAGE~~
 569 ~~SUPPLEMENTATION.--~~

570 (a) The Legislature finds that:

571 1. There are former recipients of temporary cash
 572 assistance who are working full time but whose incomes are below
 573 the federal poverty level.

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

578 3. It is necessary to implement a performance-based
 579 program that defines economic incentives for achieving specific
 580 benchmarks toward self-sufficiency while the individual is
 581 working full-time ~~supplement the wages of such individuals for a~~
 582 ~~limited period of time in order to assist them in fulfilling the~~
 583 ~~transition to economic self-sufficiency.~~

584 (b) Workforce Florida, Inc., in cooperation with the
 585 Department of Children and Family Services and the Agency for
 586 Workforce Innovation, shall offer performance-based incentive

587 ~~bonuses create a transitional wage supplementation program by~~
 588 ~~November 1, 2001,~~ as a component of the Passport to Economic
 589 Progress demonstration program in the areas designated for the
 590 demonstration program. ~~This wage supplementation program does~~
 591 ~~not constitute an entitlement to wage supplementation. The~~
 592 bonuses do not represent a program entitlement and shall be
 593 contingent on achieving specific benchmarks prescribed in the
 594 self-sufficiency plan. If the funds appropriated for this
 595 purpose are insufficient to provide this financial incentive
 596 wage supplementation, the board of directors of Workforce
 597 Florida, Inc., may reduce or suspend the bonuses in order not to
 598 exceed the appropriation or may direct the regional boards to
 599 use resources otherwise given to the regional workforce to pay
 600 such bonuses if such payments comply with applicable state and
 601 federal laws limit wage supplementation or otherwise establish
 602 priorities for wage supplementation.

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

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

607 2. Be employed full time, which for the purposes of this
 608 subsection means employment averaging at least 32 hours per
 609 week, until the United States Congress enacts legislation
 610 reauthorizing the Temporary Assistance for Needy Families block
 611 grant and, after the reauthorization, means employment complying
 612 with the employment requirements of the reauthorization; and

613 3. Have an average family income for the 6 months
 614 preceding the date of application for an incentive bonus wage

615 ~~supplementation~~ which is less than 200 ~~100~~ percent of the
 616 federal poverty level.

617 ~~(d) Workforce Florida, Inc., shall determine the schedule~~
 618 ~~for the payment of wage supplementation under this subsection.~~
 619 ~~An individual eligible for wage supplementation under this~~
 620 ~~subsection may receive a payment that equals the amount~~
 621 ~~necessary to bring the individual's total family income for the~~
 622 ~~period covered by the payment to 100 percent of the federal~~
 623 ~~poverty level. An individual may not receive wage~~
 624 ~~supplementation payments for more than a total of 12 months.~~

625 ~~(e) The wage supplementation program authorized by this~~
 626 ~~subsection shall be administered through the regional workforce~~
 627 ~~boards and the one-stop delivery system, under policy~~
 628 ~~guidelines, criteria, and applications developed by Workforce~~
 629 ~~Florida, Inc., in cooperation with the Department of Children~~
 630 ~~and Family Services and the Agency for Workforce Innovation. To~~
 631 ~~the maximum extent possible, the regional workforce boards shall~~
 632 ~~use electronic debit card technologies to provide wage~~
 633 ~~supplementation payments under this program.~~

634 (5)(6) EVALUATIONS AND RECOMMENDATIONS.--Workforce
 635 Florida, Inc., in conjunction with the Department of Children
 636 and Family Services, the Agency for Workforce Innovation, and
 637 the regional workforce boards ~~in the areas designated for this~~
 638 ~~demonstration program~~, shall conduct a comprehensive evaluation
 639 of the effectiveness of the ~~demonstration~~ program operated under
 640 this section. Evaluations and recommendations for the program
 641 shall be submitted by Workforce Florida, Inc., as part of its
 642 annual report to the Legislature. By January 1, 2003, Workforce

643 ~~Florida, Inc., shall submit a report on such evaluation to the~~
 644 ~~Governor, the President of the Senate, and the Speaker of the~~
 645 ~~House of Representatives. The report must include~~
 646 ~~recommendations as to whether the demonstration program should~~
 647 ~~be expanded to other service areas or statewide and whether the~~
 648 ~~program should be revised to enhance its administration or~~
 649 ~~effectiveness.~~

650 (6)(7) CONFLICTS.--If there is a conflict between the
 651 implementation procedures described in this section and federal
 652 requirements and regulations, federal requirements and
 653 regulations shall control.

654 Section 21. The amendment of s. 445.048, Florida Statutes,
 655 by this act shall expire on July 1, 2006, and the text of that
 656 section shall revert to that in existence on June 30, 2005,
 657 except that any amendments to such text enacted other than by
 658 this act shall be preserved and continue to operate to the
 659 extent that such amendments are not dependent upon the portions
 660 of such text which expire pursuant to the provisions of this
 661 act.

662 Section 22. In order to implement section 31 of the 2005-
 663 2006 General Appropriations Act, subsection (13) of section
 664 253.034, Florida Statutes, is amended to read:

665 253.034 State-owned lands; uses.--

666 (13) Notwithstanding the provisions of this section, funds
 667 from the sale of property by the Department of Highway Safety
 668 and Motor Vehicles located in Palm Beach County ~~and Orange~~
 669 ~~Counties~~ are authorized to be deposited into the Highway Safety
 670 Operating Trust Fund to facilitate the exchange as provided in

671 the General Appropriations Act, provided that at the conclusion
 672 of both exchanges the values are equalized. This subsection
 673 expires July 1, 2006 ~~2005~~.

674 Section 23. In order to implement proviso language in
 675 Specific Appropriation 2162G of the 2005-2006 General
 676 Appropriations Act, subsection (4) of section 402.3017, Florida
 677 Statutes, is amended to read:

678 402.3017 Teacher Education and Compensation Helps (TEACH)
 679 scholarship program.--

680 (4) For the 2005-2006 ~~2004-2005~~ fiscal year only, the
 681 Agency for Workforce Innovation shall administer this section.
 682 This subsection expires July 1, 2006 ~~2005~~.

683 Section 24. In order to implement Specific Appropriation
 684 2982B of the 2005-2006 General Appropriations Act, paragraph (b)
 685 of subsection (7) of section 265.702, Florida Statutes, is
 686 amended to read:

687 265.702 Regional cultural facilities; grants for
 688 acquisition, renovation, or construction; funding; approval;
 689 allocation.--

690 (7)

691 (b) For the 2005-2006 ~~2004-2005~~ fiscal year only, the
 692 annual amount of a grant made under this section may not exceed
 693 the amount specified in the General Appropriations Act or the
 694 amount specified in paragraph (a), whichever is less. This
 695 paragraph expires July 1, 2006 ~~2005~~.

696 Section 25. In order to implement Specific Appropriation
 697 2930 of the 2005-2006 General Appropriations Act, paragraph (f)
 698 of subsection (5) of section 287.057, Florida Statutes, is

699 amended to read:

700 287.057 Procurement of commodities or contractual
701 services.--

702 (5) When the purchase price of commodities or contractual
703 services exceeds the threshold amount provided in s. 287.017 for
704 CATEGORY TWO, no purchase of commodities or contractual services
705 may be made without receiving competitive sealed bids,
706 competitive sealed proposals, or competitive sealed replies
707 unless:

708 (f) The following contractual services and commodities are
709 not subject to the competitive-solicitation requirements of this
710 section:

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

727 8. Medicaid services delivered to an eligible Medicaid
 728 recipient by a health care provider who has not previously
 729 applied for and received a Medicaid provider number from the
 730 Agency for Health Care Administration. However, this exception
 731 shall be valid for a period not to exceed 90 days after the date
 732 of delivery to the Medicaid recipient and shall not be renewed
 733 by the agency.

734 9. Family placement services.

735 10. Prevention services related to mental health,
 736 including drug abuse prevention programs, child abuse prevention
 737 programs, and shelters for runaways, operated by not-for-profit
 738 corporations. However, in acquiring such services, the agency
 739 shall consider the ability of the vendor, past performance,
 740 willingness to meet time requirements, and price.

741 11. Training and education services provided to injured
 742 employees pursuant to s. 440.491(6).

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

744 13. Services or commodities provided by governmental
 745 agencies.

746 14. Voter education activities of the Department of State
 747 or the supervisors of elections funded by Specific Appropriation
 748 2930 ~~2871H~~ of the 2005-2006 ~~2004-2005~~ General Appropriations
 749 Act, either individually or in the aggregate or with their
 750 respective professional associations. This subparagraph expires
 751 July 1, 2006 ~~2005~~.

752 Section 26. In order to implement Specific Appropriation
 753 2999 of the 2005-2006 General Appropriations Act, and pursuant
 754 to the notice, review, and objection procedures of s. 216.177,

755 Florida Statutes, funds in Specific Appropriation 2999 of the
 756 2005-2006 General Appropriations Act may be transferred from the
 757 courts to the Justice Administrative Commission in order to
 758 address unanticipated shortfalls in due process services
 759 appropriations in excess of the contingency fund provided in
 760 Specific Appropriation 2999 of the 2005-2006 General
 761 Appropriations Act. This section expires July 1, 2006.

762 Section 27. In order to implement Specific Appropriations
 763 836, 837, 839, 840, and 3020 of the 2005-2006 General
 764 Appropriations Act, if a deficit is projected by the Justice
 765 Administrative Commission or the state courts in any specific
 766 appropriation provided for due process services, the Governor or
 767 the Chief Justice of the Supreme Court, respectively, may submit
 768 a budget amendment for consideration by the Legislative Budget
 769 Commission to authorize the expenditure of funds from the
 770 Working Capital Fund to offset such deficiency. Any budget
 771 amendment submitted by the Governor to the Legislative Budget
 772 Commission shall contain certification by the Justice
 773 Administrative Commission that all actions required by s.
 774 29.015, Florida Statutes, have been completed and that no funds
 775 exist in any contingency fund appropriation available to the
 776 entity projected to experience the deficiency. Any budget
 777 amendment submitted by the Supreme Court shall contain
 778 certification that the court has completed all actions required
 779 by s. 29.016, Florida Statutes, and that no funds exist in any
 780 contingency fund available to the state courts system. This
 781 section expires July 1, 2006.

782 Section 28. In order to implement the transfer of moneys

783 to the Working Capital Fund from trust funds in the 2005-2006
 784 General Appropriations Act, paragraph (b) of subsection (2) of
 785 section 215.32, Florida Statutes, is reenacted to read:

786 215.32 State funds; segregation.--

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

789 (b)1. The trust funds shall consist of moneys received by
 790 the state which under law or under trust agreement are
 791 segregated for a purpose authorized by law. The state agency or
 792 branch of state government receiving or collecting such moneys
 793 shall be responsible for their proper expenditure as provided by
 794 law. Upon the request of the state agency or branch of state
 795 government responsible for the administration of the trust fund,
 796 the Chief Financial Officer may establish accounts within the
 797 trust fund at a level considered necessary for proper
 798 accountability. Once an account is established within a trust
 799 fund, the Chief Financial Officer may authorize payment from
 800 that account only upon determining that there is sufficient cash
 801 and releases at the level of the account.

802 2. In addition to other trust funds created by law, to the
 803 extent possible, each agency shall use the following trust funds
 804 as described in this subparagraph for day-to-day operations:

805 a. Operations or operating trust fund, for use as a
 806 depository for funds to be used for program operations funded by
 807 program revenues, with the exception of administrative
 808 activities when the operations or operating trust fund is a
 809 proprietary fund.

810 b. Operations and maintenance trust fund, for use as a

811 depository for client services funded by third-party payors.

812 c. Administrative trust fund, for use as a depository for
 813 funds to be used for management activities that are departmental
 814 in nature and funded by indirect cost earnings and assessments
 815 against trust funds. Proprietary funds are excluded from the
 816 requirement of using an administrative trust fund.

817 d. Grants and donations trust fund, for use as a
 818 depository for funds to be used for allowable grant or donor
 819 agreement activities funded by restricted contractual revenue
 820 from private and public nonfederal sources.

821 e. Agency working capital trust fund, for use as a
 822 depository for funds to be used pursuant to s. 216.272.

823 f. Clearing funds trust fund, for use as a depository for
 824 funds to account for collections pending distribution to lawful
 825 recipients.

826 g. Federal grant trust fund, for use as a depository for
 827 funds to be used for allowable grant activities funded by
 828 restricted program revenues from federal sources.

829
 830 To the extent possible, each agency must adjust its internal
 831 accounting to use existing trust funds consistent with the
 832 requirements of this subparagraph. If an agency does not have
 833 trust funds listed in this subparagraph and cannot make such
 834 adjustment, the agency must recommend the creation of the
 835 necessary trust funds to the Legislature no later than the next
 836 scheduled review of the agency's trust funds pursuant to s.
 837 215.3206.

838 3. All such moneys are hereby appropriated to be expended

839 in accordance with the law or trust agreement under which they
840 were received, subject always to the provisions of chapter 216
841 relating to the appropriation of funds and to the applicable
842 laws relating to the deposit or expenditure of moneys in the
843 State Treasury.

844 4.a. Notwithstanding any provision of law restricting the
845 use of trust funds to specific purposes, unappropriated cash
846 balances from selected trust funds may be authorized by the
847 Legislature for transfer to the Budget Stabilization Fund and
848 Working Capital Fund in the General Appropriations Act.

849 b. This subparagraph does not apply to trust funds
850 required by federal programs or mandates; trust funds
851 established for bond covenants, indentures, or resolutions whose
852 revenues are legally pledged by the state or public body to meet
853 debt service or other financial requirements of any debt
854 obligations of the state or any public body; the State
855 Transportation Trust Fund; the trust fund containing the net
856 annual proceeds from the Florida Education Lotteries; the
857 Florida Retirement System Trust Fund; trust funds under the
858 management of the Board of Regents, where such trust funds are
859 for auxiliary enterprises, self-insurance, and contracts,
860 grants, and donations, as those terms are defined by general
861 law; trust funds that serve as clearing funds or accounts for
862 the Chief Financial Officer or state agencies; trust funds that
863 account for assets held by the state in a trustee capacity as an
864 agent or fiduciary for individuals, private organizations, or
865 other governmental units; and other trust funds authorized by
866 the State Constitution.

867 Section 29. A section of this act that implements a
 868 specific appropriation or specifically identified proviso
 869 language in the 2005-2006 General Appropriations Act is void if
 870 the specific appropriation or specifically identified proviso
 871 language is vetoed. A section of this act that implements more
 872 than one specific appropriation or more than one portion of
 873 specifically identified proviso language in the 2005-2006
 874 General Appropriations Act is void if all the specific
 875 appropriations or portions of specifically identified proviso
 876 language are vetoed.

877 Section 30. If any other act passed in 2005 contains a
 878 provision that is substantively the same as a provision in this
 879 act, but that removes or is otherwise not subject to the future
 880 repeal applied to such provision by this act, the Legislature
 881 intends that the provision in the other act shall take
 882 precedence and shall continue to operate, notwithstanding the
 883 future repeal provided by this act.

884 Section 31. The agency performance measures and standards
 885 in the document entitled "Performance Measures and Standards
 886 Approved by the Legislature for Fiscal Year 2005-2006" dated
 887 April 4, 2005, and filed with the Clerk of the House of
 888 Representatives are incorporated by reference. Such performance
 889 measures and standards are directly linked to the appropriations
 890 made in the General Appropriations Act for fiscal year 2005-
 891 2006, as required by the Government Performance and
 892 Accountability Act of 1994. State agencies are directed to
 893 revise their long-range program plans required under s. 216.013,
 894 Florida Statutes, to be consistent with these performance

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895 measures and standards.

896 Section 32. If any provision of this act or its
897 application to any person or circumstance is held invalid, the
898 invalidity does not affect other provisions or applications of
899 the act which can be given effect without the invalid provision
900 or application, and to this end the provisions of this act are
901 severable.

902 Section 33. Except as otherwise expressly provided in this
903 act, this act shall take effect July 1, 2005; or, if this act
904 fails to become a law until after that date, it shall take
905 effect upon becoming a law and shall operate retroactively to
906 July 1, 2005.