

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. 932.7055, F.S.;

29 | allowing municipalities to reimburse their general funds  
30 | from moneys they advanced to their own special law  
31 | enforcement trust funds; amending s. 216.262, F.S.;  
32 | providing for additional positions to operate additional  
33 | prison bed capacity under certain circumstances; providing  
34 | for the transfer of a specified building to the Department  
35 | of Corrections for additional prison beds; authorizing the  
36 | Executive Office of the Governor to transfer funds between  
37 | departments for purposes of aligning amounts paid for risk  
38 | management premiums and for purposes of aligning amounts  
39 | paid for human resource management services; amending s.  
40 | 112.061, F.S.; providing for computation of travel time  
41 | and reimbursement for public officers' and employees'  
42 | travel; amending s. 376.3071, F.S.; providing for use of  
43 | funds from the Inland Protection Trust Fund to clean up  
44 | certain petroleum contaminated sites and to purchase  
45 | generators for emergency fuel supply; amending s.  
46 | 373.4137, F.S.; providing for water management districts  
47 | to use specified funds in certain surface water  
48 | improvement and management or invasive plant control  
49 | projects; amending s. 120.551, F.S.; continuing Internet  
50 | publication of certain notices of the Department of  
51 | Environmental Protection and the Board of Trustees of the  
52 | Internal Improvement Trust Fund; creating the Florida Pork  
53 | Producers Transition Grant Program within the Department  
54 | of Agriculture and Consumer Services; entitling certain  
55 | persons using farming methods described in the Florida  
56 | Constitution on a certain date to apply for a grant;

57 providing a cap on such grants and authorizing the  
58 department to adopt rules to implement the grant program;  
59 amending s. 320.08058, F.S.; authorizing proceeds from the  
60 Professional Sports Development Trust Fund to be used for  
61 operational expenses of the Florida Sports Foundation and  
62 financial support of the Sunshine State Games; amending s.  
63 445.048, F.S.; requiring that Workforce Florida, Inc.,  
64 expand the Passport to Economic Progress demonstration  
65 program to a statewide program; authorizing Workforce  
66 Florida, Inc., to designate regional workforce boards to  
67 participate in the program; deleting a provision relating  
68 to the disregard of income for purposes of determining  
69 eligibility for cash assistance; requiring that Workforce  
70 Florida, Inc., offer incentive bonuses; providing  
71 requirements for such bonuses; providing that such bonuses  
72 are not an entitlement; requiring Workforce Florida, Inc.,  
73 to submit evaluations and recommendations for the program  
74 as part of its annual report to the Legislature; amending  
75 s. 253.034, F.S.; authorizing deposit of funds from the  
76 sale of property by the Department of Highway Safety and  
77 Motor Vehicles located in Palm Beach County; amending s.  
78 402.3017, F.S.; requiring the Agency for Workforce  
79 Innovation to administer Teacher Education and  
80 Compensation Helps (TEACH) scholarship program; amending  
81 s. 265.702, F.S.; providing a limit on the annual amount  
82 of individual cultural facilities grants; amending s.  
83 287.057, F.S.; exempting certain voter education  
84 activities from competitive-solicitation requirements;

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

101 |  
 102 | Be It Enacted by the Legislature of the State of Florida:  
 103 |

104 | Section 1. It is the intent of the Legislature that the  
 105 | implementing and administering provisions of this act apply to  
 106 | the General Appropriations Act for fiscal year 2005-2006.

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

110 | 1013.62 Charter schools capital outlay funding.--  
 111 | (7) Notwithstanding the provisions of this section,  
 112 | beginning in the 2003-2004 fiscal year:

113 (a) If the appropriation for charter school capital outlay  
114 funds is no greater than the 2002-2003 appropriation, the funds  
115 shall be allocated according to the formula outlined in  
116 subsection (1) to:

- 117 1. The same schools that received funding in 2002-2003.
- 118 2. Schools that are an expanded feeder pattern of schools  
119 that received funding in 2002-2003.
- 120 3. Schools that have an approved charter and are serving  
121 students at the start of the 2003-2004 school year and either  
122 incurred long-term financial obligations prior to January 31,  
123 2003, or began construction on educational facilities prior to  
124 December 31, 2002.

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

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

138 Section 3. The amendment of subsection (7) of s. 1013.62,  
139 Florida Statutes, by this act shall expire on July 1, 2006, and  
140 the text of that section shall revert to that in existence on

141 June 30, 2005, except that any amendments to such text enacted  
 142 other than by this act shall be preserved and continue to  
 143 operate to the extent that such amendments are not dependent  
 144 upon the portions of such text which expire pursuant to the  
 145 provisions of this act.

146 Section 4. In order to implement section 11 of the 2005-  
 147 2006 General Appropriations Act, section 1004.065, Florida  
 148 Statutes, is created to read:

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

160 Section 5. In order to implement Specific Appropriations  
 161 325-328, 332-336, 351, and 354 of the 2005-2006 General  
 162 Appropriations Act, subsection (8) of section 394.908, Florida  
 163 Statutes, is amended to read:

164 394.908 Substance abuse and mental health funding equity;  
 165 distribution of appropriations.--In recognition of the  
 166 historical inequity among service districts of the former  
 167 Department of Health and Rehabilitative Services in the funding  
 168 of substance abuse and mental health services, and in order to

169 rectify this inequity and provide for equitable funding in the  
 170 future throughout the state, the following funding process shall  
 171 be adhered to:

172 (8) For fiscal year 2005-2006 ~~2004-2005~~ only, and  
 173 notwithstanding the provisions of this section, all new funds  
 174 received in excess of fiscal year 2004-2005 ~~2003-2004~~ recurring  
 175 appropriations shall be allocated in accordance with the  
 176 provisions of the General Appropriations Act; however, no  
 177 district shall receive an allocation of recurring funds less  
 178 than its initial approved operating budget, plus any  
 179 distributions of lump sum appropriations or reductions in  
 180 unfunded budget, for fiscal year 2004-2005 ~~2003-2004~~. Funds  
 181 appropriated for projects in specific locations in the General  
 182 Appropriations Act shall be included in the base funding of the  
 183 respective district when calculating the distribution of funds  
 184 under the equity formula. This subsection expires July 1, 2006  
 185 ~~2005~~.

186 Section 6. In order to implement Specific Appropriations  
 187 395-404 of the 2005-2006 General Appropriations Act, paragraph  
 188 (b) of subsection (14) of section 287.057, Florida Statutes, is  
 189 amended to read:

190 287.057 Procurement of commodities or contractual  
 191 services.--

192 (14)

193 (b) Notwithstanding paragraph (a), the Department of  
 194 Children and Family Services may enter into agreements, not to  
 195 exceed 20 years, with a private provider to finance, design, and  
 196 construct a treatment facility, as defined in s. 394.455, of at

197 | least 200 beds and to operate all aspects of daily operations  
 198 | within the treatment facility. The selected contractor is  
 199 | authorized to sponsor the issuance of tax-exempt certificates of  
 200 | participation or other securities to finance the project, and  
 201 | the state is authorized to enter into a lease-purchase agreement  
 202 | for the treatment facility. The Department of Children and  
 203 | Family Services shall begin the implementation of this  
 204 | privatization initiative by January 1, 2006 ~~2005~~. This paragraph  
 205 | expires July 1, 2006 ~~2005~~.

206 |       Section 7. In order to implement Specific Appropriation  
 207 | 595 of the 2005-2006 General Appropriations Act, subsection (3)  
 208 | of section 381.79, Florida Statutes, is amended to read:

209 |       381.79 Brain and Spinal Cord Injury Program Trust Fund.--

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

220 |       (b) For the 2005-2006 ~~2004-2005~~ fiscal year only, and  
 221 | notwithstanding paragraph (a), revenues deposited in the fund  
 222 | pursuant to s. 318.21(2)(d) may be appropriated for spinal cord  
 223 | injury and brain injury research at the University of Miami. The  
 224 | amount appropriated in the 2005-2006 ~~2004-2005~~ General

225 Appropriations Act shall be distributed in equal quarterly  
 226 payments at the end of each quarter during the fiscal year. This  
 227 paragraph expires July 1, 2006 ~~2005~~.

228 Section 8. In order to implement Specific Appropriations  
 229 238-404 of the 2005-2006 General Appropriations Act, paragraph  
 230 (b) of subsection (10) of section 402.33, Florida Statutes, is  
 231 amended to read:

232 402.33 Department authority to charge fees for services  
 233 provided.--

234 (10)

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

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

252 Section 10. In order to implement Specific Appropriation

253 1201 of the 2005-2006 General Appropriations Act, paragraph (d)  
 254 is added to subsection (4) of section 932.7055, Florida  
 255 Statutes, to read:

256 932.7055 Disposition of liens and forfeited property.--

257 (4) The proceeds from the sale of forfeited property shall  
 258 be disbursed in the following priority:

259 (d) Notwithstanding any other provision of this  
 260 subsection, and for the 2005-2006 fiscal year only, the funds in  
 261 a special law enforcement trust fund established by the  
 262 governing body of a municipality may be expended to reimburse  
 263 the general fund of the municipality for moneys advanced from  
 264 the general fund to the special law enforcement trust fund prior  
 265 to October 1, 2001. This paragraph expires July 1, 2006.

266 Section 11. In order to implement Specific Appropriations  
 267 666-761 and 797-827 of the 2005-2006 General Appropriations Act,  
 268 subsection (4) of section 216.262, Florida Statutes, is amended  
 269 to read:

270 216.262 Authorized positions.--

271 (4) Notwithstanding the provisions of this chapter on  
 272 increasing the number of authorized positions, and for the 2005-  
 273 2006 ~~2004-2005~~ fiscal year only, if the actual inmate population  
 274 of the Department of Corrections exceeds the inmate population  
 275 projections of the February 16, 2005 ~~2004~~, Criminal Justice  
 276 Estimating Conference by 1 percent for 2 consecutive months or 2  
 277 percent for any month, the Executive Office of the Governor,  
 278 with the approval of the Legislative Budget Commission, shall  
 279 immediately notify the Criminal Justice Estimating Conference,  
 280 which shall convene as soon as possible to revise the estimates.

281 The Department of Corrections may then submit a budget amendment  
 282 requesting the establishment of positions in excess of the  
 283 number authorized by the Legislature and additional  
 284 appropriations from the General Revenue Fund or the Working  
 285 Capital Fund sufficient to provide for essential staff and other  
 286 resources to provide classification, security, food services,  
 287 health services, and other variable expenses within the  
 288 institutions to accommodate the estimated increase in the inmate  
 289 population. All actions taken pursuant to the authority granted  
 290 in this subsection shall be subject to review and approval by  
 291 the Legislative Budget Commission. This subsection expires July  
 292 1, 2006 ~~2005~~.

293 Section 12. In order to implement Specific Appropriation  
 294 751 of the 2005-2006 General Appropriations Act, the Department  
 295 of Children and Family Services shall transfer the Tramell  
 296 Building on the grounds of the Florida State Hospital to the  
 297 Department of Corrections to be used for 953 additional prison  
 298 beds.

299 Section 13. In order to implement the appropriation of  
 300 funds in Special Categories-Risk Management Insurance of the  
 301 2005-2006 General Appropriations Act, and pursuant to the  
 302 notice, review, and objection procedures of s. 216.177, Florida  
 303 Statutes, the Executive Office of the Governor is authorized to  
 304 transfer funds appropriated in the appropriation category  
 305 "Special Categories-Risk Management Insurance" of the 2005-2006  
 306 General Appropriations Act between departments in order to align  
 307 the budget authority granted with the premiums paid by each  
 308 department for risk management insurance. This section expires

309 July 1, 2006.

310 Section 14. In order to implement the appropriation of  
 311 funds in Special Categories-Transfer to Department of Management  
 312 Services-Human Resources Services Purchased Per Statewide  
 313 Contract of the 2005-2006 General Appropriations Act, and  
 314 pursuant to the notice, review, and objection procedures of s.  
 315 216.177, Florida Statutes, the Executive Office of the Governor  
 316 is authorized to transfer funds appropriated in the  
 317 appropriation category "Special Categories-Transfer to  
 318 Department of Management Services-Human Resources Services  
 319 Purchased Per Statewide Contract" of the 2005-2006 General  
 320 Appropriations Act between departments in order to align the  
 321 budget authority granted with the assessments that must be paid  
 322 by each agency to the Department of Management Services for  
 323 human resource management services. This section expires July 1,  
 324 2006.

325 Section 15. In order to implement sections 2 through 7 of  
 326 the 2005-2006 General Appropriations Act, paragraph (c) of  
 327 subsection (5) and paragraph (d) of subsection (6) of section  
 328 112.061, Florida Statutes, are amended to read:

329 112.061 Per diem and travel expenses of public officers,  
 330 employees, and authorized persons.--

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

334 (c) For the 2005-2006 ~~2004-2005~~ fiscal year only and  
 335 notwithstanding the other provisions of this subsection, for  
 336 Class C travel, a state traveler shall not be reimbursed on a

337 per diem basis nor shall a traveler receive subsistence  
 338 allowance. This paragraph expires July 1, 2006 ~~2005~~.

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

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

348 Section 16. In order to implement Specific Appropriation  
 349 1742, subsection (14) is added to section 376.3071, Florida  
 350 Statutes, to read:

351 376.3071 Inland Protection Trust Fund; creation; purposes;  
 352 funding.--

353 (14) ADDITIONAL USES OF FUNDS FOR SPECIFIED FISCAL  
 354 YEAR.--Notwithstanding subsection (4) and s. 376.30711, for the  
 355 2005-2006 fiscal year only funds from the Inland Protection  
 356 Trust Fund may be used to clean up petroleum contaminated sites  
 357 registered in a state-funded program that have been identified  
 358 as viable affordable housing sites by the Department of  
 359 Community Affairs together with local governments and may be  
 360 used to purchase generators for emergency fuel supply. This  
 361 subsection expires July 1, 2006.

362 Section 17. In order to implement Specific Appropriation  
 363 1590 of the 2005-2006 General Appropriations Act, paragraph (c)  
 364 of subsection (4) of section 373.4137, Florida Statutes, is

365 amended to read:

366 373.4137 Mitigation requirements.--

367 (4) Prior to December 1 of each year, each water  
368 management district, in consultation with the Department of  
369 Environmental Protection, the United States Army Corps of  
370 Engineers, the Department of Transportation, transportation  
371 authorities established pursuant to chapter 348 or chapter 349,  
372 and other appropriate federal, state, and local governments, and  
373 other interested parties, including entities operating  
374 mitigation banks, shall develop a plan for the primary purpose  
375 of complying with the mitigation requirements adopted pursuant  
376 to this part and 33 U.S.C. s. 1344. This plan shall also address  
377 significant invasive plant problems within wetlands and other  
378 surface waters. In developing such plans, the districts shall  
379 utilize sound ecosystem management practices to address  
380 significant water resource needs and shall focus on activities  
381 of the Department of Environmental Protection and the water  
382 management districts, such as surface water improvement and  
383 management (SWIM) waterbodies and lands identified for potential  
384 acquisition for preservation, restoration, and enhancement, to  
385 the extent that such activities comply with the mitigation  
386 requirements adopted under this part and 33 U.S.C. s. 1344. In  
387 determining the activities to be included in such plans, the  
388 districts shall also consider the purchase of credits from  
389 public or private mitigation banks permitted under s. 373.4136  
390 and associated federal authorization and shall include such  
391 purchase as a part of the mitigation plan when such purchase  
392 would offset the impact of the transportation project, provide

393 equal benefits to the water resources than other mitigation  
394 options being considered, and provide the most cost-effective  
395 mitigation option. The mitigation plan shall be preliminarily  
396 approved by the water management district governing board and  
397 shall be submitted to the secretary of the Department of  
398 Environmental Protection for review and final approval. The  
399 preliminary approval by the water management district governing  
400 board does not constitute a decision that affects substantial  
401 interests as provided by s. 120.569. At least 30 days prior to  
402 preliminary approval, the water management district shall  
403 provide a copy of the draft mitigation plan to any person who  
404 has requested a copy.

405 (c) Surface water improvement and management or invasive  
406 plant control projects undertaken using the \$12 million advance  
407 transferred from the Department of Transportation to the  
408 Department of Environmental Protection in fiscal year 1996-1997  
409 which meet the requirements for mitigation under this part and  
410 33 U.S.C. s. 1344 shall remain available for mitigation until  
411 the \$12 million is fully credited up to and including fiscal  
412 year 2006-2007 ~~2005-2006~~. When these projects are used as  
413 mitigation, the \$12 million advance shall be reduced by \$75,000  
414 per acre of impact mitigated. For any fiscal year through and  
415 including fiscal year 2006-2007 ~~2005-2006~~, to the extent the  
416 cost of developing and implementing the mitigation plans is less  
417 than the amount transferred pursuant to subsection (3), the  
418 difference shall be credited towards the \$12 million advance.  
419 Except as provided in this paragraph, any funds not directed to  
420 implement the mitigation plan should, to the greatest extent

421 possible, be directed to fund invasive plant control within  
 422 wetlands and other surface waters.

423 Section 18. In order to implement Specific Appropriation  
 424 1690 of the 2004-2005 General Appropriations Act, subsection (3)  
 425 of section 120.551, Florida Statutes, is amended to read:

426 120.551 Internet publication.--

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

430 Section 19. (1) In order to implement Specific  
 431 Appropriation 1453A of the 2005-2006 General Appropriations Act,  
 432 there is hereby created the Florida Pork Producers Transition  
 433 Grant Program within the Department of Agriculture and Consumer  
 434 Services to provide assistance to any person or persons or  
 435 entities that were using farming methods described in Article X,  
 436 Section 21 of the Florida Constitution on November 5, 2002. The  
 437 purpose of the program is to assist Florida pork producers in  
 438 reducing encumbered debt on stranded investment in equipment and  
 439 in transitioning into other farming or agriculture activities.

440 (2) Any person or persons or entities that were using  
 441 farming methods described in Article X, Section 21 of the  
 442 Florida Constitution on November 5, 2002, are entitled to apply  
 443 for a grant from the program if that person or entity signs a  
 444 letter of intent to cease or has ceased using farming methods  
 445 described in Article X, Section 21 of the Florida Constitution  
 446 on land within this state and agrees in writing to continue to  
 447 use the land as actively engaged in an agricultural or farming  
 448 activity other than pork production until at least November

449 2008.

450 (3) The department shall provide grants of not more than  
 451 \$275,000 to each person or persons or entities who meet the  
 452 criteria for the program and who enter into such a letter of  
 453 intent with the department, on a first-come first-served basis;  
 454 provided that the application for the grant is made on or before  
 455 December 29, 2005. The department may adopt rules to implement  
 456 the Florida Pork Producers Transition Grant Program.

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

458 Section 20. In order to implement Specific Appropriation  
 459 2501 of the 2005-2006 General Appropriations Act, paragraph (b)  
 460 of subsection (9) of section 320.08058, Florida Statutes, is  
 461 amended to read:

462 320.08058 Specialty license plates.--

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

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

466 1. Fifty-five percent of the proceeds from the Florida  
 467 Professional Sports Team plate must be deposited into the  
 468 Professional Sports Development Trust Fund within the Office of  
 469 Tourism, Trade, and Economic Development. These funds must be  
 470 used solely to attract and support major sports events in this  
 471 state. As used in this subparagraph, the term "major sports  
 472 events" means, but is not limited to, championship or all-star  
 473 contests of Major League Baseball, the National Basketball  
 474 Association, the National Football League, the National Hockey  
 475 League, the men's and women's National Collegiate Athletic  
 476 Association Final Four basketball championship, or a horseracing

477 or dogracing Breeders' Cup. All funds must be used to support  
478 and promote major sporting events, and the uses must be approved  
479 by the Florida Sports Foundation.

480 2. The remaining proceeds of the Florida Professional  
481 Sports Team license plate must be allocated to the Florida  
482 Sports Foundation, a direct-support organization of the Office  
483 of Tourism, Trade, and Economic Development. These funds must be  
484 deposited into the Professional Sports Development Trust Fund  
485 within the Office of Tourism, Trade, and Economic Development.  
486 These funds must be used by the Florida Sports Foundation to  
487 promote the economic development of the sports industry; to  
488 distribute licensing and royalty fees to participating  
489 professional sports teams; to promote education programs in  
490 Florida schools that provide an awareness of the benefits of  
491 physical activity and nutrition standards; to partner with the  
492 Department of Education and the Department of Health to develop  
493 a program that recognizes schools whose students demonstrate  
494 excellent physical fitness or fitness improvement; to institute  
495 a grant program for communities bidding on minor sporting events  
496 that create an economic impact for the state; to distribute  
497 funds to Florida-based charities designated by the Florida  
498 Sports Foundation and the participating professional sports  
499 teams; and to fulfill the sports promotion responsibilities of  
500 the Office of Tourism, Trade, and Economic Development.

501 3. The Florida Sports Foundation shall provide an annual  
502 financial audit in accordance with s. 215.981 of its financial  
503 accounts and records by an independent certified public  
504 accountant pursuant to the contract established by the Office of

505 Tourism, Trade, and Economic Development as specified in s.  
 506 288.1229(5). The auditor shall submit the audit report to the  
 507 Office of Tourism, Trade, and Economic Development for review  
 508 and approval. If the audit report is approved, the office shall  
 509 certify the audit report to the Auditor General for review.

510 4. For the 2005-2006 ~~2004-2005~~ fiscal year only and  
 511 notwithstanding the provisions of subparagraphs 1. and 2.,  
 512 proceeds from the Professional Sports Development Trust Fund may  
 513 also be used for operational expenses of the Florida Sports  
 514 Foundation and financial support of the Sunshine State Games.  
 515 This subparagraph expires July 1, 2006 ~~2005~~.

516 Section 21. In order to implement Specific Appropriation  
 517 2121 of the 2005-2006 General Appropriations Act, section  
 518 445.048, Florida Statutes, as amended by section 53 of chapter  
 519 2004-269, Laws of Florida, is amended to read:

520 445.048 Passport to Economic Progress ~~demonstration~~  
 521 program.--

522 (1) AUTHORIZATION.--Notwithstanding any law to the  
 523 contrary, Workforce Florida, Inc., in conjunction with the  
 524 Department of Children and Family Services and the Agency for  
 525 Workforce Innovation, shall implement a Passport to Economic  
 526 Progress ~~demonstration~~ program ~~by November 1, 2001,~~ consistent  
 527 with the provisions of this section ~~in Hillsborough and Manatee~~  
 528 ~~counties.~~ Workforce Florida, Inc., may designate regional  
 529 workforce boards to participate in the program. Expenses for the  
 530 program may come from appropriated revenues or from funds  
 531 otherwise available to a regional workforce board which may be  
 532 legally used for such purposes. Workforce Florida, Inc., must

533 consult with the applicable regional workforce boards and the  
 534 applicable local offices of the Department of Children and  
 535 Family Services which serve the demonstration areas and must  
 536 encourage community input into the implementation process.

537 (2) WAIVERS.--If Workforce Florida, Inc., in consultation  
 538 with the Department of Children and Family Services, finds that  
 539 federal waivers would facilitate implementation of the  
 540 demonstration program, the department shall immediately request  
 541 such waivers, and Workforce Florida, Inc., shall report to the  
 542 Governor, the President of the Senate, and the Speaker of the  
 543 House of Representatives if any refusal of the federal  
 544 government to grant such waivers prevents the implementation of  
 545 the demonstration program. If Workforce Florida, Inc., finds  
 546 that federal waivers to provisions of the Food Stamp Program  
 547 would facilitate implementation of the demonstration program,  
 548 the Department of Children and Family Services shall immediately  
 549 request such waivers in accordance with s. 414.175.

550 ~~(3) INCOME DISREGARD.--In order to provide an additional~~  
 551 ~~incentive for employment, and notwithstanding the amount~~  
 552 ~~specified in s. 414.095(12), for individuals residing in the~~  
 553 ~~areas designated for this demonstration program, the first \$300~~  
 554 ~~plus one half of the remainder of earned income shall be~~  
 555 ~~disregarded in determining eligibility for temporary cash~~  
 556 ~~assistance. All other conditions and requirements of s.~~  
 557 ~~414.095(12) shall continue to apply to such individuals.~~

558 (3)~~(4)~~ TRANSITIONAL BENEFITS AND SERVICES.--In order to  
 559 assist them in making the transition to economic self-  
 560 sufficiency, former recipients of temporary cash assistance

561 residing within the areas designated for this demonstration  
 562 program shall be eligible for the following benefits and  
 563 services:

564 (a) Notwithstanding the time period specified in s.  
 565 445.030, transitional education and training support services as  
 566 specified in s. 445.030 for up to 4 years after the family is no  
 567 longer receiving temporary cash assistance;

568 (b) Notwithstanding the time period specified in s.  
 569 445.031, transitional transportation support services as  
 570 specified in s. 445.031 for up to 4 years after the family is no  
 571 longer receiving temporary cash assistance; and

572 (c) Notwithstanding the time period specified in s.  
 573 445.032, transitional child care as specified in s. 445.032 for  
 574 up to 4 years after the family is no longer receiving temporary  
 575 cash assistance.

576  
 577 All other provisions of ss. 445.030, 445.031, and 445.032 shall  
 578 apply to such individuals, as appropriate. This subsection does  
 579 not constitute an entitlement to transitional benefits and  
 580 services. If funds are insufficient to provide benefits and  
 581 services under this subsection, the board of directors of  
 582 Workforce Florida, Inc., or its agent, may limit such benefits  
 583 and services or otherwise establish priorities for the  
 584 provisions of such benefits and services.

585 ~~(4)-(5)~~ INCENTIVES TO ECONOMIC SELF-SUFFICIENCY WAGE  
 586 SUPPLEMENTATION.--

587 (a) The Legislature finds that:

588 1. There are former recipients of temporary cash

589 assistance who are working full time but whose incomes are below  
590 the federal poverty level.

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

595 3. It is necessary to implement a performance-based  
596 program that defines economic incentives for achieving specific  
597 benchmarks toward self-sufficiency while the individual is  
598 working full-time ~~supplement the wages of such individuals for a~~  
599 ~~limited period of time in order to assist them in fulfilling the~~  
600 ~~transition to economic self-sufficiency.~~

601 (b) Workforce Florida, Inc., in cooperation with the  
602 Department of Children and Family Services and the Agency for  
603 Workforce Innovation, shall offer performance-based incentive  
604 bonuses ~~create a transitional wage supplementation program by~~  
605 ~~November 1, 2001,~~ as a component of the Passport to Economic  
606 Progress ~~demonstration program in the areas designated for the~~  
607 ~~demonstration program. This wage supplementation program does~~  
608 ~~not constitute an entitlement to wage supplementation. The~~  
609 bonuses do not represent a program entitlement and shall be  
610 contingent on achieving specific benchmarks prescribed in the  
611 self-sufficiency plan. If the funds appropriated for this  
612 purpose are insufficient to provide this financial incentive  
613 ~~wage supplementation,~~ the board of directors of Workforce  
614 Florida, Inc., may reduce or suspend the bonuses in order not to  
615 exceed the appropriation or may direct the regional boards to  
616 use resources otherwise given to the regional workforce to pay

617 such bonuses if such payments comply with applicable state and  
618 federal laws limit wage supplementation or otherwise establish  
619 priorities for wage supplementation.

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

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

624 2. Be employed full time, which for the purposes of this  
625 subsection means employment averaging at least 32 hours per  
626 week, until the United States Congress enacts legislation  
627 reauthorizing the Temporary Assistance for Needy Families block  
628 grant and, after the reauthorization, means employment complying  
629 with the employment requirements of the reauthorization; and

630 3. Have an average family income for the 6 months  
631 preceding the date of application for an incentive bonus wage  
632 ~~supplementation~~ which is less than 200 ~~100~~ percent of the  
633 federal poverty level.

634 ~~(d) Workforce Florida, Inc., shall determine the schedule~~  
635 ~~for the payment of wage supplementation under this subsection.~~  
636 ~~An individual eligible for wage supplementation under this~~  
637 ~~subsection may receive a payment that equals the amount~~  
638 ~~necessary to bring the individual's total family income for the~~  
639 ~~period covered by the payment to 100 percent of the federal~~  
640 ~~poverty level. An individual may not receive wage~~  
641 ~~supplementation payments for more than a total of 12 months.~~

642 ~~(e) The wage supplementation program authorized by this~~  
643 ~~subsection shall be administered through the regional workforce~~  
644 ~~boards and the one stop delivery system, under policy~~

645 ~~guidelines, criteria, and applications developed by Workforce~~  
646 ~~Florida, Inc., in cooperation with the Department of Children~~  
647 ~~and Family Services and the Agency for Workforce Innovation. To~~  
648 ~~the maximum extent possible, the regional workforce boards shall~~  
649 ~~use electronic debit card technologies to provide wage~~  
650 ~~supplementation payments under this program.~~

651 (5)~~(6)~~ EVALUATIONS AND RECOMMENDATIONS.--Workforce  
652 Florida, Inc., in conjunction with the Department of Children  
653 and Family Services, the Agency for Workforce Innovation, and  
654 the regional workforce boards ~~in the areas designated for this~~  
655 ~~demonstration program~~, shall conduct a comprehensive evaluation  
656 of the effectiveness of the ~~demonstration~~ program operated under  
657 this section. Evaluations and recommendations for the program  
658 shall be submitted by Workforce Florida, Inc., as part of its  
659 annual report to the Legislature. By January 1, 2003, Workforce  
660 Florida, Inc., shall submit a report on such evaluation to the  
661 Governor, the President of the Senate, and the Speaker of the  
662 House of Representatives. The report must include  
663 recommendations as to whether the demonstration program should  
664 be expanded to other service areas or statewide and whether the  
665 program should be revised to enhance its administration or  
666 effectiveness.

667 (6)~~(7)~~ CONFLICTS.--If there is a conflict between the  
668 implementation procedures described in this section and federal  
669 requirements and regulations, federal requirements and  
670 regulations shall control.

671 Section 22. The amendment of s. 445.048, Florida Statutes,  
672 by this act shall expire on July 1, 2006, and the text of that

673 section shall revert to that in existence on June 30, 2005,  
 674 except that any amendments to such text enacted other than by  
 675 this act shall be preserved and continue to operate to the  
 676 extent that such amendments are not dependent upon the portions  
 677 of such text which expire pursuant to the provisions of this  
 678 act.

679 Section 23. In order to implement section 31 of the 2005-  
 680 2006 General Appropriations Act, subsection (13) of section  
 681 253.034, Florida Statutes, is amended to read:

682 253.034 State-owned lands; uses.--

683 (13) Notwithstanding the provisions of this section, funds  
 684 from the sale of property by the Department of Highway Safety  
 685 and Motor Vehicles located in Palm Beach County ~~and Orange~~  
 686 ~~Counties~~ are authorized to be deposited into the Highway Safety  
 687 Operating Trust Fund to facilitate the exchange as provided in  
 688 the General Appropriations Act, provided that at the conclusion  
 689 of both exchanges the values are equalized. This subsection  
 690 expires July 1, 2006 ~~2005~~.

691 Section 24. In order to implement proviso language in  
 692 Specific Appropriation 2162G of the 2005-2006 General  
 693 Appropriations Act, subsection (4) of section 402.3017, Florida  
 694 Statutes, is amended to read:

695 402.3017 Teacher Education and Compensation Helps (TEACH)  
 696 scholarship program.--

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

700 Section 25. In order to implement Specific Appropriation

701 2982B of the 2005-2006 General Appropriations Act, paragraph (b)  
 702 of subsection (7) of section 265.702, Florida Statutes, is  
 703 amended to read:

704 265.702 Regional cultural facilities; grants for  
 705 acquisition, renovation, or construction; funding; approval;  
 706 allocation.--

707 (7)

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

713 Section 26. In order to implement Specific Appropriation  
 714 2930 of the 2005-2006 General Appropriations Act, paragraph (f)  
 715 of subsection (5) of section 287.057, Florida Statutes, is  
 716 amended to read:

717 287.057 Procurement of commodities or contractual  
 718 services.--

719 (5) When the purchase price of commodities or contractual  
 720 services exceeds the threshold amount provided in s. 287.017 for  
 721 CATEGORY TWO, no purchase of commodities or contractual services  
 722 may be made without receiving competitive sealed bids,  
 723 competitive sealed proposals, or competitive sealed replies  
 724 unless:

725 (f) The following contractual services and commodities are  
 726 not subject to the competitive-solicitation requirements of this  
 727 section:

728 1. Artistic services.

- 729           2. Academic program reviews.
- 730           3. Lectures by individuals.
- 731           4. Auditing services.
- 732           5. Legal services, including attorney, paralegal, expert  
733 witness, appraisal, or mediator services.
- 734           6. Health services involving examination, diagnosis,  
735 treatment, prevention, medical consultation, or administration.
- 736           7. Services provided to persons with mental or physical  
737 disabilities by not-for-profit corporations which have obtained  
738 exemptions under the provisions of s. 501(c)(3) of the United  
739 States Internal Revenue Code or when such services are governed  
740 by the provisions of Office of Management and Budget Circular A-  
741 122. However, in acquiring such services, the agency shall  
742 consider the ability of the vendor, past performance,  
743 willingness to meet time requirements, and price.
- 744           8. Medicaid services delivered to an eligible Medicaid  
745 recipient by a health care provider who has not previously  
746 applied for and received a Medicaid provider number from the  
747 Agency for Health Care Administration. However, this exception  
748 shall be valid for a period not to exceed 90 days after the date  
749 of delivery to the Medicaid recipient and shall not be renewed  
750 by the agency.
- 751           9. Family placement services.
- 752           10. Prevention services related to mental health,  
753 including drug abuse prevention programs, child abuse prevention  
754 programs, and shelters for runaways, operated by not-for-profit  
755 corporations. However, in acquiring such services, the agency

756 shall consider the ability of the vendor, past performance,  
757 willingness to meet time requirements, and price.

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

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

761 13. Services or commodities provided by governmental  
762 agencies.

763 14. Voter education activities of the Department of State  
764 or the supervisors of elections funded by Specific Appropriation  
765 2930 ~~2871H~~ of the 2005-2006 ~~2004-2005~~ General Appropriations  
766 Act, either individually or in the aggregate or with their  
767 respective professional associations. This subparagraph expires  
768 July 1, 2006 ~~2005~~.

769 Section 27. In order to implement Specific Appropriation  
770 2999 of the 2005-2006 General Appropriations Act, and pursuant  
771 to the notice, review, and objection procedures of s. 216.177,  
772 Florida Statutes, funds in Specific Appropriation 2999 of the  
773 2005-2006 General Appropriations Act may be transferred from the  
774 courts to the Justice Administrative Commission in order to  
775 address unanticipated shortfalls in due process services  
776 appropriations in excess of the contingency fund provided in  
777 Specific Appropriation 2999 of the 2005-2006 General  
778 Appropriations Act. This section expires July 1, 2006.

779 Section 28. In order to implement Specific Appropriations  
780 836, 837, 839, 840, and 3020 of the 2005-2006 General  
781 Appropriations Act, if a deficit is projected by the Justice  
782 Administrative Commission or the state courts in any specific  
783 appropriation provided for due process services, the Governor or

784 the Chief Justice of the Supreme Court, respectively, may submit  
 785 a budget amendment for consideration by the Legislative Budget  
 786 Commission to authorize the expenditure of funds from the  
 787 Working Capital Fund to offset such deficiency. Any budget  
 788 amendment submitted by the Governor to the Legislative Budget  
 789 Commission shall contain certification by the Justice  
 790 Administrative Commission that all actions required by s.  
 791 29.015, Florida Statutes, have been completed and that no funds  
 792 exist in any contingency fund appropriation available to the  
 793 entity projected to experience the deficiency. Any budget  
 794 amendment submitted by the Supreme Court shall contain  
 795 certification that the court has completed all actions required  
 796 by s. 29.016, Florida Statutes, and that no funds exist in any  
 797 contingency fund available to the state courts system. This  
 798 section expires July 1, 2006.

799 Section 29. In order to implement the transfer of moneys  
 800 to the Working Capital Fund from trust funds in the 2005-2006  
 801 General Appropriations Act, paragraph (b) of subsection (2) of  
 802 section 215.32, Florida Statutes, is reenacted to read:

803 215.32 State funds; segregation.--

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

806 (b)1. The trust funds shall consist of moneys received by  
 807 the state which under law or under trust agreement are  
 808 segregated for a purpose authorized by law. The state agency or  
 809 branch of state government receiving or collecting such moneys  
 810 shall be responsible for their proper expenditure as provided by  
 811 law. Upon the request of the state agency or branch of state

812 government responsible for the administration of the trust fund,  
813 the Chief Financial Officer may establish accounts within the  
814 trust fund at a level considered necessary for proper  
815 accountability. Once an account is established within a trust  
816 fund, the Chief Financial Officer may authorize payment from  
817 that account only upon determining that there is sufficient cash  
818 and releases at the level of the account.

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

822 a. Operations or operating trust fund, for use as a  
823 depository for funds to be used for program operations funded by  
824 program revenues, with the exception of administrative  
825 activities when the operations or operating trust fund is a  
826 proprietary fund.

827 b. Operations and maintenance trust fund, for use as a  
828 depository for client services funded by third-party payors.

829 c. Administrative trust fund, for use as a depository for  
830 funds to be used for management activities that are departmental  
831 in nature and funded by indirect cost earnings and assessments  
832 against trust funds. Proprietary funds are excluded from the  
833 requirement of using an administrative trust fund.

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

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

840 f. Clearing funds trust fund, for use as a depository for  
841 funds to account for collections pending distribution to lawful  
842 recipients.

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

846

847 To the extent possible, each agency must adjust its internal  
848 accounting to use existing trust funds consistent with the  
849 requirements of this subparagraph. If an agency does not have  
850 trust funds listed in this subparagraph and cannot make such  
851 adjustment, the agency must recommend the creation of the  
852 necessary trust funds to the Legislature no later than the next  
853 scheduled review of the agency's trust funds pursuant to s.  
854 215.3206.

855 3. All such moneys are hereby appropriated to be expended  
856 in accordance with the law or trust agreement under which they  
857 were received, subject always to the provisions of chapter 216  
858 relating to the appropriation of funds and to the applicable  
859 laws relating to the deposit or expenditure of moneys in the  
860 State Treasury.

861 4.a. Notwithstanding any provision of law restricting the  
862 use of trust funds to specific purposes, unappropriated cash  
863 balances from selected trust funds may be authorized by the  
864 Legislature for transfer to the Budget Stabilization Fund and  
865 Working Capital Fund in the General Appropriations Act.

866 b. This subparagraph does not apply to trust funds  
867 required by federal programs or mandates; trust funds

868 established for bond covenants, indentures, or resolutions whose  
 869 revenues are legally pledged by the state or public body to meet  
 870 debt service or other financial requirements of any debt  
 871 obligations of the state or any public body; the State  
 872 Transportation Trust Fund; the trust fund containing the net  
 873 annual proceeds from the Florida Education Lotteries; the  
 874 Florida Retirement System Trust Fund; trust funds under the  
 875 management of the Board of Regents, where such trust funds are  
 876 for auxiliary enterprises, self-insurance, and contracts,  
 877 grants, and donations, as those terms are defined by general  
 878 law; trust funds that serve as clearing funds or accounts for  
 879 the Chief Financial Officer or state agencies; trust funds that  
 880 account for assets held by the state in a trustee capacity as an  
 881 agent or fiduciary for individuals, private organizations, or  
 882 other governmental units; and other trust funds authorized by  
 883 the State Constitution.

884 Section 30. A section of this act that implements a  
 885 specific appropriation or specifically identified proviso  
 886 language in the 2005-2006 General Appropriations Act is void if  
 887 the specific appropriation or specifically identified proviso  
 888 language is vetoed. A section of this act that implements more  
 889 than one specific appropriation or more than one portion of  
 890 specifically identified proviso language in the 2005-2006  
 891 General Appropriations Act is void if all the specific  
 892 appropriations or portions of specifically identified proviso  
 893 language are vetoed.

894 Section 31. If any other act passed in 2005 contains a  
 895 provision that is substantively the same as a provision in this

896 act, but that removes or is otherwise not subject to the future  
897 repeal applied to such provision by this act, the Legislature  
898 intends that the provision in the other act shall take  
899 precedence and shall continue to operate, notwithstanding the  
900 future repeal provided by this act.

901 Section 32. The agency performance measures and standards  
902 in the document entitled "Performance Measures and Standards  
903 Approved by the Legislature for Fiscal Year 2005-2006" dated  
904 April 4, 2005, and filed with the Clerk of the House of  
905 Representatives are incorporated by reference. Such performance  
906 measures and standards are directly linked to the appropriations  
907 made in the General Appropriations Act for fiscal year 2005-  
908 2006, as required by the Government Performance and  
909 Accountability Act of 1994. State agencies are directed to  
910 revise their long-range program plans required under s. 216.013,  
911 Florida Statutes, to be consistent with these performance  
912 measures and standards.

913 Section 33. If any provision of this act or its  
914 application to any person or circumstance is held invalid, the  
915 invalidity does not affect other provisions or applications of  
916 the act which can be given effect without the invalid provision  
917 or application, and to this end the provisions of this act are  
918 severable.

919 Section 34. Except as otherwise expressly provided in this  
920 act, this act shall take effect July 1, 2005; or, if this act  
921 fails to become a law until after that date, it shall take  
922 effect upon becoming a law and shall operate retroactively to  
923 July 1, 2005.