

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Negron offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

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

11 1013.62 Charter schools capital outlay funding.--

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

14 (a) If the appropriation for charter school capital outlay
15 funds is no greater than the 2002-2003 appropriation, the funds

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16 shall be allocated according to the formula outlined in
17 subsection (1) to:

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

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

21 3. Schools that have an approved charter and are serving
22 students at the start of the 2003-2004 school year and either
23 incurred long-term financial obligations prior to January 31,
24 2003, or began construction on educational facilities prior to
25 December 31, 2002.

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

29 ~~(c) If the appropriation for charter school capital outlay~~
30 ~~funds is greater than the 2002-2003 appropriation, the amount of~~
31 ~~funds provided in the 2002-2003 appropriation shall be allocated~~
32 ~~according to paragraph (a). First priority for allocating the~~
33 ~~amount in excess of the 2002-2003 appropriation shall be to~~
34 ~~prorate the excess funds among the charter schools with long-~~
35 ~~term debt or long-term lease to the extent that the initial~~
36 ~~allocation is insufficient to provide one-fifteenth of the cost~~
37 ~~per student station specified in s. 1013.64(6)(b), and second~~
38 ~~priority shall be to other eligible charter schools.~~

39 Section 3. The amendment of subsection (7) of s. 1013.62,
40 Florida Statutes, by this act shall expire on July 1, 2006, and
41 the text of that section shall revert to that in existence on
42 June 30, 2005, except that any amendments to such text enacted

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43 other than by this act shall be preserved and continue to
44 operate to the extent that such amendments are not dependent
45 upon the portions of such text which expire pursuant to the
46 provisions of this act.

47 Section 4. In order to implement section 11 of the 2005-
48 2006 General Appropriations Act, section 1004.065, Florida
49 Statutes, is created to read:

50 1004.065 Limitation on university and direct-support
51 organization financings.--No project may be financed by or on
52 behalf of a university or a direct-support organization pursuant
53 to s. 1001.74(5), s. 1004.28(6), s. 1010.60(2), s. 1013.15, s.
54 1013.16, s. 1013.17, s. 1013.171, s. 1013.74, or s. 1013.78, or
55 through any financing mechanism, including, but not limited to,
56 revenue bonds, promissory notes, certificates of participation,
57 lease-purchase agreements, or any other form of indebtedness,
58 without prior approval of the project by the Legislature by an
59 act relating to appropriations or general law. This section
60 expires July 1, 2006.

61 Section 5. In order to implement Specific Appropriations
62 325-328, 332-336, 351, and 354 of the 2005-2006 General
63 Appropriations Act, subsection (8) of section 394.908, Florida
64 Statutes, is amended to read:

65 394.908 Substance abuse and mental health funding equity;
66 distribution of appropriations.--In recognition of the
67 historical inequity among service districts of the former
68 Department of Health and Rehabilitative Services in the funding
69 of substance abuse and mental health services, and in order to

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70 rectify this inequity and provide for equitable funding in the
71 future throughout the state, the following funding process shall
72 be adhered to:

73 (8) For fiscal year 2005-2006 ~~2004-2005~~ only, and
74 notwithstanding the provisions of this section, all new funds
75 received in excess of fiscal year 2004-2005 ~~2003-2004~~ recurring
76 appropriations shall be allocated in accordance with the
77 provisions of the General Appropriations Act; however, no
78 district shall receive an allocation of recurring funds less
79 than its initial approved operating budget, plus any
80 distributions of lump sum appropriations or reductions in
81 unfunded budget, for fiscal year 2004-2005 ~~2003-2004~~. Funds
82 appropriated for projects in specific locations in the General
83 Appropriations Act shall be included in the base funding of the
84 respective district when calculating the distribution of funds
85 under the equity formula. This subsection expires July 1, 2006
86 2005.

87 Section 6. In order to implement Specific Appropriations
88 395-404 of the 2005-2006 General Appropriations Act, paragraph
89 (b) of subsection (14) of section 287.057, Florida Statutes, is
90 amended to read:

91 287.057 Procurement of commodities or contractual
92 services.--

93 (14)

94 (b) Notwithstanding paragraph (a), the Department of
95 Children and Family Services may enter into agreements, not to
96 exceed 20 years, with a private provider to finance, design, and

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97 | construct a treatment facility, as defined in s. 394.455, of at
98 | least 200 beds and to operate all aspects of daily operations
99 | within the treatment facility. The selected contractor is
100 | authorized to sponsor the issuance of tax-exempt certificates of
101 | participation or other securities to finance the project, and
102 | the state is authorized to enter into a lease-purchase agreement
103 | for the treatment facility. The Department of Children and
104 | Family Services shall begin the implementation of this
105 | privatization initiative by January 1, 2006 ~~2005~~. This paragraph
106 | expires July 1, 2006 ~~2005~~.

107 | Section 7. In order to implement Specific Appropriation
108 | 595 of the 2005-2006 General Appropriations Act, subsection (3)
109 | of section 381.79, Florida Statutes, is amended to read:

110 | 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

111 | (3)(a) Annually, 5 percent of the revenues deposited
112 | monthly in the fund pursuant to s. 318.21(2)(d) shall be
113 | appropriated to the University of Florida and 5 percent to the
114 | University of Miami for spinal cord injury and brain injury
115 | research. The amount to be distributed to the universities shall
116 | be calculated based on the deposits into the fund for each
117 | quarter in the fiscal year, but may not exceed \$500,000 per
118 | university per year. Funds distributed under this subsection
119 | shall be made in quarterly payments at the end of each quarter
120 | during the fiscal year.

121 | (b) For the 2005-2006 ~~2004-2005~~ fiscal year only, and
122 | notwithstanding paragraph (a), revenues deposited in the fund
123 | pursuant to s. 318.21(2)(d) may be appropriated for spinal cord

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124 injury and brain injury research at the University of Miami. The
125 amount appropriated in the 2005-2006 ~~2004-2005~~ General
126 Appropriations Act shall be distributed in equal quarterly
127 payments at the end of each quarter during the fiscal year. This
128 paragraph expires July 1, 2006 ~~2005~~.

129 Section 8. In order to implement Specific Appropriations
130 238-404 of the 2005-2006 General Appropriations Act, paragraph
131 (b) of subsection (10) of section 402.33, Florida Statutes, is
132 amended to read:

133 402.33 Department authority to charge fees for services
134 provided.--

135 (10)

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

139 Section 9. In order to fulfill legislative intent
140 regarding the use of funds contained in Specific Appropriations
141 676, 688, 698, and 1136 of the 2005-2006 General Appropriations
142 Act, the Department of Corrections and the Department of
143 Juvenile Justice may expend appropriated funds to assist in
144 defraying the costs of impacts that are incurred by a
145 municipality or county and associated with opening or operating
146 a facility under the authority of the respective department
147 which is located within that municipality or county. The amount
148 that is to be paid under this section for any facility may not
149 exceed 1 percent of the facility construction cost, less
150 building impact fees imposed by the municipality or by the

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151 county if the facility is located in the unincorporated portion
152 of the county. This section expires July 1, 2006.

153 Section 10. In order to implement Specific Appropriation
154 1201 of the 2005-2006 General Appropriations Act, paragraph (d)
155 is added to subsection (4) of section 932.7055, Florida
156 Statutes, to read:

157 932.7055 Disposition of liens and forfeited property.--

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

160 (d) Notwithstanding any other provision of this
161 subsection, and for the 2005-2006 fiscal year only, the funds in
162 a special law enforcement trust fund established by the
163 governing body of a municipality may be expended to reimburse
164 the general fund of the municipality for moneys advanced from
165 the general fund to the special law enforcement trust fund prior
166 to October 1, 2001. This paragraph expires July 1, 2006.

167 Section 11. In order to implement Specific Appropriations
168 666-761 and 797-827 of the 2005-2006 General Appropriations Act,
169 subsection (4) of section 216.262, Florida Statutes, is amended
170 to read:

171 216.262 Authorized positions.--

172 (4) Notwithstanding the provisions of this chapter on
173 increasing the number of authorized positions, and for the 2005-
174 2006 ~~2004-2005~~ fiscal year only, if the actual inmate population
175 of the Department of Corrections exceeds the inmate population
176 projections of the February 16, 2005 ~~2004~~, Criminal Justice
177 Estimating Conference by 1 percent for 2 consecutive months or 2

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178 percent for any month, the Executive Office of the Governor,
179 with the approval of the Legislative Budget Commission, shall
180 immediately notify the Criminal Justice Estimating Conference,
181 which shall convene as soon as possible to revise the estimates.
182 The Department of Corrections may then submit a budget amendment
183 requesting the establishment of positions in excess of the
184 number authorized by the Legislature and additional
185 appropriations from the General Revenue Fund or the Working
186 Capital Fund sufficient to provide for essential staff and other
187 resources to provide classification, security, food services,
188 health services, and other variable expenses within the
189 institutions to accommodate the estimated increase in the inmate
190 population. All actions taken pursuant to the authority granted
191 in this subsection shall be subject to review and approval by
192 the Legislative Budget Commission. This subsection expires July
193 1, 2006 ~~2005~~.

194 Section 12. In order to implement Specific Appropriation
195 751 of the 2005-2006 General Appropriations Act, the Department
196 of Children and Family Services shall transfer the Tramell
197 Building on the grounds of the Florida State Hospital to the
198 Department of Corrections to be used for 953 additional prison
199 beds.

200 Section 13. In order to implement the appropriation of
201 funds in Special Categories-Risk Management Insurance of the
202 2005-2006 General Appropriations Act, and pursuant to the
203 notice, review, and objection procedures of s. 216.177, Florida
204 Statutes, the Executive Office of the Governor is authorized to

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205 transfer funds appropriated in the appropriation category
206 "Special Categories-Risk Management Insurance" of the 2005-2006
207 General Appropriations Act between departments in order to align
208 the budget authority granted with the premiums paid by each
209 department for risk management insurance. This section expires
210 July 1, 2006.

211 Section 14. In order to implement the appropriation of
212 funds in Special Categories-Transfer to Department of Management
213 Services-Human Resources Services Purchased Per Statewide
214 Contract of the 2005-2006 General Appropriations Act, and
215 pursuant to the notice, review, and objection procedures of s.
216 216.177, Florida Statutes, the Executive Office of the Governor
217 is authorized to transfer funds appropriated in the
218 appropriation category "Special Categories-Transfer to
219 Department of Management Services-Human Resources Services
220 Purchased Per Statewide Contract" of the 2005-2006 General
221 Appropriations Act between departments in order to align the
222 budget authority granted with the assessments that must be paid
223 by each agency to the Department of Management Services for
224 human resource management services. This section expires July 1,
225 2006.

226 Section 15. In order to implement sections 2 through 7 of
227 the 2005-2006 General Appropriations Act, paragraph (c) of
228 subsection (5) and paragraph (d) of subsection (6) of section
229 112.061, Florida Statutes, are amended to read:

230 112.061 Per diem and travel expenses of public officers,
231 employees, and authorized persons.--

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

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

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

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

249 Section 16. In order to implement Specific Appropriation
250 1742, subsection (14) is added to section 376.3071, Florida
251 Statutes, to read:

252 376.3071 Inland Protection Trust Fund; creation; purposes;
253 funding.--

254 (14) ADDITIONAL USES OF FUNDS FOR SPECIFIED FISCAL
255 YEAR.--Notwithstanding subsection (4) and s. 376.30711, for the
256 2005-2006 fiscal year only funds from the Inland Protection
257 Trust Fund may be used to clean up petroleum contaminated sites
258 registered in a state-funded program that have been identified

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259 as viable affordable housing sites by the Department of
260 Community Affairs together with local governments and may be
261 used to purchase generators for emergency fuel supply. This
262 subsection expires July 1, 2006.

263 Section 17. In order to implement Specific Appropriation
264 1590 of the 2005-2006 General Appropriations Act, paragraph (c)
265 of subsection (4) of section 373.4137, Florida Statutes, is
266 amended to read:

267 373.4137 Mitigation requirements.--

268 (4) Prior to December 1 of each year, each water
269 management district, in consultation with the Department of
270 Environmental Protection, the United States Army Corps of
271 Engineers, the Department of Transportation, transportation
272 authorities established pursuant to chapter 348 or chapter 349,
273 and other appropriate federal, state, and local governments, and
274 other interested parties, including entities operating
275 mitigation banks, shall develop a plan for the primary purpose
276 of complying with the mitigation requirements adopted pursuant
277 to this part and 33 U.S.C. s. 1344. This plan shall also address
278 significant invasive plant problems within wetlands and other
279 surface waters. In developing such plans, the districts shall
280 utilize sound ecosystem management practices to address
281 significant water resource needs and shall focus on activities
282 of the Department of Environmental Protection and the water
283 management districts, such as surface water improvement and
284 management (SWIM) waterbodies and lands identified for potential
285 acquisition for preservation, restoration, and enhancement, to

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286 | the extent that such activities comply with the mitigation
287 | requirements adopted under this part and 33 U.S.C. s. 1344. In
288 | determining the activities to be included in such plans, the
289 | districts shall also consider the purchase of credits from
290 | public or private mitigation banks permitted under s. 373.4136
291 | and associated federal authorization and shall include such
292 | purchase as a part of the mitigation plan when such purchase
293 | would offset the impact of the transportation project, provide
294 | equal benefits to the water resources than other mitigation
295 | options being considered, and provide the most cost-effective
296 | mitigation option. The mitigation plan shall be preliminarily
297 | approved by the water management district governing board and
298 | shall be submitted to the secretary of the Department of
299 | Environmental Protection for review and final approval. The
300 | preliminary approval by the water management district governing
301 | board does not constitute a decision that affects substantial
302 | interests as provided by s. 120.569. At least 30 days prior to
303 | preliminary approval, the water management district shall
304 | provide a copy of the draft mitigation plan to any person who
305 | has requested a copy.

306 | (c) Surface water improvement and management or invasive
307 | plant control projects undertaken using the \$12 million advance
308 | transferred from the Department of Transportation to the
309 | Department of Environmental Protection in fiscal year 1996-1997
310 | which meet the requirements for mitigation under this part and
311 | 33 U.S.C. s. 1344 shall remain available for mitigation until
312 | the \$12 million is fully credited up to and including fiscal

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313 | year 2006-2007 ~~2005-2006~~. When these projects are used as
314 | mitigation, the \$12 million advance shall be reduced by \$75,000
315 | per acre of impact mitigated. For any fiscal year through and
316 | including fiscal year 2006-2007 ~~2005-2006~~, to the extent the
317 | cost of developing and implementing the mitigation plans is less
318 | than the amount transferred pursuant to subsection (3), the
319 | difference shall be credited towards the \$12 million advance.
320 | Except as provided in this paragraph, any funds not directed to
321 | implement the mitigation plan should, to the greatest extent
322 | possible, be directed to fund invasive plant control within
323 | wetlands and other surface waters.

324 | Section 18. In order to implement Specific Appropriation
325 | 1690 of the 2004-2005 General Appropriations Act, subsection (3)
326 | of section 120.551, Florida Statutes, is amended to read:

327 | 120.551 Internet publication.--

328 | (3) This section is repealed effective July 1, 2006 ~~2005~~,
329 | unless reviewed and reenacted by the Legislature before that
330 | date.

331 | Section 19. (1) In order to implement Specific
332 | Appropriation 1453A of the 2005-2006 General Appropriations Act,
333 | there is hereby created the Florida Pork Producers Transition
334 | Grant Program within the Department of Agriculture and Consumer
335 | Services to provide assistance to any person or persons or
336 | entities that were using farming methods described in Article X,
337 | Section 21 of the Florida Constitution on November 5, 2002. The
338 | purpose of the program is to assist Florida pork producers in

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339 reducing encumbered debt on stranded investment in equipment and
340 in transitioning into other farming or agriculture activities.

341 (2) Any person or persons or entities that were using
342 farming methods described in Article X, Section 21 of the
343 Florida Constitution on November 5, 2002, are entitled to apply
344 for a grant from the program if that person or entity signs a
345 letter of intent to cease or has ceased using farming methods
346 described in Article X, Section 21 of the Florida Constitution
347 on land within this state and agrees in writing to continue to
348 use the land as actively engaged in an agricultural or farming
349 activity other than pork production until at least November
350 2008.

351 (3) The department shall provide grants of not more than
352 \$275,000 to each person or persons or entities who meet the
353 criteria for the program and who enter into such a letter of
354 intent with the department, on a first-come first-served basis;
355 provided that the application for the grant is made on or before
356 December 29, 2005. The department may adopt rules to implement
357 the Florida Pork Producers Transition Grant Program.

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

359 Section 20. In order to implement Specific Appropriation
360 2501 of the 2005-2006 General Appropriations Act, paragraph (b)
361 of subsection (9) of section 320.08058, Florida Statutes, is
362 amended to read:

363 320.08058 Specialty license plates.--

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

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

367 1. Fifty-five percent of the proceeds from the Florida
368 Professional Sports Team plate must be deposited into the
369 Professional Sports Development Trust Fund within the Office of
370 Tourism, Trade, and Economic Development. These funds must be
371 used solely to attract and support major sports events in this
372 state. As used in this subparagraph, the term "major sports
373 events" means, but is not limited to, championship or all-star
374 contests of Major League Baseball, the National Basketball
375 Association, the National Football League, the National Hockey
376 League, the men's and women's National Collegiate Athletic
377 Association Final Four basketball championship, or a horseracing
378 or dogracing Breeders' Cup. All funds must be used to support
379 and promote major sporting events, and the uses must be approved
380 by the Florida Sports Foundation.

381 2. The remaining proceeds of the Florida Professional
382 Sports Team license plate must be allocated to the Florida
383 Sports Foundation, a direct-support organization of the Office
384 of Tourism, Trade, and Economic Development. These funds must be
385 deposited into the Professional Sports Development Trust Fund
386 within the Office of Tourism, Trade, and Economic Development.
387 These funds must be used by the Florida Sports Foundation to
388 promote the economic development of the sports industry; to
389 distribute licensing and royalty fees to participating
390 professional sports teams; to promote education programs in
391 Florida schools that provide an awareness of the benefits of

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392 physical activity and nutrition standards; to partner with the
393 Department of Education and the Department of Health to develop
394 a program that recognizes schools whose students demonstrate
395 excellent physical fitness or fitness improvement; to institute
396 a grant program for communities bidding on minor sporting events
397 that create an economic impact for the state; to distribute
398 funds to Florida-based charities designated by the Florida
399 Sports Foundation and the participating professional sports
400 teams; and to fulfill the sports promotion responsibilities of
401 the Office of Tourism, Trade, and Economic Development.

402 3. The Florida Sports Foundation shall provide an annual
403 financial audit in accordance with s. 215.981 of its financial
404 accounts and records by an independent certified public
405 accountant pursuant to the contract established by the Office of
406 Tourism, Trade, and Economic Development as specified in s.
407 288.1229(5). The auditor shall submit the audit report to the
408 Office of Tourism, Trade, and Economic Development for review
409 and approval. If the audit report is approved, the office shall
410 certify the audit report to the Auditor General for review.

411 4. For the 2005-2006 ~~2004-2005~~ fiscal year only and
412 notwithstanding the provisions of subparagraphs 1. and 2.,
413 proceeds from the Professional Sports Development Trust Fund may
414 also be used for operational expenses of the Florida Sports
415 Foundation and financial support of the Sunshine State Games.
416 This subparagraph expires July 1, 2006 ~~2005~~.

417 Section 21. In order to implement Specific Appropriation
418 2121 of the 2005-2006 General Appropriations Act, section

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419 445.048, Florida Statutes, as amended by section 53 of chapter
420 2004-269, Laws of Florida, is amended to read:

421 445.048 Passport to Economic Progress ~~demonstration~~
422 program.--

423 (1) AUTHORIZATION.--Notwithstanding any law to the
424 contrary, Workforce Florida, Inc., in conjunction with the
425 Department of Children and Family Services and the Agency for
426 Workforce Innovation, shall implement a Passport to Economic
427 Progress ~~demonstration~~ program ~~by November 1, 2001~~, consistent
428 with the provisions of this section ~~in Hillsborough and Manatee~~
429 ~~counties~~. Workforce Florida, Inc., may designate regional
430 workforce boards to participate in the program. Expenses for the
431 program may come from appropriated revenues or from funds
432 otherwise available to a regional workforce board which may be
433 legally used for such purposes. Workforce Florida, Inc., must
434 consult with the applicable regional workforce boards and the
435 applicable local offices of the Department of Children and
436 Family Services which serve the demonstration areas and must
437 encourage community input into the implementation process.

438 (2) WAIVERS.--If Workforce Florida, Inc., in consultation
439 with the Department of Children and Family Services, finds that
440 federal waivers would facilitate implementation of the
441 demonstration program, the department shall immediately request
442 such waivers, and Workforce Florida, Inc., shall report to the
443 Governor, the President of the Senate, and the Speaker of the
444 House of Representatives if any refusal of the federal
445 government to grant such waivers prevents the implementation of

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446 the demonstration program. If Workforce Florida, Inc., finds
447 that federal waivers to provisions of the Food Stamp Program
448 would facilitate implementation of the demonstration program,
449 the Department of Children and Family Services shall immediately
450 request such waivers in accordance with s. 414.175.

451 ~~(3) INCOME DISREGARD.--In order to provide an additional~~
452 ~~incentive for employment, and notwithstanding the amount~~
453 ~~specified in s. 414.095(12), for individuals residing in the~~
454 ~~areas designated for this demonstration program, the first \$300~~
455 ~~plus one-half of the remainder of earned income shall be~~
456 ~~disregarded in determining eligibility for temporary cash~~
457 ~~assistance. All other conditions and requirements of s.~~
458 ~~414.095(12) shall continue to apply to such individuals.~~

459 (3)(4) TRANSITIONAL BENEFITS AND SERVICES.--In order to
460 assist them in making the transition to economic self-
461 sufficiency, former recipients of temporary cash assistance
462 residing within the areas designated for this demonstration
463 program shall be eligible for the following benefits and
464 services:

465 (a) Notwithstanding the time period specified in s.
466 445.030, transitional education and training support services as
467 specified in s. 445.030 for up to 4 years after the family is no
468 longer receiving temporary cash assistance;

469 (b) Notwithstanding the time period specified in s.
470 445.031, transitional transportation support services as
471 specified in s. 445.031 for up to 4 years after the family is no
472 longer receiving temporary cash assistance; and

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473 (c) Notwithstanding the time period specified in s.
474 445.032, transitional child care as specified in s. 445.032 for
475 up to 4 years after the family is no longer receiving temporary
476 cash assistance.

477
478 All other provisions of ss. 445.030, 445.031, and 445.032 shall
479 apply to such individuals, as appropriate. This subsection does
480 not constitute an entitlement to transitional benefits and
481 services. If funds are insufficient to provide benefits and
482 services under this subsection, the board of directors of
483 Workforce Florida, Inc., or its agent, may limit such benefits
484 and services or otherwise establish priorities for the
485 provisions of such benefits and services.

486 ~~(4)(5)~~ INCENTIVES TO ECONOMIC SELF-SUFFICIENCY WAGE
487 SUPPLEMENTATION.--

488 (a) The Legislature finds that:

489 1. There are former recipients of temporary cash
490 assistance who are working full time but whose incomes are below
491 the federal poverty level.

492 2. Having incomes below the federal poverty level makes
493 such individuals particularly vulnerable to reliance on public
494 assistance despite their best efforts to achieve or maintain
495 economic independence through employment.

496 3. It is necessary to implement a performance-based
497 program that defines economic incentives for achieving specific
498 benchmarks toward self-sufficiency while the individual is
499 working full-time ~~supplement the wages of such individuals for a~~

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500 ~~limited period of time in order to assist them in fulfilling the~~
501 ~~transition to economic self-sufficiency.~~

502 (b) Workforce Florida, Inc., in cooperation with the
503 Department of Children and Family Services and the Agency for
504 Workforce Innovation, shall offer performance-based incentive
505 bonuses ~~create a transitional wage supplementation program by~~
506 ~~November 1, 2001,~~ as a component of the Passport to Economic
507 Progress demonstration program in the areas designated for the
508 demonstration program. ~~This wage supplementation program does~~
509 ~~not constitute an entitlement to wage supplementation. The~~
510 bonuses do not represent a program entitlement and shall be
511 contingent on achieving specific benchmarks prescribed in the
512 self-sufficiency plan. If the funds appropriated for this
513 purpose are insufficient to provide this financial incentive
514 wage supplementation, the board of directors of Workforce
515 Florida, Inc., may reduce or suspend the bonuses in order not to
516 exceed the appropriation or may direct the regional boards to
517 use resources otherwise given to the regional workforce to pay
518 such bonuses if such payments comply with applicable state and
519 federal laws ~~limit wage supplementation or otherwise establish~~
520 ~~priorities for wage supplementation.~~

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

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

525 2. Be employed full time, which for the purposes of this
526 subsection means employment averaging at least 32 hours per

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527 week, until the United States Congress enacts legislation
528 reauthorizing the Temporary Assistance for Needy Families block
529 grant and, after the reauthorization, means employment complying
530 with the employment requirements of the reauthorization; and

531 3. Have an average family income for the 6 months
532 preceding the date of application for an incentive bonus wage
533 supplementation which is less than 200 100 percent of the
534 federal poverty level.

535 ~~(d) Workforce Florida, Inc., shall determine the schedule~~
536 ~~for the payment of wage supplementation under this subsection.~~
537 ~~An individual eligible for wage supplementation under this~~
538 ~~subsection may receive a payment that equals the amount~~
539 ~~necessary to bring the individual's total family income for the~~
540 ~~period covered by the payment to 100 percent of the federal~~
541 ~~poverty level. An individual may not receive wage~~
542 ~~supplementation payments for more than a total of 12 months.~~

543 ~~(e) The wage supplementation program authorized by this~~
544 ~~subsection shall be administered through the regional workforce~~
545 ~~boards and the one stop delivery system, under policy~~
546 ~~guidelines, criteria, and applications developed by Workforce~~
547 ~~Florida, Inc., in cooperation with the Department of Children~~
548 ~~and Family Services and the Agency for Workforce Innovation. To~~
549 ~~the maximum extent possible, the regional workforce boards shall~~
550 ~~use electronic debit card technologies to provide wage~~
551 ~~supplementation payments under this program.~~

552 (5)(6) EVALUATIONS AND RECOMMENDATIONS.--Workforce
553 Florida, Inc., in conjunction with the Department of Children

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554 and Family Services, the Agency for Workforce Innovation, and
555 the regional workforce boards ~~in the areas designated for this~~
556 ~~demonstration program~~, shall conduct a comprehensive evaluation
557 of the effectiveness of the ~~demonstration~~ program operated under
558 this section. Evaluations and recommendations for the program
559 shall be submitted by Workforce Florida, Inc., as part of its
560 annual report to the Legislature. By January 1, 2003, Workforce
561 Florida, Inc., shall submit a report on such evaluation to the
562 Governor, the President of the Senate, and the Speaker of the
563 House of Representatives. The report must include
564 recommendations as to whether the demonstration program should
565 be expanded to other service areas or statewide and whether the
566 program should be revised to enhance its administration or
567 effectiveness.

568 (6)(7) CONFLICTS.--If there is a conflict between the
569 implementation procedures described in this section and federal
570 requirements and regulations, federal requirements and
571 regulations shall control.

572 Section 22. The amendment of s. 445.048, Florida Statutes,
573 by this act shall expire on July 1, 2006, and the text of that
574 section shall revert to that in existence on June 30, 2005,
575 except that any amendments to such text enacted other than by
576 this act shall be preserved and continue to operate to the
577 extent that such amendments are not dependent upon the portions
578 of such text which expire pursuant to the provisions of this
579 act.

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580 Section 23. In order to implement section 31 of the 2005-
581 2006 General Appropriations Act, subsection (13) of section
582 253.034, Florida Statutes, is amended to read:

583 253.034 State-owned lands; uses.--

584 (13) Notwithstanding the provisions of this section, funds
585 from the sale of property by the Department of Highway Safety
586 and Motor Vehicles located in Palm Beach County ~~and Orange~~
587 ~~Counties~~ are authorized to be deposited into the Highway Safety
588 Operating Trust Fund to facilitate the exchange as provided in
589 the General Appropriations Act, provided that at the conclusion
590 of both exchanges the values are equalized. This subsection
591 expires July 1, 2006 ~~2005~~.

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

596 402.3017 Teacher Education and Compensation Helps (TEACH)
597 scholarship program.--

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

601 Section 25. In order to implement Specific Appropriation
602 2982B of the 2005-2006 General Appropriations Act, paragraph (b)
603 of subsection (7) of section 265.702, Florida Statutes, is
604 amended to read:

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605 265.702 Regional cultural facilities; grants for
606 acquisition, renovation, or construction; funding; approval;
607 allocation.--

608 (7)

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

614 Section 26. In order to implement Specific Appropriation
615 2930 of the 2005-2006 General Appropriations Act, paragraph (f)
616 of subsection (5) of section 287.057, Florida Statutes, is
617 amended to read:

618 287.057 Procurement of commodities or contractual
619 services.--

620 (5) When the purchase price of commodities or contractual
621 services exceeds the threshold amount provided in s. 287.017 for
622 CATEGORY TWO, no purchase of commodities or contractual services
623 may be made without receiving competitive sealed bids,
624 competitive sealed proposals, or competitive sealed replies
625 unless:

626 (f) The following contractual services and commodities are
627 not subject to the competitive-solicitation requirements of this
628 section:

- 629 1. Artistic services.
630 2. Academic program reviews.
631 3. Lectures by individuals.

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- 632 4. Auditing services.
- 633 5. Legal services, including attorney, paralegal, expert
634 witness, appraisal, or mediator services.
- 635 6. Health services involving examination, diagnosis,
636 treatment, prevention, medical consultation, or administration.
- 637 7. Services provided to persons with mental or physical
638 disabilities by not-for-profit corporations which have obtained
639 exemptions under the provisions of s. 501(c)(3) of the United
640 States Internal Revenue Code or when such services are governed
641 by the provisions of Office of Management and Budget Circular A-
642 122. However, in acquiring such services, the agency shall
643 consider the ability of the vendor, past performance,
644 willingness to meet time requirements, and price.
- 645 8. Medicaid services delivered to an eligible Medicaid
646 recipient by a health care provider who has not previously
647 applied for and received a Medicaid provider number from the
648 Agency for Health Care Administration. However, this exception
649 shall be valid for a period not to exceed 90 days after the date
650 of delivery to the Medicaid recipient and shall not be renewed
651 by the agency.
- 652 9. Family placement services.
- 653 10. Prevention services related to mental health,
654 including drug abuse prevention programs, child abuse prevention
655 programs, and shelters for runaways, operated by not-for-profit
656 corporations. However, in acquiring such services, the agency
657 shall consider the ability of the vendor, past performance,
658 willingness to meet time requirements, and price.

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

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

662 13. Services or commodities provided by governmental
663 agencies.

664 14. Voter education activities of the Department of State
665 or the supervisors of elections funded by Specific Appropriation
666 2930 2871H of the 2005-2006 ~~2004-2005~~ General Appropriations
667 Act, either individually or in the aggregate or with their
668 respective professional associations. This subparagraph expires
669 July 1, 2006 ~~2005~~.

670 Section 27. In order to implement Specific Appropriation
671 2999 of the 2005-2006 General Appropriations Act, and pursuant
672 to the notice, review, and objection procedures of s. 216.177,
673 Florida Statutes, funds in Specific Appropriation 2999 of the
674 2005-2006 General Appropriations Act may be transferred from the
675 courts to the Justice Administrative Commission in order to
676 address unanticipated shortfalls in due process services
677 appropriations in excess of the contingency fund provided in
678 Specific Appropriation 2999 of the 2005-2006 General
679 Appropriations Act. This section expires July 1, 2006.

680 Section 28. In order to implement Specific Appropriations
681 836, 837, 839, 840, and 3020 of the 2005-2006 General
682 Appropriations Act, if a deficit is projected by the Justice
683 Administrative Commission or the state courts in any specific
684 appropriation provided for due process services, the Governor or
685 the Chief Justice of the Supreme Court, respectively, may submit

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686 a budget amendment for consideration by the Legislative Budget
687 Commission to authorize the expenditure of funds from the
688 Working Capital Fund to offset such deficiency. Any budget
689 amendment submitted by the Governor to the Legislative Budget
690 Commission shall contain certification by the Justice
691 Administrative Commission that all actions required by s.
692 29.015, Florida Statutes, have been completed and that no funds
693 exist in any contingency fund appropriation available to the
694 entity projected to experience the deficiency. Any budget
695 amendment submitted by the Supreme Court shall contain
696 certification that the court has completed all actions required
697 by s. 29.016, Florida Statutes, and that no funds exist in any
698 contingency fund available to the state courts system. This
699 section expires July 1, 2006.

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

704 215.32 State funds; segregation.--

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

707 (b)1. The trust funds shall consist of moneys received by
708 the state which under law or under trust agreement are
709 segregated for a purpose authorized by law. The state agency or
710 branch of state government receiving or collecting such moneys
711 shall be responsible for their proper expenditure as provided by
712 law. Upon the request of the state agency or branch of state

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713 government responsible for the administration of the trust fund,
714 the Chief Financial Officer may establish accounts within the
715 trust fund at a level considered necessary for proper
716 accountability. Once an account is established within a trust
717 fund, the Chief Financial Officer may authorize payment from
718 that account only upon determining that there is sufficient cash
719 and releases at the level of the account.

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

723 a. Operations or operating trust fund, for use as a
724 depository for funds to be used for program operations funded by
725 program revenues, with the exception of administrative
726 activities when the operations or operating trust fund is a
727 proprietary fund.

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

730 c. Administrative trust fund, for use as a depository for
731 funds to be used for management activities that are departmental
732 in nature and funded by indirect cost earnings and assessments
733 against trust funds. Proprietary funds are excluded from the
734 requirement of using an administrative trust fund.

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

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

741 f. Clearing funds trust fund, for use as a depository for
742 funds to account for collections pending distribution to lawful
743 recipients.

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

747

748 To the extent possible, each agency must adjust its internal
749 accounting to use existing trust funds consistent with the
750 requirements of this subparagraph. If an agency does not have
751 trust funds listed in this subparagraph and cannot make such
752 adjustment, the agency must recommend the creation of the
753 necessary trust funds to the Legislature no later than the next
754 scheduled review of the agency's trust funds pursuant to s.
755 215.3206.

756 3. All such moneys are hereby appropriated to be expended
757 in accordance with the law or trust agreement under which they
758 were received, subject always to the provisions of chapter 216
759 relating to the appropriation of funds and to the applicable
760 laws relating to the deposit or expenditure of moneys in the
761 State Treasury.

762 4.a. Notwithstanding any provision of law restricting the
763 use of trust funds to specific purposes, unappropriated cash
764 balances from selected trust funds may be authorized by the

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765 Legislature for transfer to the Budget Stabilization Fund and
766 Working Capital Fund in the General Appropriations Act.

767 b. This subparagraph does not apply to trust funds
768 required by federal programs or mandates; trust funds
769 established for bond covenants, indentures, or resolutions whose
770 revenues are legally pledged by the state or public body to meet
771 debt service or other financial requirements of any debt
772 obligations of the state or any public body; the State
773 Transportation Trust Fund; the trust fund containing the net
774 annual proceeds from the Florida Education Lotteries; the
775 Florida Retirement System Trust Fund; trust funds under the
776 management of the Board of Regents, where such trust funds are
777 for auxiliary enterprises, self-insurance, and contracts,
778 grants, and donations, as those terms are defined by general
779 law; trust funds that serve as clearing funds or accounts for
780 the Chief Financial Officer or state agencies; trust funds that
781 account for assets held by the state in a trustee capacity as an
782 agent or fiduciary for individuals, private organizations, or
783 other governmental units; and other trust funds authorized by
784 the State Constitution.

785 Section 30. A section of this act that implements a
786 specific appropriation or specifically identified proviso
787 language in the 2005-2006 General Appropriations Act is void if
788 the specific appropriation or specifically identified proviso
789 language is vetoed. A section of this act that implements more
790 than one specific appropriation or more than one portion of
791 specifically identified proviso language in the 2005-2006

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792 General Appropriations Act is void if all the specific
793 appropriations or portions of specifically identified proviso
794 language are vetoed.

795 Section 31. If any other act passed in 2005 contains a
796 provision that is substantively the same as a provision in this
797 act, but that removes or is otherwise not subject to the future
798 repeal applied to such provision by this act, the Legislature
799 intends that the provision in the other act shall take
800 precedence and shall continue to operate, notwithstanding the
801 future repeal provided by this act.

802 Section 32. The agency performance measures and standards
803 in the document entitled "Performance Measures and Standards
804 Approved by the Legislature for Fiscal Year 2005-2006" dated
805 April 4, 2005, and filed with the Clerk of the House of
806 Representatives are incorporated by reference. Such performance
807 measures and standards are directly linked to the appropriations
808 made in the General Appropriations Act for fiscal year 2005-
809 2006, as required by the Government Performance and
810 Accountability Act of 1994. State agencies are directed to
811 revise their long-range program plans required under s. 216.013,
812 Florida Statutes, to be consistent with these performance
813 measures and standards.

814 Section 33. If any provision of this act or its
815 application to any person or circumstance is held invalid, the
816 invalidity does not affect other provisions or applications of
817 the act which can be given effect without the invalid provision

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818 or application, and to this end the provisions of this act are
819 severable.

820 Section 34. Except as otherwise expressly provided in this
821 act, this act shall take effect July 1, 2005; or, if this act
822 fails to become a law until after that date, it shall take
823 effect upon becoming a law and shall operate retroactively to
824 July 1, 2005.

825
826 ===== T I T L E A M E N D M E N T =====

827 Remove the entire title and insert:

828 A bill to be entitled
829 An act implementing the 2005-2006 General Appropriations
830 Act; providing legislative intent; amending s. 1013.62,
831 F.S.; deleting a provision providing for the allocation of
832 charter school capital outlay funds if the appropriation
833 for such funds is greater than the 2002-2003
834 appropriation; creating s. 1004.065, F.S.; providing a
835 limitation on university and direct-support organization
836 financings; amending s. 394.908, F.S.; providing for
837 substance abuse and mental health funding equity as
838 provided in the General Appropriations Act; including
839 funds appropriated for projects in specific locations in
840 the base funding of such locations when calculating the
841 distribution of funds under the equity formula; amending
842 s. 287.057, F.S.; authorizing the Department of Children
843 and Family Services to contract with a private provider
844 for a mental health treatment facility; amending s.

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HOUSE AMENDMENT

Bill No. SB 2602

Amendment No. (for drafter's use only)

845 381.79, F.S.; providing for use of funds in the Brain and
846 Spinal Cord Injury Program Trust Fund for spinal cord
847 injury and brain injury research at the University of
848 Miami; amending s. 402.33, F.S.; suspending authority of
849 the Department of Children and Family Services to use
850 funds in excess of fee collections; authorizing the
851 Department of Corrections and the Department of Juvenile
852 Justice to make certain expenditures to defray costs
853 incurred by a municipality or county as a result of
854 opening or operating a facility under authority of the
855 respective department; amending s. 932.7055, F.S.;
856 allowing municipalities to reimburse their general funds
857 from moneys they advanced to their own special law
858 enforcement trust funds; amending s. 216.262, F.S.;
859 providing for additional positions to operate additional
860 prison bed capacity under certain circumstances; providing
861 for the transfer of a specified building to the Department
862 of Corrections for additional prison beds; authorizing the
863 Executive Office of the Governor to transfer funds between
864 departments for purposes of aligning amounts paid for risk
865 management premiums and for purposes of aligning amounts
866 paid for human resource management services; amending s.
867 112.061, F.S.; providing for computation of travel time
868 and reimbursement for public officers' and employees'
869 travel; amending s. 376.3071, F.S.; providing for use of
870 funds from the Inland Protection Trust Fund to clean up
871 certain petroleum contaminated sites and to purchase

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Amendment No. (for drafter's use only)

872 generators for emergency fuel supply; amending s.
873 373.4137, F.S.; providing for water management districts
874 to use specified funds in certain surface water
875 improvement and management or invasive plant control
876 projects; amending s. 120.551, F.S.; continuing Internet
877 publication of certain notices of the Department of
878 Environmental Protection and the Board of Trustees of the
879 Internal Improvement Trust Fund; creating the Florida Pork
880 Producers Transition Grant Program within the Department
881 of Agriculture and Consumer Services; entitling certain
882 persons using farming methods described in the Florida
883 Constitution on a certain date to apply for a grant;
884 providing a cap on such grants and authorizing the
885 department to adopt rules to implement the grant program;
886 amending s. 320.08058, F.S.; authorizing proceeds from the
887 Professional Sports Development Trust Fund to be used for
888 operational expenses of the Florida Sports Foundation and
889 financial support of the Sunshine State Games; amending s.
890 445.048, F.S.; requiring that Workforce Florida, Inc.,
891 expand the Passport to Economic Progress demonstration
892 program to a statewide program; authorizing Workforce
893 Florida, Inc., to designate regional workforce boards to
894 participate in the program; deleting a provision relating
895 to the disregard of income for purposes of determining
896 eligibility for cash assistance; requiring that Workforce
897 Florida, Inc., offer incentive bonuses; providing
898 requirements for such bonuses; providing that such bonuses

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HOUSE AMENDMENT

Bill No. SB 2602

Amendment No. (for drafter's use only)

899 are not an entitlement; requiring Workforce Florida, Inc.,
900 to submit evaluations and recommendations for the program
901 as part of its annual report to the Legislature; amending
902 s. 253.034, F.S.; authorizing deposit of funds from the
903 sale of property by the Department of Highway Safety and
904 Motor Vehicles located in Palm Beach County; amending s.
905 402.3017, F.S.; requiring the Agency for Workforce
906 Innovation to administer Teacher Education and
907 Compensation Helps (TEACH) scholarship program; amending
908 s. 265.702, F.S.; providing a limit on the annual amount
909 of individual cultural facilities grants; amending s.
910 287.057, F.S.; exempting certain voter education
911 activities from competitive-solicitation requirements;
912 authorizing transfer of certain funds from the courts to
913 the Justice Administrative Commission to meet certain
914 shortfalls in due process appropriations; providing for
915 expenditure of funds from the Working Capital Fund to
916 offset deficiencies in due process services; reenacting s.
917 215.32(2)(b), F.S., relating to the source and use of
918 trust funds; providing for future repeal or expiration of
919 various provisions; providing for reversion of certain
920 provisions; providing effect of veto of specific
921 appropriation or proviso to which implementing language
922 refers; incorporating by reference specified performance
923 measures and standards directly linked to the
924 appropriations made in the 2005-2006 General
925 Appropriations Act, as required by the Government

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Amendment No. (for drafter's use only)

926 | Performance and Accountability Act of 1994; providing
927 | severability; providing an effective date.

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