

Bill No. SB 2602, 1st Eng.

Barcode 240572

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

	AD/2R	.	AD
05/06/2005 07:32 PM		.	05/06/2005 23:05:51

The Conference Committee on SB 2602, 1st Eng. recommended the following amendment:

Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

Section 2. In order to implement Specific Appropriations 5, 6, and 73-79 of the 2005-2006 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2005-2006 fiscal year in the document entitled "Public School Funding The Florida Education Finance Program" dated May 3, 2005, and filed with the Secretary of the Senate are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Florida Education Finance

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 Program.

2 Section 3. In order to implement section 20 of the
3 2005-2006 General Appropriations Act, section 1004.065,
4 Florida Statutes, is created to read:

5 1004.065 Limitation on university and direct-support
6 organization financings.--No project may be financed by or on
7 behalf of a university or a direct-support organization
8 pursuant to s. 1001.74(5), s. 1004.28(6), s. 1010.60(2), s.
9 1013.15, s. 1013.16, s. 1013.17, s. 1013.171, s. 1013.74, or
10 s. 1013.78, or through any financing mechanism, including, but
11 not limited to, revenue bonds, promissory notes, certificates
12 of participation, lease-purchase agreements, or any other form
13 of indebtedness, without prior approval of the project by the
14 Legislature by an act relating to appropriations or general
15 law. This section expires July 1, 2006.

16 Section 4. In order to implement Section 23 of the
17 2005-2006 General Appropriations Act, and notwithstanding
18 section 1013.512(6), Florida Statutes, the Miami-Dade Land
19 Acquisition and Facilities Maintenance Operations Advisory
20 Board is hereby disbanded.

21 Section 5. In order to implement Specific
22 Appropriations 296, 299, and 301 of the 2005-2006 General
23 Appropriations Act, subsection (12) of section 216.292,
24 Florida Statutes, is amended to read:

25 216.292 Appropriations nontransferable; exceptions.--
26 (12) For the 2005-2006 ~~2004-2005~~ fiscal year only and
27 notwithstanding the other provisions of this section, the
28 Department of Children and Family Services may transfer funds
29 within the family safety program identified in the General
30 Appropriations Act from identical funding sources between the
31 following appropriation categories without limitation as long

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 as such a transfer does not result in an increase to the total
2 recurring general revenue or trust fund cost of the agency in
3 the subsequent fiscal year: adoption services and subsidy;
4 family foster care; and emergency shelter care. Such transfers
5 must be consistent with legislative policy and intent and must
6 not adversely affect achievement of approved performance
7 outcomes or outputs in the family safety program. Notice of
8 proposed transfers under this authority must be provided to
9 the Executive Office of the Governor and the chairs of the
10 legislative appropriations committees at least 5 working days
11 before their implementation. This subsection expires July 1,
12 2006 ~~2005~~.

13 Section 6. In order to implement Specific
14 Appropriations 395-404 of the 2005-2006 General Appropriations
15 Act, subsection (14) of section 287.057, Florida Statutes, is
16 amended to read:

17 287.057 Procurement of commodities or contractual
18 services.--

19 (14)(a) Contracts for commodities or contractual
20 services may be renewed for a period that may not exceed 3
21 years or the term of the original contract, whichever period
22 is longer. Renewal of a contract for commodities or
23 contractual services shall be in writing and shall be subject
24 to the same terms and conditions set forth in the initial
25 contract. If the commodity or contractual service is purchased
26 as a result of the solicitation of bids, proposals, or
27 replies, the price of the commodity or contractual service to
28 be renewed shall be specified in the bid, proposal, or reply.
29 A renewal contract may not include any compensation for costs
30 associated with the renewal. Renewals shall be contingent upon
31 satisfactory performance evaluations by the agency and subject

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 to the availability of funds. Exceptional purchase contracts
2 pursuant to paragraphs (5)(a) and (c) may not be renewed.

3 (b) Notwithstanding paragraph (a), the Department of
4 Children and Family Services may enter into agreements, not to
5 exceed 20 years, with a private provider to finance, design,
6 and construct a forensic treatment facility, as defined in s.
7 916.106(8) ~~s. 394.455~~, of at least 200 beds and to operate all
8 aspects of daily operations within the forensic treatment
9 facility. The selected contractor is authorized to sponsor the
10 issuance of tax-exempt certificates of participation or other
11 securities to finance the project, and the state is authorized
12 to enter into a lease-purchase agreement for the forensic
13 treatment facility. ~~The Department of Children and Family~~
14 ~~Services shall begin the implementation of this privatization~~
15 ~~initiative by January 1, 2005.~~ This paragraph expires July 1,
16 2006 ~~2005~~.

17 Section 7. In order to implement Specific
18 Appropriation 272 of the 2005-2006 General Appropriations Act,
19 paragraph (g) of subsection (2) of section 402.305, Florida
20 Statutes, is amended to read:

21 402.305 Licensing standards; child care facilities.--

22 (2) PERSONNEL.--Minimum standards for child care
23 personnel shall include minimum requirements as to:

24 (g) The Department of Children and Family Services
25 shall provide at least one Child Care Competency Exam in
26 Spanish during the 2005-2006 ~~2004-2005~~ fiscal year. This
27 paragraph expires July 1, 2006 ~~2005~~.

28 Section 8. In order to implement Specific
29 Appropriations 238-404 of the 2005-2006 General Appropriations
30 Act, subsection (10) of section 402.33, Florida Statutes, is
31 amended to read:

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 402.33 Department authority to charge fees for
2 services provided.--

3 (10)(a) Unless otherwise specified by the Legislature,
4 fee collections, including third-party reimbursements, in
5 excess of fee-supported appropriations may be used in
6 conformance with the provisions of chapter 216 to fund
7 nonrecurring expenditures for direct client services and to
8 fund administrative costs of improving the fee collection
9 program of the department. No more than one-sixth of the
10 amount of collections in excess of the amount of
11 appropriations may be used to fund such improvements to the
12 program. Priority consideration for the expenditure of excess
13 collections shall be given to those districts and programs
14 most responsible for the excess. A plan for the use of excess
15 collections not spent in the fiscal year in which collected
16 shall be subject to approval by the Executive Office of the
17 Governor within 90 days from the end of the state fiscal year
18 in which the excess occurs.

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

22 Section 9. In order to implement Specific
23 Appropriations 325, 327, and 336 of the 2005-2006 General
24 Appropriations Act, paragraph (b) of subsection (3) of section
25 394.76, Florida Statutes, is amended to read:

26 394.76 Financing of district programs and
27 services.--If the local match funding level is not provided in
28 the General Appropriations Act or the substantive bill
29 implementing the General Appropriations Act, such funding
30 level shall be provided as follows:

31 (3) The state share of financial participation shall

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 be determined by the following formula:

2 (b)1. Residential and case management services which
3 are funded as part of a deinstitutionalization project shall
4 not require local matching funds and shall not be used as
5 local matching funds. The state and federal financial
6 participation portions of Medicaid earnings pursuant to Title
7 XIX of the Social Security Act, except for the amount of
8 general revenue equal to the amount appropriated in 1985-1986
9 plus all other general revenue that is shifted from any other
10 alcohol, drug abuse, and mental health appropriation category
11 after fiscal year 1986-1987 or substance abuse and mental
12 health appropriation category after fiscal year 2000-2001,
13 shall not require local matching funds and shall not be used
14 as local matching funds. Local matching funds are not required
15 for general revenue transferred by the department into
16 substance abuse and mental health appropriations categories
17 during a fiscal year to match federal funds earned from
18 Medicaid services provided for mental health clients in excess
19 of the amounts initially appropriated. Funds for children's
20 services which were provided through the Children, Youth, and
21 Families Services budget which did not require local match
22 prior to being transferred to the Substance Abuse and Mental
23 Health Services budget shall be exempt from local matching
24 requirements. All other contracted community alcohol and
25 mental health services and programs, except as identified in
26 s. 394.457(3), shall require local participation on a 75-to-25
27 state-to-local ratio.

28 2. For the 2005-2006 fiscal year, notwithstanding the
29 conflicting requirement of this paragraph or of s. 394.457,
30 all other contracted community alcohol and mental health
31 services and programs shall require local participation on a

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 75-to-25 state-to-local ratio. This subparagraph expires July
2 1, 2006.

3 Section 10. Effective upon this act becoming a law, in
4 order to implement Specific Appropriations 1512 and 1514 of
5 the 2005-2006 General Appropriations Act, section 215.18,
6 Florida Statutes, is amended to read:

7 215.18 Transfers between funds; limitation.--Whenever
8 there exists in any fund provided for by s. 215.32 a
9 deficiency which would render such fund insufficient to meet
10 its just requirements, and there shall exist in the other
11 funds in the State Treasury moneys which are for the time
12 being or otherwise in excess of the amounts necessary to meet
13 the just requirements of such last-mentioned funds, the
14 Governor may order a temporary transfer of moneys from one
15 fund to another in order to meet temporary deficiencies in a
16 particular fund without resorting to the necessity of
17 borrowing money and paying interest thereon.

18 (1) Except as otherwise provided in s.
19 216.222(1)(a)2., the fund from which any money is temporarily
20 transferred shall be repaid the amount transferred from it not
21 later than the end of the fiscal year in which such transfer
22 is made, the date of repayment to be specified in the order of
23 the Governor.

24 (2) Notwithstanding subsection (1) and for the
25 2005-2006 fiscal year only, the repayment period for funds
26 temporarily transferred in fiscal year 2004-2005 to meet
27 deficiencies resulting from hurricanes striking this state in
28 2004 may be extended until grants awarded by the Federal
29 Emergency Management Agency for FEMA Disaster Declarations
30 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, and 1561-DR-FL are
31 received. This subsection expires July 1, 2006.

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 Section 11. In order to implement Specific
2 Appropriations 604 through 614 of the 2005-2006 General
3 Appropriations Act, the Agency for Persons with Disabilities
4 shall submit quarterly status reports to the Executive Office
5 of the Governor, the chair of the Senate Ways and Means
6 Committee, and the chair of the House Fiscal Council regarding
7 the financial status of the Home and Community Based Services
8 Waiver, including but not limited to information about the
9 number of current clients being served through the waiver and
10 actual and projected cost information as compared with the
11 appropriation available to the program. If at any time, based
12 upon an analysis by the agency, the cost of waiver services is
13 expected to exceed the appropriated amount, based upon the
14 current rates as implemented November 1, 2003, the agency
15 shall implement any adjustment necessary pursuant to section
16 393.0661(4), Florida Statutes, to stay within the
17 appropriation. This section expires July 1, 2006.

18 Section 12. In order to implement Specific
19 Appropriation 614 of the 2005-2006 General Appropriations Act,
20 paragraph (d) of subsection (15) of section 440.02, Florida
21 Statutes, is amended to read:

22 440.02 Definitions.--When used in this chapter, unless
23 the context clearly requires otherwise, the following terms
24 shall have the following meanings:

25 (15)

26 (d) "Employee" does not include:

27 1. An independent contractor who is not engaged in the
28 construction industry.

29 a. In order to meet the definition of independent
30 contractor, at least four of the following criteria must be
31 met:

Barcode 240572

1 (I) The independent contractor maintains a separate
2 business with his or her own work facility, truck, equipment,
3 materials, or similar accommodations;

4 (II) The independent contractor holds or has applied
5 for a federal employer identification number, unless the
6 independent contractor is a sole proprietor who is not
7 required to obtain a federal employer identification number
8 under state or federal regulations;

9 (III) The independent contractor receives compensation
10 for services rendered or work performed and such compensation
11 is paid to a business rather than to an individual;

12 (IV) The independent contractor holds one or more bank
13 accounts in the name of the business entity for purposes of
14 paying business expenses or other expenses related to services
15 rendered or work performed for compensation;

16 (V) The independent contractor performs work or is
17 able to perform work for any entity in addition to or besides
18 the employer at his or her own election without the necessity
19 of completing an employment application or process; or

20 (VI) The independent contractor receives compensation
21 for work or services rendered on a competitive-bid basis or
22 completion of a task or a set of tasks as defined by a
23 contractual agreement, unless such contractual agreement
24 expressly states that an employment relationship exists.

25 b. If four of the criteria listed in sub-subparagraph
26 a. do not exist, an individual may still be presumed to be an
27 independent contractor and not an employee based on full
28 consideration of the nature of the individual situation with
29 regard to satisfying any of the following conditions:

30 (I) The independent contractor performs or agrees to
31 perform specific services or work for a specific amount of

Barcode 240572

1 money and controls the means of performing the services or
2 work.

3 (II) The independent contractor incurs the principal
4 expenses related to the service or work that he or she
5 performs or agrees to perform.

6 (III) The independent contractor is responsible for
7 the satisfactory completion of the work or services that he or
8 she performs or agrees to perform.

9 (IV) The independent contractor receives compensation
10 for work or services performed for a commission or on a
11 per-job basis and not on any other basis.

12 (V) The independent contractor may realize a profit or
13 suffer a loss in connection with performing work or services.

14 (VI) The independent contractor has continuing or
15 recurring business liabilities or obligations.

16 (VII) The success or failure of the independent
17 contractor's business depends on the relationship of business
18 receipts to expenditures.

19 c. Notwithstanding anything to the contrary in this
20 subparagraph, an individual claiming to be an independent
21 contractor has the burden of proving that he or she is an
22 independent contractor for purposes of this chapter.

23 2. A real estate licensee, if that person agrees, in
24 writing, to perform for remuneration solely by way of
25 commission.

26 3. Bands, orchestras, and musical and theatrical
27 performers, including disk jockeys, performing in licensed
28 premises as defined in chapter 562, if a written contract
29 evidencing an independent contractor relationship is entered
30 into before the commencement of such entertainment.

31 4. An owner-operator of a motor vehicle who transports

Barcode 240572

1 property under a written contract with a motor carrier which
 2 evidences a relationship by which the owner-operator assumes
 3 the responsibility of an employer for the performance of the
 4 contract, if the owner-operator is required to furnish the
 5 necessary motor vehicle equipment and all costs incidental to
 6 the performance of the contract, including, but not limited
 7 to, fuel, taxes, licenses, repairs, and hired help; and the
 8 owner-operator is paid a commission for transportation service
 9 and is not paid by the hour or on some other time-measured
 10 basis.

11 5. A person whose employment is both casual and not in
 12 the course of the trade, business, profession, or occupation
 13 of the employer.

14 6. A volunteer, except a volunteer worker for the
 15 state or a county, municipality, or other governmental entity.
 16 A person who does not receive monetary remuneration for
 17 services is presumed to be a volunteer unless there is
 18 substantial evidence that a valuable consideration was
 19 intended by both employer and employee. For purposes of this
 20 chapter, the term "volunteer" includes, but is not limited to:

21 a. Persons who serve in private nonprofit agencies and
 22 who receive no compensation other than expenses in an amount
 23 less than or equivalent to the standard mileage and per diem
 24 expenses provided to salaried employees in the same agency or,
 25 if such agency does not have salaried employees who receive
 26 mileage and per diem, then such volunteers who receive no
 27 compensation other than expenses in an amount less than or
 28 equivalent to the customary mileage and per diem paid to
 29 salaried workers in the community as determined by the
 30 department; and

31 b. Volunteers participating in federal programs

Barcode 240572

1 established under Pub. L. No. 93-113.

2 7. Unless otherwise prohibited by this chapter, any
3 officer of a corporation who elects to be exempt from this
4 chapter. Such officer is not an employee for any reason under
5 this chapter until the notice of revocation of election filed
6 pursuant to s. 440.05 is effective.

7 8. An officer of a corporation that is engaged in the
8 construction industry who elects to be exempt from the
9 provisions of this chapter, as otherwise permitted by this
10 chapter. Such officer is not an employee for any reason until
11 the notice of revocation of election filed pursuant to s.
12 440.05 is effective.

13 9. An exercise rider who does not work for a single
14 horse farm or breeder, and who is compensated for riding on a
15 case-by-case basis, provided a written contract is entered
16 into prior to the commencement of such activity which
17 evidences that an employee/employer relationship does not
18 exist.

19 10. A taxicab, limousine, or other passenger
20 vehicle-for-hire driver who operates said vehicles pursuant to
21 a written agreement with a company which provides any
22 dispatch, marketing, insurance, communications, or other
23 services under which the driver and any fees or charges paid
24 by the driver to the company for such services are not
25 conditioned upon, or expressed as a proportion of, fare
26 revenues.

27 11. A person who performs services as a sports
28 official for an entity sponsoring an interscholastic sports
29 event or for a public entity or private, nonprofit
30 organization that sponsors an amateur sports event. For
31 purposes of this subparagraph, such a person is an independent

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 contractor. For purposes of this subparagraph, the term
 2 "sports official" means any person who is a neutral
 3 participant in a sports event, including, but not limited to,
 4 umpires, referees, judges, linespersons, scorekeepers, or
 5 timekeepers. This subparagraph does not apply to any person
 6 employed by a district school board who serves as a sports
 7 official as required by the employing school board or who
 8 serves as a sports official as part of his or her
 9 responsibilities during normal school hours.

10 12. Medicaid-enrolled clients under chapter 393 who
 11 are excluded from the definition of employment under s.
 12 443.1216(4)(d) and served by Adult Day Training Services under
 13 the Home and Community-Based Medicaid Waiver program in a
 14 sheltered workshop setting licensed by the United States
 15 Department of Labor for the purpose of training and earning
 16 less than the federal hourly minimum wage.

17 13. Medicaid-enrolled clients under chapter 393 who
 18 are excluded from the definition of employment under s.
 19 443.1216(4)(d) and served by Adult Day Training Services under
 20 the Family and Supported Living Medicaid Waiver program in a
 21 sheltered workshop setting licensed by the United States
 22 Department of Labor for the purpose of training and earning
 23 less than the federal hourly minimum wage. This subparagraph
 24 expires July 1, 2006.

25 Section 13. In order to fulfill legislative intent
 26 regarding the use of funds contained in Specific
 27 Appropriations 676, 688, 698, and 1136 of the 2005-2006
 28 General Appropriations Act, the Department of Corrections and
 29 the Department of Juvenile Justice may expend appropriated
 30 funds to assist in defraying the costs of impacts that are
 31 incurred by a municipality or county and associated with

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 opening or operating a facility under the authority of the
2 respective department which is located within that
3 municipality or county. The amount that is to be paid under
4 this section for any facility may not exceed 1 percent of the
5 facility construction cost, less building impact fees imposed
6 by the municipality or by the county if the facility is
7 located in the unincorporated portion of the county. This
8 section expires July 1, 2006.

9 Section 14. In order to implement Specific
10 Appropriations 666-761 and 797-811 of the 2005-2006 General
11 Appropriations Act, subsection (4) of section 216.262, Florida
12 Statutes, is amended to read:

13 216.262 Authorized positions.--

14 (4) Notwithstanding the provisions of this chapter on
15 increasing the number of authorized positions, and for the
16 2005-2006 ~~2004-2005~~ fiscal year only, if the actual inmate
17 population of the Department of Corrections exceeds the inmate
18 population projections of the February 14, 2005 ~~February 16,~~
19 ~~2004~~, Criminal Justice Estimating Conference by 1 percent for
20 2 consecutive months or 2 percent for any month, the Executive
21 Office of the Governor, with the approval of the Legislative
22 Budget Commission, shall immediately notify the Criminal
23 Justice Estimating Conference, which shall convene as soon as
24 possible to revise the estimates. The Department of
25 Corrections may then submit a budget amendment requesting the
26 establishment of positions in excess of the number authorized
27 by the Legislature and additional appropriations from the
28 General Revenue Fund or the Working Capital Fund sufficient to
29 provide for essential staff, fixed capital improvements, and
30 other resources to provide classification, security, food
31 services, health services, and other variable expenses within

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 the institutions to accommodate the estimated increase in the
2 inmate population. All actions taken pursuant to the authority
3 granted in this subsection shall be subject to review and
4 approval by the Legislative Budget Commission. This subsection
5 expires July 1, 2006 ~~2005~~.

6 Section 15. In order to implement Specific
7 Appropriations 676 and 688 of the 2005-2006 General
8 Appropriations Act, subsection (25) is added to section
9 287.057, Florida Statutes, to read:

10 287.057 Procurement of commodities or contractual
11 services.--

12 (25) For the 2005-2006 fiscal year only,
13 notwithstanding any specific provision of this chapter or
14 chapter 255 to the contrary, the Department of Management
15 Services is authorized to issue an invitation to negotiate to
16 contract for 384 additional beds for expansion at the Gadsden
17 Correctional Facility to house medium-custody female inmates
18 and for 235 additional beds for expansion at the Bay
19 Correctional Facility and 235 additional beds at Moore Haven
20 Correctional Facility to house medium-custody and
21 close-custody inmates. Any such invitation to negotiate shall
22 be limited to modifications of existing contracts between the
23 Department of Management Services and firms currently
24 operating private correctional facilities and shall be for
25 design, financing, acquisition, leasing, construction, and
26 operation of the additional beds. By October 1, 2005, and
27 quarterly thereafter, the department shall report to the
28 President of the Senate and the Speaker of the House of
29 Representatives on the specific activities completed and
30 remaining to be completed, along with timeframes for each
31 activity, to add the additional beds. Procurement should be

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 completed in a manner that allows sufficient time for the new
2 beds to become operational by July 2007. This subsection
3 expires July 1, 2006.

4 Section 16. In order to implement Specific
5 Appropriations 842 and 2999 of the 2005-2006 General
6 Appropriations Act, and pursuant to the notice, review, and
7 objection procedures of section 216.177, Florida Statutes,
8 funds in Specific Appropriation 2999 of the 2005-2006 General
9 Appropriations Act may be transferred from the courts to the
10 Justice Administrative Commission in order to address
11 unanticipated shortfalls in due process services
12 appropriations in excess of the contingency fund provided in
13 Specific Appropriation 842 of the 2005-2006 General
14 Appropriations Act. This section expires July 1, 2006.

15 Section 17. In order to implement Specific
16 Appropriations 836, 837, 839, 840, and 3020 of the 2005-2006
17 General Appropriations Act, if a deficit is projected by the
18 Justice Administrative Commission or the state courts in any
19 specific appropriation provided for due process services, the
20 Governor or the Chief Justice of the Supreme Court,
21 respectively, may submit a budget amendment for consideration
22 by the Legislative Budget Commission to authorize the
23 expenditure of funds from the Working Capital Fund to offset
24 such deficiency. Any budget amendment submitted by the
25 Governor to the Legislative Budget Commission shall contain
26 certification by the Justice Administrative Commission that
27 all actions required by section 29.015, Florida Statutes, have
28 been completed and that no funds exist in any contingency fund
29 appropriation available to the entity projected to experience
30 the deficiency. Any budget amendment submitted by the Supreme
31 Court shall contain certification that the court has completed

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 all actions required by section 29.016, Florida Statutes, and
2 that no funds exist in any contingency fund available to the
3 state courts system. This section expires July 1, 2006.

4 Section 18. In order to implement Specific
5 Appropriations 1274 and 1277 of the 2005-2006 General
6 Appropriations Act, the Department of Legal Affairs is
7 authorized to expend appropriated funds in Specific
8 Appropriations 1274 and 1277 on the same programs that were
9 funded by the department pursuant to specific appropriations
10 made in general appropriations acts in prior years.

11 Section 19. In order to implement Specific
12 Appropriation 1201 of the 2005-2006 General Appropriations
13 Act, paragraph (d) is added to subsection (4) of section
14 932.7055, Florida Statutes, to read:

15 932.7055 Disposition of liens and forfeited
16 property.--

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

19 (d) Notwithstanding any other provision of this
20 subsection, and for the 2005-2006 fiscal year only, the funds
21 in a special law enforcement trust fund established by the
22 governing body of a municipality may be expended to reimburse
23 the general fund of the municipality for moneys advanced from
24 the general fund to the special law enforcement trust fund
25 prior to October 1, 2001. This paragraph expires July 1, 2006.

26 Section 20. In order to implement Specific
27 Appropriations 1442 and 1444 of the 2005-2006 General
28 Appropriations Act and notwithstanding any provision of
29 chapter 287 or chapter 337, Florida Statutes, from the funds
30 appropriated to the Department of Agriculture and Consumer
31 Services for the 2002-2003, 2003-2004, 2004-2005, and

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 2005-2006 fiscal years for the purpose of constructing and
2 operating an agricultural interdiction station on Interstate
3 10 in Escambia County, the Department of Agriculture and
4 Consumer Services shall enter into an agreement with the
5 Department of Transportation wherein the Department of
6 Transportation, on behalf of the Department of Agriculture and
7 Consumer Services, shall proceed with the construction of the
8 station under the authority established in chapter 337,
9 Florida Statutes. The Department of Agriculture and Consumer
10 Services shall be authorized to execute all contracts
11 resulting from such Department of Transportation selection of
12 contractors in compliance with chapter 337, Florida Statutes.
13 This section expires July 1, 2006.

14 Section 21. In order to implement the appropriation of
15 funds in Special Categories-Risk Management Insurance of the
16 2005-2006 General Appropriations Act, and pursuant to the
17 notice, review, and objection procedures of section 216.177,
18 Florida Statutes, the Executive Office of the Governor is
19 authorized to transfer funds appropriated in the appropriation
20 category "Special Categories-Risk Management Insurance" of the
21 2005-2006 General Appropriations Act between departments in
22 order to align the budget authority granted with the premiums
23 paid by each department for risk management insurance. This
24 section expires July 1, 2006.

25 Section 22. In order to implement the appropriation of
26 funds in Special Categories-Transfer to Department of
27 Management Services-Human Resources Services Purchased Per
28 Statewide Contract of the 2005-2006 General Appropriations
29 Act, and pursuant to the notice, review, and objection
30 procedures of section 216.177, Florida Statutes, the Executive
31 Office of the Governor is authorized to transfer funds

Barcode 240572

1 appropriated in the appropriation category "Special
2 Categories-Transfer to Department of Management Services-Human
3 Resources Services Purchased Per Statewide Contract" of the
4 2005-2006 General Appropriations Act between departments in
5 order to align the budget authority granted with the
6 assessments that must be paid by each agency to the Department
7 of Management Services for human resource management services.
8 This section expires July 1, 2006.

9 Section 23. In order to implement sections 2-7 of the
10 2005-2006 General Appropriations Act, paragraph (c) of
11 subsection (5) and paragraph (d) of subsection (6) of section
12 112.061, Florida Statutes, are amended to read:

13 112.061 Per diem and travel expenses of public
14 officers, employees, and authorized persons.--

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

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

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

28 (d) For the 2005-2006 ~~2004-2005~~ fiscal year only and
29 notwithstanding the other provisions of this subsection, for
30 Class C travel, a state traveler shall not be reimbursed on a
31 per diem basis nor shall a traveler receive subsistence

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 allowance. This paragraph expires July 1, 2006 ~~2005~~.

2 Section 24. In order to implement Specific
3 Appropriations 2088 and 2658-2665 of the 2005-2006 General
4 Appropriations Act, paragraph (a) of subsection (3) and
5 subsection (7) of section 287.17, Florida Statutes, are
6 amended to read:

7 287.17 Limitation on use of motor vehicles and
8 aircraft.--

9 (3)(a) The term "official state business" may not be
10 construed to permit the use of a motor vehicle ~~or aircraft~~ for
11 commuting purposes, unless special assignment of a motor
12 vehicle is authorized as a perquisite by the Department of
13 Management Services, required by an employee after normal duty
14 hours to perform duties of the position to which assigned, or
15 authorized for an employee whose home is the official base of
16 operation.

17 (7) It is the intention of the Legislature that
18 persons traveling on state aircraft for purposes consistent
19 with, but not necessarily constituting, official state
20 business may travel only when accompanying persons who are
21 traveling on official state business and that such persons
22 shall pay the state for all costs associated with such travel.
23 Notwithstanding paragraph (3)(a), a person traveling on state
24 aircraft for purposes other than official state business shall
25 pay for any trip not exclusively for state business by paying
26 a prorated share of all fixed and variable expenses related to
27 the ownership, operation, and use of such aircraft.

28 Section 25. The amendment of section 287.17, Florida
29 Statutes, shall expire July 1, 2006, and the text of that
30 section shall revert to that in existence on June 30, 2005,
31 except that any amendments to such text enacted other than by

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 this act shall be preserved and continue to operate to the
2 extent that such amendments are not dependent upon the
3 portions of such text which expire pursuant to this section.

4 Section 26. Notwithstanding section 403.7095, Florida
5 Statutes, in order to implement Specific Appropriation 1761 of
6 the 2005-2006 General Appropriations Act, the Department of
7 Environmental Protection shall award:

8 (1) \$6,500,000 in grants equally to counties with
9 populations of fewer than 100,000 for waste tire, litter
10 prevention, recycling and education, and general solid waste
11 programs.

12 (2) \$1,242,168 in competitive innovative grants to
13 cities and counties on the prioritized list of projects
14 submitted by the Department of Environmental Protection to the
15 Legislature.

16
17 This section expires July 1, 2006.

18 Section 27. In order to implement Specific
19 Appropriation 1703 of the 2005-2006 General Appropriations
20 Act, subsection (6) of section 375.041, Florida Statutes, is
21 amended to read:

22 375.041 Land Acquisition Trust Fund.--

23 (6) For the 2005-2006 ~~2004-2005~~ fiscal year only,
24 funds allocated to the Land Acquisition Trust Fund may also be
25 appropriated for water quality issues in the General
26 Appropriations Act. This subsection expires July 1, 2006 ~~2005~~.

27 Section 28. In order to implement Specific
28 Appropriation 1742 of the 2005-2006 General Appropriations
29 Act, section 376.30715, Florida Statutes, is created to read:

30 376.30715 Innocent victim petroleum storage system
31 restoration.--A contaminated site acquired prior to July 1,

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 1990, which ceased operating as a petroleum storage or retail
 2 business prior to January 1, 1985, is eligible for financial
 3 assistance pursuant to s. 376.305(6), notwithstanding s.
 4 376.305(6)(a). Eligible sites shall be ranked in accordance
 5 with s. 376.3071(5). This section expires July 1, 2006.

6 Section 29. In order to implement Specific
 7 Appropriations 1742 and 1751A, subsection (14) is added to
 8 section 376.3071, Florida Statutes, to read:

9 376.3071 Inland Protection Trust Fund; creation;
 10 purposes; funding.--

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

20 Section 30. In order to implement Specific
 21 Appropriations 1697-1722 of the 2005-2006 General
 22 Appropriations Act, paragraph (c) of subsection (4) of section
 23 373.4137, Florida Statutes, is amended to read:

24 373.4137 Mitigation requirements.--

25 (4) Prior to December 1 of each year, each water
 26 management district, in consultation with the Department of
 27 Environmental Protection, the United States Army Corps of
 28 Engineers, the Department of Transportation, transportation
 29 authorities established pursuant to chapter 348 or chapter
 30 349, and other appropriate federal, state, and local
 31 governments, and other interested parties, including entities

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 operating mitigation banks, shall develop a plan for the
2 primary purpose of complying with the mitigation requirements
3 adopted pursuant to this part and 33 U.S.C. s. 1344. This plan
4 shall also address significant invasive plant problems within
5 wetlands and other surface waters. In developing such plans,
6 the districts shall utilize sound ecosystem management
7 practices to address significant water resource needs and
8 shall focus on activities of the Department of Environmental
9 Protection and the water management districts, such as surface
10 water improvement and management (SWIM) waterbodies and lands
11 identified for potential acquisition for preservation,
12 restoration, and enhancement, to the extent that such
13 activities comply with the mitigation requirements adopted
14 under this part and 33 U.S.C. s. 1344. In determining the
15 activities to be included in such plans, the districts shall
16 also consider the purchase of credits from public or private
17 mitigation banks permitted under s. 373.4136 and associated
18 federal authorization and shall include such purchase as a
19 part of the mitigation plan when such purchase would offset
20 the impact of the transportation project, provide equal
21 benefits to the water resources than other mitigation options
22 being considered, and provide the most cost-effective
23 mitigation option. The mitigation plan shall be preliminarily
24 approved by the water management district governing board and
25 shall be submitted to the secretary of the Department of
26 Environmental Protection for review and final approval. The
27 preliminary approval by the water management district
28 governing board does not constitute a decision that affects
29 substantial interests as provided by s. 120.569. At least 30
30 days prior to preliminary approval, the water management
31 district shall provide a copy of the draft mitigation plan to

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 any person who has requested a copy.

2 (c) Surface water improvement and management or
 3 invasive plant control projects undertaken using the \$12
 4 million advance transferred from the Department of
 5 Transportation to the Department of Environmental Protection
 6 in fiscal year 1996-1997 which meet the requirements for
 7 mitigation under this part and 33 U.S.C. s. 1344 shall remain
 8 available for mitigation until the \$12 million is fully
 9 credited up to and including fiscal year 2006-2007 ~~2005-2006~~.
 10 When these projects are used as mitigation, the \$12 million
 11 advance shall be reduced by \$75,000 per acre of impact
 12 mitigated. For any fiscal year through and including fiscal
 13 year 2006-2007 ~~2005-2006~~, to the extent the cost of developing
 14 and implementing the mitigation plans is less than the amount
 15 transferred pursuant to subsection (3), the difference shall
 16 be credited towards the \$12 million advance. Except as
 17 provided in this paragraph, any funds not directed to
 18 implement the mitigation plan should, to the greatest extent
 19 possible, be directed to fund invasive plant control within
 20 wetlands and other surface waters.

21 Section 31. In order to implement Specific
 22 Appropriation 1690 of the 2005-2006 General Appropriations
 23 Act, subsection (3) of section 120.551, Florida Statutes, is
 24 amended to read:

25 120.551 Internet publication.--

26 (3) This section is repealed effective July 1, 2006
 27 ~~2005~~, unless reviewed and reenacted by the Legislature before
 28 that date.

29 Section 32. In order to implement Specific
 30 Appropriations 1629-1635 of the 2005-2006 General
 31 Appropriations Act and notwithstanding the repeal of

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 subsections (1), (2), (3), and (4) of section 373.4145,
2 Florida Statutes, scheduled for July 1, 2005, those
3 subsections are reenacted, and subsection (6) of that section
4 is amended, to read:

5 373.4145 Interim part IV permitting program for the
6 Northwest Florida Water Management District.--

7 (1) Within the geographical jurisdiction of the
8 Northwest Florida Water Management District, the permitting
9 authority of the department under this part shall consist
10 solely of the following, notwithstanding the rule adoption
11 deadline in s. 373.414(9):

12 (a) Chapter 17-25, Florida Administrative Code, shall
13 remain in full force and effect, and shall be implemented by
14 the department. Notwithstanding the provisions of this
15 section, chapter 17-25, Florida Administrative Code, may be
16 amended by the department as necessary to comply with any
17 requirements of state or federal laws or regulations, or any
18 condition imposed by a federal program, or as a requirement
19 for receipt of federal grant funds.

20 (b) Rules adopted pursuant to the authority of ss.
21 403.91-403.929, 1984 Supplement to the Florida Statutes 1983,
22 as amended, in effect prior to July 1, 1994, shall remain in
23 full force and effect, and shall be implemented by the
24 department. However, the department is authorized to
25 establish additional exemptions and general permits for
26 dredging and filling, if such exemptions or general permits do
27 not allow significant adverse impacts to occur individually or
28 cumulatively. However, for the purpose of chapter 17-312,
29 Florida Administrative Code, the landward extent of surface
30 waters of the state identified in rule 17-312.030(2), Florida
31 Administrative Code, shall be determined in accordance with

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 the methodology in rules 17-340.100 through 17-340.600,
 2 Florida Administrative Code, as ratified in s. 373.4211, upon
 3 the effective date of such ratified methodology. In
 4 implementing s. 373.421(2), the department shall determine the
 5 extent of those surface waters and wetlands within the
 6 regulatory authority of the department as described in this
 7 paragraph. At the request of the petitioner, the department
 8 shall also determine the extent of surface waters and wetlands
 9 which can be delineated by the methodology ratified in s.
 10 373.4211, but which are not subject to the regulatory
 11 authority of the department as described in this paragraph.

12 (c) The department may implement chapter 40A-4,
 13 Florida Administrative Code, in effect prior to July 1, 1994,
 14 pursuant to an interagency agreement with the Northwest
 15 Florida Water Management District adopted under s. 373.046(4).

16 (2) The authority of the Northwest Florida Water
 17 Management District to implement this part or to implement any
 18 authority pursuant to delegation by the department shall not
 19 be affected by this section. The rule adoption deadline in s.
 20 373.414(9) shall not apply to said district.

21 (3) The division of permitting responsibilities in s.
 22 373.046(4) shall not apply within the geographical
 23 jurisdiction of the Northwest Florida Water Management
 24 District.

25 (4) If the United States Environmental Protection
 26 Agency approves an assumption of the federal program to
 27 regulate the discharge of dredged or fill material by the
 28 department or the water management districts, or both,
 29 pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500,
 30 as amended, 33 U.S.C. ss. 1251 et seq.; the United States Army
 31 Corps of Engineers issues one or more state programmatic

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 general permits under the referenced statutes; or the United
 2 States Environmental Protection Agency or the United States
 3 Corps of Engineers approves any other delegation of regulatory
 4 authority under the referenced statutes, then the department
 5 may implement any permitting authority granted in this part
 6 within the Northwest Florida Water Management District which
 7 is prescribed as a condition of granting such assumption,
 8 general permit, or delegation.

9 (6) Subsections (1), (2), (3), and (4) shall be
 10 repealed effective July 1, 2006 ~~2005~~.

11 Section 33. In order to implement Specific
 12 Appropriations 1315, 1384, 1435, 1445, 1453, and 1461 of the
 13 2005-2006 General Appropriations Act, notwithstanding the
 14 limitations imposed on the Conservation and Recreation Lands
 15 Trust Fund by section 259.032, Florida Statutes, moneys in the
 16 Conservation and Recreation Lands Trust Fund may be
 17 appropriated for the 2005-2006 fiscal year to the Department
 18 of Agriculture and Consumer Services to pay for replacement of
 19 motor vehicles in programs other than forest and resource
 20 protection/land management. This section expires July 1, 2006.

21 Section 34. (1) In order to implement Specific
 22 Appropriation 1453A of the 2005-2006 General Appropriations
 23 Act, there is hereby created the Florida Pork Producers
 24 Transition Grant Program within the Department of Agriculture
 25 and Consumer Services to provide assistance to any person or
 26 persons or entities that were using farming methods described
 27 in Article X, Section 21 of the Florida Constitution on
 28 November 5, 2002. The purpose of the program is to assist
 29 Florida pork producers in reducing encumbered debt on stranded
 30 investment in equipment and in transitioning into other
 31 farming or agriculture activities.

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 (2) Any person or persons or entities that were using
2 farming methods described in Article X, Section 21 of the
3 Florida Constitution on November 5, 2002, are entitled to
4 apply for a grant from the program if that person or entity
5 signs a letter of intent to cease or has ceased using farming
6 methods described in Article X, Section 21 of the Florida
7 Constitution on land within this state and agrees in writing
8 to continue to use the land as actively engaged in an
9 agricultural or farming activity other than pork production
10 until at least November 2008.

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

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

19 Section 35. In order to implement Specific
20 Appropriations 2590 and 2591 of the 2005-2006 General
21 Appropriations Act, section 11.151, Florida Statutes, is
22 amended to read:

23 11.151 Annual legislative appropriation to contingency
24 fund for use of Senate President and House Speaker.--

25 (1) There is established a legislative contingency
26 fund consisting of \$10,000 for the President of the Senate and
27 \$10,000 for the Speaker of the House of Representatives, which
28 amounts shall be set aside annually from moneys appropriated
29 for legislative expense. These funds shall be disbursed by the
30 Chief Financial Officer upon receipt of vouchers authorized by
31 the President of the Senate or the Speaker of the House of

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 Representatives. Such funds may be expended at the
 2 unrestricted discretion of the President of the Senate or the
 3 Speaker of the House of Representatives in carrying out their
 4 official duties during the entire period between the date of
 5 their election as such officers at the organizational meeting
 6 held pursuant to s. 3(a), Art. III of the State Constitution
 7 and the next general election.

8 (2) For the 2005-2006 fiscal year only, the
 9 contingency fund amounts in subsection (1) are increased to
 10 \$20,000. This subsection expires July 1, 2006.

11 Section 36. In order to implement Specific
 12 Appropriation 2501 of the 2005-2006 General Appropriations
 13 Act, paragraph (b) of subsection (9) of section 320.08058,
 14 Florida Statutes, is amended to read:

15 320.08058 Specialty license plates.--

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

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

19 1. Fifty-five percent of the proceeds from the Florida
 20 Professional Sports Team plate must be deposited into the
 21 Professional Sports Development Trust Fund within the Office
 22 of Tourism, Trade, and Economic Development. These funds must
 23 be used solely to attract and support major sports events in
 24 this state. As used in this subparagraph, the term "major
 25 sports events" means, but is not limited to, championship or
 26 all-star contests of Major League Baseball, the National
 27 Basketball Association, the National Football League, the
 28 National Hockey League, the men's and women's National
 29 Collegiate Athletic Association Final Four basketball
 30 championship, or a horseracing or dogracing Breeders' Cup. All
 31 funds must be used to support and promote major sporting

Barcode 240572

1 events, and the uses must be approved by the Florida Sports
2 Foundation.

3 2. The remaining proceeds of the Florida Professional
4 Sports Team license plate must be allocated to the Florida
5 Sports Foundation, a direct-support organization of the Office
6 of Tourism, Trade, and Economic Development. These funds must
7 be deposited into the Professional Sports Development Trust
8 Fund within the Office of Tourism, Trade, and Economic
9 Development. These funds must be used by the Florida Sports
10 Foundation to promote the economic development of the sports
11 industry; to distribute licensing and royalty fees to
12 participating professional sports teams; to promote education
13 programs in Florida schools that provide an awareness of the
14 benefits of physical activity and nutrition standards; to
15 partner with the Department of Education and the Department of
16 Health to develop a program that recognizes schools whose
17 students demonstrate excellent physical fitness or fitness
18 improvement; to institute a grant program for communities
19 bidding on minor sporting events that create an economic
20 impact for the state; to distribute funds to Florida-based
21 charities designated by the Florida Sports Foundation and the
22 participating professional sports teams; and to fulfill the
23 sports promotion responsibilities of the Office of Tourism,
24 Trade, and Economic Development.

25 3. The Florida Sports Foundation shall provide an
26 annual financial audit in accordance with s. 215.981 of its
27 financial accounts and records by an independent certified
28 public accountant pursuant to the contract established by the
29 Office of Tourism, Trade, and Economic Development as
30 specified in s. 288.1229(5). The auditor shall submit the
31 audit report to the Office of Tourism, Trade, and Economic

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 Development for review and approval. If the audit report is
 2 approved, the office shall certify the audit report to the
 3 Auditor General for review.

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

10 Section 37. In order to implement Specific
 11 Appropriation 2121 of the 2005-2006 General Appropriations
 12 Act, section 445.048, Florida Statutes, as amended by section
 13 53 of chapter 2004-269, Laws of Florida, is amended to read:

14 445.048 Passport to Economic Progress ~~demonstration~~
 15 program.--

16 (1) AUTHORIZATION.--Notwithstanding any law to the
 17 contrary, Workforce Florida, Inc., in conjunction with the
 18 Department of Children and Family Services and the Agency for
 19 Workforce Innovation, shall implement a Passport to Economic
 20 Progress ~~demonstration~~ program ~~by November 1, 2001~~, consistent
 21 with the provisions of this section ~~in Hillsborough and~~
 22 ~~Manatee counties~~. Workforce Florida, Inc., may designate
 23 regional workforce boards to participate in the program.
 24 Expenses for the program may come from appropriated revenues
 25 or from funds otherwise available to a regional workforce
 26 board which may be legally used for such purposes. Workforce
 27 Florida, Inc., must consult with the applicable regional
 28 workforce boards and the applicable local offices of the
 29 Department of Children and Family Services ~~which serve the~~
 30 ~~demonstration areas~~ and must encourage community input into
 31 the implementation process.

Barcode 240572

1 (2) WAIVERS.--If Workforce Florida, Inc., in
2 consultation with the Department of Children and Family
3 Services, finds that federal waivers would facilitate
4 implementation of the ~~demonstration~~ program, the department
5 shall immediately request such waivers, and Workforce Florida,
6 Inc., shall report to the Governor, the President of the
7 Senate, and the Speaker of the House of Representatives if any
8 refusal of the federal government to grant such waivers
9 prevents the implementation of the ~~demonstration~~ program. If
10 Workforce Florida, Inc., finds that federal waivers to
11 provisions of the Food Stamp Program would facilitate
12 implementation of the ~~demonstration~~ program, the Department of
13 Children and Family Services shall immediately request such
14 waivers in accordance with s. 414.175.

15 ~~(3) INCOME DISREGARD.--In order to provide an
16 additional incentive for employment, and notwithstanding the
17 amount specified in s. 414.095(12), for individuals residing
18 in the areas designated for this demonstration program, the
19 first \$300 plus one-half of the remainder of earned income
20 shall be disregarded in determining eligibility for temporary
21 cash assistance. All other conditions and requirements of s.
22 414.095(12) shall continue to apply to such individuals.~~

23 (3)(4) TRANSITIONAL BENEFITS AND SERVICES.--In order
24 to assist them in making the transition to economic
25 self-sufficiency, former recipients of temporary cash
26 assistance ~~residing within the areas designated for this
27 demonstration program~~ shall be eligible for the following
28 benefits and services:

29 (a) Notwithstanding the time period specified in s.
30 445.030, transitional education and training support services
31 as specified in s. 445.030 for up to 4 years after the family

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 is no longer receiving temporary cash assistance;

2 (b) Notwithstanding the time period specified in s.
3 445.031, transitional transportation support services as
4 specified in s. 445.031 for up to 4 years after the family is
5 no longer receiving temporary cash assistance; and

6 (c) Notwithstanding the time period specified in s.
7 445.032, transitional child care as specified in s. 445.032
8 for up to 4 years after the family is no longer receiving
9 temporary cash assistance.

10

11 All other provisions of ss. 445.030, 445.031, and 445.032
12 shall apply to such individuals, as appropriate. This
13 subsection does not constitute an entitlement to transitional
14 benefits and services. If funds are insufficient to provide
15 benefits and services under this subsection, the board of
16 directors of Workforce Florida, Inc., or its agent, may limit
17 such benefits and services or otherwise establish priorities
18 for the provisions of such benefits and services.

19 ~~(4)(5) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY WAGE~~
20 ~~SUPPLEMENTATION.--~~

21 (a) The Legislature finds that:

22 1. There are former recipients of temporary cash
23 assistance who are working full time but whose incomes are
24 below the federal poverty level.

25 2. Having incomes below the federal poverty level
26 makes such individuals particularly vulnerable to reliance on
27 public assistance despite their best efforts to achieve or
28 maintain economic independence through employment.

29 3. It is necessary to implement a performance-based
30 program that defines economic incentives for achieving
31 specific benchmarks toward self-sufficiency while the

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 ~~individual is working full-time supplement the wages of such~~
 2 ~~individuals for a limited period of time in order to assist~~
 3 ~~them in fulfilling the transition to economic~~
 4 ~~self-sufficiency.~~

5 (b) Workforce Florida, Inc., in cooperation with the
 6 Department of Children and Family Services and the Agency for
 7 Workforce Innovation, shall offer performance-based incentive
 8 bonuses ~~create a transitional wage supplementation program by~~
 9 ~~November 1, 2001,~~ as a component of the Passport to Economic
 10 Progress ~~demonstration program in the areas designated for the~~
 11 ~~demonstration program. This wage supplementation program does~~
 12 ~~not constitute an entitlement to wage supplementation. The~~
 13 bonuses do not represent a program entitlement and shall be
 14 contingent on achieving specific benchmarks prescribed in the
 15 self-sufficiency plan. If the funds appropriated for this
 16 purpose are insufficient to provide this financial incentive
 17 ~~wage supplementation,~~ the board of directors of Workforce
 18 Florida, Inc., may reduce or suspend the bonuses in order not
 19 to exceed the appropriation or may direct the regional boards
 20 to use resources otherwise given to the regional workforce to
 21 pay such bonuses if such payments comply with applicable state
 22 and federal laws limit wage supplementation or otherwise
 23 establish priorities for wage supplementation.

24 (c) To be eligible for an incentive bonus wage
 25 ~~supplementation~~ under this subsection, an individual must:
 26 1. Be a former recipient of temporary cash assistance
 27 who last received such assistance on or after January 1, 2000;
 28 2. Be employed full time, which for the purposes of
 29 this subsection means employment averaging at least 32 hours
 30 per week, until the United States Congress enacts legislation
 31 reauthorizing the Temporary Assistance for Needy Families

Barcode 240572

1 block grant and, after the reauthorization, means employment
 2 complying with the employment requirements of the
 3 reauthorization; and

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

8 ~~(d) Workforce Florida, Inc., shall determine the~~
 9 ~~schedule for the payment of wage supplementation under this~~
 10 ~~subsection. An individual eligible for wage supplementation~~
 11 ~~under this subsection may receive a payment that equals the~~
 12 ~~amount necessary to bring the individual's total family income~~
 13 ~~for the period covered by the payment to 100 percent of the~~
 14 ~~federal poverty level. An individual may not receive wage~~
 15 ~~supplementation payments for more than a total of 12 months.~~

16 ~~(e) The wage supplementation program authorized by~~
 17 ~~this subsection shall be administered through the regional~~
 18 ~~workforce boards and the one-stop delivery system, under~~
 19 ~~policy guidelines, criteria, and applications developed by~~
 20 ~~Workforce Florida, Inc., in cooperation with the Department of~~
 21 ~~Children and Family Services and the Agency for Workforce~~
 22 ~~Innovation. To the maximum extent possible, the regional~~
 23 ~~workforce boards shall use electronic debit card technologies~~
 24 ~~to provide wage supplementation payments under this program.~~

25 ~~(5)(6)~~ EVALUATIONS AND RECOMMENDATIONS.--Workforce
 26 Florida, Inc., in conjunction with the Department of Children
 27 and Family Services, the Agency for Workforce Innovation, and
 28 the regional workforce boards ~~in the areas designated for this~~
 29 ~~demonstration program~~, shall conduct a comprehensive
 30 evaluation of the effectiveness of the ~~demonstration~~ program
 31 operated under this section. Evaluations and recommendations

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 for the program shall be submitted by Workforce Florida, Inc.,
 2 as part of its annual report to the Legislature. By January 1,
 3 2003, Workforce Florida, Inc., shall submit a report on such
 4 evaluation to the Governor, the President of the Senate, and
 5 the Speaker of the House of Representatives. The report must
 6 include recommendations as to whether the demonstration
 7 program should be expanded to other service areas or statewide
 8 and whether the program should be revised to enhance its
 9 administration or effectiveness.

10 (6)(7) CONFLICTS.--If there is a conflict between the
 11 implementation procedures described in this section and
 12 federal requirements and regulations, federal requirements and
 13 regulations shall control.

14 Section 38. The amendment of section 445.048, Florida
 15 Statutes, by this act shall expire on July 1, 2006, and the
 16 text of that section shall revert to that in existence on June
 17 30, 2003, except that any amendments to such text enacted
 18 other than by this act shall be preserved and continue to
 19 operate to the extent that such amendments are not dependent
 20 upon the portions of such text which expire pursuant to the
 21 provisions of this act.

22 Section 39. In order to implement section 37 of the
 23 2005-2006 General Appropriations Act, subsection (13) of
 24 section 253.034, Florida Statutes, is amended to read:

25 253.034 State-owned lands; uses.--

26 (13) Notwithstanding the provisions of this section,
 27 funds from the sale of property by the Department of Highway
 28 Safety and Motor Vehicles located in Palm Beach County ~~and~~
 29 ~~Orange Counties~~ are authorized to be deposited into the
 30 Highway Safety Operating Trust Fund to facilitate the exchange
 31 as provided in the General Appropriations Act, provided that

Barcode 240572

1 at the conclusion of both exchanges the values are equalized.

2 This subsection expires July 1, 2006 ~~2005~~.

3 Section 40. In order to implement proviso language in
4 Specific Appropriation 2162G of the 2005-2006 General
5 Appropriations Act, section 402.3017, Florida Statutes, is
6 amended to read:

7 402.3017 Teacher Education and Compensation Helps
8 (TEACH) scholarship program.--

9 (1) The Legislature finds that the level of early
10 child care teacher education and training is a key predictor
11 for determining program quality. The Legislature also finds
12 that low wages for child care workers prevent many from
13 obtaining increased training and education and contribute to
14 high turnover rates. The Legislature therefore intends to
15 help fund a program which links teacher training and education
16 to compensation and commitment to the field of early childhood
17 education.

18 (2) The Department of Children and Family Services is
19 authorized to contract for the administration of the Teacher
20 Education and Compensation Helps (TEACH) scholarship program,
21 which provides educational scholarships to caregivers and
22 administrators of early childhood programs, family day care
23 homes, and large family child care homes.

24 (3) The department shall adopt rules as necessary to
25 implement this section.

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

29 Section 41. In order to implement Specific
30 Appropriation 2982D of the 2005-2006 General Appropriations
31 Act, paragraph (g) is added to subsection (11) of section

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 259.032, Florida Statutes, to read:

2 259.032 Conservation and Recreation Lands Trust Fund;
3 purpose.--

4 (11)

5 (g) In addition to the purposes specified in paragraph
6 (b), funds from the 1.5 percent of the cumulative total of
7 funds ever deposited into the Florida Preservation 2000 Trust
8 Fund and the Florida Forever Trust Fund may be appropriated
9 for the 2005-2006 fiscal year for the construction of
10 replacement museum facilities. This paragraph expires July 1,
11 2006.

12 Section 42. In order to implement Specific
13 Appropriation 1995 of the 2005-2006 General Appropriations
14 Act, section 311.22, Florida Statutes, is created to read:

15 311.22 Additional authorization for funding certain
16 dredging projects.--

17 (1) The Florida Seaport Transportation and Economic
18 Development Council shall establish a program to fund dredging
19 projects in counties having a population of fewer than 300,000
20 according to the last official census. Funds made available
21 under this program may be used to fund approved projects for
22 the dredging or deepening of channels, turning basins, or
23 harbors on a 50-50 matching basis with any port authority, as
24 such term is defined in s. 315.02(2), which complies with the
25 water quality provisions of s. 403.061 and the local financial
26 management and reporting provisions of part III of chapter
27 218.

28 (2) The council shall adopt rules for evaluating the
29 projects that may be funded pursuant to this section. The
30 rules must provide criteria for evaluating the economic
31 benefit of the project. The rules must include the creation of

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 an administrative review process by the council which is
 2 similar to the process contained in ss. 311.09(5)-(12), and
 3 provide for a review by the Department of Community Affairs,
 4 the Department of Transportation, and the Office of Tourism,
 5 Trade, and Economic Development of all projects submitted for
 6 funding under this section.

7 (3) This section expires July 1, 2006.

8 Section 43. In order to implement Specific
 9 Appropriations 1989-2003, 2017-2019, 2021-2026, 2028-2038, and
 10 2074-2084 of the 2005-2006 General Appropriations Act,
 11 subsection (8) is added to section 339.135, Florida Statutes,
 12 to read:

13 339.135 Work program; legislative budget request;
 14 definitions; preparation, adoption, execution, and
 15 amendment.--

16 (8) INCREASED APPROPRIATIONS.--Notwithstanding any
 17 requirement of subsections (4) and (5), s. 339.08, or s.
 18 339.175, the Legislature may appropriate increased revenues
 19 identified by the March 4, 2005, consensus estimating
 20 conference for projects funded within the Department of
 21 Transportation. The funding for such projects may not be
 22 deducted from funds otherwise distributed to districts. This
 23 subsection expires July 1, 2006.

24 Section 44. In order to implement Specific
 25 Appropriation 2575 of the 2005-2006 General Appropriations
 26 Act, section 320.0846, Florida Statutes, is created to read:

27 320.0846 Free motor vehicle license plates to active
 28 members of the Florida National Guard.--

29 (1) Any owner or lessee of a motor vehicle who resides
 30 in this state and is an active member of the Florida National
 31 Guard may, upon application and proof of eligibility, be

Barcode 240572

1 issued one standard license plate without charge. Applications
2 for any additional license plates must be accompanied by
3 appropriate fees established in this chapter.

4 (2) Eligible applicants of the Florida National Guard
5 may apply for a specialty license plate as provided in s.
6 320.08056 upon payment of the fees required in that section.
7 All other fees will be waived. Applications for any additional
8 specialty license plates must be accompanied by all
9 appropriate fees established in this chapter.

10 (3) This section expires July 1, 2006.

11 Section 45. In order to implement Specific
12 Appropriations 1512 and 1514 of the 2005-2006 General
13 Appropriations Act, paragraph (g) is added to subsection (5)
14 of section 216.292, Florida Statutes, to read:

15 216.292 Appropriations nontransferable; exceptions.--
16 (5)

17 (g) Notwithstanding paragraph (d), and for the
18 2005-2006 fiscal year only, the Governor may recommend the
19 initiation of fixed capital outlay projects funded by grants
20 awarded by the Federal Emergency Management Agency for FEMA
21 Disaster Declarations 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, and
22 1561-DR-FL. All actions taken pursuant to the authority
23 granted in this paragraph are subject to review and approval
24 by the Legislative Budget Commission. This paragraph expires
25 July 1, 2006.

26 Section 46. In order to implement Specific
27 Appropriation 1567A of the 2005-2006 General Appropriations
28 Act, subsection (3) of section 380.511, Florida Statutes, is
29 amended to read:

30 380.511 Florida Communities Trust Fund.--

31 (3)(a) The trust may disburse moneys in the Florida

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 Communities Trust Fund to pay all necessary expenses to carry
2 out the purposes of this part, except as limited by s.
3 380.510(7).

4 (b) For the 2005-2006 fiscal year only, any
5 unappropriated balance in the Florida Communities Trust Fund
6 may be transferred by the General Appropriations Act to the
7 Emergency Management Preparedness and Assistance Trust Fund.
8 This paragraph expires July 1, 2006.

9 Section 47. In order to implement Specific
10 Appropriation 1543A of the 2005-2006 General Appropriations
11 Act, section 420.0005, Florida Statutes, is amended to read:

12 420.0005 State Housing Trust Fund; State Housing
13 Fund.--

14 (1) There is hereby established in the State Treasury
15 a separate trust fund to be named the "State Housing Trust
16 Fund." There shall be deposited in the fund all moneys
17 appropriated by the Legislature, or moneys received from any
18 other source, for the purpose of this chapter, and all
19 proceeds derived from the use of such moneys. The fund shall
20 be administered by the Florida Housing Finance Corporation on
21 behalf of the department, as specified in this chapter. Money
22 deposited to the fund and appropriated by the Legislature
23 must, notwithstanding the provisions of chapter 216 or s.
24 420.504(3), be transferred quarterly in advance, to the extent
25 available, or, if not so available, as soon as received into
26 the State Housing Trust Fund, and subject to the provisions of
27 s. 420.5092(6)(a) and (b) by the Chief Financial Officer to
28 the corporation upon certification by the Secretary of
29 Community Affairs that the corporation is in compliance with
30 the requirements of s. 420.0006. The certification made by the
31 secretary shall also include the split of funds among programs

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 administered by the corporation and the department as
2 specified in chapter 92-317, Laws of Florida, as amended.
3 Moneys advanced by the Chief Financial Officer must be
4 deposited by the corporation into a separate fund established
5 with a qualified public depository meeting the requirements of
6 chapter 280 to be named the "State Housing Fund" and used for
7 the purposes of this chapter. Administrative and personnel
8 costs incurred in implementing this chapter may be paid from
9 the State Housing Fund, but such costs may not exceed 5
10 percent of the moneys deposited into such fund. To the State
11 Housing Fund shall be credited all loan repayments, penalties,
12 and other fees and charges accruing to such fund under this
13 chapter. It is the intent of this chapter that all loan
14 repayments, penalties, and other fees and charges collected be
15 credited in full to the program account from which the loan
16 originated. Moneys in the State Housing Fund which are not
17 currently needed for the purposes of this chapter shall be
18 invested in such manner as is provided for by statute. The
19 interest received on any such investment shall be credited to
20 the State Housing Fund.

21 (2) For the 2005-2006 fiscal year only, any
22 unappropriated balance in the State Housing Trust Fund in the
23 Department of Community Affairs may be transferred by the
24 General Appropriations Act to the Emergency Management
25 Preparedness and Assistance Trust Fund. This subsection
26 expires July 1, 2006.

27 Section 48. In order to implement Specific
28 Appropriation 1543A of the 2005-2006 General Appropriations
29 Act, subsection (4) of section 420.36, Florida Statutes, is
30 amended to read:

31 420.36 Low-income Emergency Home Repair

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 Program.--There is established within the Department of
2 Community Affairs the Low-income Emergency Home Repair Program
3 to assist low-income persons, especially the elderly and
4 physically disabled, in making emergency repairs which
5 directly affect their health and safety.

6 (4)(a) Funds appropriated to the department for the
7 program shall be deposited in the Energy Consumption Trust
8 Fund. Administrative and personnel costs incurred by the
9 department in implementing the provisions of this section may
10 be paid from the fund.

11 (b) The grantee may subgrant these funds to a
12 subgrantee if the grantee is unable to serve all of the county
13 or the target population. Grantee and subgrantee eligibility
14 shall be determined by the department.

15 (c) Funds shall be distributed to grantees and
16 subgrantees as follows:

17 1. For each county, a base amount of at least \$3,000
18 shall be set aside from the total funds available, and such
19 amount shall be deducted from the total amount appropriated by
20 the Legislature.

21 2. The balance of the funds appropriated by the
22 Legislature shall be divided by the total poverty population
23 of the state, and this quotient shall be multiplied by each
24 county's share of the poverty population. That amount plus
25 the base of at least \$3,000 shall constitute each county's
26 share. A grantee which serves more than one county shall
27 receive the base amount plus the poverty population share for
28 each county to be served. Contracts with grantees may be
29 renewed annually.

30 3. The funds allocated to each county shall be offered
31 first to an existing weatherization assistance program grantee

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 in good standing, as determined by the department, that can
2 provide services to the target population of low-income
3 persons, low-income elderly persons, and low-income physically
4 disabled persons throughout the county.

5 4. If a weatherization assistance program grantee is
6 not available to serve the entire county area, the funds shall
7 be distributed through the following process:

8 a. An announcement of funding availability shall be
9 provided to the county. The county may elect to administer
10 the program.

11 b. If the county elects not to administer the program,
12 the department shall establish rules to address the selection
13 of one or more public or private not-for-profit agencies that
14 are experienced in weatherization, rehabilitation, or
15 emergency repair to administer the program.

16 5. If no eligible agency agrees to serve a county, the
17 funds for that county shall be distributed to grantees having
18 the best performance record as determined by department rule.
19 At the end of the contract year, any uncontracted or
20 unexpended funds shall be returned to the Energy Consumption
21 Trust Fund and reallocated under the next year's contracting
22 cycle.

23 (d) For the 2005-2006 fiscal year only, any
24 unappropriated balance in the Energy Consumption Trust Fund
25 may be transferred by the General Appropriations Act to the
26 Emergency Management Preparedness and Assistance Trust Fund.
27 This paragraph expires July 1, 2006.

28 Section 49. In order to implement Specific
29 Appropriation 1543A of the 2005-2006 General Appropriations
30 Act, and for the 2005-2006 fiscal year only, any
31 unappropriated balance in the Grants and Donations Trust Fund

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 of the Department of Community Affairs may be transferred by
 2 the General Appropriations Act to the Emergency Management
 3 Preparedness and Assistance Trust Fund. This section expires
 4 July 1, 2006.

5 Section 50. In order to implement specific
 6 appropriations for salaries and benefits in the 2005-2006
 7 General Appropriations Act, notwithstanding the provisions of
 8 section 110.1245(4), Florida Statutes, and for the 2005-2006
 9 fiscal year only, agencies may additionally use funds for cash
 10 awards to state employees who demonstrate satisfactory service
 11 in the agency or to the state, in appreciation and recognition
 12 of such service. Awards may not exceed \$100 each and will be
 13 allocated from an agency's existing budget. By March 1, 2006,
 14 agencies that elect to make cash awards will report to the
 15 Governor and Cabinet, the President of the Senate, and the
 16 Speaker of the House of Representatives the dollar value and
 17 number of such awards given. If available, any additional
 18 information concerning employee satisfaction and feedback
 19 should be provided. This section expires July 1, 2006.

20 Section 51. In order to implement the transfer of
 21 moneys to the Working Capital Fund from trust funds in the
 22 2005-2006 General Appropriations Act, paragraph (b) of
 23 subsection (2) of section 215.32, Florida Statutes, is
 24 reenacted to read:

25 215.32 State funds; segregation.--

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

28 (b)1. The trust funds shall consist of moneys received
 29 by the state which under law or under trust agreement are
 30 segregated for a purpose authorized by law. The state agency
 31 or branch of state government receiving or collecting such

Barcode 240572

1 moneys shall be responsible for their proper expenditure as
 2 provided by law. Upon the request of the state agency or
 3 branch of state government responsible for the administration
 4 of the trust fund, the Chief Financial Officer may establish
 5 accounts within the trust fund at a level considered necessary
 6 for proper accountability. Once an account is established
 7 within a trust fund, the Chief Financial Officer may authorize
 8 payment from that account only upon determining that there is
 9 sufficient cash and releases at the level of the account.

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

14 a. Operations or operating trust fund, for use as a
 15 depository for funds to be used for program operations funded
 16 by program revenues, with the exception of administrative
 17 activities when the operations or operating trust fund is a
 18 proprietary fund.

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

21 c. Administrative trust fund, for use as a depository
 22 for funds to be used for management activities that are
 23 departmental in nature and funded by indirect cost earnings
 24 and assessments against trust funds. Proprietary funds are
 25 excluded from the requirement of using an administrative trust
 26 fund.

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

31 e. Agency working capital trust fund, for use as a

Barcode 240572

1 depository for funds to be used pursuant to s. 216.272.

2 f. Clearing funds trust fund, for use as a depository
3 for funds to account for collections pending distribution to
4 lawful recipients.

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

8
9 To the extent possible, each agency must adjust its internal
10 accounting to use existing trust funds consistent with the
11 requirements of this subparagraph. If an agency does not have
12 trust funds listed in this subparagraph and cannot make such
13 adjustment, the agency must recommend the creation of the
14 necessary trust funds to the Legislature no later than the
15 next scheduled review of the agency's trust funds pursuant to
16 s. 215.3206.

17 3. All such moneys are hereby appropriated to be
18 expended in accordance with the law or trust agreement under
19 which they were received, subject always to the provisions of
20 chapter 216 relating to the appropriation of funds and to the
21 applicable laws relating to the deposit or expenditure of
22 moneys in the State Treasury.

23 4.a. Notwithstanding any provision of law restricting
24 the use of trust funds to specific purposes, unappropriated
25 cash balances from selected trust funds may be authorized by
26 the Legislature for transfer to the Budget Stabilization Fund
27 and Working Capital Fund in the General Appropriations Act.

28 b. This subparagraph does not apply to trust funds
29 required by federal programs or mandates; trust funds
30 established for bond covenants, indentures, or resolutions
31 whose revenues are legally pledged by the state or public body

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 to meet debt service or other financial requirements of any
 2 debt obligations of the state or any public body; the State
 3 Transportation Trust Fund; the trust fund containing the net
 4 annual proceeds from the Florida Education Lotteries; the
 5 Florida Retirement System Trust Fund; trust funds under the
 6 management of the Board of Regents, where such trust funds are
 7 for auxiliary enterprises, self-insurance, and contracts,
 8 grants, and donations, as those terms are defined by general
 9 law; trust funds that serve as clearing funds or accounts for
 10 the Chief Financial Officer or state agencies; trust funds
 11 that account for assets held by the state in a trustee
 12 capacity as an agent or fiduciary for individuals, private
 13 organizations, or other governmental units; and other trust
 14 funds authorized by the State Constitution.

15 Section 52. In order to implement the issuance of new
 16 debt authorized in the 2005-2006 General Appropriations Act,
 17 and pursuant to the requirements of section 215.98, Florida
 18 Statutes, the Legislature determines that the authorization
 19 and issuance of debt for the 2005-2006 fiscal year is in the
 20 best interest of the state and should be implemented.

21 Section 53. In order to implement Sections 34, 35, 36,
 22 39, 41, and 42 of the 2005-2006 General Appropriations Act,
 23 subsection (19) is added to section 216.181, Florida Statutes,
 24 to read:

25 216.181 Approved budgets for operations and fixed
 26 capital outlay.--

27 (19) In addition to the requirements of this chapter
 28 for amendments to the approved operating budgets for
 29 operational and fixed capital outlay expenditures from state
 30 agencies to be requested only through the Executive Office of
 31 the Governor and approved by the Governor and the Legislative

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 Budget Commission, state agencies may request, and the
2 Governor and the Legislative Budget Commission may approve,
3 amendments authorizing the expenditure of moneys from the
4 Working Capital Fund as specifically authorized in the General
5 Appropriations Act. This subsection expires July 1, 2006.

6 Section 54. A section of this act that implements a
7 specific appropriation or specifically identified proviso
8 language in the 2005-2006 General Appropriations Act is void
9 if the specific appropriation or specifically identified
10 proviso language is vetoed. A section of this act that
11 implements more than one specific appropriation or more than
12 one portion of specifically identified proviso language in the
13 2005-2006 General Appropriations Act is void if all the
14 specific appropriations or portions of specifically identified
15 proviso language are vetoed.

16 Section 55. If any other act passed in 2005 contains a
17 provision that is substantively the same as a provision in
18 this act, but that removes or is otherwise not subject to the
19 future repeal applied to such provision by this act, the
20 Legislature intends that the provision in the other act shall
21 take precedence and shall continue to operate, notwithstanding
22 the future repeal provided by this act.

23 Section 56. The agency performance measures and
24 standards in the document entitled "Performance Measures and
25 Standards Approved by the Legislature for Fiscal Year
26 2005-2006" dated May 3, 2005, and filed with the Secretary of
27 the Senate are incorporated by reference. Such performance
28 measures and standards are directly linked to the
29 appropriations made in the General Appropriations Act for
30 fiscal year 2005-2006, as required by the Government
31 Performance and Accountability Act of 1994. State agencies are

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 directed to revise their long-range program plans required
2 under section 216.013, Florida Statutes, to be consistent with
3 these performance measures and standards.

4 Section 57. If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 invalidity does not affect other provisions or applications of
7 the act which can be given effect without the invalid
8 provision or application, and to this end the provisions of
9 this act are declared severable.

10 Section 58. Except as otherwise expressly provided in
11 this act, this act shall take effect July 1, 2005; or, if this
12 act fails to become a law until after that date, it shall take
13 effect upon becoming a law and shall operate retroactively to
14 July 1, 2005.

15
16

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete everything before the enacting clause

20

21 and insert:

22 A bill to be entitled
23 An act implementing the 2005-2006 General
24 Appropriations Act; providing legislative
25 intent; providing for use of specified
26 calculations with respect to the Florida
27 Education Finance Program; creating s.
28 1004.065, F.S.; providing a limitation on
29 university and direct-support organization
30 financings; disbanding the Miami-Dade Land
31 Acquisition and Facilities Maintenance

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 Operation Advisory Board; amending s. 216.292,
2 F.S.; authorizing the Department of Children
3 and Family Services to transfer funds within
4 the family safety program; amending s. 287.057,
5 F.S.; authorizing the Department of Children
6 and Family Services to contract with a private
7 provider for a forensic mental health treatment
8 facility; amending s. 402.305, F.S.; providing
9 for the child care competency examination to be
10 given in Spanish; amending s. 402.33, F.S.;
11 suspending authority of the Department of
12 Children and Family Services to use funds in
13 excess of fee collections; amending s. 394.76,
14 F.S.; providing a local match ratio for
15 contracted community alcohol and mental health
16 services and programs funded through the
17 Department of Children and Family Services;
18 amending s. 215.18, F.S.; authorizing extension
19 of repayment periods for moneys transferred
20 between funds as a result of hurricanes
21 striking the state in 2004; requiring the
22 Agency for Persons with Disabilities to report
23 to the Governor and the Legislature with
24 respect to the financial status of the Home and
25 Community Based Services Waiver; providing for
26 budget adjustments; amending s. 440.02, F.S.;
27 redefining the term "employee," for purposes of
28 workers' compensation, to exclude certain
29 Medicaid-enrolled clients enrolled in workshop
30 settings for the purpose of training;
31 authorizing the Department of Corrections and

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 the Department of Juvenile Justice to make
2 certain expenditures to defray costs incurred
3 by a municipality or county as a result of
4 opening or operating a facility under authority
5 of the respective department; amending s.
6 216.262, F.S.; providing for additional
7 positions to operate additional prison bed
8 capacity under certain circumstances; amending
9 s. 287.057, F.S.; authorizing the Department of
10 Management Services to issue an invitation to
11 negotiate for additional beds at specified
12 correctional facilities; providing guidelines
13 on such negotiation; providing a time
14 requirement for any additional bed procurement;
15 requiring reports with respect to adding such
16 additional beds; authorizing transfer of
17 certain funds from the courts to the Justice
18 Administrative Commission to meet certain
19 shortfalls in due-process appropriations;
20 providing for expenditure of funds from the
21 Working Capital Fund to offset deficiencies in
22 due-process services; authorizing the
23 Department of Legal Affairs to expend
24 appropriated funds on programs funded in the
25 preceding fiscal year; amending s. 932.7055,
26 F.S.; allowing municipalities to reimburse
27 their general funds from moneys they advanced
28 to their own special law enforcement trust
29 funds; providing for an agreement between the
30 Department of Agriculture and Consumer Services
31 and the Department of Transportation for the

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 construction of an agricultural interdiction
2 station in Escambia County; authorizing the
3 Executive Office of the Governor to transfer
4 funds between departments for purposes of
5 aligning amounts paid for risk management
6 premiums and for purposes of aligning amounts
7 paid for human resource management services;
8 amending s. 112.061, F.S.; providing for
9 computation of travel time and reimbursement
10 for public officers' and employees' travel;
11 amending s. 287.17, F.S.; authorizing the use
12 of state aircraft for commuting; directing the
13 Department of Environmental Protection to make
14 specified awards of grant moneys for pollution
15 control purposes; amending s. 375.041, F.S.;
16 providing for use of funds allocated to the
17 Land Acquisition Trust Fund for water quality
18 issues; creating s. 376.30715, F.S.; providing
19 conditions on state financial assistance in
20 restoration of contaminated petroleum storage
21 or retail sites; amending s. 376.3071, F.S.;
22 providing for use of funds from the Inland
23 Protection Trust Fund to clean up certain
24 petroleum-contaminated sites and to purchase
25 generators for emergency fuel supply; amending
26 s. 373.4137, F.S.; providing for water
27 management districts to use specified funds in
28 certain surface water improvement and
29 management or invasive plant control projects;
30 amending s. 120.551, F.S.; continuing Internet
31 publication of certain notices of the

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 Department of Environmental Protection and the
 2 Board of Trustees of the Internal Improvement
 3 Trust Fund; amending s. 373.4145, F.S.;
 4 prescribing an interim permitting program for
 5 the Northwest Florida Water Management
 6 District; authorizing the appropriation of
 7 moneys in the Conservation and Recreation Lands
 8 Trust Fund to pay for replacement of motor
 9 vehicles for the Department of Agriculture and
 10 Consumer Services; creating the Florida Pork
 11 Producers Transition Grant Program within the
 12 Department of Agriculture and Consumer
 13 Services; entitling certain persons using
 14 farming methods described in the Florida
 15 Constitution on a certain date to apply for a
 16 grant; providing a cap on such grants and
 17 authorizing the department to adopt rules to
 18 implement the grant program; amending s.
 19 11.151, F.S.; increasing the contingency fund
 20 for the legislative presiding officers;
 21 amending s. 320.08058, F.S.; authorizing
 22 proceeds from the Professional Sports
 23 Development Trust Fund to be used for
 24 operational expenses of the Florida Sports
 25 Foundation and financial support of the
 26 Sunshine State Games; amending s. 445.048,
 27 F.S.; requiring that Workforce Florida, Inc.,
 28 expand the Passport to Economic Progress
 29 demonstration program to a statewide program;
 30 authorizing Workforce Florida, Inc., to
 31 designate regional workforce boards to

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 participate in the program; deleting the
2 provision relating to the disregarding of
3 income for purposes of determining eligibility
4 for cash assistance; requiring that Workforce
5 Florida, Inc., offer incentive bonuses;
6 providing requirements for the incentive
7 bonuses; providing that the bonuses are not an
8 entitlement; deleting obsolete provisions;
9 requiring Workforce Florida, Inc., to submit
10 evaluations and recommendations for the program
11 as part of its annual report to the
12 Legislature; deleting obsolete provisions;
13 amending s. 253.034, F.S.; authorizing deposit
14 of funds from the sale of property by the
15 Department of Highway Safety and Motor Vehicles
16 located in Palm Beach County; amending s.
17 402.3017, F.S.; requiring the Agency for
18 Workforce Innovation to administer Teacher
19 Education and Compensation Helps (TEACH)
20 scholarship program; amending s. 259.032, F.S.;
21 providing for use of certain funds for
22 constructing replacement museum facilities;
23 creating s. 311.22, F.S.; establishing a
24 program to provide matching funds for dredging
25 projects in eligible counties; requiring that
26 funds appropriated under the program be used
27 for certain projects; requiring that the
28 Florida Seaport Transportation and Economic
29 Development Council adopt rules for evaluating
30 the dredging projects; providing for a
31 project-review process by the Department of

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 Community Affairs, the Department of
2 Transportation, and the Office of Tourism,
3 Trade, and Economic Development; amending s.
4 339.135, F.S.; authorizing increased
5 appropriations for certain projects in the
6 Department of Transportation; creating s.
7 320.0846, F.S.; providing for free motor
8 vehicle license plates for active members of
9 the Florida National Guard; amending s.
10 216.292, F.S.; authorizing the Governor to
11 recommend fixed capital outlay projects funded
12 by Federal Emergency Management Agency grants;
13 providing for review by the Legislative Budget
14 Commission; amending s. 380.511, F.S.;
15 providing for transfer of unappropriated
16 balances from the Florida Communities Trust
17 Fund to the Emergency Management Preparedness
18 and Assistance Trust Fund; amending s.
19 420.0005, F.S.; providing for transfer of
20 unappropriated balances from the State Housing
21 Trust Fund in the Department of Community
22 Affairs to the Emergency Management
23 Preparedness and Assistance Trust Fund;
24 amending s. 420.36, F.S.; providing for
25 transfer of unappropriated balances from the
26 Energy Consumption Trust Fund to the Emergency
27 Management Preparedness and Assistance Trust
28 Fund; providing for transfer of unappropriated
29 balances from the Grants and Donations Trust
30 Fund of the Department of Community Affairs to
31 the Emergency Management Preparedness and

Bill No. SB 2602, 1st Eng.

Barcode 240572

1 Assistance Trust Fund; authorizing state
2 agencies to make cash awards to state employees
3 demonstrating satisfactory service to the
4 agency or the state; providing limits on such
5 awards; requiring a report with respect
6 thereto; reenacting s. 215.32(2)(b), F.S.,
7 relating to the source and use of trust funds;
8 providing finding of best interest of the state
9 for authorization and issuance of certain debt;
10 amending s. 216.181, F.S.; providing an
11 additional procedure for requesting, and for
12 approval of, budget amendments authorizing
13 expenditures from the Working Capital Fund;
14 providing effect of veto of specific
15 appropriation or proviso to which implementing
16 language refers; providing for future repeal or
17 expiration of various provisions; providing for
18 reversion of certain provisions; incorporating
19 by reference specified performance measures and
20 standards directly linked to the appropriations
21 made in the 2005-2006 General Appropriations
22 Act, as required by the Government Performance
23 and Accountability Act of 1994; providing
24 severability; providing effective dates.

25
26
27
28
29
30
31