

By the Committee on Ways and Means

23-1719C-05

1 A bill to be entitled
 2 An act implementing the 2005-2006 General
 3 Appropriations Act; providing legislative
 4 intent; providing for use of specified
 5 calculations with respect to the Florida
 6 Education Finance Program; providing for the
 7 budget of the Council for Education Policy
 8 Research and Improvement to be administered by
 9 the Auditor General; providing that the council
 10 is otherwise independent; amending s. 216.292,
 11 F.S.; authorizing the Department of Children
 12 and Family Services to transfer funds within
 13 the family safety program; amending s. 561.121,
 14 F.S.; providing that moneys in the Children and
 15 Adolescents Substance Abuse Trust Fund may also
 16 be used for the purpose of funding programs
 17 directed at reducing and eliminating substance
 18 abuse problems among adults; amending s.
 19 287.057, F.S.; authorizing the Department of
 20 Children and Family Services to contract with a
 21 private provider for a forensic mental health
 22 treatment facility; amending s. 402.305, F.S.;
 23 providing for the child care competency
 24 examination to be given in Spanish; amending s.
 25 402.33, F.S.; suspending authority of the
 26 Department of Children and Family Services to
 27 use funds in excess of fee collections;
 28 authorizing the Department of Corrections and
 29 the Department of Juvenile Justice to make
 30 certain expenditures to defray costs incurred
 31 by a municipality or county as a result of

1 opening or operating a facility under authority
2 of the respective department; amending s.
3 216.262, F.S.; providing for additional
4 positions to operate additional prison bed
5 capacity under certain circumstances; amending
6 s. 16.555, F.S.; authorizing use of the Crime
7 Stoppers Trust Fund to pay for salaries and
8 benefits and other expenses of the Department
9 of Legal Affairs; authorizing transfer of
10 certain funds from the courts to the Justice
11 Administrative Commission to meet certain
12 shortfalls in due-process appropriations;
13 amending s. 413.4021, F.S.; requiring
14 additional revenues from the tax collection
15 enforcement diversion program to be used for
16 the personal care attendant pilot program and
17 for state attorney contracts; providing for
18 expenditure of funds from the Working Capital
19 Fund to offset deficiencies in due-process
20 services; authorizing the Department of Legal
21 Affairs to expend appropriated funds on
22 programs funded in the preceding fiscal year;
23 providing for an agreement between the
24 Department of Agriculture and Consumer Services
25 and the Department of Transportation for the
26 construction of an agricultural interdiction
27 station in Escambia County; authorizing the
28 Executive Office of the Governor to transfer
29 funds between departments for purposes of
30 aligning amounts paid for risk management
31 premiums and for purposes of aligning amounts

1 | paid for human resource management services;
2 | authorizing the Executive Office of the
3 | Governor to transfer funds between departments
4 | for purposes of aligning amounts paid for risk
5 | management premiums and for purposes of
6 | aligning amounts paid for human resource
7 | management services; amending s. 112.061, F.S.;
8 | providing for computation of travel time and
9 | reimbursement for public officers' and
10 | employees' travel; directing the Department of
11 | Environmental Protection to make specified
12 | awards of grant moneys for pollution control
13 | purposes; amending s. 375.041, F.S.; providing
14 | for use of funds allocated to the Land
15 | Acquisition Trust Fund for water quality
16 | issues; creating s. 376.30715, F.S.; providing
17 | conditions on state financial assistance in
18 | restoration of contaminated petroleum storage
19 | or retail sites; amending s. 287.057, F.S.;
20 | revising methods of compensating on-line
21 | providers of commodities and contractual
22 | services; amending s. 320.08058, F.S.;
23 | authorizing proceeds from the Professional
24 | Sports Development Trust Fund to be used for
25 | operational expenses of the Florida Sports
26 | Foundation and financial support of the
27 | Sunshine State Games; amending s. 445.048,
28 | F.S.; requiring that Workforce Florida, Inc.,
29 | expand the Passport to Economic Progress
30 | demonstration program to a statewide program;
31 | authorizing Workforce Florida, Inc., to

1 designate regional workforce boards to
2 participate in the program; deleting the
3 provision relating to the disregarding of
4 income for purposes of determining eligibility
5 for cash assistance; requiring that Workforce
6 Florida, Inc., offer incentive bonuses;
7 providing requirements for the incentive
8 bonuses; providing that the bonuses are not an
9 entitlement; deleting obsolete provisions;
10 requiring Workforce Florida, Inc., to submit
11 evaluations and recommendations for the program
12 as part of its annual report to the
13 Legislature; deleting obsolete provisions;
14 amending s. 253.034, F.S.; authorizing deposit
15 of funds from the sale of property by the
16 Department of Highway Safety and Motor Vehicles
17 located in Palm Beach County; amending s.
18 402.3017, F.S.; requiring the Agency for
19 Workforce Innovation to administer Teacher
20 Education and Compensation Helps (TEACH)
21 scholarship program; amending s. 287.057, F.S.;
22 exempting certain voter education activities
23 from competitive-solicitation requirements;
24 amending s. 259.032, F.S.; providing for use of
25 certain funds for constructing replacement
26 museum facilities; amending s. 288.1045, F.S.;
27 extending the qualified defense contractor tax
28 refund program; amending s. 288.106, F.S.;
29 extending the tax refund program for qualified
30 target industry businesses; amending s.
31 290.044, F.S.; revising the amounts that may be

1 set aside from the neighborhood revitalization
2 category of the Small Cities Community
3 Development Block Grant Program Fund; creating
4 s. 311.22, F.S.; establishing a program to
5 provide matching funds for dredging projects in
6 eligible counties; requiring that funds
7 appropriated under the program be used for
8 certain projects; requiring that the Florida
9 Seaport Transportation and Economic Development
10 Council adopt rules for evaluating the dredging
11 projects; providing for a project-review
12 process by the Department of Community Affairs,
13 the Department of Transportation, and the
14 Office of Tourism, Trade, and Economic
15 Development; amending s. 339.135, F.S.;
16 authorizing increased appropriations for
17 certain projects in the Department of
18 Transportation; creating s. 320.0846, F.S.;
19 providing for free motor vehicle license plates
20 for active members of the Florida National
21 Guard; creating s. 250.5206, F.S.; creating the
22 Family Readiness Program in the Department of
23 Military Affairs; providing purpose,
24 availability and use of funding, services,
25 eligibility, application and review; providing
26 for a report; creating the Family Readiness
27 Advisory Board and specifying membership;
28 reenacting s. 215.32(2)(b), F.S., relating to
29 the source and use of trust funds; amending s.
30 216.192, F.S.; prescribing additional
31 conditions that must be met before the release

1 or transfer of agency funds or the transfer of
2 positions; providing goals for implementing the
3 Aspire project; providing factors to be
4 considered; providing for review; providing
5 finding of best interest of the state for
6 authorization and issuance of certain debt;
7 providing for future repeal or expiration of
8 various provisions; providing for reversion of
9 certain provisions; providing effect of veto of
10 specific appropriation or proviso to which
11 implementing language refers; incorporating by
12 reference specified performance measures and
13 standards directly linked to the appropriations
14 made in the 2005-2006 General Appropriations
15 Act, as required by the Government Performance
16 and Accountability Act of 1994; providing
17 severability; providing effective dates.
18

19 Be It Enacted by the Legislature of the State of Florida:
20

21 Section 1. It is the intent of the Legislature that
22 the implementing and administering provisions of this act
23 apply to the General Appropriations Act for fiscal year
24 2005-2006.

25 Section 2. In order to implement Specific
26 Appropriations 5, 6, and 73-79 of the 2005-2006 General
27 Appropriations Act, the calculations of the Florida Education
28 Finance Program of the 2005-2006 fiscal year in the document
29 entitled "Public School Funding The Florida Education Finance
30 Program" dated March 31, 2005, and filed with the Secretary of
31 the Senate are incorporated by reference. The calculations are

1 the basis for the appropriations made in the General
2 Appropriations Act for the 2005-2006 fiscal year. Prior to the
3 distribution of any funds appropriated in the General
4 Appropriations Act for the Florida Education Finance Program,
5 each calculation must be consistent with these calculations
6 and replicated precisely as required under section 1011.65,
7 Florida Statutes.

8 Section 3. In order to implement Specific
9 Appropriation 2608 of the 2005-2006 General Appropriations
10 Act, effective July 1, 2005, and notwithstanding the
11 provisions of section 1008.51, Florida Statutes, the budget
12 for the Council for Education Policy Research and Improvement
13 shall be administered by the Auditor General. However, the
14 Council for Education Policy Research and Improvement shall
15 remain independent of the Auditor General for all programmatic
16 purposes, serving as a citizen board for conducting and
17 reviewing education research, providing independent analysis
18 on education progress, and providing independent evaluation of
19 education issues of statewide concern, as prescribed in
20 section 1008.51, Florida Statutes. All work products of the
21 Council for Education Policy Research and Improvement are
22 advisory in nature. This section expires July 1, 2006.

23 Section 4. In order to implement Specific
24 Appropriations 296, 299, and 301 of the 2005-2006 General
25 Appropriations Act, subsection (12) of section 216.292,
26 Florida Statutes, is amended to read:

27 216.292 Appropriations nontransferable; exceptions.--

28 (12) For the 2005-2006 ~~2004-2005~~ fiscal year only and
29 notwithstanding the other provisions of this section, the
30 Department of Children and Family Services may transfer funds
31 within the family safety program identified in the General

1 Appropriations Act from identical funding sources between the
2 following appropriation categories without limitation as long
3 as such a transfer does not result in an increase to the total
4 recurring general revenue or trust fund cost of the agency in
5 the subsequent fiscal year: adoption services and subsidy;
6 family foster care; and emergency shelter care. Such transfers
7 must be consistent with legislative policy and intent and must
8 not adversely affect achievement of approved performance
9 outcomes or outputs in the family safety program. Notice of
10 proposed transfers under this authority must be provided to
11 the Executive Office of the Governor and the chairs of the
12 legislative appropriations committees at least 5 working days
13 before their implementation. This subsection expires July 1,
14 2006 ~~2005~~.

15 Section 5. In order to implement Specific
16 Appropriation 354 of the 2005-2006 General Appropriations Act,
17 subsection (4) of section 561.121, Florida Statutes, is
18 amended to read:

19 561.121 Deposit of revenue.--

20 (4)(a) State funds collected pursuant to s. 561.501
21 shall be paid into the State Treasury and credited to the
22 following accounts:

23 1. Twenty-seven and two-tenths percent of the
24 surcharge on the sale of alcoholic beverages for consumption
25 on premises shall be transferred to the Children and
26 Adolescents Substance Abuse Trust Fund, which shall remain
27 with the Department of Children and Family Services for the
28 purpose of funding programs directed at reducing and
29 eliminating substance abuse problems among children and
30 adolescents.

31

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

3 (b) For the 2005-2006 ~~2004-2005~~ state fiscal year
4 only, and notwithstanding the provisions of subparagraph
5 (a)1., moneys in the Children and Adolescents Substance Abuse
6 Trust Fund may also be used for the purpose of funding
7 programs directed at reducing and eliminating substance abuse
8 problems among adults. This paragraph expires July 1, 2006
9 ~~2005~~.

10 Section 6. In order to implement Specific
11 Appropriations 316-322 and 395-404 of the 2005-2006 General
12 Appropriations Act, subsection (14) of section 287.057,
13 Florida Statutes, is amended to read:

14 287.057 Procurement of commodities or contractual
15 services.--

16 (14)(a) Contracts for commodities or contractual
17 services may be renewed for a period that may not exceed 3
18 years or the term of the original contract, whichever period
19 is longer. Renewal of a contract for commodities or
20 contractual services shall be in writing and shall be subject
21 to the same terms and conditions set forth in the initial
22 contract. If the commodity or contractual service is purchased
23 as a result of the solicitation of bids, proposals, or
24 replies, the price of the commodity or contractual service to
25 be renewed shall be specified in the bid, proposal, or reply.
26 A renewal contract may not include any compensation for costs
27 associated with the renewal. Renewals shall be contingent upon
28 satisfactory performance evaluations by the agency and subject
29 to the availability of funds. Exceptional purchase contracts
30 pursuant to paragraphs (5)(a) and (c) may not be renewed.
31

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

15 (c) Notwithstanding paragraph (a), the Department of
16 Children and Family Services may enter into agreements, not to
17 exceed 20 years, with a private provider to finance, design,
18 and construct a secure facility, as described in s. 394.917,
19 of at least 600 beds and to operate all aspects of daily
20 operations within the secure facility. The selected contractor
21 is authorized to sponsor the issuance of tax-exempt
22 certificates of participation or other securities to finance
23 the project, and the state is authorized to enter into a
24 lease-purchase agreement for the treatment facility. The
25 Department of Children and Family Services shall begin the
26 implementation of this privatization initiative by July 2005.
27 This paragraph expires July 1, 2006.

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

1 | 402.305 Licensing standards; child care facilities.--

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

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

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

12 | 402.33 Department authority to charge fees for
13 | services provided.--

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

30 |
31 |

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

4 Section 9. In order to fulfill legislative intent
5 regarding the use of funds contained in Specific
6 Appropriations 676, 688, 698, and 1136 of the 2005-2006
7 General Appropriations Act, the Department of Corrections and
8 the Department of Juvenile Justice may expend appropriated
9 funds to assist in defraying the costs of impacts that are
10 incurred by a municipality or county and associated with
11 opening or operating a facility under the authority of the
12 respective department which is located within that
13 municipality or county. The amount that is to be paid under
14 this section for any facility may not exceed 1 percent of the
15 facility construction cost, less building impact fees imposed
16 by the municipality or by the county if the facility is
17 located in the unincorporated portion of the county. This
18 section expires July 1, 2006.

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

23 216.262 Authorized positions.--

24 (4) Notwithstanding the provisions of this chapter on
25 increasing the number of authorized positions, and for the
26 2005-2006 ~~2004-2005~~ fiscal year only, if the actual inmate
27 population of the Department of Corrections exceeds the inmate
28 population projections of the February 14, 2005 ~~February 16,~~
29 ~~2004~~, Criminal Justice Estimating Conference by 1 percent for
30 2 consecutive months or 2 percent for any month, the Executive
31 Office of the Governor, with the approval of the Legislative

1 Budget Commission, shall immediately notify the Criminal
2 Justice Estimating Conference, which shall convene as soon as
3 possible to revise the estimates. The Department of
4 Corrections may then submit a budget amendment requesting the
5 establishment of positions in excess of the number authorized
6 by the Legislature and additional appropriations from the
7 General Revenue Fund or the Working Capital Fund sufficient to
8 provide for essential staff, fixed capital improvements, and
9 other resources to provide classification, security, food
10 services, health services, and other variable expenses within
11 the institutions to accommodate the estimated increase in the
12 inmate population. All actions taken pursuant to the authority
13 granted in this subsection shall be subject to review and
14 approval by the Legislative Budget Commission. This subsection
15 expires July 1, 2006 ~~2005~~.

16 Section 11. In order to implement Specific
17 Appropriation 1263 of the 2005-2006 General Appropriations
18 Act, paragraph (b) of subsection (3) of section 16.555,
19 Florida Statutes, is amended to read:

20 16.555 Crime Stoppers Trust Fund; rulemaking.--

21 (3)

22 (b) For the 2005-2006 ~~2004-2005~~ state fiscal year
23 only, and notwithstanding any provision of this section to the
24 contrary, moneys in the trust fund may also be used to pay for
25 salaries and benefits and other expenses of the department.
26 This paragraph expires July 1, 2006 ~~2005~~.

27 Section 12. In order to implement Specific
28 Appropriations 842 and 2999 of the 2005-2006 General
29 Appropriations Act, and pursuant to the notice, review, and
30 objection procedures of section 216.177, Florida Statutes,
31 funds in Specific Appropriation 2999 of the 2005-2006 General

1 Appropriations Act may be transferred from the courts to the
2 Justice Administrative Commission in order to address
3 unanticipated shortfalls in due process services
4 appropriations in excess of the contingency fund provided in
5 Specific Appropriation 842 of the 2005-2006 General
6 Appropriations Act. This section expires July 1, 2006.

7 Section 13. In order to implement Specific
8 Appropriations 866, 867, 901, 903, 911, 913, 921, 931, and 933
9 of the 2005-2006 General Appropriations Act, subsection (4) of
10 section 413.4021, Florida Statutes, is amended to read:

11 413.4021 Pilot program participant county selection;
12 tax collection enforcement diversion program.--The Department
13 of Revenue, in coordination with the Florida Association of
14 Centers for Independent Living and the Florida Prosecuting
15 Attorneys Association, shall select four counties in which to
16 operate the pilot program. The association and the state
17 attorneys' offices in Duval County and the four pilot program
18 counties shall develop and implement a tax collection
19 enforcement diversion program, which shall collect revenue due
20 from persons who have not remitted their collected sales tax.
21 The criteria for referral to the tax collection enforcement
22 diversion program shall be determined cooperatively between
23 the state attorneys' offices in those counties and the
24 Department of Revenue.

25 (4) For the 2005-2006 ~~2004-2005~~ fiscal year only and
26 notwithstanding the provisions of subsection (1), 50 percent
27 of the revenues collected from the tax collection enforcement
28 diversion program shall be deposited into the operating
29 account of the Florida Endowment Foundation for Vocational
30 Rehabilitation, to be used to implement the personal care
31 attendant pilot program and to contract with the state

1 attorneys participating in the tax collection enforcement
2 diversion program in an amount of not more than \$50,000 for
3 each state attorney. This subsection expires July 1, 2006
4 ~~2005~~.

5 Section 14. In order to implement Specific
6 Appropriations 836, 837, 839, 840, and 3020 of the 2005-2006
7 General Appropriations Act, if a deficit is projected by the
8 Justice Administrative Commission or the state courts in any
9 specific appropriation provided for due process services, the
10 Governor or the Chief Justice of the Supreme Court,
11 respectively, may submit a budget amendment for consideration
12 by the Legislative Budget Commission to authorize the
13 expenditure of funds from the Working Capital Fund to offset
14 such deficiency. Any budget amendment submitted by the
15 Governor to the Legislative Budget Commission shall contain
16 certification by the Justice Administrative Commission that
17 all actions required by section 29.015, Florida Statutes, have
18 been completed and that no funds exist in any contingency fund
19 appropriation available to the entity projected to experience
20 the deficiency. Any budget amendment submitted by the Supreme
21 Court shall contain certification that the court has completed
22 all actions required by section 29.016, Florida Statutes, and
23 that no funds exist in any contingency fund available to the
24 state courts system. This section expires July 1, 2006.

25 Section 15. In order to implement Specific
26 Appropriations 1274 and 1277 of the 2005-2006 General
27 Appropriations Act, the Department of Legal Affairs is
28 authorized to expend appropriated funds in Specific
29 Appropriations 1274 and 1277 on the same programs that were
30 funded by the department under Specific Appropriation 1247 in
31 the 2004-2005 General Appropriations Act.

1 Section 16. In order to implement Specific
2 Appropriations 1442 and 1444 of the 2005-2006 General
3 Appropriations Act and notwithstanding any provision of
4 chapter 287 or chapter 337, Florida Statutes, from the funds
5 appropriated to the Department of Agriculture and Consumer
6 Services for the 2002-2003, 2003-2004, 2004-2005, and
7 2005-2006 fiscal years for the purpose of constructing and
8 operating an agricultural interdiction station on Interstate
9 10 in Escambia County, the Department of Agriculture and
10 Consumer Services shall enter into an agreement with the
11 Department of Transportation wherein the Department of
12 Transportation, on behalf of the Department of Agriculture and
13 Consumer Services, shall proceed with the construction of the
14 station under the authority established in chapter 337,
15 Florida Statutes. The Department of Agriculture and Consumer
16 Services shall be authorized to execute all contracts
17 resulting from such Department of Transportation selection of
18 contractors in compliance with chapter 337, Florida Statutes.
19 This section expires July 1, 2006.

20 Section 17. In order to implement the appropriation of
21 funds in Special Categories-Risk Management Insurance of the
22 2005-2006 General Appropriations Act, and pursuant to the
23 notice, review, and objection procedures of section 216.177,
24 Florida Statutes, the Executive Office of the Governor is
25 authorized to transfer funds appropriated in the appropriation
26 category "Special Categories-Risk Management Insurance" of the
27 2005-2006 General Appropriations Act between departments in
28 order to align the budget authority granted with the premiums
29 paid by each department for risk management insurance. This
30 section expires July 1, 2006.

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1 Section 18. In order to implement the appropriation of
2 funds in Special Categories-Transfer to Department of
3 Management Services-Human Resources Services Purchased Per
4 Statewide Contract of the 2005-2006 General Appropriations
5 Act, and pursuant to the notice, review, and objection
6 procedures of section 216.177, Florida Statutes, the Executive
7 Office of the Governor is authorized to transfer funds
8 appropriated in the appropriation category "Special
9 Categories-Transfer to Department of Management Services-Human
10 Resources Services Purchased Per Statewide Contract" of the
11 2005-2006 General Appropriations Act between departments in
12 order to align the budget authority granted with the
13 assessments that must be paid by each agency to the Department
14 of Management Services for human resource management services.
15 This section expires July 1, 2006.

16 Section 19. In order to implement sections 2-7 of the
17 2005-2006 General Appropriations Act, paragraph (c) of
18 subsection (5) and paragraph (d) of subsection (6) of section
19 112.061, Florida Statutes, are amended to read:

20 112.061 Per diem and travel expenses of public
21 officers, employees, and authorized persons.--

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

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

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

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

10 Section 20. Notwithstanding section 403.7095, Florida
11 Statutes, in order to implement Specific Appropriation 1761 of
12 the 2005-2006 General Appropriations Act, the Department of
13 Environmental Protection shall award:

14 (1) \$6,500,000 in grants equally to counties with
15 populations of fewer than 100,000 for waste tire, litter
16 prevention, recycling and education, and general solid waste
17 programs.

18 (2) \$1,242,168 in competitive innovative grants to
19 cities and counties on the prioritized list of projects
20 submitted by the Department of Environmental Protection to the
21 Legislature.

22
23 This section expires July 1, 2006.

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

28 375.041 Land Acquisition Trust Fund.--

29 (6) For the 2005-2006 ~~2004-2005~~ fiscal year only,
30 funds allocated to the Land Acquisition Trust Fund may also be
31

1 appropriated for water quality issues in the General
2 Appropriations Act. This subsection expires July 1, ~~2006~~ 2005.

3 Section 22. In order to implement Specific
4 Appropriation 1742 of the 2005-2006 General Appropriations
5 Act, section 376.30715, Florida Statutes, is created to read:

6 376.30715 Innocent victim petroleum storage system
7 restoration.--A contaminated site acquired prior to July 1,
8 1990, which ceased operating as a petroleum storage or retail
9 business prior to January 1, 1985, is eligible for financial
10 assistance pursuant to s. 376.305(6), notwithstanding s.
11 376.305(6)(a). Eligible sites shall be ranked in accordance
12 with s. 376.3071(5). This section expires July 1, 2006.

13 Section 23. In order to implement Specific
14 Appropriation 2683A of the 2005-2006 General Appropriations
15 Act, paragraph (c) of subsection (23) of section 287.057,
16 Florida Statutes, is amended to read:

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

19 (23)

20 (c)1. The department may impose and shall collect all
21 fees for the use of the on-line procurement systems. Such ~~The~~
22 fees may be imposed on an individual transaction basis or as a
23 fixed percentage of the cost savings generated. At a minimum,
24 the fees must be set in an amount sufficient to cover the
25 projected costs of such services, including administrative and
26 project service costs in accordance with the policies of the
27 department. All fees and surcharges collected under this
28 paragraph shall be deposited in the Grants and Donations Trust
29 Fund as provided by law.

30 2. If the department contracts with a provider for
31 on-line procurement, the department, pursuant to

1 appropriation, shall compensate the provider from such fees
2 after the department has satisfied all ongoing costs. The
3 provider shall report transaction data to the department each
4 month so that the department may determine the amount due and
5 payable to the department from each vendor.

6 3. All fees that are due and payable to the state on a
7 transactional basis or as a fixed percentage of the cost
8 savings generated are subject to s. 215.31 and must be
9 remitted within 40 days after receipt of payment for which
10 such fees are due. For any fees that are not remitted within
11 40 days, the vendor shall pay interest at the rate established
12 under s. 55.03(1) on the unpaid balance from the expiration of
13 the 40-day period until the fees are remitted. For the
14 ~~purposes of compensating the provider, the department may~~
15 ~~authorize the provider to collect and retain a portion of the~~
16 ~~fees. The providers may withhold the portion retained from the~~
17 ~~amount of fees to be remitted to the department. The~~
18 ~~department may negotiate the retainage as a percentage of such~~
19 ~~fees charged to users, as a flat amount, or as any other~~
20 ~~method the department deems feasible. All fees and surcharges~~
21 ~~collected under this paragraph shall be deposited in the~~
22 ~~Grants and Donation Trust Fund as provided by law.~~

23 Section 24. The amendment of section 287.057, Florida
24 Statutes, by this act shall expire on July 1, 2006, and the
25 text of that section shall revert to that in existence on June
26 30, 2005, except that any amendments to such text enacted
27 other than by this act shall be preserved and continue to
28 operate to the extent that such amendments are not dependent
29 upon the portions of such text which expire pursuant to this
30 act.

31

1 Section 25. In order to implement Specific
2 Appropriation 2501 of the 2005-2006 General Appropriations
3 Act, paragraph (b) of subsection (9) of section 320.08058,
4 Florida Statutes, is amended to read:

5 320.08058 Specialty license plates.--

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

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

9 1. Fifty-five percent of the proceeds from the Florida
10 Professional Sports Team plate must be deposited into the
11 Professional Sports Development Trust Fund within the Office
12 of Tourism, Trade, and Economic Development. These funds must
13 be used solely to attract and support major sports events in
14 this state. As used in this subparagraph, the term "major
15 sports events" means, but is not limited to, championship or
16 all-star contests of Major League Baseball, the National
17 Basketball Association, the National Football League, the
18 National Hockey League, the men's and women's National
19 Collegiate Athletic Association Final Four basketball
20 championship, or a horseracing or dogracing Breeders' Cup. All
21 funds must be used to support and promote major sporting
22 events, and the uses must be approved by the Florida Sports
23 Foundation.

24 2. The remaining proceeds of the Florida Professional
25 Sports Team license plate must be allocated to the Florida
26 Sports Foundation, a direct-support organization of the Office
27 of Tourism, Trade, and Economic Development. These funds must
28 be deposited into the Professional Sports Development Trust
29 Fund within the Office of Tourism, Trade, and Economic
30 Development. These funds must be used by the Florida Sports
31 Foundation to promote the economic development of the sports

1 industry; to distribute licensing and royalty fees to
2 participating professional sports teams; to promote education
3 programs in Florida schools that provide an awareness of the
4 benefits of physical activity and nutrition standards; to
5 partner with the Department of Education and the Department of
6 Health to develop a program that recognizes schools whose
7 students demonstrate excellent physical fitness or fitness
8 improvement; to institute a grant program for communities
9 bidding on minor sporting events that create an economic
10 impact for the state; to distribute funds to Florida-based
11 charities designated by the Florida Sports Foundation and the
12 participating professional sports teams; and to fulfill the
13 sports promotion responsibilities of the Office of Tourism,
14 Trade, and Economic Development.

15 3. The Florida Sports Foundation shall provide an
16 annual financial audit in accordance with s. 215.981 of its
17 financial accounts and records by an independent certified
18 public accountant pursuant to the contract established by the
19 Office of Tourism, Trade, and Economic Development as
20 specified in s. 288.1229(5). The auditor shall submit the
21 audit report to the Office of Tourism, Trade, and Economic
22 Development for review and approval. If the audit report is
23 approved, the office shall certify the audit report to the
24 Auditor General for review.

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

31

1 Section 26. In order to implement Specific
2 Appropriation 2121 of the 2005-2006 General Appropriations
3 Act, section 445.048, Florida Statutes, as amended by section
4 53 of chapter 2004-269, Laws of Florida, is amended to read:

5 445.048 Passport to Economic Progress ~~demonstration~~
6 program.--

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

23 (2) WAIVERS.--If Workforce Florida, Inc., in
24 consultation with the Department of Children and Family
25 Services, finds that federal waivers would facilitate
26 implementation of the ~~demonstration~~ program, the department
27 shall immediately request such waivers, and Workforce Florida,
28 Inc., shall report to the Governor, the President of the
29 Senate, and the Speaker of the House of Representatives if any
30 refusal of the federal government to grant such waivers
31 prevents the implementation of the ~~demonstration~~ program. If

1 Workforce Florida, Inc., finds that federal waivers to
2 provisions of the Food Stamp Program would facilitate
3 implementation of the ~~demonstration~~ program, the Department of
4 Children and Family Services shall immediately request such
5 waivers in accordance with s. 414.175.

6 ~~(3) INCOME DISREGARD. In order to provide an~~
7 ~~additional incentive for employment, and notwithstanding the~~
8 ~~amount specified in s. 414.095(12), for individuals residing~~
9 ~~in the areas designated for this demonstration program, the~~
10 ~~first \$300 plus one half of the remainder of earned income~~
11 ~~shall be disregarded in determining eligibility for temporary~~
12 ~~cash assistance. All other conditions and requirements of s.~~
13 ~~414.095(12) shall continue to apply to such individuals.~~

14 ~~(3)(4)~~ TRANSITIONAL BENEFITS AND SERVICES.--In order
15 to assist them in making the transition to economic
16 self-sufficiency, former recipients of temporary cash
17 assistance ~~residing within the areas designated for this~~
18 ~~demonstration program~~ shall be eligible for the following
19 benefits and services:

20 (a) Notwithstanding the time period specified in s.
21 445.030, transitional education and training support services
22 as specified in s. 445.030 for up to 4 years after the family
23 is no longer receiving temporary cash assistance;

24 (b) Notwithstanding the time period specified in s.
25 445.031, transitional transportation support services as
26 specified in s. 445.031 for up to 4 years after the family is
27 no longer receiving temporary cash assistance; and

28 (c) Notwithstanding the time period specified in s.
29 445.032, transitional child care as specified in s. 445.032
30 for up to 4 years after the family is no longer receiving
31 temporary cash assistance.

1
2 All other provisions of ss. 445.030, 445.031, and 445.032
3 shall apply to such individuals, as appropriate. This
4 subsection does not constitute an entitlement to transitional
5 benefits and services. If funds are insufficient to provide
6 benefits and services under this subsection, the board of
7 directors of Workforce Florida, Inc., or its agent, may limit
8 such benefits and services or otherwise establish priorities
9 for the provisions of such benefits and services.

10 ~~(4)(5) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY WAGE~~
11 ~~SUPPLEMENTATION.--~~

12 (a) The Legislature finds that:

13 1. There are former recipients of temporary cash
14 assistance who are working full time but whose incomes are
15 below the federal poverty level.

16 2. Having incomes below the federal poverty level
17 makes such individuals particularly vulnerable to reliance on
18 public assistance despite their best efforts to achieve or
19 maintain economic independence through employment.

20 3. It is necessary to implement a performance-based
21 program that defines economic incentives for achieving
22 specific benchmarks toward self-sufficiency while the
23 individual is working full-time ~~supplement the wages of such~~
24 ~~individuals for a limited period of time in order to assist~~
25 ~~them in fulfilling the transition to economic~~
26 ~~self-sufficiency.~~

27 (b) Workforce Florida, Inc., in cooperation with the
28 Department of Children and Family Services and the Agency for
29 Workforce Innovation, shall offer performance-based incentive
30 bonuses ~~create a transitional wage supplementation program by~~
31 ~~November 1, 2001,~~ as a component of the Passport to Economic

1 Progress ~~demonstration~~ program in the areas designated for the
2 ~~demonstration~~ program. This wage supplementation program does
3 ~~not constitute an entitlement to wage supplementation.~~ The
4 bonuses do not represent a program entitlement and shall be
5 contingent on achieving specific benchmarks prescribed in the
6 self-sufficiency plan. If the funds appropriated for this
7 purpose are insufficient to provide this financial incentive
8 ~~wage supplementation~~, the board of directors of Workforce
9 Florida, Inc., may reduce or suspend the bonuses in order not
10 to exceed the appropriation or may direct the regional boards
11 to use resources otherwise given to the regional workforce to
12 pay such bonuses if such payments comply with applicable state
13 and federal laws limit wage supplementation or otherwise
14 establish priorities for wage supplementation.

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

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

19 2. Be employed full time, which for the purposes of
20 this subsection means employment averaging at least 32 hours
21 per week, until the United States Congress enacts legislation
22 reauthorizing the Temporary Assistance for Needy Families
23 block grant and, after the reauthorization, means employment
24 complying with the employment requirements of the
25 reauthorization; and

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

30 (d) ~~Workforce Florida, Inc., shall determine the~~
31 ~~schedule for the payment of wage supplementation under this~~

1 ~~subsection. An individual eligible for wage supplementation~~
2 ~~under this subsection may receive a payment that equals the~~
3 ~~amount necessary to bring the individual's total family income~~
4 ~~for the period covered by the payment to 100 percent of the~~
5 ~~federal poverty level. An individual may not receive wage~~
6 ~~supplementation payments for more than a total of 12 months.~~

7 ~~(c) The wage supplementation program authorized by~~
8 ~~this subsection shall be administered through the regional~~
9 ~~workforce boards and the one stop delivery system, under~~
10 ~~policy guidelines, criteria, and applications developed by~~
11 ~~Workforce Florida, Inc., in cooperation with the Department of~~
12 ~~Children and Family Services and the Agency for Workforce~~
13 ~~Innovation. To the maximum extent possible, the regional~~
14 ~~workforce boards shall use electronic debit card technologies~~
15 ~~to provide wage supplementation payments under this program.~~

16 ~~(5)(6) EVALUATIONS AND RECOMMENDATIONS.--Workforce~~
17 ~~Florida, Inc., in conjunction with the Department of Children~~
18 ~~and Family Services, the Agency for Workforce Innovation, and~~
19 ~~the regional workforce boards in the areas designated for this~~
20 ~~demonstration program, shall conduct a comprehensive~~
21 ~~evaluation of the effectiveness of the demonstration program~~
22 ~~operated under this section. Evaluations and recommendations~~
23 ~~for the program shall be submitted by Workforce Florida, Inc.,~~
24 ~~as part of its annual report to the Legislature. By January 1,~~
25 ~~2003, Workforce Florida, Inc., shall submit a report on such~~
26 ~~evaluation to the Governor, the President of the Senate, and~~
27 ~~the Speaker of the House of Representatives. The report must~~
28 ~~include recommendations as to whether the demonstration~~
29 ~~program should be expanded to other service areas or statewide~~
30 ~~and whether the program should be revised to enhance its~~
31 ~~administration or effectiveness.~~

1 ~~(6)(7)~~ CONFLICTS.--If there is a conflict between the
2 implementation procedures described in this section and
3 federal requirements and regulations, federal requirements and
4 regulations shall control.

5 Section 27. The amendment of section 445.048, Florida
6 Statutes, by this act shall expire on July 1, 2006, and the
7 text of that section shall revert to that in existence on June
8 30, 2003, except that any amendments to such text enacted
9 other than by this act shall be preserved and continue to
10 operate to the extent that such amendments are not dependent
11 upon the portions of such text which expire pursuant to the
12 provisions of this act.

13 Section 28. In order to implement section 25 of the
14 2005-2006 General Appropriations Act, subsection (13) of
15 section 253.034, Florida Statutes, is amended to read:

16 253.034 State-owned lands; uses.--

17 (13) Notwithstanding the provisions of this section,
18 funds from the sale of property by the Department of Highway
19 Safety and Motor Vehicles located in Palm Beach County ~~and~~
20 ~~Orange Counties~~ are authorized to be deposited into the
21 Highway Safety Operating Trust Fund to facilitate the exchange
22 as provided in the General Appropriations Act, provided that
23 at the conclusion of both exchanges the values are equalized.
24 This subsection expires July 1, 2006 ~~2005~~.

25 Section 29. In order to implement proviso language in
26 Specific Appropriation 2162F of the 2005-2006 General
27 Appropriations Act, section 402.3017, Florida Statutes, is
28 amended to read:

29 402.3017 Teacher Education and Compensation Helps
30 (TEACH) scholarship program.--

31

1 (1) The Legislature finds that the level of early
2 child care teacher education and training is a key predictor
3 for determining program quality. The Legislature also finds
4 that low wages for child care workers prevent many from
5 obtaining increased training and education and contribute to
6 high turnover rates. The Legislature therefore intends to
7 help fund a program which links teacher training and education
8 to compensation and commitment to the field of early childhood
9 education.

10 (2) The Department of Children and Family Services is
11 authorized to contract for the administration of the Teacher
12 Education and Compensation Helps (TEACH) scholarship program,
13 which provides educational scholarships to caregivers and
14 administrators of early childhood programs, family day care
15 homes, and large family child care homes.

16 (3) The department shall adopt rules as necessary to
17 implement this section.

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

21 Section 30. In order to implement Specific
22 Appropriation 2930 of the 2005-2006 General Appropriations
23 Act, paragraph (f) of subsection (5) of section 287.057,
24 Florida Statutes, is amended to read:

25 287.057 Procurement of commodities or contractual
26 services.--

27 (5) When the purchase price of commodities or
28 contractual services exceeds the threshold amount provided in
29 s. 287.017 for CATEGORY TWO, no purchase of commodities or
30 contractual services may be made without receiving competitive
31

1 sealed bids, competitive sealed proposals, or competitive
2 sealed replies unless:

3 (f) The following contractual services and commodities
4 are not subject to the competitive-solicitation requirements
5 of this section:

6 1. Artistic services.
7 2. Academic program reviews.
8 3. Lectures by individuals.
9 4. Auditing services.
10 5. Legal services, including attorney, paralegal,
11 expert witness, appraisal, or mediator services.
12 6. Health services involving examination, diagnosis,
13 treatment, prevention, medical consultation, or
14 administration.
15 7. Services provided to persons with mental or
16 physical disabilities by not-for-profit corporations which
17 have obtained exemptions under the provisions of s. 501(c)(3)
18 of the United States Internal Revenue Code or when such
19 services are governed by the provisions of Office of
20 Management and Budget Circular A-122. However, in acquiring
21 such services, the agency shall consider the ability of the
22 vendor, past performance, willingness to meet time
23 requirements, and price.
24 8. Medicaid services delivered to an eligible Medicaid
25 recipient by a health care provider who has not previously
26 applied for and received a Medicaid provider number from the
27 Agency for Health Care Administration. However, this exception
28 shall be valid for a period not to exceed 90 days after the
29 date of delivery to the Medicaid recipient and shall not be
30 renewed by the agency.
31 9. Family placement services.

1 10. Prevention services related to mental health,
2 including drug abuse prevention programs, child abuse
3 prevention programs, and shelters for runaways, operated by
4 not-for-profit corporations. However, in acquiring such
5 services, the agency shall consider the ability of the vendor,
6 past performance, willingness to meet time requirements, and
7 price.

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

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

11 13. Services or commodities provided by governmental
12 agencies.

13 14. Voter education activities of the Department of
14 State or the supervisors of elections funded by Specific
15 Appropriation ~~2930 2871H~~ of the ~~2005-2006 2004-2005~~ General
16 Appropriations Act, either individually or in the aggregate or
17 with their respective professional associations. This
18 subparagraph expires July 1, ~~2006 2005~~.

19 Section 31. In order to implement Specific
20 Appropriation 2982C of the 2005-2006 General Appropriations
21 Act, paragraph (g) is added to subsection (11) of section
22 259.032, Florida Statutes, to read:

23 259.032 Conservation and Recreation Lands Trust Fund;
24 purpose.--

25 (11)

26 (g) In addition to the purposes specified in paragraph
27 (b), funds from the 1.5 percent of the cumulative total of
28 funds ever deposited into the Florida Preservation 2000 Trust
29 Fund and the Florida Forever Trust Fund may be appropriated
30 for the 2005-2006 fiscal year for the construction of
31

1 replacement museum facilities. This paragraph expires July 1,
2 2006.

3 Section 32. In order to implement Specific
4 Appropriation 2495 of the 2005-2006 General Appropriations
5 Act, subsection (7) of section 288.1045, Florida Statutes, is
6 amended to read:

7 288.1045 Qualified defense contractor tax refund
8 program.--

9 (7) EXPIRATION.--An applicant may not be certified as
10 qualified under this section after June 30, 2006 ~~2005~~.

11 Section 33. Effective June 30, 2005, in order to
12 implement Specific Appropriation 2495 of the 2005-2006 General
13 Appropriations Act, subsection (7) of section 288.106, Florida
14 Statutes, is amended to read:

15 288.106 Tax refund program for qualified target
16 industry businesses.--

17 (7) EXPIRATION.--This section expires July 1, 2006
18 ~~June 30, 2005~~.

19 Section 34. In order to implement Specific
20 Appropriation 1544 of the 2005-2006 General Appropriations
21 Act, subsection (4) of section 290.044, Florida Statutes, is
22 amended to read:

23 290.044 Florida Small Cities Community Development
24 Block Grant Program Fund; administration; distribution.--

25 ~~(4) The percentage of funds distributed in each of the~~
26 ~~grant program categories from federal funds for federal fiscal~~
27 ~~year 1985 shall be established by the Legislature in the~~
28 ~~appropriation process for the 1984 regular session and shall~~
29 ~~be established annually thereafter in the same manner. The~~
30 ~~department shall submit its recommendation on the distribution~~
31 ~~percentages to the Governor and Legislature as part of its~~

1 ~~regular budget proposals.~~ The department may set aside ~~shall~~
2 ~~provide for the set aside~~ of an amount of up to 5 ~~10~~ percent
3 of the funds ~~allocated to the neighborhood revitalization~~
4 ~~category in its distribution percentages~~ for use in any
5 eligible local government jurisdiction for which an emergency
6 or natural disaster has been declared by executive order.
7 Such funds may only be provided to a local government to fund
8 eligible emergency-related activities for which no other
9 source of federal, state, or local disaster funds is
10 available. The department shall provide for such set-aside by
11 rule. In the last quarter of the state fiscal year, any funds
12 not allocated under the emergency-related set-aside shall be
13 used to fully fund any applications which were partially
14 funded due to inadequate funds in the most recently completed
15 neighborhood revitalization category funding cycle, and then
16 any remaining funds shall be distributed to the next unfunded
17 applications.

18 Section 35. The amendment of section 290.044, Florida
19 Statutes, by this act shall expire on July 1, 2006, and the
20 text of that section shall revert to that in existence on June
21 30, 2005, except that any amendments to such text enacted
22 other than by this act shall be preserved and continue to
23 operate to the extent that such amendments are not dependent
24 upon the portions of such text which expire pursuant to the
25 provisions of this act.

26 Section 36. In order to implement Specific
27 Appropriation 1993 of the 2005-2006 General Appropriations
28 Act, section 311.22, Florida Statutes, is created to read:

29 311.22 Additional authorization for funding certain
30 dredging projects.--

31

1 (1) The Florida Seaport Transportation and Economic
2 Development Council shall establish a program to fund dredging
3 projects in counties having a population of fewer than 300,000
4 according to the last official census. Funds made available
5 under this program may be used to fund approved projects for
6 the dredging or deepening of channels, turning basins, or
7 harbors on a 50-50 matching basis with any port authority, as
8 such term is defined in s. 315.02(2), which complies with the
9 water quality provisions of s. 403.061 and the local financial
10 management and reporting provisions of part III of chapter
11 218.

12 (2) The council shall adopt rules for evaluating the
13 projects that may be funded pursuant to this section. The
14 rules must provide criteria for evaluating the economic
15 benefit of the project. The rules must include the creation of
16 an administrative review process by the council which is
17 similar to the process contained in ss. 311.09(5)-(12), and
18 provide for a review by the Department of Community Affairs,
19 the Department of Transportation, and the Office of Tourism,
20 Trade, and Economic Development of all projects submitted for
21 funding under this section.

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

23 Section 37. In order to implement Specific
24 Appropriations 1989-2003, 2017-2019, 2021-2038, and 2074-2084
25 of the 2005-2006 General Appropriations Act, subsection (8) is
26 added to section 339.135, Florida Statutes, to read:

27 339.135 Work program; legislative budget request;
28 definitions; preparation, adoption, execution, and
29 amendment.--

30 (8) INCREASED APPROPRIATIONS.--Notwithstanding any
31 requirement of subsections (4) and (5), s. 339.08, or s.

1 339.175, the Legislature may appropriate increased revenues
2 identified by the March 4, 2005, consensus estimating
3 conference for projects funded within the Department of
4 Transportation. The funding for such projects may not be
5 deducted from funds otherwise distributed to districts. This
6 subsection expires July 1, 2006.

7 Section 38. In order to implement Specific
8 Appropriation 2575 of the 2005-2006 General Appropriations
9 Act, section 320.0846, Florida Statutes, is created to read:

10 320.0846 Free motor vehicle license plates to active
11 members of the Florida National Guard.--

12 (1) Any owner or lessee of a motor vehicle who resides
13 in this state and is an active member of the Florida National
14 Guard may, upon application and proof of eligibility, be
15 issued one standard license plate without charge. Applications
16 for any additional license plates must be accompanied by
17 appropriate fees established in this chapter.

18 (2) Eligible applicants of the Florida National Guard
19 may apply for a specialty license plate as provided in s.
20 320.08056 upon payment of the fees required in that section.
21 All other fees will be waived. Applications for any additional
22 specialty license plates must be accompanied by all
23 appropriate fees established in this chapter.

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

25 Section 39. In order to implement specific
26 appropriation 2803A of the 2005-2006 General Appropriations
27 Act, section 250.5206, Florida Statutes, is created to read:

28 250.5206 Family Readiness program.--The Department of
29 Military Affairs shall establish a state family readiness
30 program based on the United States Department of Defense's
31

1 National Guard and Reserve Family Readiness Strategic Plan
2 2004-2005 initiative.

3 (1) The purpose of the program shall be to provide
4 need-based assistance to family members of troops in the
5 Florida National Guard on active duty who are serving in the
6 global war on terrorism and who are federally deployed or
7 participating in state operations for homeland defense.

8 (2) All funding shall be used to purchase needed
9 services and may not be used to fund staffing or
10 administrative costs.

11 (3) Program funds may be used in emergency situations
12 to purchase critically needed services, including, but not
13 limited to, living expenses, housing, vehicles, equipment or
14 renovations necessary to meet disability needs, and health
15 care, as well as marriage counseling, stress and anger
16 management therapies, and other family strengthening
17 strategies.

18 (4) Eligible recipients shall include persons who are
19 designated as beneficiaries on the United States Department of
20 Defense Form 93 or who are otherwise dependents of eligible
21 servicemembers.

22 (5) Requests for assistance shall be validated and
23 assessed at the local level by a federal Family Center Support
24 Specialist stationed at the state armory. The recommendations
25 shall be forwarded to the department, which shall review the
26 recommendations for eligibility, appropriateness, and
27 sufficiency of documentation prior to submission to the Family
28 Readiness Advisory Board as provided in subsection (6).

29 (6) The Family Readiness Advisory Board shall make all
30 final determinations regarding the appropriateness of an
31

1 award, the amount of the award, and the payment of the award.

2 The board shall include:

3 (a) The department employee primarily responsible for
4 the program or his or her designee.

5 (b) The director of personnel for the Florida National
6 Guard or his or her designee.

7 (c) The State Quartermaster or his or her designee.

8 (d) One member appointed by the Adjutant General.

9 (7) The department shall maintain sufficient data to
10 provide an annual report to the Governor and Legislature on
11 the families served, types of services provided, and the
12 allocation of funds spent.

13 (8) This section expires July 1, 2006.

14 Section 40. In order to implement the transfer of
15 moneys to the Working Capital Fund from trust funds in the
16 2005-2006 General Appropriations Act, paragraph (b) of
17 subsection (2) of section 215.32, Florida Statutes, is
18 reenacted to read:

19 215.32 State funds; segregation.--

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

22 (b)1. The trust funds shall consist of moneys received
23 by the state which under law or under trust agreement are
24 segregated for a purpose authorized by law. The state agency
25 or branch of state government receiving or collecting such
26 moneys shall be responsible for their proper expenditure as
27 provided by law. Upon the request of the state agency or
28 branch of state government responsible for the administration
29 of the trust fund, the Chief Financial Officer may establish
30 accounts within the trust fund at a level considered necessary
31 for proper accountability. Once an account is established

1 within a trust fund, the Chief Financial Officer may authorize
2 payment from that account only upon determining that there is
3 sufficient cash and releases at the level of the account.

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

8 a. Operations or operating trust fund, for use as a
9 depository for funds to be used for program operations funded
10 by program revenues, with the exception of administrative
11 activities when the operations or operating trust fund is a
12 proprietary fund.

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

15 c. Administrative trust fund, for use as a depository
16 for funds to be used for management activities that are
17 departmental in nature and funded by indirect cost earnings
18 and assessments against trust funds. Proprietary funds are
19 excluded from the requirement of using an administrative trust
20 fund.

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

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

27 f. Clearing funds trust fund, for use as a depository
28 for funds to account for collections pending distribution to
29 lawful recipients.

30
31

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

4
5 To the extent possible, each agency must adjust its internal
6 accounting to use existing trust funds consistent with the
7 requirements of this subparagraph. If an agency does not have
8 trust funds listed in this subparagraph and cannot make such
9 adjustment, the agency must recommend the creation of the
10 necessary trust funds to the Legislature no later than the
11 next scheduled review of the agency's trust funds pursuant to
12 s. 215.3206.

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

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

24 b. This subparagraph does not apply to trust funds
25 required by federal programs or mandates; trust funds
26 established for bond covenants, indentures, or resolutions
27 whose revenues are legally pledged by the state or public body
28 to meet debt service or other financial requirements of any
29 debt obligations of the state or any public body; the State
30 Transportation Trust Fund; the trust fund containing the net
31 annual proceeds from the Florida Education Lotteries; the

1 Florida Retirement System Trust Fund; trust funds under the
2 management of the Board of Regents, where such trust funds are
3 for auxiliary enterprises, self-insurance, and contracts,
4 grants, and donations, as those terms are defined by general
5 law; trust funds that serve as clearing funds or accounts for
6 the Chief Financial Officer or state agencies; trust funds
7 that account for assets held by the state in a trustee
8 capacity as an agent or fiduciary for individuals, private
9 organizations, or other governmental units; and other trust
10 funds authorized by the State Constitution.

11 Section 41. In order to implement sections 2-7 of the
12 2005-2006 General Appropriations Act, subsection (1) of
13 section 216.192, Florida Statutes, is amended to read:

14 216.192 Release of appropriations; revision of
15 budgets.--

16 (1) Unless otherwise provided in the General
17 Appropriations Act, on July 1 of each fiscal year, up to 25
18 percent of the original approved operating budget of each
19 agency and of the judicial branch may be released until such
20 time as annual plans for quarterly releases for all
21 appropriations have been developed, approved, and furnished to
22 the Chief Financial Officer by the Executive Office of the
23 Governor for state agencies and by the Chief Justice of the
24 Supreme Court for the judicial branch. The plans, including
25 appropriate plans of releases for fixed capital outlay
26 projects that correspond with each project schedule, shall
27 attempt to maximize the use of trust funds and shall be
28 transmitted to the Chief Financial Officer by August 1 of each
29 fiscal year. Such releases shall at no time exceed the total
30 appropriations available to a state agency or to the judicial
31 branch, or the approved budget for such agency or the judicial

1 branch if less. The Chief Financial Officer shall enter such
2 releases in his or her records in accordance with the release
3 plans prescribed by the Executive Office of the Governor and
4 the Chief Justice, unless otherwise amended as provided by
5 law. The Executive Office of the Governor and the Chief
6 Justice shall transmit a copy of the approved annual releases
7 to the head of the state agency, the chair and vice chair of
8 the Legislative Budget Commission, and the Auditor General.
9 The Chief Financial Officer shall authorize all expenditures
10 to be made from the appropriations on the basis of such
11 releases and in accordance with the approved budget, and not
12 otherwise. Expenditures shall be authorized only in accordance
13 with legislative authorizations. Nothing herein precludes
14 periodic reexamination and revision by the Executive Office of
15 the Governor or by the Chief Justice of the annual plans for
16 release of appropriations and the notifications of the parties
17 of all such revisions.

18 (a) Prior to releasing or transferring funds or
19 positions, or increasing spending authority for information
20 technology projects designated in the General Appropriations
21 Act, the agency shall submit a detailed operational work plan
22 to the Executive Office of the Governor and the chairs of the
23 legislative appropriations committees. The operational work
24 plan shall include the following components:

25 1. A project charter that describes the business
26 objectives and expected outcomes to be attained and specifies
27 planned project milestones and deliverables;

28 2. A work breakdown structure that summarizes all
29 tasks required to complete the project;

30 3. A resource-loaded project schedule and a spending
31 plan;

1 4. A description of the project organization and the
2 roles and responsibilities of the project participants; and

3 5. A description of the processes and procedures that
4 will be used to identify and manage the project's risks and to
5 manage changes in the requirements of the project.

6
7 The agency is authorized to request the Executive Office of
8 the Governor to release the funds and positions pursuant to
9 chapter 216 and in a manner consistent with the spending plan
10 component of the operational work plan; however, the funds and
11 positions shall not be released until the operational work
12 plan is approved by the Executive Office of the Governor, in
13 consultation with the legislative appropriations committees.
14 Funds or positions released for the information technology
15 project may not exceed the amount identified in the approved
16 operational work plan. Operational work plans shall be updated
17 as required in the General Appropriations Act. This paragraph
18 expires July 1, 2006.

19 (b) The agency also shall submit to the Executive
20 Office of the Governor and the legislative appropriations
21 chairs project status reports comparing the planned progress
22 of the project as specified in the operational work plan
23 versus the actual progress made to date, the actual completion
24 dates, and the actual costs incurred. The status reports shall
25 also describe the planned project milestones, deliverables,
26 and expenditures for the next reporting period; the current
27 issues requiring resolution; and the project risks that are
28 being actively managed and the actions being taken to mitigate
29 the risks. This paragraph expires July 1, 2006.

30 (c) Operational work plans and project status reports
31 shall comply with the standards for these documents which are

1 jointly developed and published annually by the State
2 Technology Office and the Technology Review Workgroup. The
3 General Appropriations Act shall specify the frequency of
4 operational work plans and status reports required for
5 designated information technology projects. This paragraph
6 expires July 1, 2006.

7 Section 42. In order to implement sections 2-7 of the
8 2005-2006 General Appropriations Act, a goal of the Aspire
9 project shall be to reduce or replace the need for duplicative
10 agency-level accounting, financial, or cash-management systems
11 by providing functionality to meet state agencies' accounting,
12 financial, and cash-management requirements in the Aspire
13 system for statewide accounting and cash management.

14 (1) When all functional design specifications have
15 been finalized, the Aspire project shall publish a clear and
16 unambiguous description of the planned Aspire functionality
17 and related business process requirements in a manner and with
18 sufficient detail to enable each state agency to determine
19 whether or not there is a business case for remediating or
20 continuing to operate a duplicative agency-level accounting,
21 financial, or cash-management system.

22 (2) Prior to using any of the funds appropriated to
23 state agencies in the 2005-2006 General Appropriations Act for
24 remediation or new development activities related to
25 agency-level accounting, financial, or cash-management
26 systems, each agency shall identify the shadow systems that
27 will be decommissioned, the timelines for decommissioning, and
28 the system or systems that require remediation. This
29 information shall be provided to the Director of the Office of
30 Policy and Budget and the chairs of the Senate Ways and Means
31 Committee and the House of Representatives Fiscal Council. If

1 an agency identifies one or more agency-level systems for
2 development or remediation, it must prepare and submit a
3 proposal to the Florida Management Information Board,
4 established in section 215.95, Florida Statutes. The proposal
5 shall provide a detailed description of the accounting,
6 financial, or cash-management system functionality that is
7 critically needed by the agency but that is not provided with
8 the Aspire system. It also shall estimate the expected costs
9 and benefits of developing or remediating the system or
10 systems and provide a resource-loaded project plan that
11 identifies the dates associated with the major project
12 milestones and deliverables for the proposed development or
13 remediation project or projects. Agencies may use the
14 Guidelines for Preparing the Business Case for Agency's Aspire
15 Remediation that were issued by the State Technology Office in
16 August 2004 as a template to provide the necessary
17 information.

18 (3) Representatives from the State Technology Office,
19 the Department of Financial Services, the Technology Review
20 Workgroup, and the Office of the Auditor General shall be
21 directed jointly to validate and to evaluate all remediation
22 proposals and shall jointly provide recommendations to the
23 Florida Management Information Board. Those representatives
24 shall consider the following factors in evaluating the
25 proposals:

26 (a) The critical functionality of the existing
27 agency-level system or systems.

28 (b) The critical accounting, financial, and
29 cash-management business processes that must be maintained
30 within the agency.
31

1 (c) The functionality and accounting, financial, and
2 cash-management business processes to be supported by and
3 implemented in Aspire.

4 (d) Feasibility and cost-benefit of remediating the
5 existing agency-level system or systems instead of
6 incorporating new functionality into the Aspire project.

7 (e) Feasibility, cost-benefit, and operational impacts
8 of retaining existing accounting, financial, and
9 cash-management business processes compared to changing these
10 processes to enable replacement of the existing system.

11 (4) The Florida Management Information Board shall
12 receive and consider each agency system remediation or
13 development proposal and shall approve, disapprove, or require
14 modifications to the proposals as follows:

15 (a) Approval means that the system functionality
16 provided in Aspire is not sufficient to meet the agency's
17 accounting, financial, and cash-management needs and that the
18 proposed system remediation is necessary to meet specific
19 state or federal accounting, financial, or cash-management
20 requirements identified in the proposal.

21 (b) Disapproval means that the planned system
22 functionality in Aspire is sufficient to meet the stated
23 financial and accounting needs of the agency and that the
24 agency should make necessary changes in its accounting,
25 financial, or cash-management processes to enable replacement
26 of the shadow system instead of development or remediation of
27 the system or systems identified in the proposal.

28 (c) Modification may include, but is not limited to,
29 reducing the scope of the development or remediation request,
30 seeking legislative or administrative changes to specified
31 state accounting or business processes to enable the agency to

1 use planned Aspire functionality, or requiring the Aspire
2 project to incorporate needed functionality and modify Aspire
3 and agency-level rollout plans to enable replacement of
4 existing duplicative shadow systems.

5 (5) If multiple agencies identify the same or similar
6 accounting, financial, and cash management requirement that is
7 not provided by the Aspire system, the Aspire project shall
8 provide to the Florida Management Information Board a written
9 explanation of why the Aspire system will not provide the
10 needed functionality and quantitative estimates of the cost
11 and schedule impact of incorporating the needed functionality
12 into the Aspire system. The Florida Management Information
13 Board shall determine whether the needed functionality should
14 be incorporated into the Aspire system. If the cost impact of
15 incorporating the needed functionality increases the total
16 cost of the Aspire project by \$250,000 or more, the board
17 shall notify in writing the chairs of the Senate Ways and
18 Means Committee and the House of Representatives Fiscal
19 Council of the fiscal impact of the proposed Aspire project
20 modification and shall solicit comments from the chairs of the
21 Senate Ways and Means Committee and the House of
22 Representatives Fiscal Council at least 14 consecutive days
23 before final action by the board.

24 (6) If no reallocation of existing state agency
25 resources is needed to accomplish the approved remediation or
26 development project or projects, the agency may proceed with
27 the project or projects. If the approved or modified agency
28 remediation proposal requires additional funding or
29 reallocation of agency funding, the Florida Management
30 Information Board shall direct the agency to submit a budget
31 amendment to the Executive Office of the Governor for release

1 or reallocation of the funding in the approved proposal
2 pursuant to chapter 216, Florida Statutes.

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

4 Section 43. In order to implement the issuance of new
5 debt authorized in the 2005-2006 General Appropriations Act,
6 and pursuant to the requirements of section 215.98, Florida
7 Statutes, the Legislature determines that the authorization
8 and issuance of debt for the 2005-2006 fiscal year is in the
9 best interest of the state and should be implemented.

10 Section 44. A section of this act that implements a
11 specific appropriation or specifically identified proviso
12 language in the 2005-2006 General Appropriations Act is void
13 if the specific appropriation or specifically identified
14 proviso language is vetoed. A section of this act that
15 implements more than one specific appropriation or more than
16 one portion of specifically identified proviso language in the
17 2005-2006 General Appropriations Act is void if all the
18 specific appropriations or portions of specifically identified
19 proviso language are vetoed.

20 Section 45. If any other act passed in 2005 contains a
21 provision that is substantively the same as a provision in
22 this act, but that removes or is otherwise not subject to the
23 future repeal applied to such provision by this act, the
24 Legislature intends that the provision in the other act shall
25 take precedence and shall continue to operate, notwithstanding
26 the future repeal provided by this act.

27 Section 46. The agency performance measures and
28 standards in the document entitled "Performance Measures and
29 Standards Approved by the Legislature for Fiscal Year
30 2005-2006" dated March 28, 2005, and filed with the Secretary
31 of the Senate are incorporated by reference. Such performance

1 measures and standards are directly linked to the
2 appropriations made in the General Appropriations Act for
3 fiscal year 2005-2006, as required by the Government
4 Performance and Accountability Act of 1994. State agencies are
5 directed to revise their long-range program plans required
6 under section 216.013, Florida Statutes, to be consistent with
7 these performance measures and standards.

8 Section 47. If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 invalidity does not affect other provisions or applications of
11 the act which can be given effect without the invalid
12 provision or application, and to this end the provisions of
13 this act are declared severable.

14 Section 48. Except as otherwise expressly provided in
15 this act, this act shall take effect July 1, 2005; or, if this
16 act fails to become a law until after that date, it shall take
17 effect upon becoming a law and shall operate retroactively to
18 July 1, 2005.

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21 SENATE SUMMARY

22 Implements the 2005-2006 General Appropriations Act.
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