

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

19 402.305 Licensing standards; child care facilities.--

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

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

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

30 402.33 Department authority to charge fees for
 31 services provided.--

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

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

20 Section 9. In order to fulfill legislative intent
21 regarding the use of funds contained in Specific
22 Appropriations 676, 688, 698, and 1136 of the 2005-2006
23 General Appropriations Act, the Department of Corrections and
24 the Department of Juvenile Justice may expend appropriated
25 funds to assist in defraying the costs of impacts that are
26 incurred by a municipality or county and associated with
27 opening or operating a facility under the authority of the
28 respective department which is located within that
29 municipality or county. The amount that is to be paid under
30 this section for any facility may not exceed 1 percent of the
31 facility construction cost, less building impact fees imposed

1 by the municipality or by the county if the facility is
 2 located in the unincorporated portion of the county. This
 3 section expires July 1, 2006.

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

8 216.262 Authorized positions.--

9 (4) Notwithstanding the provisions of this chapter on
 10 increasing the number of authorized positions, and for the
 11 2005-2006 ~~2004-2005~~ fiscal year only, if the actual inmate
 12 population of the Department of Corrections exceeds the inmate
 13 population projections of the February 14, 2005 ~~February 16,~~
 14 ~~2004~~, Criminal Justice Estimating Conference by 1 percent for
 15 2 consecutive months or 2 percent for any month, the Executive
 16 Office of the Governor, with the approval of the Legislative
 17 Budget Commission, shall immediately notify the Criminal
 18 Justice Estimating Conference, which shall convene as soon as
 19 possible to revise the estimates. The Department of
 20 Corrections may then submit a budget amendment requesting the
 21 establishment of positions in excess of the number authorized
 22 by the Legislature and additional appropriations from the
 23 General Revenue Fund or the Working Capital Fund sufficient to
 24 provide for essential staff, fixed capital improvements, and
 25 other resources to provide classification, security, food
 26 services, health services, and other variable expenses within
 27 the institutions to accommodate the estimated increase in the
 28 inmate population. All actions taken pursuant to the authority
 29 granted in this subsection shall be subject to review and
 30 approval by the Legislative Budget Commission. This subsection
 31 expires July 1, 2006 ~~2005~~.

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

5 16.555 Crime Stoppers Trust Fund; rulemaking.--

6 (3)

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

12 Section 12. In order to implement Specific
 13 Appropriations 842 and 2999 of the 2005-2006 General
 14 Appropriations Act, and pursuant to the notice, review, and
 15 objection procedures of section 216.177, Florida Statutes,
 16 funds in Specific Appropriation 2999 of the 2005-2006 General
 17 Appropriations Act may be transferred from the courts to the
 18 Justice Administrative Commission in order to address
 19 unanticipated shortfalls in due process services
 20 appropriations in excess of the contingency fund provided in
 21 Specific Appropriation 842 of the 2005-2006 General
 22 Appropriations Act. This section expires July 1, 2006.

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

27 413.4021 Pilot program participant county selection;
 28 tax collection enforcement diversion program.--The Department
 29 of Revenue, in coordination with the Florida Association of
 30 Centers for Independent Living and the Florida Prosecuting
 31 Attorneys Association, shall select four counties in which to

1 operate the pilot program. The association and the state
 2 attorneys' offices in Duval County and the four pilot program
 3 counties shall develop and implement a tax collection
 4 enforcement diversion program, which shall collect revenue due
 5 from persons who have not remitted their collected sales tax.
 6 The criteria for referral to the tax collection enforcement
 7 diversion program shall be determined cooperatively between
 8 the state attorneys' offices in those counties and the
 9 Department of Revenue.

10 (4) For the 2005-2006 ~~2004-2005~~ fiscal year only and
 11 notwithstanding the provisions of subsection (1), 50 percent
 12 of the revenues collected from the tax collection enforcement
 13 diversion program shall be deposited into the operating
 14 account of the Florida Endowment Foundation for Vocational
 15 Rehabilitation, to be used to implement the personal care
 16 attendant pilot program and to contract with the state
 17 attorneys participating in the tax collection enforcement
 18 diversion program in an amount of not more than \$50,000 for
 19 each state attorney. This subsection expires July 1, 2006
 20 ~~2005~~.

21 Section 14. In order to implement Specific
 22 Appropriations 836, 837, 839, 840, and 3020 of the 2005-2006
 23 General Appropriations Act, if a deficit is projected by the
 24 Justice Administrative Commission or the state courts in any
 25 specific appropriation provided for due process services, the
 26 Governor or the Chief Justice of the Supreme Court,
 27 respectively, may submit a budget amendment for consideration
 28 by the Legislative Budget Commission to authorize the
 29 expenditure of funds from the Working Capital Fund to offset
 30 such deficiency. Any budget amendment submitted by the
 31 Governor to the Legislative Budget Commission shall contain

1 certification by the Justice Administrative Commission that
2 all actions required by section 29.015, Florida Statutes, have
3 been completed and that no funds exist in any contingency fund
4 appropriation available to the entity projected to experience
5 the deficiency. Any budget amendment submitted by the Supreme
6 Court shall contain certification that the court has completed
7 all actions required by section 29.016, Florida Statutes, and
8 that no funds exist in any contingency fund available to the
9 state courts system. This section expires July 1, 2006.

10 Section 15. In order to implement Specific
11 Appropriations 1274 and 1277 of the 2005-2006 General
12 Appropriations Act, the Department of Legal Affairs is
13 authorized to expend appropriated funds in Specific
14 Appropriations 1274 and 1277 on the same programs that were
15 funded by the department under Specific Appropriation 1247 in
16 the 2004-2005 General Appropriations Act.

17 Section 16. In order to implement Specific
18 Appropriations 1442 and 1444 of the 2005-2006 General
19 Appropriations Act and notwithstanding any provision of
20 chapter 287 or chapter 337, Florida Statutes, from the funds
21 appropriated to the Department of Agriculture and Consumer
22 Services for the 2002-2003, 2003-2004, 2004-2005, and
23 2005-2006 fiscal years for the purpose of constructing and
24 operating an agricultural interdiction station on Interstate
25 10 in Escambia County, the Department of Agriculture and
26 Consumer Services shall enter into an agreement with the
27 Department of Transportation wherein the Department of
28 Transportation, on behalf of the Department of Agriculture and
29 Consumer Services, shall proceed with the construction of the
30 station under the authority established in chapter 337,
31 Florida Statutes. The Department of Agriculture and Consumer

1 Services shall be authorized to execute all contracts
2 resulting from such Department of Transportation selection of
3 contractors in compliance with chapter 337, Florida Statutes.
4 This section expires July 1, 2006.

5 Section 17. In order to implement the appropriation of
6 funds in Special Categories-Risk Management Insurance of the
7 2005-2006 General Appropriations Act, and pursuant to the
8 notice, review, and objection procedures of section 216.177,
9 Florida Statutes, the Executive Office of the Governor is
10 authorized to transfer funds appropriated in the appropriation
11 category "Special Categories-Risk Management Insurance" of the
12 2005-2006 General Appropriations Act between departments in
13 order to align the budget authority granted with the premiums
14 paid by each department for risk management insurance. This
15 section expires July 1, 2006.

16 Section 18. In order to implement the appropriation of
17 funds in Special Categories-Transfer to Department of
18 Management Services-Human Resources Services Purchased Per
19 Statewide Contract of the 2005-2006 General Appropriations
20 Act, and pursuant to the notice, review, and objection
21 procedures of section 216.177, Florida Statutes, the Executive
22 Office of the Governor is authorized to transfer funds
23 appropriated in the appropriation category "Special
24 Categories-Transfer to Department of Management Services-Human
25 Resources Services Purchased Per Statewide Contract" of the
26 2005-2006 General Appropriations Act between departments in
27 order to align the budget authority granted with the
28 assessments that must be paid by each agency to the Department
29 of Management Services for human resource management services.
30 This section expires July 1, 2006.

31

1 Section 19. In order to implement sections 2-7 of the
 2 2005-2006 General Appropriations Act, paragraph (c) of
 3 subsection (5) and paragraph (d) of subsection (6) of section
 4 112.061, Florida Statutes, are amended to read:

5 112.061 Per diem and travel expenses of public
 6 officers, employees, and authorized persons.--

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

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

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

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

25 Section 20. Notwithstanding section 403.7095, Florida
 26 Statutes, in order to implement Specific Appropriation 1761 of
 27 the 2005-2006 General Appropriations Act, the Department of
 28 Environmental Protection shall award:

29 (1) \$6,500,000 in grants equally to counties with
 30 populations of fewer than 100,000 for waste tire, litter
 31

1 prevention, recycling and education, and general solid waste
2 programs.

3 (2) \$1,242,168 in competitive innovative grants to
4 cities and counties on the prioritized list of projects
5 submitted by the Department of Environmental Protection to the
6 Legislature.

7
8 This section expires July 1, 2006.

9 Section 21. In order to implement Specific
10 Appropriation 1703 of the 2005-2006 General Appropriations
11 Act, subsection (6) of section 375.041, Florida Statutes, is
12 amended to read:

13 375.041 Land Acquisition Trust Fund.--

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

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

21 376.30715 Innocent victim petroleum storage system
22 restoration.--A contaminated site acquired prior to July 1,
23 1990, which ceased operating as a petroleum storage or retail
24 business prior to January 1, 1985, is eligible for financial
25 assistance pursuant to s. 376.305(6), notwithstanding s.
26 376.305(6)(a). Eligible sites shall be ranked in accordance
27 with s. 376.3071(5). This section expires July 1, 2006.

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

1 287.057 Procurement of commodities or contractual
2 services.--

3 (23)

4 (c)1. The department may impose and shall collect all
5 fees for the use of the on-line procurement systems. ~~Such~~ ~~The~~
6 fees may be imposed on an individual transaction basis or as a
7 fixed percentage of the cost savings generated. At a minimum,
8 the fees must be set in an amount sufficient to cover the
9 projected costs of such services, including administrative and
10 project service costs in accordance with the policies of the
11 department. All fees and surcharges collected under this
12 paragraph shall be deposited in the Grants and Donations Trust
13 Fund as provided by law.

14 2. If the department contracts with a provider for
15 on-line procurement, the department, pursuant to
16 appropriation, shall compensate the provider from such fees
17 after the department has satisfied all ongoing costs. The
18 provider shall report transaction data to the department each
19 month so that the department may determine the amount due and
20 payable to the department from each vendor.

21 3. All fees that are due and payable to the state on a
22 transactional basis or as a fixed percentage of the cost
23 savings generated are subject to s. 215.31 and must be
24 remitted within 40 days after receipt of payment for which
25 such fees are due. For any fees that are not remitted within
26 40 days, the vendor shall pay interest at the rate established
27 under s. 55.03(1) on the unpaid balance from the expiration of
28 the 40-day period until the fees are remitted. For the
29 ~~purposes of compensating the provider, the department may~~
30 ~~authorize the provider to collect and retain a portion of the~~
31 ~~fees. The providers may withhold the portion retained from the~~

1 ~~amount of fees to be remitted to the department. The~~
2 ~~department may negotiate the retainage as a percentage of such~~
3 ~~fees charged to users, as a flat amount, or as any other~~
4 ~~method the department deems feasible. All fees and surcharges~~
5 ~~collected under this paragraph shall be deposited in the~~
6 ~~Grants and Donation Trust Fund as provided by law.~~

7 Section 24. The amendment of section 287.057, Florida
8 Statutes, by this act shall expire on July 1, 2006, and the
9 text of that section shall revert to that in existence on June
10 30, 2005, except that any amendments to such text enacted
11 other than by this act shall be preserved and continue to
12 operate to the extent that such amendments are not dependent
13 upon the portions of such text which expire pursuant to this
14 act.

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

19 320.08058 Specialty license plates.--

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

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

23 1. Fifty-five percent of the proceeds from the Florida
24 Professional Sports Team plate must be deposited into the
25 Professional Sports Development Trust Fund within the Office
26 of Tourism, Trade, and Economic Development. These funds must
27 be used solely to attract and support major sports events in
28 this state. As used in this subparagraph, the term "major
29 sports events" means, but is not limited to, championship or
30 all-star contests of Major League Baseball, the National
31 Basketball Association, the National Football League, the

1 National Hockey League, the men's and women's National
2 Collegiate Athletic Association Final Four basketball
3 championship, or a horseracing or dogracing Breeders' Cup. All
4 funds must be used to support and promote major sporting
5 events, and the uses must be approved by the Florida Sports
6 Foundation.

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

29 3. The Florida Sports Foundation shall provide an
30 annual financial audit in accordance with s. 215.981 of its
31 financial accounts and records by an independent certified

1 public accountant pursuant to the contract established by the
 2 Office of Tourism, Trade, and Economic Development as
 3 specified in s. 288.1229(5). The auditor shall submit the
 4 audit report to the Office of Tourism, Trade, and Economic
 5 Development for review and approval. If the audit report is
 6 approved, the office shall certify the audit report to the
 7 Auditor General for review.

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

14 Section 26. In order to implement Specific
 15 Appropriation 2121 of the 2005-2006 General Appropriations
 16 Act, section 445.048, Florida Statutes, as amended by section
 17 53 of chapter 2004-269, Laws of Florida, is amended to read:

18 445.048 Passport to Economic Progress ~~demonstration~~
 19 program.--

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

1 workforce boards and the applicable local offices of the
2 Department of Children and Family Services ~~which serve the~~
3 ~~demonstration areas~~ and must encourage community input into
4 the implementation process.

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

19 ~~(3) INCOME DISREGARD. In order to provide an~~
20 ~~additional incentive for employment, and notwithstanding the~~
21 ~~amount specified in s. 414.095(12), for individuals residing~~
22 ~~in the areas designated for this demonstration program, the~~
23 ~~first \$300 plus one half of the remainder of earned income~~
24 ~~shall be disregarded in determining eligibility for temporary~~
25 ~~cash assistance. All other conditions and requirements of s.~~
26 ~~414.095(12) shall continue to apply to such individuals.~~

27 ~~(3)(4)~~ TRANSITIONAL BENEFITS AND SERVICES.--In order
28 to assist them in making the transition to economic
29 self-sufficiency, former recipients of temporary cash
30 assistance ~~residing within the areas designated for this~~
31

1 ~~demonstration program~~ shall be eligible for the following
 2 benefits and services:

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

7 (b) Notwithstanding the time period specified in s.
 8 445.031, transitional transportation support services as
 9 specified in s. 445.031 for up to 4 years after the family is
 10 no longer receiving temporary cash assistance; and

11 (c) Notwithstanding the time period specified in s.
 12 445.032, transitional child care as specified in s. 445.032
 13 for up to 4 years after the family is no longer receiving
 14 temporary cash assistance.

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

24 ~~(4)(5) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY WAGE~~
 25 ~~SUPPLEMENTATION.--~~

26 (a) The Legislature finds that:

27 1. There are former recipients of temporary cash
 28 assistance who are working full time but whose incomes are
 29 below the federal poverty level.

30 2. Having incomes below the federal poverty level
 31 makes such individuals particularly vulnerable to reliance on

1 public assistance despite their best efforts to achieve or
2 maintain economic independence through employment.

3 3. It is necessary to implement a performance-based
4 program that defines economic incentives for achieving
5 specific benchmarks toward self-sufficiency while the
6 individual is working full-time ~~supplement the wages of such~~
7 ~~individuals for a limited period of time in order to assist~~
8 ~~them in fulfilling the transition to economic~~
9 ~~self-sufficiency.~~

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

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

31

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

3 2. Be employed full time, which for the purposes of
4 this subsection means employment averaging at least 32 hours
5 per week, until the United States Congress enacts legislation
6 reauthorizing the Temporary Assistance for Needy Families
7 block grant and, after the reauthorization, means employment
8 complying with the employment requirements of the
9 reauthorization; and

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

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

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

31

1 ~~(5)(6)~~ EVALUATIONS AND RECOMMENDATIONS.--Workforce
 2 Florida, Inc., in conjunction with the Department of Children
 3 and Family Services, the Agency for Workforce Innovation, and
 4 the regional workforce boards ~~in the areas designated for this~~
 5 ~~demonstration program~~, shall conduct a comprehensive
 6 evaluation of the effectiveness of the ~~demonstration~~ program
 7 operated under this section. Evaluations and recommendations
 8 for the program shall be submitted by Workforce Florida, Inc.,
 9 as part of its annual report to the Legislature. By January 1,
 10 2003, Workforce Florida, Inc., shall submit a report on such
 11 evaluation to the Governor, the President of the Senate, and
 12 the Speaker of the House of Representatives. The report must
 13 include recommendations as to whether the demonstration
 14 program should be expanded to other service areas or statewide
 15 and whether the program should be revised to enhance its
 16 administration or effectiveness.

17 ~~(6)(7)~~ CONFLICTS.--If there is a conflict between the
 18 implementation procedures described in this section and
 19 federal requirements and regulations, federal requirements and
 20 regulations shall control.

21 Section 27. The amendment of section 445.048, Florida
 22 Statutes, by this act shall expire on July 1, 2006, and the
 23 text of that section shall revert to that in existence on June
 24 30, 2003, except that any amendments to such text enacted
 25 other than by this act shall be preserved and continue to
 26 operate to the extent that such amendments are not dependent
 27 upon the portions of such text which expire pursuant to the
 28 provisions of this act.

29 Section 28. In order to implement section 25 of the
 30 2005-2006 General Appropriations Act, subsection (13) of
 31 section 253.034, Florida Statutes, is amended to read:

1 253.034 State-owned lands; uses.--

2 (13) Notwithstanding the provisions of this section,
3 funds from the sale of property by the Department of Highway
4 Safety and Motor Vehicles located in Palm Beach County ~~and~~
5 ~~Orange Counties~~ are authorized to be deposited into the
6 Highway Safety Operating Trust Fund to facilitate the exchange
7 as provided in the General Appropriations Act, provided that
8 at the conclusion of both exchanges the values are equalized.
9 This subsection expires July 1, 2006 ~~2005~~.

10 Section 29. In order to implement proviso language in
11 Specific Appropriation 2162F of the 2005-2006 General
12 Appropriations Act, section 402.3017, Florida Statutes, is
13 amended to read:

14 402.3017 Teacher Education and Compensation Helps
15 (TEACH) scholarship program.--

16 (1) The Legislature finds that the level of early
17 child care teacher education and training is a key predictor
18 for determining program quality. The Legislature also finds
19 that low wages for child care workers prevent many from
20 obtaining increased training and education and contribute to
21 high turnover rates. The Legislature therefore intends to
22 help fund a program which links teacher training and education
23 to compensation and commitment to the field of early childhood
24 education.

25 (2) The Department of Children and Family Services is
26 authorized to contract for the administration of the Teacher
27 Education and Compensation Helps (TEACH) scholarship program,
28 which provides educational scholarships to caregivers and
29 administrators of early childhood programs, family day care
30 homes, and large family child care homes.

31

1 (3) The department shall adopt rules as necessary to
2 implement this section.

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

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

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

12 (5) When the purchase price of commodities or
13 contractual services exceeds the threshold amount provided in
14 s. 287.017 for CATEGORY TWO, no purchase of commodities or
15 contractual services may be made without receiving competitive
16 sealed bids, competitive sealed proposals, or competitive
17 sealed replies unless:

18 (f) The following contractual services and commodities
19 are not subject to the competitive-solicitation requirements
20 of this section:

- 21 1. Artistic services.
- 22 2. Academic program reviews.
- 23 3. Lectures by individuals.
- 24 4. Auditing services.
- 25 5. Legal services, including attorney, paralegal,
26 expert witness, appraisal, or mediator services.
- 27 6. Health services involving examination, diagnosis,
28 treatment, prevention, medical consultation, or
29 administration.
- 30 7. Services provided to persons with mental or
31 physical disabilities by not-for-profit corporations which

1 have obtained exemptions under the provisions of s. 501(c)(3)
 2 of the United States Internal Revenue Code or when such
 3 services are governed by the provisions of Office of
 4 Management and Budget Circular A-122. However, in acquiring
 5 such services, the agency shall consider the ability of the
 6 vendor, past performance, willingness to meet time
 7 requirements, and price.

8 8. Medicaid services delivered to an eligible Medicaid
 9 recipient by a health care provider who has not previously
 10 applied for and received a Medicaid provider number from the
 11 Agency for Health Care Administration. However, this exception
 12 shall be valid for a period not to exceed 90 days after the
 13 date of delivery to the Medicaid recipient and shall not be
 14 renewed by the agency.

15 9. Family placement services.

16 10. Prevention services related to mental health,
 17 including drug abuse prevention programs, child abuse
 18 prevention programs, and shelters for runaways, operated by
 19 not-for-profit corporations. However, in acquiring such
 20 services, the agency shall consider the ability of the vendor,
 21 past performance, willingness to meet time requirements, and
 22 price.

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

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

26 13. Services or commodities provided by governmental
 27 agencies.

28 14. Voter education activities of the Department of
 29 State or the supervisors of elections funded by Specific
 30 Appropriation 2930 ~~2871H~~ of the 2005-2006 ~~2004-2005~~ General
 31 Appropriations Act, either individually or in the aggregate or

1 with their respective professional associations. This
2 subparagraph expires July 1, ~~2006~~ 2005.

3 Section 31. In order to implement Specific
4 Appropriation 2982C of the 2005-2006 General Appropriations
5 Act, paragraph (g) is added to subsection (11) of section
6 259.032, Florida Statutes, to read:

7 259.032 Conservation and Recreation Lands Trust Fund;
8 purpose.--

9 (11)

10 (g) In addition to the purposes specified in paragraph
11 (b), funds from the 1.5 percent of the cumulative total of
12 funds ever deposited into the Florida Preservation 2000 Trust
13 Fund and the Florida Forever Trust Fund may be appropriated
14 for the 2005-2006 fiscal year for the construction of
15 replacement museum facilities. This paragraph expires July 1,
16 2006.

17 Section 32. In order to implement Specific
18 Appropriation 2495 of the 2005-2006 General Appropriations
19 Act, subsection (7) of section 288.1045, Florida Statutes, is
20 amended to read:

21 288.1045 Qualified defense contractor tax refund
22 program.--

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

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

29 288.106 Tax refund program for qualified target
30 industry businesses.--

31

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

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

7 290.044 Florida Small Cities Community Development
8 Block Grant Program Fund; administration; distribution.--

9 ~~(4) The percentage of funds distributed in each of the~~
10 ~~grant program categories from federal funds for federal fiscal~~
11 ~~year 1985 shall be established by the Legislature in the~~
12 ~~appropriation process for the 1984 regular session and shall~~
13 ~~be established annually thereafter in the same manner. The~~
14 ~~department shall submit its recommendation on the distribution~~
15 ~~percentages to the Governor and Legislature as part of its~~
16 ~~regular budget proposals. The department may set aside shall~~
17 ~~provide for the set aside of an amount of up to 5 ~~10~~ percent~~
18 ~~of the funds allocated to the neighborhood revitalization~~
19 ~~category in its distribution percentages~~ for use in any
20 eligible local government jurisdiction for which an emergency
21 or natural disaster has been declared by executive order.
22 Such funds may only be provided to a local government to fund
23 eligible emergency-related activities for which no other
24 source of federal, state, or local disaster funds is
25 available. The department shall provide for such set-aside by
26 rule. In the last quarter of the state fiscal year, any funds
27 not allocated under the emergency-related set-aside shall be
28 used to fully fund any applications which were partially
29 funded due to inadequate funds in the most recently completed
30 neighborhood revitalization category funding cycle, and then

31

1 any remaining funds shall be distributed to the next unfunded
2 applications.

3 Section 35. The amendment of section 290.044, Florida
4 Statutes, by this act shall expire on July 1, 2006, and the
5 text of that section shall revert to that in existence on June
6 30, 2005, except that any amendments to such text enacted
7 other than by this act shall be preserved and continue to
8 operate to the extent that such amendments are not dependent
9 upon the portions of such text which expire pursuant to the
10 provisions of this act.

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

14 311.22 Additional authorization for funding certain
15 dredging projects.--

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

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

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

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

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

11 339.135 Work program; legislative budget request;
 12 definitions; preparation, adoption, execution, and
 13 amendment.--

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

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

25 320.0846 Free motor vehicle license plates to active
 26 members of the Florida National Guard.--

27 (1) Any owner or lessee of a motor vehicle who resides
 28 in this state and is an active member of the Florida National
 29 Guard may, upon application and proof of eligibility, be
 30 issued one standard license plate without charge. Applications
 31

1 for any additional license plates must be accompanied by
2 appropriate fees established in this chapter.

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

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

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

13 250.5206 Family Readiness program.--The Department of
14 Military Affairs shall establish a state family readiness
15 program based on the United States Department of Defense's
16 National Guard and Reserve Family Readiness Strategic Plan
17 2004-2005 initiative.

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

23 (2) All funding shall be used to purchase needed
24 services and may not be used to fund staffing or
25 administrative costs.

26 (3) Program funds may be used in emergency situations
27 to purchase critically needed services, including, but not
28 limited to, living expenses, housing, vehicles, equipment or
29 renovations necessary to meet disability needs, and health
30 care, as well as marriage counseling, stress and anger

31

1 management therapies, and other family strengthening
2 strategies.

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

7 (5) Requests for assistance shall be validated and
8 assessed at the local level by a federal Family Center Support
9 Specialist stationed at the state armory. The recommendations
10 shall be forwarded to the department, which shall review the
11 recommendations for eligibility, appropriateness, and
12 sufficiency of documentation prior to submission to the Family
13 Readiness Advisory Board as provided in subsection (6).

14 (6) The Family Readiness Advisory Board shall make all
15 final determinations regarding the appropriateness of an
16 award, the amount of the award, and the payment of the award.
17 The board shall include:

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

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

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

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

24 (7) The department shall maintain sufficient data to
25 provide an annual report to the Governor and Legislature on
26 the families served, types of services provided, and the
27 allocation of funds spent.

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

29 Section 40. In order to implement the transfer of
30 moneys to the Working Capital Fund from trust funds in the
31 2005-2006 General Appropriations Act, paragraph (b) of

1 subsection (2) of section 215.32, Florida Statutes, is
2 reenacted to read:

3 215.32 State funds; segregation.--

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

6 (b)1. The trust funds shall consist of moneys received
7 by the state which under law or under trust agreement are
8 segregated for a purpose authorized by law. The state agency
9 or branch of state government receiving or collecting such
10 moneys shall be responsible for their proper expenditure as
11 provided by law. Upon the request of the state agency or
12 branch of state government responsible for the administration
13 of the trust fund, the Chief Financial Officer may establish
14 accounts within the trust fund at a level considered necessary
15 for proper accountability. Once an account is established
16 within a trust fund, the Chief Financial Officer may authorize
17 payment from that account only upon determining that there is
18 sufficient cash and releases at the level of the account.

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

23 a. Operations or operating trust fund, for use as a
24 depository for funds to be used for program operations funded
25 by program revenues, with the exception of administrative
26 activities when the operations or operating trust fund is a
27 proprietary fund.

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

30 c. Administrative trust fund, for use as a depository
31 for funds to be used for management activities that are

1 departmental in nature and funded by indirect cost earnings
2 and assessments against trust funds. Proprietary funds are
3 excluded from the requirement of using an administrative trust
4 fund.

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

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

11 f. Clearing funds trust fund, for use as a depository
12 for funds to account for collections pending distribution to
13 lawful recipients.

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

17
18 To the extent possible, each agency must adjust its internal
19 accounting to use existing trust funds consistent with the
20 requirements of this subparagraph. If an agency does not have
21 trust funds listed in this subparagraph and cannot make such
22 adjustment, the agency must recommend the creation of the
23 necessary trust funds to the Legislature no later than the
24 next scheduled review of the agency's trust funds pursuant to
25 s. 215.3206.

26 3. All such moneys are hereby appropriated to be
27 expended in accordance with the law or trust agreement under
28 which they were received, subject always to the provisions of
29 chapter 216 relating to the appropriation of funds and to the
30 applicable laws relating to the deposit or expenditure of
31 moneys in the State Treasury.

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

6 b. This subparagraph does not apply to trust funds
7 required by federal programs or mandates; trust funds
8 established for bond covenants, indentures, or resolutions
9 whose revenues are legally pledged by the state or public body
10 to meet debt service or other financial requirements of any
11 debt obligations of the state or any public body; the State
12 Transportation Trust Fund; the trust fund containing the net
13 annual proceeds from the Florida Education Lotteries; the
14 Florida Retirement System Trust Fund; trust funds under the
15 management of the Board of Regents, where such trust funds are
16 for auxiliary enterprises, self-insurance, and contracts,
17 grants, and donations, as those terms are defined by general
18 law; trust funds that serve as clearing funds or accounts for
19 the Chief Financial Officer or state agencies; trust funds
20 that account for assets held by the state in a trustee
21 capacity as an agent or fiduciary for individuals, private
22 organizations, or other governmental units; and other trust
23 funds authorized by the State Constitution.

24 Section 41. In order to implement sections 2-7 of the
25 2005-2006 General Appropriations Act, subsection (1) of
26 section 216.192, Florida Statutes, is amended to read:

27 216.192 Release of appropriations; revision of
28 budgets.--

29 (1) Unless otherwise provided in the General
30 Appropriations Act, on July 1 of each fiscal year, up to 25
31 percent of the original approved operating budget of each

1 agency and of the judicial branch may be released until such
2 time as annual plans for quarterly releases for all
3 appropriations have been developed, approved, and furnished to
4 the Chief Financial Officer by the Executive Office of the
5 Governor for state agencies and by the Chief Justice of the
6 Supreme Court for the judicial branch. The plans, including
7 appropriate plans of releases for fixed capital outlay
8 projects that correspond with each project schedule, shall
9 attempt to maximize the use of trust funds and shall be
10 transmitted to the Chief Financial Officer by August 1 of each
11 fiscal year. Such releases shall at no time exceed the total
12 appropriations available to a state agency or to the judicial
13 branch, or the approved budget for such agency or the judicial
14 branch if less. The Chief Financial Officer shall enter such
15 releases in his or her records in accordance with the release
16 plans prescribed by the Executive Office of the Governor and
17 the Chief Justice, unless otherwise amended as provided by
18 law. The Executive Office of the Governor and the Chief
19 Justice shall transmit a copy of the approved annual releases
20 to the head of the state agency, the chair and vice chair of
21 the Legislative Budget Commission, and the Auditor General.
22 The Chief Financial Officer shall authorize all expenditures
23 to be made from the appropriations on the basis of such
24 releases and in accordance with the approved budget, and not
25 otherwise. Expenditures shall be authorized only in accordance
26 with legislative authorizations. Nothing herein precludes
27 periodic reexamination and revision by the Executive Office of
28 the Governor or by the Chief Justice of the annual plans for
29 release of appropriations and the notifications of the parties
30 of all such revisions.
31

1 (a) Prior to releasing or transferring funds or
2 positions, or increasing spending authority for information
3 technology projects designated in the General Appropriations
4 Act, the agency shall submit a detailed operational work plan
5 to the Executive Office of the Governor and the chairs of the
6 legislative appropriations committees. The operational work
7 plan shall include the following components:

8 1. A project charter that describes the business
9 objectives and expected outcomes to be attained and specifies
10 planned project milestones and deliverables;

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

13 3. A resource-loaded project schedule and a spending
14 plan;

15 4. A description of the project organization and the
16 roles and responsibilities of the project participants; and

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

20
21 The agency is authorized to request the Executive Office of
22 the Governor to release the funds and positions pursuant to
23 chapter 216 and in a manner consistent with the spending plan
24 component of the operational work plan; however, the funds and
25 positions shall not be released until the operational work
26 plan is approved by the Executive Office of the Governor, in
27 consultation with the legislative appropriations committees.
28 Funds or positions released for the information technology
29 project may not exceed the amount identified in the approved
30 operational work plan. Operational work plans shall be updated
31

1 as required in the General Appropriations Act. This paragraph
2 expires July 1, 2006.

3 (b) The agency also shall submit to the Executive
4 Office of the Governor and the legislative appropriations
5 chairs project status reports comparing the planned progress
6 of the project as specified in the operational work plan
7 versus the actual progress made to date, the actual completion
8 dates, and the actual costs incurred. The status reports shall
9 also describe the planned project milestones, deliverables,
10 and expenditures for the next reporting period; the current
11 issues requiring resolution; and the project risks that are
12 being actively managed and the actions being taken to mitigate
13 the risks. This paragraph expires July 1, 2006.

14 (c) Operational work plans and project status reports
15 shall comply with the standards for these documents which are
16 jointly developed and published annually by the State
17 Technology Office and the Technology Review Workgroup. The
18 General Appropriations Act shall specify the frequency of
19 operational work plans and status reports required for
20 designated information technology projects. This paragraph
21 expires July 1, 2006.

22 Section 42. In order to implement sections 2-7 of the
23 2005-2006 General Appropriations Act, a goal of the Aspire
24 project shall be to reduce or replace the need for duplicative
25 agency-level accounting, financial, or cash-management systems
26 by providing functionality to meet state agencies' accounting,
27 financial, and cash-management requirements in the Aspire
28 system for statewide accounting and cash management.

29 (1) When all functional design specifications have
30 been finalized, the Aspire project shall publish a clear and
31 unambiguous description of the planned Aspire functionality

1 and related business process requirements in a manner and with
2 sufficient detail to enable each state agency to determine
3 whether or not there is a business case for remediating or
4 continuing to operate a duplicative agency-level accounting,
5 financial, or cash-management system.

6 (2) Prior to using any of the funds appropriated to
7 state agencies in the 2005-2006 General Appropriations Act for
8 remediation or new development activities related to
9 agency-level accounting, financial, or cash-management
10 systems, each agency shall identify the shadow systems that
11 will be decommissioned, the timelines for decommissioning, and
12 the system or systems that require remediation. This
13 information shall be provided to the Director of the Office of
14 Policy and Budget and the chairs of the Senate Ways and Means
15 Committee and the House of Representatives Fiscal Council. If
16 an agency identifies one or more agency-level systems for
17 development or remediation, it must prepare and submit a
18 proposal to the Florida Management Information Board,
19 established in section 215.95, Florida Statutes. The proposal
20 shall provide a detailed description of the accounting,
21 financial, or cash-management system functionality that is
22 critically needed by the agency but that is not provided with
23 the Aspire system. It also shall estimate the expected costs
24 and benefits of developing or remediating the system or
25 systems and provide a resource-loaded project plan that
26 identifies the dates associated with the major project
27 milestones and deliverables for the proposed development or
28 remediation project or projects. Agencies may use the
29 Guidelines for Preparing the Business Case for Agency's Aspire
30 Remediation that were issued by the State Technology Office in

31

1 August 2004 as a template to provide the necessary
2 information.

3 (3) Representatives from the State Technology Office,
4 the Department of Financial Services, the Technology Review
5 Workgroup, and the Office of the Auditor General shall be
6 directed jointly to validate and to evaluate all remediation
7 proposals and shall jointly provide recommendations to the
8 Florida Management Information Board. Those representatives
9 shall consider the following factors in evaluating the
10 proposals:

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

13 (b) The critical accounting, financial, and
14 cash-management business processes that must be maintained
15 within the agency.

16 (c) The functionality and accounting, financial, and
17 cash-management business processes to be supported by and
18 implemented in Aspire.

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

22 (e) Feasibility, cost-benefit, and operational impacts
23 of retaining existing accounting, financial, and
24 cash-management business processes compared to changing these
25 processes to enable replacement of the existing system.

26 (4) The Florida Management Information Board shall
27 receive and consider each agency system remediation or
28 development proposal and shall approve, disapprove, or require
29 modifications to the proposals as follows:

30 (a) Approval means that the system functionality
31 provided in Aspire is not sufficient to meet the agency's

1 accounting, financial, and cash-management needs and that the
2 proposed system remediation is necessary to meet specific
3 state or federal accounting, financial, or cash-management
4 requirements identified in the proposal.

5 (b) Disapproval means that the planned system
6 functionality in Aspire is sufficient to meet the stated
7 financial and accounting needs of the agency and that the
8 agency should make necessary changes in its accounting,
9 financial, or cash-management processes to enable replacement
10 of the shadow system instead of development or remediation of
11 the system or systems identified in the proposal.

12 (c) Modification may include, but is not limited to,
13 reducing the scope of the development or remediation request,
14 seeking legislative or administrative changes to specified
15 state accounting or business processes to enable the agency to
16 use planned Aspire functionality, or requiring the Aspire
17 project to incorporate needed functionality and modify Aspire
18 and agency-level rollout plans to enable replacement of
19 existing duplicative shadow systems.

20 (5) If multiple agencies identify the same or similar
21 accounting, financial, and cash management requirement that is
22 not provided by the Aspire system, the Aspire project shall
23 provide to the Florida Management Information Board a written
24 explanation of why the Aspire system will not provide the
25 needed functionality and quantitative estimates of the cost
26 and schedule impact of incorporating the needed functionality
27 into the Aspire system. The Florida Management Information
28 Board shall determine whether the needed functionality should
29 be incorporated into the Aspire system. If the cost impact of
30 incorporating the needed functionality increases the total
31 cost of the Aspire project by \$250,000 or more, the board

1 shall notify in writing the chairs of the Senate Ways and
2 Means Committee and the House of Representatives Fiscal
3 Council of the fiscal impact of the proposed Aspire project
4 modification and shall solicit comments from the chairs of the
5 Senate Ways and Means Committee and the House of
6 Representatives Fiscal Council at least 14 consecutive days
7 before final action by the board.

8 (6) If no reallocation of existing state agency
9 resources is needed to accomplish the approved remediation or
10 development project or projects, the agency may proceed with
11 the project or projects. If the approved or modified agency
12 remediation proposal requires additional funding or
13 reallocation of agency funding, the Florida Management
14 Information Board shall direct the agency to submit a budget
15 amendment to the Executive Office of the Governor for release
16 or reallocation of the funding in the approved proposal
17 pursuant to chapter 216, Florida Statutes.

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

19 Section 43. In order to implement the issuance of new
20 debt authorized in the 2005-2006 General Appropriations Act,
21 and pursuant to the requirements of section 215.98, Florida
22 Statutes, the Legislature determines that the authorization
23 and issuance of debt for the 2005-2006 fiscal year is in the
24 best interest of the state and should be implemented.

25 Section 44. A section of this act that implements a
26 specific appropriation or specifically identified proviso
27 language in the 2005-2006 General Appropriations Act is void
28 if the specific appropriation or specifically identified
29 proviso language is vetoed. A section of this act that
30 implements more than one specific appropriation or more than
31 one portion of specifically identified proviso language in the

1 2005-2006 General Appropriations Act is void if all the
2 specific appropriations or portions of specifically identified
3 proviso language are vetoed.

4 Section 45. If any other act passed in 2005 contains a
5 provision that is substantively the same as a provision in
6 this act, but that removes or is otherwise not subject to the
7 future repeal applied to such provision by this act, the
8 Legislature intends that the provision in the other act shall
9 take precedence and shall continue to operate, notwithstanding
10 the future repeal provided by this act.

11 Section 46. The agency performance measures and
12 standards in the document entitled "Performance Measures and
13 Standards Approved by the Legislature for Fiscal Year
14 2005-2006" dated March 28, 2005, and filed with the Secretary
15 of the Senate are incorporated by reference. Such performance
16 measures and standards are directly linked to the
17 appropriations made in the General Appropriations Act for
18 fiscal year 2005-2006, as required by the Government
19 Performance and Accountability Act of 1994. State agencies are
20 directed to revise their long-range program plans required
21 under section 216.013, Florida Statutes, to be consistent with
22 these performance measures and standards.

23 Section 47. If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 invalidity does not affect other provisions or applications of
26 the act which can be given effect without the invalid
27 provision or application, and to this end the provisions of
28 this act are declared severable.

29 Section 48. Except as otherwise expressly provided in
30 this act, this act shall take effect July 1, 2005; or, if this
31 act fails to become a law until after that date, it shall take

1 | effect upon becoming a law and shall operate retroactively to
2 | July 1, 2005.
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