

1
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; creating s.
7 1004.065, F.S.; providing a limitation on
8 university and direct-support organization
9 financings; disbanding the Miami-Dade Land
10 Acquisition and Facilities Maintenance
11 Operation Advisory Board; amending s. 216.292,
12 F.S.; authorizing the Department of Children
13 and Family Services to transfer funds within
14 the family safety program; amending s. 287.057,
15 F.S.; authorizing the Department of Children
16 and Family Services to contract with a private
17 provider for a forensic mental health treatment
18 facility; amending s. 402.305, F.S.; providing
19 for the child care competency examination to be
20 given in Spanish; amending s. 402.33, F.S.;
21 suspending authority of the Department of
22 Children and Family Services to use funds in
23 excess of fee collections; amending s. 394.76,
24 F.S.; providing a local match ratio for
25 contracted community alcohol and mental health
26 services and programs funded through the
27 Department of Children and Family Services;
28 amending s. 215.18, F.S.; authorizing extension
29 of repayment periods for moneys transferred
30 between funds as a result of hurricanes
31 striking the state in 2004; requiring the

1 Agency for Persons with Disabilities to report
2 to the Governor and the Legislature with
3 respect to the financial status of the Home and
4 Community Based Services Waiver; providing for
5 budget adjustments; amending s. 440.02, F.S.;
6 redefining the term "employee," for purposes of
7 workers' compensation, to exclude certain
8 Medicaid-enrolled clients enrolled in workshop
9 settings for the purpose of training;
10 authorizing the Department of Corrections and
11 the Department of Juvenile Justice to make
12 certain expenditures to defray costs incurred
13 by a municipality or county as a result of
14 opening or operating a facility under authority
15 of the respective department; amending s.
16 216.262, F.S.; providing for additional
17 positions to operate additional prison bed
18 capacity under certain circumstances; amending
19 s. 287.057, F.S.; authorizing the Department of
20 Management Services to issue an invitation to
21 negotiate for additional beds at specified
22 correctional facilities; providing guidelines
23 on such negotiation; providing a time
24 requirement for any additional bed procurement;
25 requiring reports with respect to adding such
26 additional beds; authorizing transfer of
27 certain funds from the courts to the Justice
28 Administrative Commission to meet certain
29 shortfalls in due-process appropriations;
30 providing for expenditure of funds from the
31 Working Capital Fund to offset deficiencies in

1 due-process services; authorizing the
2 Department of Legal Affairs to expend
3 appropriated funds on programs funded in the
4 preceding fiscal year; amending s. 932.7055,
5 F.S.; allowing municipalities to reimburse
6 their general funds from moneys they advanced
7 to their own special law enforcement trust
8 funds; providing for an agreement between the
9 Department of Agriculture and Consumer Services
10 and the Department of Transportation for the
11 construction of an agricultural interdiction
12 station in Escambia County; authorizing the
13 Executive Office of the Governor to transfer
14 funds between departments for purposes of
15 aligning amounts paid for risk management
16 premiums and for purposes of aligning amounts
17 paid for human resource management services;
18 amending s. 112.061, F.S.; providing for
19 computation of travel time and reimbursement
20 for public officers' and employees' travel;
21 amending s. 287.17, F.S.; authorizing the use
22 of state aircraft for commuting; directing the
23 Department of Environmental Protection to make
24 specified awards of grant moneys for pollution
25 control purposes; amending s. 375.041, F.S.;
26 providing for use of funds allocated to the
27 Land Acquisition Trust Fund for water quality
28 issues; creating s. 376.30715, F.S.; providing
29 conditions on state financial assistance in
30 restoration of contaminated petroleum storage
31 or retail sites; amending s. 376.3071, F.S.;

1 providing for use of funds from the Inland
2 Protection Trust Fund to clean up certain
3 petroleum-contaminated sites and to purchase
4 generators for emergency fuel supply; amending
5 s. 373.4137, F.S.; providing for water
6 management districts to use specified funds in
7 certain surface water improvement and
8 management or invasive plant control projects;
9 amending s. 120.551, F.S.; continuing Internet
10 publication of certain notices of the
11 Department of Environmental Protection and the
12 Board of Trustees of the Internal Improvement
13 Trust Fund; amending s. 373.4145, F.S. ;
14 prescribing an interim permitting program for
15 the Northwest Florida Water Management
16 District; authorizing the appropriation of
17 moneys in the Conservation and Recreation Lands
18 Trust Fund to pay for replacement of motor
19 vehicles for the Department of Agriculture and
20 Consumer Services; creating the Florida Pork
21 Producers Transition Grant Program within the
22 Department of Agriculture and Consumer
23 Services; entitling certain persons using
24 farming methods described in the Florida
25 Constitution on a certain date to apply for a
26 grant; providing a cap on such grants and
27 authorizing the department to adopt rules to
28 implement the grant program; amending s.
29 11.151, F.S.; increasing the contingency fund
30 for the legislative presiding officers;
31 amending s. 320.08058, F.S.; authorizing

1 | proceeds from the Professional Sports
2 | Development Trust Fund to be used for
3 | operational expenses of the Florida Sports
4 | Foundation and financial support of the
5 | Sunshine State Games; amending s. 445.048,
6 | F.S.; requiring that Workforce Florida, Inc.,
7 | expand the Passport to Economic Progress
8 | demonstration program to a statewide program;
9 | authorizing Workforce Florida, Inc., to
10 | designate regional workforce boards to
11 | participate in the program; deleting the
12 | provision relating to the disregarding of
13 | income for purposes of determining eligibility
14 | for cash assistance; requiring that Workforce
15 | Florida, Inc., offer incentive bonuses;
16 | providing requirements for the incentive
17 | bonuses; providing that the bonuses are not an
18 | entitlement; deleting obsolete provisions;
19 | requiring Workforce Florida, Inc., to submit
20 | evaluations and recommendations for the program
21 | as part of its annual report to the
22 | Legislature; deleting obsolete provisions;
23 | amending s. 253.034, F.S.; authorizing deposit
24 | of funds from the sale of property by the
25 | Department of Highway Safety and Motor Vehicles
26 | located in Palm Beach County; amending s.
27 | 402.3017, F.S.; requiring the Agency for
28 | Workforce Innovation to administer Teacher
29 | Education and Compensation Helps (TEACH)
30 | scholarship program; amending s. 259.032, F.S.;
31 | providing for use of certain funds for

1 constructing replacement museum facilities;
2 creating s. 311.22, F.S.; establishing a
3 program to provide matching funds for dredging
4 projects in eligible counties; requiring that
5 funds appropriated under the program be used
6 for certain projects; requiring that the
7 Florida Seaport Transportation and Economic
8 Development Council adopt rules for evaluating
9 the dredging projects; providing for a
10 project-review process by the Department of
11 Community Affairs, the Department of
12 Transportation, and the Office of Tourism,
13 Trade, and Economic Development; amending s.
14 339.135, F.S.; authorizing increased
15 appropriations for certain projects in the
16 Department of Transportation; creating s.
17 320.0846, F.S.; providing for free motor
18 vehicle license plates for active members of
19 the Florida National Guard; amending s.
20 216.292, F.S.; authorizing the Governor to
21 recommend fixed capital outlay projects funded
22 by Federal Emergency Management Agency grants;
23 providing for review by the Legislative Budget
24 Commission; amending s. 380.511, F.S.;
25 providing for transfer of unappropriated
26 balances from the Florida Communities Trust
27 Fund to the Emergency Management Preparedness
28 and Assistance Trust Fund; amending s.
29 420.0005, F.S.; providing for transfer of
30 unappropriated balances from the State Housing
31 Trust Fund in the Department of Community

1 Affairs to the Emergency Management
2 Preparedness and Assistance Trust Fund;
3 amending s. 420.36, F.S.; providing for
4 transfer of unappropriated balances from the
5 Energy Consumption Trust Fund to the Emergency
6 Management Preparedness and Assistance Trust
7 Fund; providing for transfer of unappropriated
8 balances from the Grants and Donations Trust
9 Fund of the Department of Community Affairs to
10 the Emergency Management Preparedness and
11 Assistance Trust Fund; authorizing state
12 agencies to make cash awards to state employees
13 demonstrating satisfactory service to the
14 agency or the state; providing limits on such
15 awards; requiring a report with respect
16 thereto; reenacting s. 215.32(2)(b), F.S.,
17 relating to the source and use of trust funds;
18 providing finding of best interest of the state
19 for authorization and issuance of certain debt;
20 amending s. 216.181, F.S.; providing an
21 additional procedure for requesting, and for
22 approval of, budget amendments authorizing
23 expenditures from the Working Capital Fund;
24 providing effect of veto of specific
25 appropriation or proviso to which implementing
26 language refers; providing for future repeal or
27 expiration of various provisions; providing for
28 reversion of certain provisions; incorporating
29 by reference specified performance measures and
30 standards directly linked to the appropriations
31 made in the 2005-2006 General Appropriations

1 Act, as required by the Government Performance
2 and Accountability Act of 1994; providing
3 severability; providing effective dates.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. It is the intent of the Legislature that
8 the implementing and administering provisions of this act
9 apply to the General Appropriations Act for fiscal year
10 2005-2006.

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

22 Section 3. In order to implement section 20 of the
23 2005-2006 General Appropriations Act, section 1004.065,
24 Florida Statutes, is created to read:

25 1004.065 Limitation on university and direct-support
26 organization financings.--No project may be financed by or on
27 behalf of a university or a direct-support organization
28 pursuant to s. 1001.74(5), s. 1004.28(6), s. 1010.60(2), s.
29 1013.15, s. 1013.16, s. 1013.17, s. 1013.171, s. 1013.74, or
30 s. 1013.78, or through any financing mechanism, including, but
31 not limited to, revenue bonds, promissory notes, certificates

1 of participation, lease-purchase agreements, or any other form
2 of indebtedness, without prior approval of the project by the
3 Legislature by an act relating to appropriations or general
4 law. This section expires July 1, 2006.

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

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

14 216.292 Appropriations nontransferable; exceptions.--

15 (12) For the 2005-2006 ~~2004-2005~~ fiscal year only and
16 notwithstanding the other provisions of this section, the
17 Department of Children and Family Services may transfer funds
18 within the family safety program identified in the General
19 Appropriations Act from identical funding sources between the
20 following appropriation categories without limitation as long
21 as such a transfer does not result in an increase to the total
22 recurring general revenue or trust fund cost of the agency in
23 the subsequent fiscal year: adoption services and subsidy;
24 family foster care; and emergency shelter care. Such transfers
25 must be consistent with legislative policy and intent and must
26 not adversely affect achievement of approved performance
27 outcomes or outputs in the family safety program. Notice of
28 proposed transfers under this authority must be provided to
29 the Executive Office of the Governor and the chairs of the
30 legislative appropriations committees at least 5 working days
31

1 before their implementation. This subsection expires July 1,
2 2006 ~~2005~~.

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

7 287.057 Procurement of commodities or contractual
8 services.--

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

24 (b) Notwithstanding paragraph (a), the Department of
25 Children and Family Services may enter into agreements, not to
26 exceed 20 years, with a private provider to finance, design,
27 and construct a forensic treatment facility, as defined in s.
28 916.106(8) ~~s. 394.455~~, of at least 200 beds and to operate all
29 aspects of daily operations within the forensic treatment
30 facility. The selected contractor is authorized to sponsor the
31 issuance of tax-exempt certificates of participation or other

1 securities to finance the project, and the state is authorized
2 to enter into a lease-purchase agreement for the forensic
3 treatment facility. ~~The Department of Children and Family~~
4 ~~Services shall begin the implementation of this privatization~~
5 ~~initiative by January 1, 2005.~~ This paragraph expires July 1,
6 2006 ~~2005~~.

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

11 402.305 Licensing standards; child care facilities.--

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

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

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

22 402.33 Department authority to charge fees for
23 services provided.--

24 (10)(a) Unless otherwise specified by the Legislature,
25 fee collections, including third-party reimbursements, in
26 excess of fee-supported appropriations may be used in
27 conformance with the provisions of chapter 216 to fund
28 nonrecurring expenditures for direct client services and to
29 fund administrative costs of improving the fee collection
30 program of the department. No more than one-sixth of the
31 amount of collections in excess of the amount of

1 appropriations may be used to fund such improvements to the
2 program. Priority consideration for the expenditure of excess
3 collections shall be given to those districts and programs
4 most responsible for the excess. A plan for the use of excess
5 collections not spent in the fiscal year in which collected
6 shall be subject to approval by the Executive Office of the
7 Governor within 90 days from the end of the state fiscal year
8 in which the excess occurs.

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

12 Section 9. In order to implement Specific
13 Appropriations 325, 327, and 336 of the 2005-2006 General
14 Appropriations Act, paragraph (b) of subsection (3) of section
15 394.76, Florida Statutes, is amended to read:

16 394.76 Financing of district programs and
17 services.--If the local match funding level is not provided in
18 the General Appropriations Act or the substantive bill
19 implementing the General Appropriations Act, such funding
20 level shall be provided as follows:

21 (3) The state share of financial participation shall
22 be determined by the following formula:

23 (b)1. Residential and case management services which
24 are funded as part of a deinstitutionalization project shall
25 not require local matching funds and shall not be used as
26 local matching funds. The state and federal financial
27 participation portions of Medicaid earnings pursuant to Title
28 XIX of the Social Security Act, except for the amount of
29 general revenue equal to the amount appropriated in 1985-1986
30 plus all other general revenue that is shifted from any other
31 alcohol, drug abuse, and mental health appropriation category

1 after fiscal year 1986-1987 or substance abuse and mental
2 health appropriation category after fiscal year 2000-2001,
3 shall not require local matching funds and shall not be used
4 as local matching funds. Local matching funds are not required
5 for general revenue transferred by the department into
6 substance abuse and mental health appropriations categories
7 during a fiscal year to match federal funds earned from
8 Medicaid services provided for mental health clients in excess
9 of the amounts initially appropriated. Funds for children's
10 services which were provided through the Children, Youth, and
11 Families Services budget which did not require local match
12 prior to being transferred to the Substance Abuse and Mental
13 Health Services budget shall be exempt from local matching
14 requirements. All other contracted community alcohol and
15 mental health services and programs, except as identified in
16 s. 394.457(3), shall require local participation on a 75-to-25
17 state-to-local ratio.

18 2. For the 2005-2006 fiscal year, notwithstanding the
19 conflicting requirement of this paragraph or of s. 394.457,
20 all other contracted community alcohol and mental health
21 services and programs shall require local participation on a
22 75-to-25 state-to-local ratio. This subparagraph expires July
23 1, 2006.

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

28 215.18 Transfers between funds; limitation.--Whenever
29 there exists in any fund provided for by s. 215.32 a
30 deficiency which would render such fund insufficient to meet
31 its just requirements, and there shall exist in the other

1 funds in the State Treasury moneys which are for the time
2 being or otherwise in excess of the amounts necessary to meet
3 the just requirements of such last-mentioned funds, the
4 Governor may order a temporary transfer of moneys from one
5 fund to another in order to meet temporary deficiencies in a
6 particular fund without resorting to the necessity of
7 borrowing money and paying interest thereon.

8 (1) Except as otherwise provided in s.
9 216.222(1)(a)2., the fund from which any money is temporarily
10 transferred shall be repaid the amount transferred from it not
11 later than the end of the fiscal year in which such transfer
12 is made, the date of repayment to be specified in the order of
13 the Governor.

14 (2) Notwithstanding subsection (1) and for the
15 2005-2006 fiscal year only, the repayment period for funds
16 temporarily transferred in fiscal year 2004-2005 to meet
17 deficiencies resulting from hurricanes striking this state in
18 2004 may be extended until grants awarded by the Federal
19 Emergency Management Agency for FEMA Disaster Declarations
20 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, and 1561-DR-FL are
21 received. This subsection expires July 1, 2006.

22 Section 11. In order to implement Specific
23 Appropriations 604 through 614 of the 2005-2006 General
24 Appropriations Act, the Agency for Persons with Disabilities
25 shall submit quarterly status reports to the Executive Office
26 of the Governor, the chair of the Senate Ways and Means
27 Committee, and the chair of the House Fiscal Council regarding
28 the financial status of the Home and Community Based Services
29 Waiver, including but not limited to information about the
30 number of current clients being served through the waiver and
31 actual and projected cost information as compared with the

1 appropriation available to the program. If at any time, based
2 upon an analysis by the agency, the cost of waiver services is
3 expected to exceed the appropriated amount, based upon the
4 current rates as implemented November 1, 2003, the agency
5 shall implement any adjustment necessary pursuant to section
6 393.0661(4), Florida Statutes, to stay within the
7 appropriation. This section expires July 1, 2006.

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

12 440.02 Definitions.--When used in this chapter, unless
13 the context clearly requires otherwise, the following terms
14 shall have the following meanings:

15 (15)

16 (d) "Employee" does not include:

17 1. An independent contractor who is not engaged in the
18 construction industry.

19 a. In order to meet the definition of independent
20 contractor, at least four of the following criteria must be
21 met:

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

25 (II) The independent contractor holds or has applied
26 for a federal employer identification number, unless the
27 independent contractor is a sole proprietor who is not
28 required to obtain a federal employer identification number
29 under state or federal regulations;

30

31

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

4 (IV) The independent contractor holds one or more bank
5 accounts in the name of the business entity for purposes of
6 paying business expenses or other expenses related to services
7 rendered or work performed for compensation;

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

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

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

22 (I) The independent contractor performs or agrees to
23 perform specific services or work for a specific amount of
24 money and controls the means of performing the services or
25 work.

26 (II) The independent contractor incurs the principal
27 expenses related to the service or work that he or she
28 performs or agrees to perform.

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

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

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

6 (VI) The independent contractor has continuing or
7 recurring business liabilities or obligations.

8 (VII) The success or failure of the independent
9 contractor's business depends on the relationship of business
10 receipts to expenditures.

11 c. Notwithstanding anything to the contrary in this
12 subparagraph, an individual claiming to be an independent
13 contractor has the burden of proving that he or she is an
14 independent contractor for purposes of this chapter.

15 2. A real estate licensee, if that person agrees, in
16 writing, to perform for remuneration solely by way of
17 commission.

18 3. Bands, orchestras, and musical and theatrical
19 performers, including disk jockeys, performing in licensed
20 premises as defined in chapter 562, if a written contract
21 evidencing an independent contractor relationship is entered
22 into before the commencement of such entertainment.

23 4. An owner-operator of a motor vehicle who transports
24 property under a written contract with a motor carrier which
25 evidences a relationship by which the owner-operator assumes
26 the responsibility of an employer for the performance of the
27 contract, if the owner-operator is required to furnish the
28 necessary motor vehicle equipment and all costs incidental to
29 the performance of the contract, including, but not limited
30 to, fuel, taxes, licenses, repairs, and hired help; and the
31 owner-operator is paid a commission for transportation service

1 and is not paid by the hour or on some other time-measured
2 basis.

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

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

13 a. Persons who serve in private nonprofit agencies and
14 who receive no compensation other than expenses in an amount
15 less than or equivalent to the standard mileage and per diem
16 expenses provided to salaried employees in the same agency or,
17 if such agency does not have salaried employees who receive
18 mileage and per diem, then such volunteers who receive no
19 compensation other than expenses in an amount less than or
20 equivalent to the customary mileage and per diem paid to
21 salaried workers in the community as determined by the
22 department; and

23 b. Volunteers participating in federal programs
24 established under Pub. L. No. 93-113.

25 7. Unless otherwise prohibited by this chapter, any
26 officer of a corporation who elects to be exempt from this
27 chapter. Such officer is not an employee for any reason under
28 this chapter until the notice of revocation of election filed
29 pursuant to s. 440.05 is effective.

30 8. An officer of a corporation that is engaged in the
31 construction industry who elects to be exempt from the

1 provisions of this chapter, as otherwise permitted by this
2 chapter. Such officer is not an employee for any reason until
3 the notice of revocation of election filed pursuant to s.
4 440.05 is effective.

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

11 10. A taxicab, limousine, or other passenger
12 vehicle-for-hire driver who operates said vehicles pursuant to
13 a written agreement with a company which provides any
14 dispatch, marketing, insurance, communications, or other
15 services under which the driver and any fees or charges paid
16 by the driver to the company for such services are not
17 conditioned upon, or expressed as a proportion of, fare
18 revenues.

19 11. A person who performs services as a sports
20 official for an entity sponsoring an interscholastic sports
21 event or for a public entity or private, nonprofit
22 organization that sponsors an amateur sports event. For
23 purposes of this subparagraph, such a person is an independent
24 contractor. For purposes of this subparagraph, the term
25 "sports official" means any person who is a neutral
26 participant in a sports event, including, but not limited to,
27 umpires, referees, judges, linespersons, scorekeepers, or
28 timekeepers. This subparagraph does not apply to any person
29 employed by a district school board who serves as a sports
30 official as required by the employing school board or who
31

1 serves as a sports official as part of his or her
2 responsibilities during normal school hours.

3 12. Medicaid-enrolled clients under chapter 393 who
4 are excluded from the definition of employment under s.
5 443.1216(4)(d) and served by Adult Day Training Services under
6 the Home and Community-Based Medicaid Waiver program in a
7 sheltered workshop setting licensed by the United States
8 Department of Labor for the purpose of training and earning
9 less than the federal hourly minimum wage.

10 13. Medicaid-enrolled clients under chapter 393 who
11 are excluded from the definition of employment under s.
12 443.1216(4)(d) and served by Adult Day Training Services under
13 the Family and Supported Living Medicaid Waiver program in a
14 sheltered workshop setting licensed by the United States
15 Department of Labor for the purpose of training and earning
16 less than the federal hourly minimum wage. This subparagraph
17 expires July 1, 2006.

18 Section 13. In order to fulfill legislative intent
19 regarding the use of funds contained in Specific
20 Appropriations 676, 688, 698, and 1136 of the 2005-2006
21 General Appropriations Act, the Department of Corrections and
22 the Department of Juvenile Justice may expend appropriated
23 funds to assist in defraying the costs of impacts that are
24 incurred by a municipality or county and associated with
25 opening or operating a facility under the authority of the
26 respective department which is located within that
27 municipality or county. The amount that is to be paid under
28 this section for any facility may not exceed 1 percent of the
29 facility construction cost, less building impact fees imposed
30 by the municipality or by the county if the facility is
31

1 located in the unincorporated portion of the county. This
2 section expires July 1, 2006.

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

7 216.262 Authorized positions.--

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

31

1 Section 15. In order to implement Specific
2 Appropriations 676 and 688 of the 2005-2006 General
3 Appropriations Act, subsection (25) is added to section
4 287.057, Florida Statutes, to read:

5 287.057 Procurement of commodities or contractual
6 services.--

7 (25) For the 2005-2006 fiscal year only,
8 notwithstanding any specific provision of this chapter or
9 chapter 255 to the contrary, the Department of Management
10 Services is authorized to issue an invitation to negotiate to
11 contract for 384 additional beds for expansion at the Gadsden
12 Correctional Facility to house medium-custody female inmates
13 and for 235 additional beds for expansion at the Bay
14 Correctional Facility and 235 additional beds at Moore Haven
15 Correctional Facility to house medium-custody and
16 close-custody inmates. Any such invitation to negotiate shall
17 be limited to modifications of existing contracts between the
18 Department of Management Services and firms currently
19 operating private correctional facilities and shall be for
20 design, financing, acquisition, leasing, construction, and
21 operation of the additional beds. By October 1, 2005, and
22 quarterly thereafter, the department shall report to the
23 President of the Senate and the Speaker of the House of
24 Representatives on the specific activities completed and
25 remaining to be completed, along with timeframes for each
26 activity, to add the additional beds. Procurement should be
27 completed in a manner that allows sufficient time for the new
28 beds to become operational by July 2007. This subsection
29 expires July 1, 2006.

30 Section 16. In order to implement Specific
31 Appropriations 842 and 2999 of the 2005-2006 General

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

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

30 Section 18. In order to implement Specific
31 Appropriations 1274 and 1277 of the 2005-2006 General

1 Appropriations Act, the Department of Legal Affairs is
2 authorized to expend appropriated funds in Specific
3 Appropriations 1274 and 1277 on the same programs that were
4 funded by the department pursuant to specific appropriations
5 made in general appropriations acts in prior years.

6 Section 19. In order to implement Specific
7 Appropriation 1201 of the 2005-2006 General Appropriations
8 Act, paragraph (d) is added to subsection (4) of section
9 932.7055, Florida Statutes, to read:

10 932.7055 Disposition of liens and forfeited
11 property.--

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

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

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

1 Transportation, on behalf of the Department of Agriculture and
2 Consumer Services, shall proceed with the construction of the
3 station under the authority established in chapter 337,
4 Florida Statutes. The Department of Agriculture and Consumer
5 Services shall be authorized to execute all contracts
6 resulting from such Department of Transportation selection of
7 contractors in compliance with chapter 337, Florida Statutes.
8 This section expires July 1, 2006.

9 Section 21. In order to implement the appropriation of
10 funds in Special Categories-Risk Management Insurance of the
11 2005-2006 General Appropriations Act, and pursuant to the
12 notice, review, and objection procedures of section 216.177,
13 Florida Statutes, the Executive Office of the Governor is
14 authorized to transfer funds appropriated in the appropriation
15 category "Special Categories-Risk Management Insurance" of the
16 2005-2006 General Appropriations Act between departments in
17 order to align the budget authority granted with the premiums
18 paid by each department for risk management insurance. This
19 section expires July 1, 2006.

20 Section 22. In order to implement the appropriation of
21 funds in Special Categories-Transfer to Department of
22 Management Services-Human Resources Services Purchased Per
23 Statewide Contract of the 2005-2006 General Appropriations
24 Act, and pursuant to the notice, review, and objection
25 procedures of section 216.177, Florida Statutes, the Executive
26 Office of the Governor is authorized to transfer funds
27 appropriated in the appropriation category "Special
28 Categories-Transfer to Department of Management Services-Human
29 Resources Services Purchased Per Statewide Contract" of the
30 2005-2006 General Appropriations Act between departments in
31 order to align the budget authority granted with the

1 assessments that must be paid by each agency to the Department
2 of Management Services for human resource management services.
3 This section expires July 1, 2006.

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

8 112.061 Per diem and travel expenses of public
9 officers, employees, and authorized persons.--

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

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

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

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

28 Section 24. In order to implement Specific
29 Appropriations 2088 and 2658-2665 of the 2005-2006 General
30 Appropriations Act, paragraph (a) of subsection (3) and
31

1 subsection (7) of section 287.17, Florida Statutes, are
2 amended to read:

3 287.17 Limitation on use of motor vehicles and
4 aircraft.--

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

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

24 Section 25. The amendment of section 287.17, Florida
25 Statutes, shall expire July 1, 2006, and the text of that
26 section shall revert to that in existence on June 30, 2005,
27 except that any amendments to such text enacted other than by
28 this act shall be preserved and continue to operate to the
29 extent that such amendments are not dependent upon the
30 portions of such text which expire pursuant to this section.

31

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

5 (1) \$6,500,000 in grants equally to counties with
6 populations of fewer than 100,000 for waste tire, litter
7 prevention, recycling and education, and general solid waste
8 programs.

9 (2) \$1,242,168 in competitive innovative grants to
10 cities and counties on the prioritized list of projects
11 submitted by the Department of Environmental Protection to the
12 Legislature.

13
14 This section expires July 1, 2006.

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

19 375.041 Land Acquisition Trust Fund.--

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

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

27 376.30715 Innocent victim petroleum storage system
28 restoration.--A contaminated site acquired prior to July 1,
29 1990, which ceased operating as a petroleum storage or retail
30 business prior to January 1, 1985, is eligible for financial
31 assistance pursuant to s. 376.305(6), notwithstanding s.

1 376.305(6)(a). Eligible sites shall be ranked in accordance
2 with s. 376.3071(5). This section expires July 1, 2006.

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

6 376.3071 Inland Protection Trust Fund; creation;
7 purposes; funding.--

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

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

21 373.4137 Mitigation requirements.--

22 (4) Prior to December 1 of each year, each water
23 management district, in consultation with the Department of
24 Environmental Protection, the United States Army Corps of
25 Engineers, the Department of Transportation, transportation
26 authorities established pursuant to chapter 348 or chapter
27 349, and other appropriate federal, state, and local
28 governments, and other interested parties, including entities
29 operating mitigation banks, shall develop a plan for the
30 primary purpose of complying with the mitigation requirements
31 adopted pursuant to this part and 33 U.S.C. s. 1344. This plan

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

30 (c) Surface water improvement and management or
31 invasive plant control projects undertaken using the \$12

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

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

22 120.551 Internet publication.--

23 (3) This section is repealed effective July 1, 2006
24 ~~2005~~, unless reviewed and reenacted by the Legislature before
25 that date.

26 Section 32. In order to implement Specific
27 Appropriations 1629-1635 of the 2005-2006 General
28 Appropriations Act and notwithstanding the repeal of
29 subsections (1), (2), (3), and (4) of section 373.4145,
30 Florida Statutes, scheduled for July 1, 2005, those
31

1 subsections are reenacted, and subsection (6) of that section
2 is amended, to read:

3 373.4145 Interim part IV permitting program for the
4 Northwest Florida Water Management District.--

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

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

18 (b) Rules adopted pursuant to the authority of ss.
19 403.91-403.929, 1984 Supplement to the Florida Statutes 1983,
20 as amended, in effect prior to July 1, 1994, shall remain in
21 full force and effect, and shall be implemented by the
22 department. However, the department is authorized to
23 establish additional exemptions and general permits for
24 dredging and filling, if such exemptions or general permits do
25 not allow significant adverse impacts to occur individually or
26 cumulatively. However, for the purpose of chapter 17-312,
27 Florida Administrative Code, the landward extent of surface
28 waters of the state identified in rule 17-312.030(2), Florida
29 Administrative Code, shall be determined in accordance with
30 the methodology in rules 17-340.100 through 17-340.600,
31 Florida Administrative Code, as ratified in s. 373.4211, upon

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

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

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

19 | (3) The division of permitting responsibilities in s.
20 | 373.046(4) shall not apply within the geographical
21 | jurisdiction of the Northwest Florida Water Management
22 | District.

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

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

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

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

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

30 (2) Any person or persons or entities that were using
31 farming methods described in Article X, Section 21 of the

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

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

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

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

21 11.151 Annual legislative appropriation to contingency
22 fund for use of Senate President and House Speaker.--

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

1 Speaker of the House of Representatives in carrying out their
2 official duties during the entire period between the date of
3 their election as such officers at the organizational meeting
4 held pursuant to s. 3(a), Art. III of the State Constitution
5 and the next general election.

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

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

13 320.08058 Specialty license plates.--

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

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

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

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

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

1 approved, the office shall certify the audit report to the
2 Auditor General for review.

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

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

13 445.048 Passport to Economic Progress ~~demonstration~~
14 program.--

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

31

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

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

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

29 (a) Notwithstanding the time period specified in s.
30 445.030, transitional education and training support services
31

1 as specified in s. 445.030 for up to 4 years after the family
2 is no longer receiving temporary cash assistance;

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

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

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

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

22 (a) The Legislature finds that:

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

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

30 3. It is necessary to implement a performance-based
31 program that defines economic incentives for achieving

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

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

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

- 27 1. Be a former recipient of temporary cash assistance
28 who last received such assistance on or after January 1, 2000;
- 29 2. Be employed full time, which for the purposes of
30 this subsection means employment averaging at least 32 hours
31 per week, until the United States Congress enacts legislation

1 reauthorizing the Temporary Assistance for Needy Families
2 block grant and, after the reauthorization, means employment
3 complying with the employment requirements of the
4 reauthorization; and

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

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

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

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

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

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

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

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

26 253.034 State-owned lands; uses.--

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

1 as provided in the General Appropriations Act, provided that
2 at the conclusion of both exchanges the values are equalized.
3 This subsection expires July 1, 2006 ~~2005~~.

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

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

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

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

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

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

30 Section 41. In order to implement Specific
31 Appropriation 2982D of the 2005-2006 General Appropriations

1 Act, paragraph (g) is added to subsection (11) of section
2 259.032, Florida Statutes, to read:

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

5 (11)

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

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

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

18 (1) The Florida Seaport Transportation and Economic
19 Development Council shall establish a program to fund dredging
20 projects in counties having a population of fewer than 300,000
21 according to the last official census. Funds made available
22 under this program may be used to fund approved projects for
23 the dredging or deepening of channels, turning basins, or
24 harbors on a 50-50 matching basis with any port authority, as
25 such term is defined in s. 315.02(2), which complies with the
26 water quality provisions of s. 403.061 and the local financial
27 management and reporting provisions of part III of chapter
28 218.

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

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

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

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

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

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

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

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

30 (1) Any owner or lessee of a motor vehicle who resides
31 in this state and is an active member of the Florida National

1 Guard may, upon application and proof of eligibility, be
2 issued one standard license plate without charge. Applications
3 for any additional license plates must be accompanied by
4 appropriate fees established in this chapter.

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

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

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

16 216.292 Appropriations nontransferable; exceptions.--

17 (5)

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

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

31 380.511 Florida Communities Trust Fund.--

1 (3)~~(a)~~ The trust may disburse moneys in the Florida
2 Communities Trust Fund to pay all necessary expenses to carry
3 out the purposes of this part, except as limited by s.
4 380.510(7).

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

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

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

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

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

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

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

1 420.36 Low-income Emergency Home Repair
2 Program.--There is established within the Department of
3 Community Affairs the Low-income Emergency Home Repair Program
4 to assist low-income persons, especially the elderly and
5 physically disabled, in making emergency repairs which
6 directly affect their health and safety.

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

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

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

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

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

31

1 3. The funds allocated to each county shall be offered
2 first to an existing weatherization assistance program grantee
3 in good standing, as determined by the department, that can
4 provide services to the target population of low-income
5 persons, low-income elderly persons, and low-income physically
6 disabled persons throughout the county.

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

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

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

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

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

30 Section 49. In order to implement Specific
31 Appropriation 1543A of the 2005-2006 General Appropriations

1 Act, and for the 2005-2006 fiscal year only, any
2 unappropriated balance in the Grants and Donations Trust Fund
3 of the Department of Community Affairs may be transferred by
4 the General Appropriations Act to the Emergency Management
5 Preparedness and Assistance Trust Fund. This section expires
6 July 1, 2006.

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

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

27 215.32 State funds; segregation.--

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

30 (b)1. The trust funds shall consist of moneys received
31 by the state which under law or under trust agreement are

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

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

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

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

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

29 d. Grants and donations trust fund, for use as a
30 depository for funds to be used for allowable grant or donor
31

1 agreement activities funded by restricted contractual revenue
2 from private and public nonfederal sources.

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

5 f. Clearing funds trust fund, for use as a depository
6 for funds to account for collections pending distribution to
7 lawful recipients.

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

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

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

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

31

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

19 Section 52. 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 53. In order to implement Sections 34, 35, 36,
26 39, 41, and 42 of the 2005-2006 General Appropriations Act,
27 subsection (19) is added to section 216.181, Florida Statutes,
28 to read:

29 216.181 Approved budgets for operations and fixed
30 capital outlay.--

31

1 (19) In addition to the requirements of this chapter
2 for amendments to the approved operating budgets for
3 operational and fixed capital outlay expenditures from state
4 agencies to be requested only through the Executive Office of
5 the Governor and approved by the Governor and the Legislative
6 Budget Commission, state agencies may request, and the
7 Governor and the Legislative Budget Commission may approve,
8 amendments authorizing the expenditure of moneys from the
9 Working Capital Fund as specifically authorized in the General
10 Appropriations Act. This subsection expires July 1, 2006.

11 Section 54. A section of this act that implements a
12 specific appropriation or specifically identified proviso
13 language in the 2005-2006 General Appropriations Act is void
14 if the specific appropriation or specifically identified
15 proviso language is vetoed. A section of this act that
16 implements more than one specific appropriation or more than
17 one portion of specifically identified proviso language in the
18 2005-2006 General Appropriations Act is void if all the
19 specific appropriations or portions of specifically identified
20 proviso language are vetoed.

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

28 Section 56. The agency performance measures and
29 standards in the document entitled "Performance Measures and
30 Standards Approved by the Legislature for Fiscal Year
31 2005-2006" dated May 3, 2005, and filed with the Secretary of

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

9 Section 57. If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 invalidity does not affect other provisions or applications of
12 the act which can be given effect without the invalid
13 provision or application, and to this end the provisions of
14 this act are declared severable.

15 Section 58. Except as otherwise expressly provided in
16 this act, this act shall take effect July 1, 2005; or, if this
17 act fails to become a law until after that date, it shall take
18 effect upon becoming a law and shall operate retroactively to
19 July 1, 2005.