

By the Committee on Appropriations

309-2331A-04

1 authorizing use of the Crime Stoppers Trust
2 Fund to pay for salaries and benefits and other
3 expenses of the Department of Legal Affairs;
4 amending s. 216.262, F.S.; providing for
5 additional positions to operate additional
6 prison bed capacity under certain
7 circumstances; authorizing the Department of
8 Law Enforcement to use certain moneys to
9 provide bonuses to employees for meritorious
10 performance, subject to review; amending s.
11 287.161, F.S.; requiring the Department of
12 Management Services to charge all persons
13 receiving transportation from the executive
14 aircraft pool a specified rate; amending s.
15 110.12315, F.S.; providing copayment
16 requirements for the state employees'
17 prescription drug program; establishing the
18 rate of increase for legislative salaries;
19 providing for the budget of the Council for
20 Education Policy Research and Improvement to be
21 administered by the Auditor General; providing
22 that the council is otherwise independent;
23 authorizing the Executive Office of the
24 Governor to transfer funds between departments
25 for purposes of aligning amounts paid for risk
26 management premiums and for purposes of
27 aligning amounts paid for human resource
28 management services; amending s. 110.1239,
29 F.S.; providing requirements for the funding of
30 the state group health insurance program;
31 amending s. 112.061, F.S.; providing for

1 computation of travel time and reimbursement
2 for public officers' and employees' travel;
3 amending s. 215.96, F.S.; requiring the
4 Financial Management Information Board to
5 provide certain policies, procedures, and
6 processes for integration of central
7 administrative and financial information
8 systems; requiring a task force; specifying
9 membership and responsibilities; requiring
10 recommendations on specific information systems
11 and projects; amending s. 601.15, F.S.;
12 permitting the Florida Citrus Commission to
13 reduce certain statutory tax rates by majority
14 vote; directing the Department of Environmental
15 Protection to make specified awards of grant
16 moneys for pollution control purposes;
17 providing for an agreement between the
18 Department of Agriculture and Consumer Services
19 and the Department of Transportation for the
20 construction and operation of an agricultural
21 interdiction station in Escambia County;
22 amending s. 375.041, F.S.; providing for use of
23 funds allocated to the Land Acquisition Trust
24 Fund for water quality issues; amending s.
25 375.045, F.S.; providing for use of certain
26 moneys from the Florida Preservation 2000 Trust
27 Fund for the Florida Forever Trust Fund;
28 providing directives to the State Technology
29 Office with respect to information technology;
30 amending s. 373.4137, F.S.; providing for water
31 management districts to use specified funds in

1 certain surface water improvement and
2 management or invasive plant control projects;
3 amending s. 718.501, F.S.; reducing the number
4 of days for the Division of Florida Land Sales,
5 Condominiums, and Mobile Homes of the
6 Department of Business and Professional
7 Regulation to acknowledge and investigate
8 complaints; amending s. 320.08058, F.S.;
9 authorizing proceeds from the Professional
10 Sports Development Trust Fund to be used for
11 operational expenses of the Florida Sports
12 Foundation and financial support of the
13 Sunshine State Games; amending s. 445.048,
14 F.S.; continuing and expanding the Passport to
15 Economic Progress demonstration project;
16 amending s. 27.701, F.S.; providing for a pilot
17 program using a registry of attorneys instead
18 of the capital collateral regional counsel in
19 the northern region of the state; requiring
20 certain qualification; requiring a report;
21 amending s. 27.709, F.S.; expanding the
22 jurisdiction of the Commission on Capital
23 Cases; amending s. 27.711, F.S.; providing for
24 compensation of counsel in the pilot program;
25 providing for limitations on such counsel;
26 amending s. 27.702, F.S.; requiring reports
27 from attorneys participating in the pilot
28 program; providing for continuity of health and
29 life insurance coverage of employees
30 transferring from county employment to
31 employment in the state courts system, the

1 office of a state attorney, or the office of a
2 public defender; providing responsibilities of
3 former and new employers; providing for the
4 effect of a veto of a specific appropriation or
5 proviso to which implementing provisions refer;
6 providing applicability to other legislation;
7 incorporating by reference specified
8 performance measures and standards directly
9 linked to the appropriations made in the
10 2003-2004 General Appropriations Act, as
11 required by the Government Performance and
12 Accountability Act of 1994; providing for
13 severability; providing for retroactive
14 application; providing effective dates.
15

16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. It is the intent of the Legislature that
19 the implementing and administering provisions of this act
20 apply to the General Appropriations Act for fiscal year
21 2004-2005.

22 Section 2. In order to implement Specific
23 Appropriations 13-18, 21, 23, 27B, and 156-165 of the
24 2004-2005 General Appropriations Act:

25 (1) Each university that has not made the transition,
26 effective July 1, 2004, from the state accounting system
27 (FLAIR) shall utilize the state accounting system for fiscal
28 year 2004-2005 but is not required to provide funds to the
29 Department of Financial Services for its utilization.

30 (2) Notwithstanding the provisions of sections
31 216.181, 216.292, and 1011.4105, Florida Statutes, and

1 pursuant to section 216.351, Florida Statutes, funds
2 appropriated or reappropriated to the state universities in
3 the 2004-2005 General Appropriations Act, or any other act
4 passed by the 2004 Legislature containing appropriations,
5 shall be distributed to each university according to the
6 2004-2005 fiscal year operating budget approved by the
7 university board of trustees. Each university board of
8 trustees shall have authority to amend the operating budget as
9 circumstances warrant. The operating budget may utilize
10 traditional appropriation categories or it may consolidate the
11 appropriations into a special category appropriation account.
12 The Chief Financial Officer, upon the request of the
13 university board of trustees, shall record by journal transfer
14 the distribution of the appropriated funds and releases
15 according to the approved operating budget to the
16 appropriation accounts established for disbursement purposes
17 for each university within the state accounting system
18 (FLAIR).

19 (3) Notwithstanding the provisions of sections
20 216.181, 216.292, and 1011.4105, Florida Statutes, and
21 pursuant to section 216.351, Florida Statutes, each university
22 board of trustees shall include in an approved operating
23 budget the revenue in trust funds supported by student and
24 other fees as well as the trust funds within the Contract,
25 Grants, and Donations, Auxiliary Enterprises, and Sponsored
26 Research budget entities. The university board of trustees
27 shall have the authority to amend the operating budget as
28 circumstances warrant. The operating budget may utilize
29 traditional appropriation categories or it may consolidate the
30 trust fund spending authority into a special category
31 appropriation account. The Chief Financial Officer, upon the

1 request of the university board of trustees, shall record the
2 distribution of the trust fund spending authority and releases
3 according to the approved operating budget to the
4 appropriation accounts established for disbursement purposes
5 for each university within the state accounting system
6 (FLAIR).

7 (4) Notwithstanding those provisions of sections
8 216.181, 216.292, and 1011.4105, Florida Statutes, which are
9 inconsistent with the provisions of this subsection and
10 pursuant to section 216.351, Florida Statutes, fixed capital
11 outlay funds appropriated or reappropriated in the 2004-2005
12 General Appropriations Act, or any other act passed by the
13 2004 Legislature containing fixed capital outlay
14 appropriations, for universities that have made the
15 transition, effective July 1, 2004, from the state accounting
16 system (FLAIR) shall be administered by the Department of
17 Education and shall be distributed to the universities as
18 needed for projects based upon estimated invoices to be paid
19 during the following 30 days or as required by bond documents.
20 For undisbursed fixed capital outlay appropriations from prior
21 fiscal years for universities that have made the transition,
22 effective July 1, 2004, from the state accounting system
23 (FLAIR), the Executive Office of the Governor and the Chief
24 Financial Officer shall have authority to transfer such
25 undisbursed fixed capital outlay appropriations into
26 appropriations under the Department of Education for
27 distribution to the universities as needed for projects based
28 on estimated invoices to be paid during the following 30 days
29 or as required by bond documents. Expenditure of fixed capital
30 outlay appropriations shall be consistent with legislative
31 policy and intent.

1 (5) This section expires July 1, 2005.

2 Section 3. In order to implement Specific
3 Appropriations 303, 306, and 308 of the 2004-2005 General
4 Appropriations Act, subsection (12) of section 216.292,
5 Florida Statutes, is amended to read:

6 216.292 Appropriations nontransferable; exceptions.--
7 (12) For the 2004-2005 2003-2004 fiscal year only and
8 notwithstanding the other provisions of this section, the
9 Department of Children and Family Services may transfer funds
10 within the family safety program identified in the General
11 Appropriations Act from identical funding sources between the
12 following appropriation categories without limitation as long
13 as such a transfer does not result in an increase to the total
14 recurring general revenue or trust fund cost of the agency in
15 the subsequent fiscal year: adoption services and subsidy;
16 family foster care; and emergency shelter care. Such transfers
17 must be consistent with legislative policy and intent and must
18 not adversely affect achievement of approved performance
19 outcomes or outputs in the family safety program. Notice of
20 proposed transfers under this authority must be provided to
21 the Executive Office of the Governor and the chairs of the
22 legislative appropriations committees at least 5 working days
23 before their implementation. This subsection expires July 1,
24 2005 2004.

25 Section 4. In order to implement Specific
26 Appropriation 545 of the 2004-2005 General Appropriations Act,
27 paragraph (k) of subsection (2) of section 381.0066, Florida
28 Statutes, is amended to read:

29 381.0066 Onsite sewage treatment and disposal systems;
30 fees.--

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1 (2) The minimum fees in the following fee schedule
2 apply until changed by rule by the department within the
3 following limits:

4 (k) Research: An additional \$5 fee shall be added to
5 each new system construction permit issued during fiscal years
6 1996-2005 ~~1996-2004~~ to be used for onsite sewage treatment and
7 disposal system research, demonstration, and training
8 projects. Five dollars from any repair permit fee collected
9 under this section shall be used for funding the hands-on
10 training centers described in s. 381.0065(3)(j).

11
12 The funds collected pursuant to this subsection must be
13 deposited in a trust fund administered by the department, to
14 be used for the purposes stated in this section and ss.
15 381.0065 and 381.00655.

16 Section 5. In order to implement Specific
17 Appropriation 510 of the 2004-2005 General Appropriations Act,
18 subsection (6) of section 385.207, Florida Statutes, is
19 amended to read:

385.207 Care and assistance of persons with epilepsy;
establishment of programs in epilepsy control.--

22 (6) For the 2004-2005 ~~2003-2004~~ fiscal year only,
23 funds in the Epilepsy Services Trust Fund may be appropriated
24 for epilepsy case management services. This subsection expires
25 July 1, 2005 ~~2004~~.

26 Section 6. In order to implement Specific
27 Appropriations 356-388 of the 2004-2005 General Appropriations
28 Act, subsection (8) of section 394.908, Florida Statutes, is
29 amended to read:

30 394.908 Substance abuse and mental health funding
31 equity; distribution of appropriations.--In recognition of the

1 historical inequity among service districts of the former
2 Department of Health and Rehabilitative Services in the
3 funding of substance abuse and mental health services, and in
4 order to rectify this inequity and provide for equitable
5 funding in the future throughout the state, the following
6 funding process shall be adhered to:

7 (8) For fiscal year 2004-2005 ~~2003-2004~~ only, and
8 notwithstanding the provisions of this section, all new funds
9 received in excess of fiscal year 2003-2004 ~~2002-2003~~
10 recurring appropriations shall be allocated in accordance with
11 the provisions of the General Appropriations Act; however, no
12 district shall receive an allocation of recurring funds less
13 than its initial approved operating budget, plus any
14 distributions of lump sum appropriations or reductions in
15 unfunded budget, for fiscal year 2003-2004 ~~2002-2003~~. This
16 subsection expires July 1, 2005 ~~2004~~.

17 Section 7. In order to implement Specific
18 Appropriation 275 of the 2004-2005 General Appropriations Act,
19 paragraph (b) of subsection (5) of section 20.19, Florida
20 Statutes, is amended to read:

21 20.19 Department of Children and Family
22 Services.--There is created a Department of Children and
23 Family Services.

24 (5) SERVICE DISTRICTS.--

25 (b)1. The secretary shall appoint a district
26 administrator for each of the service districts. The district
27 administrator shall serve at the pleasure of the secretary and
28 shall perform such duties as assigned by the secretary.
29 Subject to the approval of the secretary, such duties shall
30 include transferring up to 10 percent of the total district
31

1 budget, the provisions of ss. 216.292 and 216.351
2 notwithstanding.

3 2. For the 2004-2005 2003-2004 fiscal year only, the
4 transfer authority provided in this subsection must be
5 specifically appropriated in the 2004-2005 2003-2004 General
6 Appropriations Act and shall be pursuant to the requirements
7 of s. 216.292. This subparagraph expires July 1, 2005 2004.

8 Section 8. In order to implement Specific
9 Appropriation 588AB of the 2004-2005 General Appropriations
10 Act, subsection (7) of section 381.79, Florida Statutes, is
11 amended to read:

12 381.79 Brain and Spinal Cord Injury Program Trust
13 Fund.--

14 (7) For the 2004-2005 2003-2004 fiscal year and
15 notwithstanding the provisions of this section, the department
16 shall disburse all funds appropriated for brain and spinal
17 cord injury research in Specific Appropriation 588AB 598A of
18 the 2004-2005 2003-2004 General Appropriations Act in equal
19 payments at the end of each quarter. This subsection expires
20 July 1, 2005 2004.

21 Section 9. In order to implement Specific
22 Appropriations 1142-1208M of the 2004-2005 General
23 Appropriations Act, subsection (17) of section 216.181,
24 Florida Statutes, is amended to read:

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

27 (17) Notwithstanding any other provision of this
28 section to the contrary, and for the 2004-2005 2003-2004
29 fiscal year only, the Department of Law Enforcement may
30 transfer up to 20 positions and associated budget between
31 budget entities, provided the same funding source is used

1 throughout each transfer. The department may also transfer up
2 to 10 percent of the initial approved salary rate between
3 budget entities, provided the same funding source is used
4 throughout each transfer. The department must provide notice
5 to the Executive Office of the Governor, the chair of the
6 Senate Budget Committee, and the chair of the House Committee
7 on Criminal Justice Appropriations for all transfers of
8 positions or salary rate. This subsection expires July 1, 2005
9 ~~2004~~.

10 Section 10. In order to implement Specific
11 Appropriation 1232 of the 2004-2005 General Appropriations
12 Act, paragraph (b) of subsection (3) of section 16.555,
13 Florida Statutes, is amended to read:

14 16.555 Crime Stoppers Trust Fund; rulemaking.--

15 (3)

16 (b) For the 2004-2005 ~~2003-2004~~ state fiscal year
17 only, and notwithstanding any provision of this section to the
18 contrary, moneys in the trust fund may also be used to pay for
19 salaries and benefits and other expenses of the department.

20 This paragraph expires July 1, 2005 ~~2004~~.

21 Section 11. In order to implement Specific
22 Appropriations 655-751 and 781-794 of the 2004-2005 General
23 Appropriations Act, subsection (4) of section 216.262, Florida
24 Statutes, is amended to read:

25 216.262 Authorized positions.--

26 (4) Notwithstanding the provisions of this chapter on
27 increasing the number of authorized positions, and for the
28 2004-2005 ~~2003-2004~~ fiscal year only, if the actual inmate
29 population of the Department of Corrections exceeds the inmate
30 population projections of the July 9, 2003, Criminal Justice
31 Estimating Conference by 1 percent for 2 consecutive months or

1 2 percent for any month, the Executive Office of the Governor
2 shall immediately notify the Criminal Justice Estimating
3 Conference, which shall convene as soon as possible to revise
4 the estimates. The Department of Corrections may then submit a
5 budget amendment requesting the establishment of positions in
6 excess of the number authorized by the Legislature and
7 additional appropriations from the General Revenue Fund or the
8 Working Capital Fund sufficient to provide for essential staff
9 and other resources to provide classification, security, food
10 services, health services, and other variable expenses within
11 the institutions to accommodate the estimated increase in the
12 inmate population. All actions taken pursuant to the authority
13 granted in this subsection shall be subject to review and
14 approval by the Legislative Budget Commission. This subsection
15 expires July 1, 2005 ~~2004~~.

16 Section 12. Consistent with the provisions of section
17 216.163, Florida Statutes, in accordance with
18 performance-based program budgeting requirements, and
19 notwithstanding the provisions of section 216.181, Florida
20 Statutes, the Department of Law Enforcement may transfer up to
21 one-half of 1 percent of the funds in Specific Appropriations
22 1142, 1167, 1176, 1183, 1195B, 1195D, 1196, 1202, 1208B, and
23 1208G of the 2004-2005 General Appropriations Act for salary
24 bonuses for departmental employees at the discretion of the
25 executive director, provided that such bonuses are given only
26 to selected employees for meritorious performance, instead of
27 being given as across-the-board bonuses for all employees. The
28 department, after consultation with the Executive Office of
29 the Governor, shall provide a plan to the chairs of the
30 legislative appropriations committees responsible for

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1 producing the General Appropriations Act for review before
2 awarding such bonuses. This section expires July 1, 2005.

3 Section 13. In order to implement Specific
4 Appropriation 2068 of the 2004-2005 General Appropriations
5 Act, subsection (4) of section 287.161, Florida Statutes, is
6 amended to read:

7 287.161 Executive aircraft pool; assignment of
8 aircraft; charge for transportation.--

9 (4) Notwithstanding the requirements of subsections
10 (2) and (3) and for the ~~2004-2005 2003-2004~~ fiscal year only,
11 the Department of Management Services shall charge all persons
12 receiving transportation from the executive aircraft pool a
13 rate not less than the mileage allowance fixed by the
14 Legislature for the use of privately owned vehicles. Fees
15 collected for persons traveling by aircraft in the executive
16 aircraft pool shall be deposited into the Bureau of Aircraft
17 Trust Fund and shall be expended for costs incurred to operate
18 the aircraft management activities of the department. It is
19 the intent of the Legislature that the executive aircraft pool
20 be operated on a full cost recovery basis, less available
21 funds. This subsection expires July 1, 2005 ~~2004~~.

22 Section 14. In order to implement Section 8 of the
23 2004-2005 General Appropriations Act, subsection (7) of
24 section 110.12315, Florida Statutes, is amended to read:

25 110.12315 Prescription drug program.--The state
26 employees' prescription drug program is established. This
27 program shall be administered by the Department of Management
28 Services, according to the terms and conditions of the plan as
29 established by the relevant provisions of the annual General
30 Appropriations Act and implementing legislation, subject to
31 the following conditions:

1 (7) Under the state employees' prescription drug
2 program copayments must be made as follows:
3 (a) ~~Effective January 1, 2001, through December 31,~~
4 ~~2003:~~
5 1. For generic drug with card.....\$7.
6 2. For preferred brand name drug with card.....\$20.
7 3. For nonpreferred brand name drug with card.....\$35.
8 4. For generic mail order drug.....\$10.50.
9 5. For preferred brand name mail order drug.....\$30.
10 6. For nonpreferred brand name drug.....\$52.50.
11 (a)(b) Effective January 1, 2004:
12 1. For generic drug with card.....\$10.
13 2. For preferred brand name drug with card.....\$25.
14 3. For nonpreferred brand name drug with card.....\$40.
15 4. For generic mail order drug.....\$20.
16 5. For preferred brand name mail order drug.....\$50.
17 6. For nonpreferred brand name drug.....\$80.
18 (b)(e) The Department of Management Services shall
19 create a preferred brand name drug list to be used in the
20 administration of the state employees' prescription drug
21 program.
22
23 This subsection expires July 1, 2005 2004.
24 Section 15. In order to implement Specific
25 Appropriations 2573 and 2574 of the 2004-2005 General
26 Appropriations Act, and notwithstanding section 11.13(1)(b),
27 Florida Statutes, or any other law, the salary of members of
28 the Senate and the House of Representatives shall not be
29 calculated according to that paragraph; instead, the annual
30 salaries of these members for the 2003-2004 fiscal year shall
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1 not be increased for the 2004-2005 fiscal year. This section
2 expires June 30, 2005.

3 Section 16. In order to implement Specific
4 Appropriation 2589 of the 2004-2005 General Appropriations
5 Act, effective July 1, 2003, and notwithstanding the
6 provisions of section 1008.51, Florida Statutes, the budget
7 for the Council for Education Policy Research and Improvement
8 shall be administered by the Auditor General. However, the
9 Council for Education Policy Research and Improvement shall
10 remain independent of the Auditor General for all programmatic
11 purposes, serving as a citizen board for conducting and
12 reviewing education research, providing independent analysis
13 on education progress, and providing independent evaluation of
14 education issues of statewide concern, as prescribed in
15 section 1008.51, Florida Statutes. All work products of the
16 Council for Education Policy Research and Improvement are
17 advisory in nature. This section expires July 1, 2005.

18 Section 17. In order to implement the appropriation of
19 funds in Special Categories-Risk Management Insurance of the
20 2004-2005 General Appropriations Act, and pursuant to the
21 notice, review, and objection procedures of section 216.177,
22 Florida Statutes, the Executive Office of the Governor is
23 authorized to transfer funds appropriated in the appropriation
24 category "Special Categories-Risk Management Insurance" of the
25 2004-2005 General Appropriations Act between departments in
26 order to align the budget authority granted with the premiums
27 paid by each department for risk management insurance. This
28 section expires July 1, 2005.

29 Section 18. In order to implement the appropriation of
30 funds in Special Categories-Transfer to Department of
31 Management Services-Human Resources Services Purchased Per

1 Statewide Contract of the 2004-2005 General Appropriations
2 Act, and pursuant to the notice, review, and objection
3 procedures of section 216.177, Florida Statutes, the Executive
4 Office of the Governor is authorized to transfer funds
5 appropriated in the appropriation category "Special
6 Categories-Transfer to Department of Management Services-Human
7 Resources Services Purchased Per Statewide Contract" of the
8 2004-2005 General Appropriations Act between departments in
9 order to align the budget authority granted with the
10 assessments that must be paid by each agency to the Department
11 of Management Services for human resource management services.
12 This section expires July 1, 2005.

13 Section 19. In order to implement Section 8 of the
14 2004-2005 General Appropriations Act, section 110.1239,
15 Florida Statutes, is amended to read:

16 110.1239 State group health insurance program
17 funding.--For the 2004-2005 2003-2004 fiscal year only, it is
18 the intent of the Legislature that the state group health
19 insurance program be managed, administered, operated, and
20 funded in such a manner as to maximize the protection of state
21 employee health insurance benefits. Inherent in this intent is
22 the recognition that the health insurance liabilities
23 attributable to the benefits offered state employees should be
24 fairly, orderly, and equitably funded. Accordingly:

25 (1) The division shall determine the level of premiums
26 necessary to fully fund the state group health insurance
27 program for the next fiscal year. Such determination shall be
28 made after each Self-Insurance Estimating Conference as
29 provided in s. 216.136(11), but not later than December 1 and
30 April 1 of each fiscal year.

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1 (2) The Governor, in the Governor's recommended
2 budget, shall provide premium rates necessary for full funding
3 of the state group health insurance program, and the
4 Legislature shall provide in the General Appropriations Act
5 for a premium level necessary for full funding of the state
6 group health insurance program.

7 (3) For purposes of funding, any additional
8 appropriation amounts allocated to the state group health
9 insurance program by the Legislature shall be considered as a
10 state contribution and thus an increase in the state premiums.

11 (4) This section expires July 1, 2005 2004.

12 Section 20. In order to implement Sections 2-7 of the
13 2004-2005 General Appropriations Act, paragraph (c) of
14 subsection (5) and paragraph (d) of subsection (6) of section
15 112.061, Florida Statutes, are amended to read:

16 112.061 Per diem and travel expenses of public
17 officers, employees, and authorized persons.--

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

22 (c) For the 2004-2005 2003-2004 fiscal year only and
23 notwithstanding the other provisions of this subsection, for
24 Class C travel, a state traveler shall not be reimbursed on a
25 per diem basis nor shall a traveler receive subsistence
26 allowance. This paragraph expires July 1, 2005 2004.

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

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1 (d) For the 2004-2005 ~~2003-2004~~ fiscal year only and
2 notwithstanding the other provisions of this subsection, for
3 Class C travel, a state traveler shall not be reimbursed on a
4 per diem basis nor shall a traveler receive subsistence
5 allowance. This paragraph expires July 1, 2005 ~~2004~~.

6 Section 21. In order to implement Specific
7 Appropriation 2321 of the 2004-2005 General Appropriations
8 Act, subsection (4) of section 215.96, Florida Statutes, is
9 amended to read:

10 215.96 Coordinating council and design and
11 coordination staff.--

(4) The Financial Management Information Board, through the coordinating council, shall provide the necessary planning, implementation, and integration policies, coordination procedures, and reporting processes to facilitate the successful and efficient integration of the central administrative and financial management information systems, including the Florida Accounting Information Resource system (FLAIR), Cash Management System (CMS), and FLAIR/CMS replacement project, the payroll system in the Department of Financial Services, the Legislative Appropriations System/Planning and Budgeting Subsystem (LAS/PBS), the State Purchasing System (SPURS) and MyFlorida Marketplace project, the Cooperative Personnel Employment Subsystem (COPES) and the PeopleFirst Outsourcing project, and the State Unified Tax system (SUNTAX).

27 (a) To fulfill this role, the coordinating council
28 shall establish an Enterprise Resource Planning Integration
29 Task Force, which shall consist of the coordinating council
30 members plus the Chief Information Officer in the State
31 Technology Office and the Executive Director or designee in

1 the Department of Revenue, who shall serve with voting rights
2 on the task force. The nonvoting ex officio members of the
3 coordinating council shall be nonvoting members of the task
4 force.

5 (b) The task force shall be established by August 1,
6 2003, and shall remain in existence until the integration
7 goals have been achieved among the FLAIR/CMS Replacement
8 project, SPURS and MyFlorida Marketplace project, COPES and
9 PeopleFirst project, payroll system, LAS/PBS, and SUNTAX
10 system, or until June 30, 2005, whichever is later. The task
11 force shall hold its initial meeting no later than September
12 1, 2003, and shall meet at the call of the chair or at least
13 once every 60 days. In its initial meeting, task force members
14 shall:

15 1. Adopt a task force charter that identifies major
16 objectives, activities, milestones and deliverables,
17 significant assumptions, and constraints on the task force
18 functions and major stakeholder groups interested in the
19 outcome of the task force.

20 2. Consider and adopt processes by which information
21 will be collected and business process and technical
22 integration issues will be raised for analysis and
23 recommendation by the task force.

24 3. Elect a member to serve as vice chair. Any vacancy
25 in the vice chair position shall be filled by similar election
26 within 30 days after the date the vacancy is effective.

27 (c) The coordinating council shall provide
28 administrative and technical support to the task force as is
29 reasonably necessary for the task force to effectively and
30 timely carry out its duties and responsibilities. The cost of
31 providing such support may be paid from funds appropriated for

1 the operation of the council or the FLAIR/CMS Replacement
2 project. The task force also may contract for services to
3 obtain specific expertise to analyze, facilitate, and
4 formulate recommendations to address process and technical
5 integration problems that need to be resolved.

6 (d) Using information and input from project teams and
7 stakeholders responsible for the FLAIR/CMS Replacement
8 project, SPURS and MyFlorida Marketplace project, COPES and
9 PeopleFirst project, payroll system, LAS/PBS, and SUNTAX
10 system, the responsibilities of the task force shall include,
11 but not be limited to:

12 1. Identifying and documenting central administrative
13 and financial management policies, procedures, and processes
14 that need to be integrated and recommending steps for
15 implementation.

16 2. Collecting information from the subsystem owners
17 and project teams and developing and publishing a consolidated
18 list of enterprise resource planning functional and technical
19 integration requirements.

20 3. Publishing integration plans and timelines based on
21 information collected from task force members.

22 4. Forming committees, workgroups, and teams as
23 provided in subsection (3).

24 5. Developing recommendations for the Financial
25 Management Information Board which clearly describe any
26 business or technical problems that need to be addressed, the
27 options for resolving the problem, and the recommended
28 actions.

29 6. Developing and implementing plans for reporting
30 status of integration efforts.

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1 (e) The task force shall provide recommendations to
2 the Financial Management Information Board for review and
3 approval regarding the technical, procedural, policy, and
4 process requirements and changes that are needed to
5 successfully integrate, implement, and realize the benefits of
6 the enterprise resource planning initiatives associated with
7 the FLAIR/CMS Replacement project, SPURS and MyFlorida
8 Marketplace project, COPES and PeopleFirst project, payroll
9 system, LAS/PBS, and SUNTAX system. The first of these reports
10 should be provided no later than October 3, 2003.

10 (h) This subsection expires July 1, 2005 2004.

11 Section 22. In order to implement Specific
12 Appropriation 2275 of the 2004-2005 General Appropriations
13 Act, paragraph (f) of subsection (3) of section 601.15,
14 Florida Statutes, is amended to read:

15 601.15 Advertising campaign; methods of conducting;
16 excise tax; emergency reserve fund; citrus research.--

17 (3)

18 (f) For the 2004-2005 ~~2003-2004~~ fiscal year only and
19 notwithstanding the provisions of this section ~~paragraph~~ (e),
20 the commission, upon a majority vote, may reduce, for the
21 current or future citrus season, the tax rates specified in
22 this subsection. This paragraph expires July 1, 2005 ~~2004~~.

23 Section 23. Notwithstanding the provisions of section
24 403.7095, Florida Statutes, in order to implement Specific
25 Appropriation 1741 of the 2004-2005 General Appropriations
26 Act, the Department of Environmental Protection shall award:

27 (1) \$6,500,000 in grants equally to counties with
28 populations of fewer than 100,000 for waste tire, litter
29 prevention, recycling and education, and general solid waste
30 programs.

1 (2) \$2,939,999 in waste tire grants to counties, on a
2 per capita basis, with populations of 100,000 or more.

3 (3) \$1,347,570 in competitive innovative grants to
4 cities and counties on the prioritized list of projects
5 submitted by the Department of Environmental Protection to the
6 Legislature.

7 Section 24. In order to implement Specific
8 Appropriation 1403 of the 2004-2005 General Appropriations Act
9 and notwithstanding any provision of chapter 287 or chapter
10 337, Florida Statutes, from the funds appropriated to the
11 Department of Agriculture and Consumer Services for the
12 2002-2003, 2003-2004, and 2004-2005 fiscal years for the
13 purpose of constructing and operating an agricultural
14 interdiction station on Interstate 10 in Escambia County, the
15 Department of Agriculture and Consumer Services shall enter
16 into an agreement with the Department of Transportation
17 wherein the Department of Transportation, on behalf of the
18 Department of Agriculture and Consumer Services, shall proceed
19 with the construction of the station under the authority
20 established in chapter 337, Florida Statutes. The Department
21 of Agriculture and Consumer Services shall be authorized to
22 execute all contracts resulting from such Department of
23 Transportation selection of contractors in compliance with
24 chapter 337, Florida Statutes. This section expires July 1,
25 2005.

26 Section 25. In order to implement Specific
27 Appropriation 1684 of the 2004-2005 General Appropriations
28 Act, subsection (6) is added to section 375.041, Florida
29 Statutes, to read:

30 375.041 Land Acquisition Trust Fund.--

31

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

5 Section 26. In order to implement Specific
6 Appropriation 1584A of the 2004-2005 General Appropriations
7 Act, subsection (5) is added to section 375.045, Florida
8 Statutes, to read:

9 375.045 Florida Preservation 2000 Trust Fund.--
10 (5) For the 2004-2005 fiscal year only, any
11 unobligated moneys in the Florida Preservation 2000 Trust Fund
12 resulting from interest earnings and from reversions of prior
13 appropriations to any agency may be appropriated to the
14 Florida Forever Trust Fund for use pursuant to s. 259.1051.
15 This subsection expires July 1, 2005.

16
17 Upon a determination by the Department of Environmental
18 Protection that proceeds being held in the trust fund to
19 support distributions outside the Department of Environmental
20 Protection are not likely to be disbursed in accordance with
21 the foregoing considerations, the Department of Environmental
22 Protection shall petition the Governor and Cabinet to allow
23 for the immediate disbursement of such funds for the
24 acquisition of projects approved for purchase pursuant to the
25 provisions of chapter 259.

26 Section 27. In order to implement Specific
27 Appropriations 2652-2654 of the 2004-2005 General
28 Appropriations Act and for the 2004-2005 fiscal year only, the
29 State Technology Office is directed to implement the
30 provisions of subsection (2) of section 282.102, Florida
31 Statutes, related to rulemaking on best practices for

1 acquiring, using, upgrading, modifying, replacing, or
2 disposing of information technology, no later than December
3 31, 2004. The State Technology Office is further directed to
4 include in the agency and state information technology
5 resource inventory lists required by sections 282.3063(2)(f)
6 and 282.310(2)(g), Florida Statutes, the methods used for
7 final disposition of the resources. This section expires July
8 1, 2005.

9 Section 28. In order to implement Specific
10 Appropriations 1677-1703 of the 2004-2005 General
11 Appropriations Act, paragraph (c) of subsection (4) of section
12 373.4137, Florida Statutes, is amended to read:

13 373.4137 Mitigation requirements.--

14 (4) Prior to December 1 of each year, each water
15 management district, in consultation with the Department of
16 Environmental Protection, the United States Army Corps of
17 Engineers, the Department of Transportation, transportation
18 authorities established pursuant to chapter 348 or chapter
19 349, and other appropriate federal, state, and local
20 governments, and other interested parties, including entities
21 operating mitigation banks, shall develop a plan for the
22 primary purpose of complying with the mitigation requirements
23 adopted pursuant to this part and 33 U.S.C. s. 1344. This plan
24 shall also address significant invasive plant problems within
25 wetlands and other surface waters. In developing such plans,
26 the districts shall utilize sound ecosystem management
27 practices to address significant water resource needs and
28 shall focus on activities of the Department of Environmental
29 Protection and the water management districts, such as surface
30 water improvement and management (SWIM) waterbodies and lands
31 identified for potential acquisition for preservation,

1 restoration, and enhancement, to the extent that such
2 activities comply with the mitigation requirements adopted
3 under this part and 33 U.S.C. s. 1344. In determining the
4 activities to be included in such plans, the districts shall
5 also consider the purchase of credits from public or private
6 mitigation banks permitted under s. 373.4136 and associated
7 federal authorization and shall include such purchase as a
8 part of the mitigation plan when such purchase would offset
9 the impact of the transportation project, provide equal
10 benefits to the water resources than other mitigation options
11 being considered, and provide the most cost-effective
12 mitigation option. The mitigation plan shall be preliminarily
13 approved by the water management district governing board and
14 shall be submitted to the secretary of the Department of
15 Environmental Protection for review and final approval. The
16 preliminary approval by the water management district
17 governing board does not constitute a decision that affects
18 substantial interests as provided by s. 120.569. At least 30
19 days prior to preliminary approval, the water management
20 district shall provide a copy of the draft mitigation plan to
21 any person who has requested a copy.

22 (c) Surface water improvement and management or
23 invasive plant control projects undertaken using the \$12
24 million advance transferred from the Department of
25 Transportation to the Department of Environmental Protection
26 in fiscal year 1996-1997 which meet the requirements for
27 mitigation under this part and 33 U.S.C. s. 1344 shall remain
28 available for mitigation until the \$12 million is fully
29 credited up to and including fiscal year 2005-2006 ~~2004~~ 2005.
30 When these projects are used as mitigation, the \$12 million
31 advance shall be reduced by \$75,000 per acre of impact

1 mitigated. For any fiscal year through and including fiscal
2 year 2005-2006 ~~2004-2005~~, to the extent the cost of developing
3 and implementing the mitigation plans is less than the amount
4 transferred pursuant to subsection (3), the difference shall
5 be credited towards the \$12 million advance. Except as
6 provided in this paragraph, any funds not directed to
7 implement the mitigation plan should, to the greatest extent
8 possible, be directed to fund invasive plant control within
9 wetlands and other surface waters.

10 Section 29. In order to implement Specific
11 Appropriations 2236, 2238, and 2239 of the 2004-2005 General
12 Appropriations Act, paragraph (m) of subsection (1) of section
13 718.501, Florida Statutes, is amended to read:

14 718.501 Powers and duties of Division of Florida Land
15 Sales, Condominiums, and Mobile Homes.--

16 (1) The Division of Florida Land Sales, Condominiums,
17 and Mobile Homes of the Department of Business and
18 Professional Regulation, referred to as the "division" in this
19 part, in addition to other powers and duties prescribed by
20 chapter 498, has the power to enforce and ensure compliance
21 with the provisions of this chapter and rules promulgated
22 pursuant hereto relating to the development, construction,
23 sale, lease, ownership, operation, and management of
24 residential condominium units. In performing its duties, the
25 division has the following powers and duties:

26 (m)1. When a complaint is made, the division shall
27 conduct its inquiry with due regard to the interests of the
28 affected parties. Within 30 days after receipt of a complaint,
29 the division shall acknowledge the complaint in writing and
30 notify the complainant whether the complaint is within the
31 jurisdiction of the division and whether additional

1 information is needed by the division from the complainant.
2 The division shall conduct its investigation and shall, within
3 90 days after receipt of the original complaint or of timely
4 requested additional information, take action upon the
5 complaint. However, the failure to complete the investigation
6 within 90 days does not prevent the division from continuing
7 the investigation, accepting or considering evidence obtained
8 or received after 90 days, or taking administrative action if
9 reasonable cause exists to believe that a violation of this
10 chapter or a rule of the division has occurred. If an
11 investigation is not completed within the time limits
12 established in this paragraph, the division shall, on a
13 monthly basis, notify the complainant in writing of the status
14 of the investigation. When reporting its action to the
15 complainant, the division shall inform the complainant of any
16 right to a hearing pursuant to ss. 120.569 and 120.57.

17 2. For the 2004-2005 fiscal year only, and
18 notwithstanding the provisions of subparagraph 1., when a
19 complaint is made, the division shall conduct its inquiry with
20 due regard to the interests of the affected parties. Within 15
21 days after receipt of a complaint, the division shall
22 acknowledge the complaint in writing and notify the
23 complainant whether the complaint is within the jurisdiction
24 of the division and whether additional information is needed
25 by the division from the complainant. The division shall
26 conduct its investigation and shall, within 30 days after
27 receipt of the original complaint or of timely requested
28 additional information, take action upon the complaint.
29 However, the failure to complete the investigation within 30
30 days does not prevent the division from continuing the
31 investigation, accepting or considering evidence obtained or

1 received after 30 days, or taking administrative action if
2 reasonable cause exists to believe that a violation of this
3 chapter or a rule of the division has occurred. If an
4 investigation is not completed within the time limits
5 established in this subparagraph, the division shall, on a
6 monthly basis, notify the complainant in writing of the status
7 of the investigation. When reporting its action to the
8 complainant, the division shall inform the complainant of any
9 right to a hearing pursuant to ss. 120.569 and 120.57. This
10 subparagraph expires July 1, 2005.

11 Section 30. In order to implement Specific
12 Appropriation 2480L of the 2004-2005 General Appropriations
13 Act, paragraph (b) of subsection (9) of section 320.08058,
14 Florida Statutes, is amended to read:

15 320.08058 Specialty license plates.--

16 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.--
17 (b) The license plate annual use fees are to be
18 annually distributed as follows:

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

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

3 2. The remaining proceeds of the Florida Professional
4 Sports Team license plate must be allocated to the Florida
5 Sports Foundation, a direct-support organization of the Office
6 of Tourism, Trade, and Economic Development. These funds must
7 be deposited into the Professional Sports Development Trust
8 Fund within the Office of Tourism, Trade, and Economic
9 Development. These funds must be used by the Florida Sports
10 Foundation to promote the economic development of the sports
11 industry; to distribute licensing and royalty fees to
12 participating professional sports teams; to institute a grant
13 program for communities bidding on minor sporting events that
14 create an economic impact for the state; to distribute funds
15 to Florida-based charities designated by the Florida Sports
16 Foundation and the participating professional sports teams;
17 and to fulfill the sports promotion responsibilities of the
18 Office of Tourism, Trade, and Economic Development.

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

29 4. For the 2004-2005 ~~2003-2004~~ fiscal year only and
30 notwithstanding the provisions of subparagraphs 1. and 2.,
31 proceeds from the Professional Sports Development Trust Fund

1 may also be used for operational expenses of the Florida
2 Sports Foundation and financial support of the Sunshine State
3 Games. This subparagraph expires July 1, 2005 2004.

4 Section 31. In order to implement Specific
5 Appropriation 2100 of the 2004-2005 General Appropriations
6 Act, section 445.048, Florida Statutes, as amended by section
7 79 of chapter 2003-399, Laws of Florida, is amended to read:

8 445.048 Passport to Economic Progress demonstration
9 program.--

10 (1) AUTHORIZATION.--Notwithstanding any law to the
11 contrary, Workforce Florida, Inc., in conjunction with the
12 Department of Children and Family Services and the Agency for
13 Workforce Innovation, shall implement a Passport to Economic
14 Progress demonstration program ~~by November 1, 2001~~, consistent
15 with the provisions of this section in Hillsborough and
16 Manatee, and Sarasota counties. Workforce Florida, Inc., must
17 consult with the applicable regional workforce boards and the
18 applicable local offices of the department which serve the
19 demonstration areas and must encourage community input into
20 the implementation process.

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

1 implementation of the demonstration program, the Department of
2 Children and Family Services shall immediately request such
3 waivers in accordance with s. 414.175.

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

12 ~~(3)(4) TRANSITIONAL BENEFITS AND SERVICES.--In order~~
13 to assist them in making the transition to economic
14 self-sufficiency, former recipients of temporary cash
15 assistance residing within the areas designated for this
16 demonstration program shall be eligible for the following
17 benefits and services:

18 (a) Notwithstanding the time period specified in s.
19 445.030, transitional education and training support services
20 as specified in s. 445.030 for up to 4 years after the family
21 is no longer receiving temporary cash assistance;

22 (b) Notwithstanding the time period specified in s.
23 445.031, transitional transportation support services as
24 specified in s. 445.031 for up to 4 years after the family is
25 no longer receiving temporary cash assistance; and

26 (c) Notwithstanding the time period specified in s.
27 445.032, transitional child care as specified in s. 445.032
28 for up to 4 years after the family is no longer receiving
29 temporary cash assistance.

30
31

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

9 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.--

10 (a) The Legislature finds that:

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

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

18 3. It is necessary to implement a performance-based
19 program that defines economic incentives for achieving
20 specific benchmarks toward self-sufficiency while the
21 individual is working full time.

22 (b) Workforce Florida, Inc., in cooperation with the
23 Department of Children and Family Services and the Agency for
24 Workforce Innovation, shall offer performance-based incentive
25 bonuses as a component of the Passport to Economic Progress
26 demonstration program in the areas of the state which are
27 designated for the demonstration program. The bonuses do not
28 represent a program entitlement and shall be contingent on
29 achieving specific benchmarks prescribed in the
30 self-sufficiency plan. If the funds appropriated for this
31 purpose are insufficient to provide this financial incentive,

1 the board of directors of Workforce Florida, Inc., shall
2 reduce or suspend the bonuses in order not to exceed the
3 appropriation.

4 (5) WAGE SUPPLEMENTATION.

5 (a) The Legislature finds that:

6 1. There are former recipients of temporary cash
7 assistance who are working full time but whose incomes are
8 below the federal poverty level.

9 2. Having incomes below the federal poverty level
10 makes such individuals particularly vulnerable to reliance on
11 public assistance despite their best efforts to achieve or
12 maintain economic independence through employment.

13 3. It is necessary to supplement the wages of such
14 individuals for a limited period of time in order to assist
15 them in fulfilling the transition to economic
16 self sufficiency.

17 (b) Workforce Florida, Inc., in cooperation with the
18 Department of Children and Family Services and the Agency for
19 Workforce Innovation, shall create a transitional wage
20 supplementation program by November 1, 2001, as a component of
21 the Passport to Economic Progress demonstration program in the
22 areas designated for the demonstration program. This wage
23 supplementation program does not constitute an entitlement to
24 wage supplementation. If funds appropriated are insufficient
25 to provide wage supplementation, the board of directors of
26 Workforce Florida, Inc., may limit wage supplementation or
27 otherwise establish priorities for wage supplementation.

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

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

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

8 3. Have an average family income for the 6 months
9 preceding the date of application for an incentive bonus wage
10 supplementation which is less than 150 ~~100~~ percent of the
11 federal poverty level.

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

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

29 (5)(6) EVALUATIONS AND RECOMMENDATIONS.--Workforce
30 Florida, Inc., in conjunction with the Department of Children
31 and Family Services, the Agency for Workforce Innovation, and

1 the regional workforce boards in the areas designated for this
2 demonstration program, shall conduct a comprehensive
3 evaluation of the effectiveness of the demonstration program
4 operated under this section. By January 1, 2005 ~~2003~~,
5 Workforce Florida, Inc., shall submit a report on such
6 evaluation to the Governor, the President of the Senate, and
7 the Speaker of the House of Representatives. The report must
8 include recommendations as to whether the demonstration
9 program should be expanded to other service areas or statewide
10 and whether the program should be revised to enhance its
11 administration or effectiveness.

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

16 Section 32. The amendment of section 445.048, Florida
17 Statutes, by this act shall expire on July 1, 2005, and the
18 text of that section shall revert to that in existence on June
19 30, 2003, except that any amendments to such text enacted
20 other than by this act shall be preserved and continue to
21 operate to the extent that such amendments are not dependent
22 upon the portions of such text which expire pursuant to the
23 provisions of this act.

24 Section 33. In order to implement Specific
25 Appropriation 831 of the 2004-2005 General Appropriations Act,
26 section 27.701, Florida Statutes, is amended to read:

27 27.701 Capital collateral regional counsels.--

28 (1) There are created three regional offices of
29 capital collateral counsel, which shall be located in a
30 northern, middle, and southern region of the state. The
31 northern region shall consist of the First, Second, Third,

1 Fourth, Eighth, and Fourteenth Judicial Circuits; the middle
2 region shall consist of the Fifth, Sixth, Seventh, Ninth,
3 Tenth, Twelfth, Thirteenth, and Eighteenth Judicial Circuits;
4 and the southern region shall consist of the Eleventh,
5 Fifteenth, Sixteenth, Seventeenth, Nineteenth, and Twentieth
6 Judicial Circuits. Each regional office shall be administered
7 by a regional counsel. A regional counsel must be, and must
8 have been for the preceding 5 years, a member in good standing
9 of The Florida Bar or a similar organization in another state.
10 Each capital collateral regional counsel shall be appointed by
11 the Governor, and is subject to confirmation by the Senate.
12 The Supreme Court Judicial Nominating Commission shall
13 recommend to the Governor three qualified candidates for each
14 appointment as regional counsel. The Governor shall appoint a
15 regional counsel for each region from among the
16 recommendations, or, if it is in the best interest of the fair
17 administration of justice in capital cases, the Governor may
18 reject the nominations and request submission of three new
19 nominees by the Supreme Court Judicial Nominating Commission.
20 Each capital collateral regional counsel shall be appointed to
21 a term of 3 years. Vacancies in the office of capital
22 collateral regional counsel shall be filled in the same manner
23 as appointments. A person appointed as a regional counsel may
24 not run for or accept appointment to any state office for 2
25 years following vacation of office.

26 (2) For the 2004-2005 ~~2003-2004~~ fiscal year only and
27 notwithstanding the provisions of subsection (1), the
28 responsibilities of the regional office of capital collateral
29 counsel for the northern region of the state shall be met
30 through a pilot program using only attorneys from the registry
31 of attorneys maintained pursuant to s. 27.710. Each attorney

1 participating in the pilot must be qualified to provide
2 representation in federal court. ~~The Auditor General shall~~
3 ~~present a status report on the implementation of the pilot~~
4 ~~program to the President of the Senate and the Speaker of the~~
5 ~~House of Representatives by February 27, 2004.~~ The Auditor
6 General shall also schedule a performance review of the pilot
7 program to determine the effectiveness and efficiency of using
8 attorneys from the registry compared to the capital collateral
9 regional counsels. The review, at a minimum, shall include
10 comparisons of the timeliness and costs of the pilot and the
11 counsels and shall be submitted to the President of the Senate
12 and the Speaker of the House of Representatives by January 30,
13 2007. This subsection expires July 1, 2005 ~~2004~~.

14 Section 34. In order to implement Specific
15 Appropriation 831 of the 2004-2005 General Appropriations Act,
16 paragraphs (a) and (c) of subsection (2) of section 27.709,
17 Florida Statutes, as amended by section 86 of chapter
18 2003-399, Laws of Florida, are amended to read:

19 27.709 Commission on Capital Cases.--

20 (2)(a) The commission shall review the administration
21 of justice in capital collateral cases, receive relevant
22 public input, review the operation of the capital collateral
23 regional counsel and private counsel appointed pursuant to ss.
24 27.710 and 27.711, and advise and make recommendations to the
25 Governor, Legislature, and Supreme Court.

26 (c) In addition, the commission shall receive
27 complaints regarding the practice of any office of regional
28 counsel and private counsel appointed pursuant to ss. 27.710
29 and 27.711 and shall refer any complaint to The Florida Bar,
30 the State Supreme Court, or the Commission on Ethics, as
31 appropriate.

1 Section 35. The amendment of section 27.709, Florida
2 Statutes, by this act shall expire on July 1, 2005, and the
3 text of that section shall revert to that in existence on June
4 30, 2003, except that any amendments to such text enacted
5 other than by this act shall be preserved and continue to
6 operate to the extent that such amendments are not dependent
7 upon the portions of such text which expire pursuant to the
8 provisions of this act.

9 Section 36. In order to implement Specific
10 Appropriation 831 of the 2004-2005 General Appropriations Act,
11 subsections (3) and (9) of section 27.711, Florida Statutes,
12 as amended by section 88 of chapter 2003-399, Laws of Florida,
13 are amended, and subsection (14) is added to that section, to
14 read:

15 27.711 Terms and conditions of appointment of
16 attorneys as counsel in postconviction capital collateral
17 proceedings.--

18 (3) An attorney appointed to represent a capital
19 defendant is entitled to payment of the fees set forth in this
20 section only upon full performance by the attorney of the
21 duties specified in this section and approval of payment by
22 the trial court, and the submission of a payment request by
23 the attorney, subject to the availability of sufficient
24 funding specifically appropriated for this purpose. An
25 attorney may not be compensated under this section for work
26 performed by the attorney before July 1, 2003, while employed
27 by the northern regional office of the capital collateral
28 counsel. The Chief Financial Officer shall notify the
29 executive director and the court if it appears that sufficient
30 funding has not been specifically appropriated for this
31 purpose to pay any fees which may be incurred. The attorney

1 shall maintain appropriate documentation, including a current
2 and detailed hourly accounting of time spent representing the
3 capital defendant. The fee and payment schedule in this
4 section is the exclusive means of compensating a
5 court-appointed attorney who represents a capital defendant.
6 When appropriate, a court-appointed attorney must seek further
7 compensation from the Federal Government, as provided in 18
8 U.S.C. s. 3006A or other federal law, in habeas corpus
9 litigation in the federal courts.

10 (9) An attorney may not represent more than five
11 ~~capital~~ defendants in capital postconviction litigation at any
12 one time.

13 (14) Each attorney participating in the pilot program
14 in the northern region pursuant to s. 27.701(2), as a
15 condition of payment pursuant to this section, shall report on
16 the performance measures adopted by the Legislature for the
17 capital collateral regional counsels.

18 Section 37. The amendment of section 27.711, Florida
19 Statutes, by this act shall expire on July 1, 2005, and the
20 text of that section shall revert to that in existence on June
21 30, 2003, except that any amendments to such text enacted
22 other than by this act shall be preserved and continue to
23 operate to the extent that such amendments are not dependent
24 upon the portions of such text which expire pursuant to the
25 provisions of this act.

26 Section 38. In order to implement Specific
27 Appropriation 831 of the 2004-2005 General Appropriations Act,
28 paragraph (b) of subsection (4) of section 27.702, Florida
29 Statutes, as amended by section 90 of chapter 2003-399, Laws
30 of Florida, is amended to read:

31

1 27.702 Duties of the capital collateral regional
2 counsel; reports.--

3 (4)

4 (b) Each capital collateral regional counsel and each
5 attorney participation in the pilot program in the northern
6 region pursuant to s. 27.701(2) shall provide a quarterly
7 report to the President of the Senate, the Speaker of the
8 House of Representatives, and the Commission on Capital Cases
9 which details the number of hours worked by investigators and
10 legal counsel per case and the amounts per case expended
11 during the preceding quarter in investigating and litigating
12 capital collateral cases.

13 Section 39. The amendment of section 27.702, Florida
14 Statutes, by this act shall expire on July 1, 2005, and the
15 text of that section shall revert to that in existence on June
16 30, 2003, except that any amendments to such text enacted
17 other than by this act shall be preserved and continue to
18 operate to the extent that such amendments are not dependent
19 upon the portions of such text which expire pursuant to the
20 provisions of this act.

21 Section 40. In order to implement Specific
22 Appropriations 812-1066 and 2919-2968 of the 2004-2005 General
23 Appropriations Act and for the 2004-2005 fiscal year only, all
24 personnel moving from county government to positions in the
25 state courts system, an office of the state attorney, or an
26 office of the public defender as a part of the implementation
27 of revision 7 to Article V of the Florida Constitution who
28 were eligible for coverage under a county-sponsored group
29 insurance program June 30, 2004, and who elect and are
30 qualified to be covered under the State Group Insurance
31 Program in the Department of Management Services shall be

1 enrolled for health and life insurance effective July 1, 2004.
2 The state courts system and the respective offices of the
3 state attorney or the offices of the public defender shall be
4 responsible for ensuring affected employees' health and life
5 insurance benefit enrollment elections are made and processed
6 by June 23, 2004, and shall make a one-time total premium
7 payment to the Division of State Group Insurance of the
8 Department of Management Services not later than July 15,
9 2004, for coverage for the month of July 2004. For health and
10 life insurance coverage only, the premium remittance mechanism
11 for each such premium payment shall be in the form of a
12 separate journal transfer. Accompanying documentation, as
13 prescribed by the Division of State Group Insurance, is
14 required to distinguish employee from employer contributions,
15 by subscriber. Subsequent premium payments and eligibility
16 determinations shall be made in accordance with existing laws
17 and administrative rules to ensure continuity of employee
18 benefit coverage. This section shall take effect upon becoming
19 law. This section expires July 1, 2005.

20 Section 41. A section of this act that implements a
21 specific appropriation or specifically identified proviso
22 language in the 2004-2005 General Appropriations Act is void
23 if the specific appropriation or specifically identified
24 proviso language is vetoed. A section of this act that
25 implements more than one specific appropriation or more than
26 one portion of specifically identified proviso language in the
27 2004-2005 General Appropriations Act is void if all the
28 specific appropriations or portions of specifically identified
29 proviso language are vetoed.

30 Section 42. If any other act passed in 2004 contains a
31 provision that is substantively the same as a provision in

1 this act, but that removes or is otherwise not subject to the
2 future repeal applied to such provision by this act, the
3 Legislature intends that the provision in the other act shall
4 take precedence and shall continue to operate, notwithstanding
5 the future repeal provided by this act.

6 Section 43. The agency performance measures and
7 standards in the document entitled "Performance Measures and
8 Standards Approved by the Legislature for Fiscal Year
9 2004-2005" dated March 22, 2004, and filed with the Secretary
10 of the Senate are incorporated by reference. Such performance
11 measures and standards are directly linked to the
12 appropriations made in the General Appropriations Act for
13 fiscal year 2004-2005, as required by the Government
14 Performance and Accountability Act of 1994. State agencies are
15 directed to revise their long-range program plans required
16 under section 216.013, Florida Statutes, to be consistent with
17 these performance measures and standards.

18 Section 44. If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 invalidity does not affect other provisions or applications of
21 the act which can be given effect without the invalid
22 provision or application, and to this end the provisions of
23 this act are severable.

24 Section 45. Except as otherwise expressly provided in
25 this act, this act shall take effect July 1, 2004; or, if this
26 act fails to become a law until after that date, it shall take
27 effect upon becoming a law and shall operate retroactively to
28 July 1, 2004.

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2 SENATE SUMMARY
3 Implements the 2004-2005 General Appropriations Act.
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