Journal of the Senate

Number 27—Regular Session **Friday, May 6, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 10:48 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by the Rev. Tom Borland, Faith Presbyterian Church, Tallahassee:

Almighty and merciful God, we are grateful for the work accomplished so far during this session. Give these men and women a sense of peace about the results, even if they have not achieved what they intended, knowing, at any rate, that they did their best. Where mistakes have been made, grant forgiveness. Where hard words have been spoken, bring healing. Where deep differences have made strangers out of colleagues, help them recognize your image in one another and reach across the divide with the unconditional love of eternal friendship.

Grant them wisdom this day amid the pressures, emotions, and complexities of lawmaking. Instill in them a special concern, like yours, for the poor, the foreigner, the widow, and the orphan. Inspire them to be good stewards of your creation. Give them joy and exhilaration in their noble vocation, which shapes the lives of millions of Floridians, and sets the course of this state for generations to come.

In your most holy name, we pray. Amen.

PLEDGE

Senate Pages Michaelia N. Robinson and Ryan Spencer Powers of Tallahassee; Sharon R. Green of Orlando; and Juan T. Santiago of Winter Garden, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Walter B. Flesner III of North Miami Beach, sponsored by Senator Margolis, as doctor of the day. Dr. Flesner specializes in Family Practice.

By direction of the President, the Secretary read the following proclamation:

PROCLAMATION

HONORING MICHAEL O'FARRELL

for 27 years of hard work and dedication with the Florida Senate and wishing Dr. O'Farrell all the luck of the Irish in his retirement.

WHEREAS, Mike O'Farrell received his B.S. at Florida State University in 1962 and taught public school in Brevard County until 1966, and came back to Tallahassee to be awarded a Ph.D. in Administrative Education in 1971, and

WHEREAS, the luck of the Irish brought young O'Farrell to the Senate in 1978, where Mike proved to be an integral part of the Senate Committee on Education from the beginning, and

WHEREAS, after starting out as a Legislative Chief Analyst, in 1983 Mike became staff director of the Senate Committee on Education, and

WHEREAS, between games of golf and spending time with his wife, Nancy, and their two children, this Irish lad has managed to put in long hours at the Senate and earn the respect of all, and

WHEREAS, Mike's quick sense of humor and unflappable patience, in addition to his ability to stay calm in the most stressful moments of legislative turmoil, has earned him the title of "best boss ever" from his co-workers, and

WHEREAS, Mike adds to the Senate both by being perpetually professional in his demeanor and by being a wealth of institutional knowledge for all those in need of guidance, and

WHEREAS, after 27 years of being a part of the Senate family, Mike has decided to retire in order to make more time for golfing, traveling, and spending time with his other family, NOW, THEREFORE,

I, Senate President Tom Lee of the 10th Florida Senate District, do hereby, on this closing day of the 2005 Legislative Session, bid Michael O'Farrell goodbye and good luck in his retirement through the words of an old Irish blessing: May the road rise to meet you, may the wind be always at your back, may the sun shine warm upon your face, the rain fall soft upon your fields, and until we meet again, may God hold you in the palm of His hand.

ADOPTION OF RESOLUTIONS

At the request of Senator Aronberg—

By Senator Aronberg—

SR 2786—A resolution recognizing Congressman William "Bill" Marx Lehman, 1913-2005.

WHEREAS, William "Bill" Marx Lehman was born on October 5, 1913, in Selma, Alabama, and

WHEREAS, Bill Lehman had a privileged childhood, but realized early on that the world was filled with those less fortunate than himself and saw first-hand the good things that government could facilitate in their lives, and

WHEREAS, in the 1930's Bill Lehman graduated from the University of Alabama, moved to Miami, Florida, married Joan Feibelman in 1939, and spent 30 years selling used cars, then spent a short time as a school teacher, and

WHEREAS, Bill Lehman, a Democrat, first became involved in politics when he ran and was elected to the Dade County School Board in 1966, became chairman of the board in 1971, and was first elected to Congress in 1972, and

WHEREAS, Congressman Lehman represented Dade County for 20 years in the United States House of Representatives and was a member of the very influential Florida delegation that brought to South Florida billions of dollars in federal aid, especially in the area of transportation, and

WHEREAS, the highlights of Congressman Lehman's political career included serving as the Chairman of the powerful Subcommittee on Transportation Appropriations, advocating on behalf of Haitian refugees, and smuggling a synthetic heart valve to a young patient in the Soviet Union, and

WHEREAS, Congressman Lehman became a role model for countless young people, including Florida Senator Dave Aronberg, who served as his Congressional Page as a teenager in the 100th Congress and always strove to "make him proud," NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes not only the exemplary life that Congressman Bill Lehman led, but also recognizes the unforgettable legacy that he leaves behind.

—**SR 2786** was introduced, read and adopted by publication.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 348, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 348—A bill to be entitled An act relating to family court efficiency; creating s. 25.375, F.S.; authorizing the Supreme Court to create a system to identify cases relating to individuals and families within the court system; requiring the Supreme Court, the Criminal and Juvenile Justice Information System Council, the Article V Technology Board, and the Florida Association of State Court Clerks to provide recommendations regarding a personal identifier relating to individuals and families within the court system; amending s. 39.013, F.S.; providing for modifying a court order in a subsequent civil proceeding; amending s. 39.0132, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 39.521, F.S.; conforming provisions to s. 39.0132, F.S., regarding modification of a court order in a subsequent civil action or proceeding; amending s. 39.814, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 61.13, F.S.; providing for the court to determine matters relating to child support in any proceeding under ch. 61, F.S.; providing for equal contact in custody determinations in certain circumstances; eliminating provisions authorizing the court to award grandparents visitation rights; eliminating provisions giving grandparents equal standing as parents for evaluating custody arrangements; amending s. 61.21, F.S.; requiring the Department of Children and Family Services to approve parenting courses; establishing requirements relating to the provision of approved parenting courses; specifying timeframes for completing the course; amending s. 741.30, F.S.; providing for an order of temporary custody, visitation, or support to remain in effect until the court enters an order in a subsequent action; amending ss. 61.1827 and 409.2579, F.S., relating to information about applicants and recipients of child-support services; conforming cross-references; providing for severability; providing an effective date.

House Amendment 1 (639951)(with title amendment)—On page 16, line 19, through page 17, line 3, remove: all of said lines, and insert:

(b)1. The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

And the title is amended as follows:

On page 1, line(s) 27 and 28, remove: all of said lines and insert: F.S.;

On motion by Senator Lynn, the Senate concurred in the House amendment.

CS for SB 348 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 512, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 512—A bill to be entitled An act relating to protective injunctions; amending s. 784.046, F.S.; providing standing for a governmental employer to seek an injunction for protection against repeat violence on behalf of an employee; revising the application of evidentiary requirements with respect to injunctions for protection of minor children; providing an effective date.

House Amendment 1 (647497)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (4) of section 784.046, Florida Statutes, is amended to read:

784.046 Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; powers and duties of court and clerk of court; filing and form of petition; notice and hearing; temporary injunction; issuance; statewide verification system; enforcement.—

(4)(a) The sworn petition shall allege the incidents of repeat violence, sexual violence, or dating violence and shall include the specific facts

and circumstances that form the basis upon which relief is sought. With respect to a minor child who is living at home, the parent or legal guardian *seeking the protective injunction on behalf* of the minor child must*:*

1. Have been an eyewitness to, or have direct physical evidence or affidavits from eyewitnesses of, the specific facts and circumstances *that* ~~which~~ form the basis upon which relief is sought*, if the party against whom the protective injunction is sought is also a parent, stepparent, or legal guardian of the minor child; or*

2. Have reasonable cause to believe that the minor child is a victim of repeat, sexual, or dating violence to form the basis upon which relief is sought, if the party against whom the protective injunction is sought is a person other than a parent, stepparent, or legal guardian of the minor child.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to protective injunctions; amending s. 784.046, F.S.; limiting the application of an evidentiary requirement with respect to injunctions for protection of minor children; providing an effective date.

On motion by Senator Aronberg, the Senate concurred in the House amendment.

CS for SB 512 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 1784, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 1784—A bill to be entitled An act relating to professional services acquisition; amending s. 287.055, F.S.; revising certain definitions; defining the term "negotiate"; providing additional criteria for processing bids to purchase professional services which exceed certain threshold amounts; amending s. 287.17, F.S.; revising the limitation on the use of state aircraft; providing an effective date.

House Amendment 2 (942365)—On page 7, line 1, remove: *without* and insert: *with*

On motion by Senator Clary, the Senate concurred in the House amendment.

CS for CS for CS for SB 1784 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 1026, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 1026—A bill to be entitled An act relating to the aerospace industry; creating the Commission on the Future of Space in Florida; providing for membership and organization of the commission; providing procedures for action by the commission; authorizing the commission to appoint an executive director; providing for administrative and staff assistance from the Office of Tourism, Trade, and Economic Development; providing for compensation of consultants; providing duties of the commission; requiring the commission to identify, examine, and review certain information related to aerospace and the aerospace industry; authorizing the commission to appoint technical advisory committees; authorizing reimbursement of travel expenses; requiring a certain number of meetings in various regions of the state; directing certain agencies and requesting other agencies to render assistance and cooperation; requiring preliminary and final reports; requiring the Office of Tourism, Trade, and Economic Development to prepare legislative recommendations consistent with the report; abolishing the commission; providing an expiration date; providing appropriations; amending s. 331.405, F.S.; amending a definition; providing an effective date.

WHEREAS, the aerospace industry comprises an important segment of Florida's present and future economy, and

WHEREAS, intense nationwide and international competition for the future development of this industry is already underway, and

WHEREAS, the diversification of Florida's commercial, civil, and military aerospace industry and the strengthening of Florida's space-related research and development initiatives, including initiatives related to commercial, civil, and military space, are critical components of the future of Florida's aerospace industry, and

WHEREAS, Florida must ensure that the state is optimally positioned for NASA's new Vision for Space Exploration, and

WHEREAS, effective action and the necessary coordination of Florida's space-related resources must be based on a reliable assessment of the present climate for the aerospace industry in the state, and

WHEREAS, the Legislature finds there is a need to comprehensively consider the various options available for legislative action related to the multibillion-dollar aerospace industry in this state, NOW, THEREFORE,

House Amendment 1 (850255)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *Commission on the Future of Space in Florida.—*

(1) The Commission on the Future of Space in Florida is created. The commission shall be composed of 15 voting members, 9 of whom are

appointed by the Governor, 3 of whom are appointed by the President of the Senate, and 3 of whom are appointed by the Speaker of the House of Representatives. In consultation with the Florida Congressional Delegation, the Governor shall appoint two members of the delegation or their designees to serve as ex officio, nonvoting members of the commission. In addition, the Lieutenant Governor, Secretary of Transportation, executive director of the Florida Space Authority, and director of the Agency for Workforce Innovation or their designees shall serve as ex officio, nonvoting members of the commission. The Governor's appointments must include one appointment from each of the following groups:

(a) Aerospace manufacturing.

(b) Aerospace operations and maintenance.

(c) Aerospace finance.

(d) Aerospace research.

(e) Aerospace defense.

(f) Commercial aerospace services.

(g) An aerospace business with fewer than 250 employees.

(h) Enterprise Florida, Inc.

(i) An active member from a chapter of Students for the Exploration and Development of Space (SEDS) based at a Florida university.

The President of the Senate and the Speaker of the House of Representatives shall each select one appointee from three of the groups listed in paragraphs (a)-(i) and, in addition, shall each appoint one member from their respective chambers of the Legislature to serve as ex officio, nonvoting members. Appointments under this subsection shall be made before July 31, 2005, and the first meeting shall be held no later than September 1, 2005. The chair of the commission shall be elected from among the voting members by majority vote of the membership at its first meeting. Meetings shall be held upon the call of the chair but not less frequently than monthly. Any vacancy occurring in the membership of the commission shall be filled in the same manner as the original appointment.

(2) Each voting member of the commission is entitled to one vote, and action of the commission requires a majority vote of the voting members present. Action may not be taken if less than a majority of all voting members is present.

(3) The commission may appoint an executive director who shall report to the commission and serve at its pleasure. The Office of Tourism, Trade, and Economic Development shall provide the commission and the executive director with staff assistance. The Office of Tourism, Trade, and Economic Development may, upon the request of the commission, pay compensation to consultants if such costs can be funded from the appropriation provided for in this act.

(4) The commission shall:

(a) Identify the current and future opportunities in aerospace operations, aerospace transport, aerospace education, aerospace tourism, and other aerospace areas and make recommendations for how the state can capitalize on such opportunities.

(b) Review current federal, state, and local laws, ordinances, and rules that affect the aerospace industry in the state and recommend actions that will promote growth and diversification of the industry.

(c) Examine the state's space-related policies and programs and recommend needed changes, including the possible restructuring of state space-related entities.

(d) Examine the ways in which aerospace industries, including the component elements of manufacturing, assembly, marketing, servicing, maintenance, logistical support, human resources, and related research and development, can be attracted to locate permanently or expand in the state and recommend actions that can be taken by the state and local governments to accomplish this goal, including, but not limited to, possible financing alternatives.

(e) Review existing studies to evaluate aerospace in the state, identify underserved resources, and recommend actions that can be taken to improve the competitiveness, availability, efficiency, and economy of the aerospace industry of the state.

(f) Identify federal aid available to improve the state's aerospace infrastructure and services and recommend strategies to obtain such aid.

(g) Determine whether the state's secondary and postsecondary schools are producing graduates who meet the workforce needs of the state's aerospace industry and recommend strategies to improve meeting those needs.

(5) The commission may appoint technical advisory committees. Commission members and the members of any technical advisory committees may not receive remuneration for their services, but members other than public officers and employees are entitled to be reimbursed by the Office of Tourism, Trade, and Economic Development for travel and per diem expenses in accordance with section 112.061, Florida Statutes. Public officers and employees shall be reimbursed for travel and per diem expenses by their respective agencies in accordance with section 112.061, Florida Statutes.

(6) The commission must hold at least five public hearings in different regions of the state to solicit input from the public on the future of space in the state.

(7) All agencies under the control of the Governor are directed and all other agencies are requested to render assistance and cooperation to the commission.

(8) The commission shall prepare a preliminary report of its findings and recommendations by January 16, 2006, and a final report with specific recommendations by January 30, 2006. The Office of Tourism, Trade, and Economic Development shall prepare legislative recommendations consistent with the commission's reports for consideration by the Legislature at the 2006 Regular Session. Copies of the reports shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(9) The commission is abolished, and this section expires, on May 31, 2006.

Section 2. *The sum of $300,000 is appropriated from the State Transportation Trust Fund to the Department of Transportation for transfer into the Economic Development Trust Fund in the Executive Office of the Governor, Office of Tourism, Trade, and Economic Development for Fiscal Year 2005-2006. The sum of $100,000 is appropriated from the Economic Development Trust Fund to the Executive Office of the Governor, Office of Tourism, Trade, and Economic Development for Fiscal Year 2005-2006 for the purpose of implementing this act. The sum of $200,000 is appropriated from the Economic Development Trust Fund to the Executive Office of the Governor, Office of Tourism, Trade, and Economic Development for the Florida Aerospace Finance Corporation operating costs.*

Section 3. Section 68.066, Florida Statutes, is created to read:

68.066 Actions based upon use of a creation that is not protected under federal copyright law.—

(1) Except as provided in subsection (2), no use of an idea, procedure, process, system, method of operation, concept, principle, discovery, thought, or other creation that is not a work of authorship protected under federal copyright law may give rise to a claim or cause of action, in law or in equity, unless the parties to the claim or cause of action have executed a writing sufficient to indicate that a contract has been made between them governing such use.

(2) Nothing in subsection (1) shall affect or limit:

(a) Any cause of action based in copyright, trademark, patent, or trade secret; or

(b) Any defense raised in connection with a cause of action described in paragraph (a).

Section 3. Section 331.405, Florida Statutes, is amended to read:

331.405 Definitions.—As used in this part:

(1) "Account" means the account established pursuant to s. 331.415.

(2) "Aerospace" means the industry concerned with the design and manufacture of aircraft, rockets, missiles, spacecraft, satellites, space vehicles, space stations, space *and defense* facilities, or components thereof, and equipment, systems, facilities, simulators, programs, and activities related thereto.

(3) "Authority" means the Florida Space Authority created by s. 331.302.

(4) "Board" means the governing body of the corporation.

(5) "Corporation" means the Florida Aerospace Finance Corporation.

(6) "Domiciled in this state" means registered to do business in Florida.

(7) "Financial institution" has the same meaning as in s. 655.005(1)(h).

(8) "Financing agreement" has the same meaning as in s. 331.303(10).

(9) "Member" means an individual appointed to be a member of the board.

(10) "President" means the chief executive officer of the corporation.

Section 4. Effective July 1, 2005, and applying retroactively to January 1, 2005, section 196.1999, Florida Statutes, is created to read:

196.1999 Space laboratories and cargo carriers exemption.—Notwithstanding other provisions of this chapter, modules, pallets, racks, lockers, and their necessary associated hardware and subsystems owned by any person and intended to be used to transport or store cargo for space laboratories for the primary purpose of conducting scientific research in space are deemed to carry out a scientific purpose and are exempt from ad valorem taxation.

Section 5. Sections 331.3685, 331.3686, 331.3687, and 331.3688, Florida Statutes, are created to read:

331.3685 Institute for Advanced Space Computing Act; popular name.—Sections 331.3685-331.3688 may be cited as the "Institute for Advanced Space Computing Act."

331.3686 Legislative findings and intent.—The Legislature finds that there is a critical need to invest in the aerospace infrastructure in this state in order to provide new high-wage jobs and long-term revenues for this state. The establishment of an advanced space computing institute to articulate, coordinate, and focus industrial and academic research will forge a path toward applied technology and on to job growth and economic development. The Legislature further finds that enhancing aerospace infrastructure and establishing a focused and market- driven space computing capability for this state will lead to future economic development and diversification and a higher quality of life for its citizens.

331.3687 Institute for advanced space computing.—The term "institute for advanced space computing" or "institute" means an organization established at or in collaboration with one or more universities in this state to accomplish the purposes and objectives of the Institute for Advanced Space Computing Program of the Office of Tourism, Trade, and Economic Development and with which the Florida Space Research Institute has contracted to further those purposes and objectives.

331.3688 The Institute for Advanced Space Computing Program.—

(1) An advanced space computing program is created within the Office of Tourism, Trade, and Economic Development. The program shall have the following purposes and objectives:

(a) Identify and pursue opportunities for university scholars, research scientists and engineers, students, and private businesses to form collaborative partnerships which foster and promote the research required to develop commercially viable, advanced, and innovative technologies and to transfer those technologies to commercial sectors.

(b) Leverage public and private sector funds for personnel, facilities, equipment, and other resources which support the research required to develop commercially viable, advanced, and innovative technologies and to transfer those technologies to commercial sectors.

(c) Recruit and retain world class scholars, high-performing students, and leading scientists and engineers in technology disciplines to engage in research.

(d) Enhance and expand technology curricula and laboratory resources at universities in this state.

(e) Increase the number of high-performing students participating in related technological disciplines, graduating from Florida universities, and pursuing careers in this state.

(f) Stimulate and support the inception, growth, and diversification of technology-based businesses and ventures in this state and increasing employment opportunities for the workforce needed to support such businesses.

(g) Identify an articulation and coordination system for Florida aerospace industries, state government entities, and public and private universities in this state to develop new technologies that are responsive to market needs and to position the state for diversification of its space and defense industries.

(h) Position the state to participate in a growing national space and defense market through the development of technology that enhances mission capability, is responsive to market opportunities, and maintains emerging and embryonic research for long-term market positioning.

(2) The Office of Tourism, Trade, and Economic Development shall contract with the Florida Space Research Institute to assist in implementing the advanced space computing program.

(3) By December 15, 2005, the Florida Space Research Institute shall designate an institute for advanced space computing and develop the institute's plan which fulfills the purposes of ss. 331.3685-331.3688.

(4) The institute plan shall include performance and accountability measures that can be used to assess the progress of implementation, the success of the institute, and the use of state funds received via contract. By February 1, 2006, the Florida Space Research Institute shall provide a copy of the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(5) Beginning July 1, 2006, the Florida Space Research Institute shall prepare an advanced space computing report semiannually and submit it to the Office of Tourism, Trade, and Economic Development.

Section 6. Sections 331.501, 331.502, 331.503, 331.504, 331.505, 331.506, and 331.507, Florida Statutes, are created to read:

331.501 Florida Aerospace Infrastructure Act; popular name.—Sections 331.501-331.507 may be cited as the "Florida Aerospace Infrastructure Act."

331.502 Legislative findings and intent.—The Legislature finds that there is a critical need for capital assistance for aerospace business expansion, economic development, and financing of aerospace infrastructure. The aerospace industry in this state would be assisted by a program established to invest in projects proposed by state and private sector entities that provide clear economic benefit to the state and support the growth of the employment and technology base of the aerospace industry in Florida. It is the intention of the Legislature to provide funding to support the growth of the aerospace industry and related high-technology industries in this state.

331.503 Definitions.—For the purposes of ss. 331.501-331.507, the term:

(1) "Aerospace industry" means the industry concerned with the design and manufacture of aircraft, rockets, missiles, spacecraft, satellites, space vehicles, space stations, or space and defense facilities, or components thereof, and equipment, systems, facilities, simulators, programs, and activities related thereto.

(2) "Board" means the governing board of the Florida Aerospace Finance Corporation.

(3) "Committee" means the Independent Investment Committee created in s. 331.505 to provide investment recommendations to the corporation for implementation.

(4) "Corporation" means the Florida Aerospace Finance Corporation created by s. 331.407.

(5) "Program" means the Florida Aerospace Infrastructure Program created in s. 331.504.

331.504 Florida Aerospace Infrastructure Program.—

(1) The Florida Aerospace Infrastructure Program is created within the Florida Aerospace Finance Corporation to finance needed industry expansion and infrastructure projects which may be proposed by state aerospace-related organizations, the aerospace industry, or the sponsor of any aerospace-related economic development or technology investment activity involving aerospace business expansion and job retention. The program shall support the growth of the aerospace industry and related high-technology industries in this state.

(2) The corporation shall administer the program with recommendations from the committee and subject to adequate due diligence and adherence to investment policies and procedures of the corporation.

(3) The corporation shall ensure that:

(a) Investment recommendations are implemented in accordance with the board's policies and procedures.

(b) An investment account for future investments is established to receive deposits from the Office of Tourism, Trade, and Economic Development or other state, federal, or private entities and to make awards pursuant to program requirements.

(c) The investment portfolio is monitored and reported quarterly to the committee, the corporation, Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development.

(4)(a) The corporation may provide direct loans, loan guarantees, direct grants for advancement of intellectual property, and other investment participation as necessary to ensure success of total financings undertaken.

(b) Investment proposals may not be made for operating expenses for any state activity, but shall be directed to the development of aerospace infrastructure, technology, and intellectual property that advances the capabilities of the aerospace industry in this state.

(c) The corporation shall seek coinvestors in any investment transaction the corporation makes, ensuring that the corporation is not the sole investor in the transaction. The corporation may waive this provision if investment circumstances warrant such waiver.

(d) The corporation shall not commit more than 20 percent of the funds in the investment pool to any single investment.

(e) The corporation shall endeavor to leverage the investment account through use of loan guarantee capabilities of the Small Business Administration and other state and federal guarantee sources.

(f) The corporation shall be reimbursed for reasonable costs of investment and fund administration, including legal, accounting, and other costs necessary to carry out its responsibilities in conducting due diligence and which are not otherwise reimbursed by the companies seeking or receiving investment, as well as those administrative costs incurred by the corporation in providing administrative services to the committee.

(g) The corporation may not pledge or represent that the corporation is authorized to pledge the full faith and credit of the state.

(h) The corporation shall adopt policies and procedures necessary to carry out its responsibilities under ss. 331.501-331.507, particularly with respect to the board's responsibilities in direct lending, loan support, or direct grant or capital investment for projects approved for support by the program. These policies shall be adopted prior to granting awards.

(i) The corporation shall develop an application and review process for investment proposals submitted for consideration by the committee.

(j) The corporation shall ensure that the program is open to aerospace entities that are domiciled in this state or are establishing facilities and infrastructure in the state resulting in employment and economic benefit to this state.

331.505 Independent Investment Committee.—

(1) The Independent Investment Committee is created within the Florida Aerospace Finance Corporation.

(2)(a) The committee shall consist of five voting members as follows:

1. One representative or designee appointed by each of the following:

a. The board of supervisors of the Florida Space Authority.

b. The board of directors of Enterprise Florida, Inc.

c. The board of directors of the Florida Aerospace Finance Corporation.

2. Two representatives of the aerospace industry appointed by the Governor.

(b) Each voting member shall serve a 3-year term and, except for the initial terms which shall begin upon appointment and terminate on June 30, 2008, shall begin on July 1. Members appointed pursuant to subparagraph (a)1. shall serve at the pleasure of the appointing authority. Members appointed pursuant to subparagraph (a)2. shall serve at the pleasure of the Governor. Initial appointments shall be made no later than 60 days after July 1, 2005.

(c) Committee members, if employed full time by any entity that applies for financial support, must disclose their related interest and recuse themselves from voting on that project.

(d) All members must be residents of the state.

(e) All members must have an investment, banking, or aerospace industry background.

(f) Committee members shall serve without compensation but may be reimbursed for travel and per diem expenses incurred in the performance of board business and in accordance with policies and procedures established by the corporation's board and s. 112.061.

(3) The committee shall:

(a) Recommend evaluation criteria and monitoring requirements for proposals submitted to the program.

(b) Recommend investment guidelines which ensure each proposed project is judged on its merit, its perceived need, and the investment return, benefit, or overall value to the aerospace industry capability, employment, technology, or infrastructure.

(c) Receive proposals from any of the state aerospace entities, entities involved in economic development activities, or Florida-based aerospace corporations.

(d) Review proposals and make recommendations to the corporation.

(e) Review progress reports resulting from projects approved by the corporation.

(f) Recommend and assist the corporation in reviewing, drafting, and executing any contracts or other instruments necessary for the corporation to exercise its powers.

(g) Review whether appropriate investment and retention of the program's capital base or other benefits are realized through the investments of the program, except in the case of a grant or equity investment, which shall be made based on value received by the program.

331.506 Florida Aerospace Finance Corporation; tax-exempt status.—The Florida Aerospace Finance Corporation, as created by s. 331.407, is granted tax-exempt status. The corporation is not required to pay taxes on any project or other property owned by the corporation or upon any resulting income. All notes, mortgages, security agreements, letters of credit, or other instruments that arise out of or are given to

secure the payment of debt issued in conjunction with a project financed under the corporation's authority are also free from taxation by the state or any other local unit, political subdivision, or instrumentality of the state. The tax exemption granted is not applicable to taxes imposed on interest, income, or profits on debt obligations owned by the corporation.

331.507 Annual report.—By December 31 of each year, the corporation shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report on the Florida Aerospace Infrastructure Program in accordance with s. 331.419 and setting forth:

(1) An evaluation of its activities and recommendations for change.

(2) The program's impact on the participation of private banks and other private organizations and individuals in the corporation's financing programs, and other economic and social benefits to businesses in this state.

(3) The program's assets and liabilities at the end of its most recent fiscal year.

Section 7. *The Office of Tourism, Trade, and Economic Development is authorized to expend funds from Fiscal Year 2005-2006 appropriations to implement the provisions of this act.*

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

Section 9. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the aerospace industry; creating the Commission on the Future of Space in Florida; providing for membership and organization of the commission; providing procedures for action by the commission; authorizing the commission to appoint an executive director; providing for administrative and staff assistance from the Office of Tourism, Trade, and Economic Development; providing for compensation of consultants; providing duties of the commission; requiring the commission to identify, examine, and review certain information related to aerospace and the aerospace industry; authorizing the commission to appoint technical advisory committees; authorizing reimbursement of travel expenses; requiring a certain number of meetings in various regions of the state; directing certain agencies and requesting other agencies to render assistance and cooperation; requiring preliminary and final reports; requiring the Office of Tourism, Trade, and Economic Development to prepare legislative recommendations consistent with the report; abolishing the commission; providing an expiration date; providing appropriations; creating s. 68.066, F.S.; providing requirements for actions based upon use of a creation that is not protected under federal copyright law; amending s. 331.405, F.S.; revising the definition of "aerospace" for purposes of provisions relating to the Florida Aerospace Finance Corporation; creating s. 196.1999, F.S.; providing for an exemption from ad valorem taxes for certain space laboratories and cargo carriers; providing for retroactive application; creating ss. 331.3685, 331.3686, 331.3687, and 331.3688, F.S.; providing a popular name; providing legislative findings and intent; providing a definition; creating the Institute for Advanced Space Computing Program within the Office of Tourism, Trade, and Economic Development; providing purposes and objectives; requiring the office to contract with the Florida Space Research Institute to assist in implementing the program; requiring the institute to designate an institute for advanced space computing and develop and approve a plan for allocating state appropriations for certain purposes; specifying plan requirements; requiring the institute to provide a copy of the plan to the Governor and Legislature; requiring a semiannual report to the office; creating ss. 331.501, 331.502, 331.503, 331.504, 331.505, 331.506, and 331.507, F.S.; providing a popular name; providing legislative findings and intent; providing definitions; creating the Florida Aerospace Infrastructure Investment Program within the Florida Aerospace Finance Corporation; providing purposes; providing for funding the program; requiring the corporation to administer the program; providing requirements; providing the corporation with investment authorizations, criteria, requirements, and limitations; creating the Independent Investment Committee within the corporation; providing purposes of the committee; providing for appointment of committee members and criteria; providing for terms; requiring members to serve without compensation; providing for reimbursement of per diem and travel expenses; providing committee responsibilities; specifying tax-exempt status of the corporation; exempting the corporation from all state and local taxes; providing an exception; requiring the corporation to prepare and submit annual reports; providing requirements for such reports; authorizing the Office of Tourism, Trade, and Economic Development to expend certain funds; providing for severability; providing an effective date.

On motion by Senator King, the Senate refused to concur in the House amendment to **CS for CS for CS for SB 1026** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1910, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1910—A bill to be entitled An act relating to workforce innovation; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determing eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; creating the Florida Youth Summer Jobs Pilot Program; providing eligibility requirements for program participants and public employers; requiring the program to be administered by a regional workforce board in consultation with Workforce Florida, Inc.; providing employment and educational requirements; requiring the regional workforce board to make an annual report; providing certain uses for program funds; providing an effective date.

House Amendment 1 (066877)(with title amendment)—On page 10, between lines 6 and 7, insert:

Section 3. Paragraph (d) is added to subsection (2) and paragraph (q) is added to subsection (3) of section 95.11, Florida Statutes, to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(2) WITHIN FIVE YEARS.—

(d) An action alleging a willful violation of s. 448.110.

(3) WITHIN FOUR YEARS.—

(q) An action alleging a violation, other than a willful violation, of s. 448.110.

Section 4. Section 448.110, Florida Statutes, is created to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(1) This section may be cited as the "Florida Minimum Wage Act."

(2) The purpose of this section is to provide measures appropriate for the implementation of s. 24, Art. X of the State Constitution, in accordance with authority granted to the Legislature pursuant to s. 24(f), Art. X of the State Constitution.

(3) Effective May 2, 2005, employers shall pay employees a minimum wage at an hourly rate of $6.15 for all hours worked in Florida. Only those individuals entitled to receive the federal minimum wage under the

federal Fair Labor Standards Act and its implementing regulations shall be eligible to receive the state minimum wage pursuant to s. 24, Art. X of the State Constitution and this section. The provisions of ss. 213 and 214 of the federal Fair Labor Standards Act, as interpreted by applicable federal regulations and implemented by the Secretary of Labor, are incorporated herein.

(4)(a) Beginning September 30, 2005, and annually on September 30 thereafter, the Agency for Workforce Innovation shall calculate an adjusted state minimum wage rate by increasing the state minimum wage by the rate of inflation for the 12 months prior to September 1. In calculating the adjusted state minimum wage, the agency shall use the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for the South Region, or a successor index as calculated by the United States Department of Labor. Each adjusted state minimum wage rate shall take effect on the following January 1, with the initial adjusted minimum wage rate to take effect on January 1, 2006.

(b) The Agency for Workforce Innovation and the Department of Revenue shall annually publish the amount of the initial and adjusted state minimum wage, as applicable, and the effective date. Publication shall occur by posting the adjusted state minimum wage rate and the effective date on the Internet home pages of the agency and the department by October 15 of each year. In addition, to the extent funded in the General Appropriations Act, the agency shall provide written notice of the rate and the effective date of the adjusted state minimum wage to all employers registered in the most current unemployment compensation database. Such notice shall be mailed by November 15 of each year using the addresses included in the database. Employers are responsible for maintaining current address information in the unemployment compensation database. The agency shall not be responsible for failure to provide notice due to incorrect or incomplete address information in the database. The agency shall provide the Department of Revenue with the state minimum wage rate information and effective date in a timely manner.

(5) It shall be unlawful for an employer or any other party to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected pursuant to s. 24, Art. X of the State Constitution. Rights protected include, but are not limited to, the right to file a complaint or inform any person of his or her potential rights pursuant to s. 24, Art. X of the State Constitution and to assist him or her in asserting such rights.

(6)(a) Any person aggrieved by a violation of this section may bring a civil action in a court of competent jurisdiction against an employer violating this section or a party violating subsection (5). However, prior to bringing any claim for unpaid minimum wages pursuant to this section, the person aggrieved shall notify the employer alleged to have violated this section, in writing, of an intent to initiate such an action. The notice must identify the minimum wage to which the person aggrieved claims entitlement, the actual or estimated work dates and hours for which payment is sought, and the total amount of alleged unpaid wages through the date of the notice.

(b) The employer shall have 15 calendar days after receipt of the notice to pay the total amount of unpaid wages or otherwise resolve the claim to the satisfaction of the person aggrieved. The statute of limitations for bringing an action pursuant to this section shall be tolled during this 15-day period. If the employer fails to pay the total amount of unpaid wages or otherwise resolve the claim to the satisfaction of the person aggrieved, then the person aggrieved may bring a claim for unpaid minimum wages, the terms of which must be consistent with the contents of the notice.

(c)1. Upon prevailing in an action brought pursuant to this section, aggrieved persons shall recover the full amount of any unpaid back wages unlawfully withheld plus the same amount as liquidated damages and shall be awarded reasonable attorney's fees and costs. As provided under the Fair Labor Standards Act, pursuant to s. 11 of the Portal-to-Portal Act of 1947, 29 U.S.C. s. 260, if the employer proves by a preponderance of the evidence that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that his or her act or omission was not a violation of s. 24, Art. X of the State Constitution, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed an amount equal to the amount of unpaid minimum wages. The court shall not award any economic damages on a claim for unpaid minimum wages not expressly authorized in this section.

2. Upon prevailing in an action brought pursuant to this section, aggrieved persons shall also be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement in employment and injunctive relief. However, any entitlement to legal or equitable relief in an action brought under s. 24, Art. X of the State Constitution shall not include punitive damages.

(d) Any civil action brought under s. 24, Art. X of the State Constitution and this section shall be subject to s. 768.79.

(7) The Attorney General may bring a civil action to enforce this section. The Attorney General may seek injunctive relief. In addition to injunctive relief, or in lieu thereof, for any employer or other person found to have willfully violated this section, the Attorney General may seek to impose a fine of $1,000 per violation, payable to the state.

(8) The statute of limitations for an action brought pursuant to this section shall be 4 years from the date the alleged violation occurred, except that in an action alleging a willful violation the statute of limitations shall be 5 years from the date the alleged violation occurred.

(9) Actions brought pursuant to this section may be brought as a class action pursuant to Rule 1.220, Florida Rules of Civil Procedure. In any class action brought pursuant to this section, the plaintiffs shall prove, by a preponderance of the evidence, the individual identity of each class member and the individual damages of each class member.

(10) This section shall constitute the exclusive remedy under state law for violations of s. 24, Art. X of the State Constitution.

(11) Except for calculating the adjusted state minimum wage and publishing the initial state minimum wage and any annual adjustments thereto, the authority of the Agency for Workforce Innovation in implementing s. 24, Art. X of the State Constitution, pursuant to this section, shall be limited to that authority expressly granted by the Legislature.

Section 5. *Sections 448.01-448.110, Florida Statutes, are designated as part I of chapter 448, Florida Statutes, and entitled "Terms and Conditions of Employment."*

Section 6. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect the other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

And the title is amended as follows:

On page 1, line 29, after the semicolon, insert:

amending s. 95.11, F.S.; providing periods of limitations on actions for violations of the Florida Minimum Wage Act; creating s. 448.110, F.S., the Florida Minimum Wage Act; providing legislative intent to implement s. 24, Art. X of the State Constitution in accordance with authority granted to the Legislature therein; requiring employers to pay certain employees a minimum wage for all hours worked in Florida; incorporating provisions of the federal Fair Labor Standards Act; requiring the minimum wage to be adjusted annually; providing a formula for calculating such adjustment; requiring the Agency for Workforce Innovation and the Department of Revenue to annually publish the amount of the initial and adjusted minimum wage; providing criteria for posting; requiring the agency to provide written notice to certain employers; providing a deadline for the notice to be mailed; providing that employers are responsible for maintaining their current addresses with the agency; requiring the agency to provide the department with certain information; prohibiting discrimination or adverse action against persons exercising constitutional rights under s. 24, Art. X of the State Constitution; providing for civil action by aggrieved persons; requiring aggrieved persons bringing civil actions to provide written notice to their employers alleged to have violated the act; providing information that must be included in the notice; providing a deadline by which an employer alleged to have violated the act must pay the unpaid wages in question or resolve the claim to the aggrieved person's satisfaction; providing a statute of limitations period; providing that aggrieved persons who prevail in their actions may be entitled to liquidated damages and reasonable attorney's fees and costs; authorizing additional legal or equitable relief for aggrieved persons who prevail in such actions; providing that punitive damages may not be awarded; providing that actions brought under the act are subject to s. 768.79, F.S.; authorizing the Attorney General to bring a civil action and seek injunctive relief; providing a fine;

providing statutes of limitations; authorizing class actions; declaring the act the exclusive remedy under state law for violations of s. 24, Art. X of the State Constitution; providing for implementation measures; designating ss. 448.01-448.110, F.S., as part I of ch. 448, F.S.; providing a part title; providing for severability;

On motion by Senator King, the Senate refused to concur in the House amendment to **CS for CS for SB 1910** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 926, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 926—A bill to be entitled An act relating to growth management; creating part II of ch. 171, F.S.; providing a popular name; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or independent special districts; specifying the procedures for initiating an agreement and responding to a proposal for agreements; identifying issues the agreement may address; requiring local governments that are a party to the agreement to amend their comprehensive plans; providing limitations on the review of certain ordinances; providing exception to the limitation on plan amendments; specifying those persons who may challenge a plan amendment required by the agreement; requiring that an agreement be adopted by resolution; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary area agreement on the parties to the agreement; providing for a transfer of powers; authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect on interlocal agreements and county charters; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; amending s. 171.042, F.S.; revising the time period for filing of a report; providing for a cause of action to invalidate an annexation; requiring municipalities to provide notice of proposed annexation to certain persons; amending s. 171.044, F.S.; revising the time period for providing a copy of a notice; providing for a cause of action to invalidate an annexation; creating s. 171.094, F.S.; providing for the effect of interlocal service boundary agreements adopted under the act; amending s. 171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; amending s. 163.01, F.S.; providing for the place of filing an interlocal agreement in certain circumstances; amending s. 164.1058, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; requesting the Division of Statutory Revision to designate parts I and II of ch. 171, F.S.; providing an effective date.

House Amendment 1 (551315)(with title amendment)—On page 3, before line 1, insert:

Section 1. Subsections (2) and (4) of section 171.044, Florida Statutes, are amended to read:

171.044 Voluntary annexation.—

(2) Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property *on an expedited basis* and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said notice shall be posted for 4 consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which *set forth verbatim* ~~provide for~~ an exclusive method *for expedited* ~~of~~ municipal annexation *or to municipalities in counties in which expedited annexation procedures in the county charter were approved by a countywide planning council consisting of representatives of local governments within the county prior to a referendum vote amending the charter to permit expedited annexation procedures to be established by county ordinance*.

And the title is amended as follows:

On page 1, line 2, remove: all of said line and insert:

An act relating to growth management; amending s. 171.044, F.S.; revising certain voluntary annexation provisions to specify adopting certain ordinances on an expedited basis; expanding an exception to certain application provisions to include certain municipalities with certain approved expedited annexation procedures; creating

House Amendment 2 (725521)—On page 7, remove line 18, and insert:

other municipality within the county, and the affected county sheriff. An initiating

House Amendment 3 (889529)—On page 7, remove lines 21-22 and insert:

the county, the invited municipality, if any, each other municipality within the county, and the affected county sheriff.

House Amendment 4 (185701)(with title amendment)—On page 25, lines 10 and 11, remove: all of said lines and insert:

Section 9. Subsection (6) of section 479.106, Florida Statutes, is amended to read:

479.106 Vegetation management *and view zone*.—

(6) Beautification projects*, trees, or other vegetation* shall not be *planted or* located in *the view zone of* ~~an area which will screen from view~~ legally erected and permitted outdoor advertising signs which have been permitted prior to the date of the beautification project *or other planting, where such planting will, at the time of planting or after future growth, screen such sign from view. For the State Highway System and expressways, whether or not annexed into the jurisdiction of a municipality, the view zone shall consist of 500 linear feet within the first 1,000 feet as measured along the edge of the pavement in the direction of approaching traffic from a point on the edge of the pavement perpendicular to the edge of the sign facing nearest the highway. For the State Highway System and expressways, whether or not annexed into the jurisdiction of a municipality, the view zone shall be a continuous 500 linear feet unless interrupted by existing, naturally occurring vegetation. The department and the sign owner may enter into an agreement identifying the specific location of the view zone for each sign facing. In the absence of such agreement, the view zone shall be defined as the first continuous 500 linear feet from the sign. Any governmental entity or other party violating this provision shall pay to the sign owner a penalty equal to the lesser of the revenue from the sign lost during the time of the screening or the fair market value of the sign*.

Section 10. Section 479.25, Florida Statutes, is amended to read:

479.25 Application of chapter*; local government permitting.—The owner of a lawfully erected sign that is governed by and conforms to state and federal requirements for land use, size, height, and spacing may increase the height above ground level of such sign* ~~This chapter does not prevent a governmental entity from entering into an agreement allowing the height above ground level of a lawfully erected sign to be increased~~ at its permitted location if a noise-attenuation barrier~~, visibility screen, or other highway improvement~~ is *permitted by or* erected *by any governmental entity* in such a way as to screen or block visibility of the sign. ~~However, if a nonconforming sign is located on the federal-aid primary~~

~~highway system, as such system existed on June 1, 1991, or on any highway that was not a part of such system as of that date but that is or becomes after June 1, 1991, a part of the National Highway System, the agreement must be approved by the Federal Highway Administration.~~ Any increase in height permitted under this section may only be the increase in height which is required to achieve the same degree of visibility from the right-of-way which the sign had prior to the construction of the noise-attenuation barrier, *notwithstanding the restrictions contained in s. 479.07(9)(b). A sign reconstructed under this section shall comply with the building standards and wind load requirements set forth in the Florida Building Code. A local government or local jurisdiction must issue the permits required for the reconstruction of a sign under this section, notwithstanding any provision to the contrary contained in the ordinances or land development regulations of the local government or local jurisdiction or, if the local government or local jurisdiction refuses to issue the required permits for reconstruction of a sign under this section, the sign may not be reconstructed and the local government or local jurisdiction must pay just compensation to the owner of the sign* ~~visibility screen, or other highway improvement~~.

Section 11. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 2, line 28, remove: all of said line and insert:

of ch. 171, F.S.; amending s. 479.106, F.S.; revising provisions relating to the proximity of vegetation and beautification projects to outdoor advertising signs; specifying distances which constitute a view zone on the State Highway System and expressways for outdoor advertising signs; authorizing the Department of Transportation and owners of outdoor advertising signs to enter into agreements identifying view zone locations; requiring governmental entities and other violators to pay for lost revenues or sign market values for violation of view zone requirements; amending s. 479.25, F.S.; allowing permitted, conforming, lawfully erected outdoor advertising signs to be increased in height if visibility is blocked due to construction of specified noise attenuation barriers; requiring sign reconstruction to meet Florida Building Code requirements; requiring the issuance of local permits for the reconstruction of signs notwithstanding local ordinances or land development regulations to the contrary; requiring local governments or local jurisdictions to pay just compensation for refusal to issue a reconstruction permit; providing an effective date.

On motion by Senator Constantine, the Senate concurred in **House Amendments 2** and **3** and refused to concur in **House Amendments 1** and **4** and the House was requested to recede.

CS for CS for SB 926 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 1520, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 1520—A bill to be entitled An act relating to consumer protection; amending s. 493.6303, F.S.; revising training requirements for obtaining a Class "D" license; requiring a minimum number of hours of training in terrorism awareness or other training prescribed by the Department of Agriculture and Consumer Services; providing a timeframe for submitting proof of having completed the training; revising the number of training hours required; amending s. 501.059, F.S.; prohibiting the transmission of facsimile documents under certain circumstances; amending s. 501.142, F.S.; providing that the regulation of refunds in retail sales establishments is preempted by the Department of Agriculture and Consumer Services; authorizing the department to adopt rules; authorizing the department to enter orders for certain violations; requiring that any moneys recovered by the department as a penalty be deposited in the General Inspection Trust Fund; authorizing a local government to impose penalties; amending s. 506.5131, F.S.; revising fees, fines, and costs assessed against the owner of a shopping cart; repealing s. 526.3135, F.S., relating to reports of the Division of Standards of the Department of Agriculture and Consumer Services; repealing ss. 546.001, 546.002, 546.003, 546.004, 546.006, and 546.008, F.S., relating to the "Amusement Ride and Attraction Insurance Act"; amending s. 559.801, F.S.; redefining the term "business opportunity" for purposes of the "Sale of Business Opportunities Act"; amending s. 559.920, F.S.; redefining actions by motor vehicle repair shops or employees which are unlawful; amending s. 559.927, F.S.; defining the term "travel club" for the purpose of part XI of ch. 559, F.S., relating to sellers of travel; amending s. 559.928, F.S.; revising information to be submitted for registration as a seller of travel and information submitted by independent agents; requiring the payment of an annual fee; amending s. 616.242, F.S.; exempting certain governmental entities from a requirement to maintain liability protection covering amusement rides; amending s. 849.094, F.S.; redefining the term "operator" for purposes of the regulation of game promotions; providing requirements relating to disclosure of the rules and regulations of a game promotion; amending s. 849.161, F.S.; providing that the chapter does not apply to amusement games or machines which operate by the insertion of a coin or other currency; directing the State Technology Office to integrate additional features into the state's official Internet website; directing the State Technology Office to integrate information concerning the Florida 211 Network into the state's official Internet website; amending s. 570.544, F.S.; designating the Division of Consumer Services within the Department of Agriculture and Consumer Services as the state clearinghouse for matters relating to consumer protection, consumer information, and consumer services; deleting reporting requirements; providing for implementation; providing effective dates.

House Amendment 1 (410325)(with title amendment)—On page 14, lines 12 through 14, remove: all of said lines and insert:

affidavit with the department prior to engaging in business in this state. This

And the title is amended as follows:

On page 2, line 13, remove: all of said line and insert: agents;

On motion by Senator Lynn, the Senate concurred in the House amendment.

CS for CS for CS for SB 1520 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith

Villalobos Wilson Wise
Webster

Nays—None

BILLS ON THIRD READING

On motion by Senator Peaden, by unanimous consent—

CS for CS for SB 838—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide a business case demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; allowing dispensing practitioners to participate in Medicaid; requiring that the agency implement a Medicaid prescription-drug-management system; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; authorizing the agency to pay for emergency mental health services provided through licensed crisis-stabilization facilities; creating s. 409.91211, F.S.; specifying waiver authority for the Agency for Health Care Administration to establish a Medicaid reform program contingent on federal approval to preserve the upper-payment-limit finding mechanism for hospitals and contingent on protection of the disproportionate share program authorized pursuant to ch. 409, F.S.; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency submit any waivers to the Legislature for approval before implementation; allowing the agency to develop rules; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation and authorizing positions to implement this act; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General and the Auditor General, to conduct a study to examine whether state and federal dollars are lost due to fraud and abuse in the Medicaid prescription drug program; providing duties; requiring that a report with findings and recommendations be submitted to the Governor and the Legislature by a specified date; providing an effective date.

—as amended May 3 was taken up out of order and read the third time by title.

SENATOR VILLALOBOS PRESIDING

Amendments were considered and adopted to conform **CS for CS for SB 838** to **HCB 6003 (for HB's 1869, 1871, 1873, 1875)**.

Pending further consideration of **CS for CS for SB 838** as amended, on motion by Senator Peaden, by two-thirds vote **HCB 6003 (for HB's 1869, 1871, 1873, 1875)** was withdrawn from the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

On motion by Senator Peaden, the rules were waived and by two-thirds vote—

HCB 6003 (for HB's 1869, 1871, 1873, 1875)—A bill to be entitled An act relating to Medicaid reform; providing a popular name; providing legislative findings and intent; providing waiver authority to the Agency for Health Care Administration; providing for implementation of demonstration projects; providing definitions; identifying categorical groups for eligibility under the waiver; establishing the choice counseling process; providing for disenrollment in a plan during a specified period of time; providing conditions for changes; requiring managed care plans to include mandatory Medicaid services; requiring managed care plans to provide a wellness and disease management program, pharmacy benefits, behavioral health care benefits, and a grievance resolution process; authorizing the agency to establish enhanced benefit coverage and providing procedures therefor; establishing flexible spending accounts; providing for cost sharing by recipients, and requirements; requiring the agency to submit a report to the Legislature relating to enforcement of Medicaid copayment requirements and other measures; providing for the agency to establish a catastrophic coverage fund or purchase stop-loss coverage to cover certain services; requiring a managed care plan to have a certificate of operation from the agency before operating under the waiver; providing certification requirements; providing for reimbursement of provider service networks; providing an exemption from competitive bid requirements for provider service networks under certain circumstances; providing for continuance of contracts previously awarded for a specified period of time; requiring the agency to have accountability and quality assurance standards; requiring the agency to establish a medical care database; providing data collection requirements; requiring certain entities certified to operate a managed care plan to comply with ss. 641.3155 and 641.513, F.S.; providing for the agency to develop a rate setting and risk adjustment system; authorizing the agency to allow recipients to opt out of Medicaid and purchase health care coverage through an employer-sponsored insurer; requiring the agency to apply and enforce certain provisions of law relating to Medicaid fraud and abuse; providing penalties; requiring the agency to develop a reimbursement system for school districts participating in the certified school match program; providing for integrated fixed payment delivery system for Medicaid recipients who are a certain age; authorizing the agency to implement the system in certain counties; providing exceptions; requiring the agency to provide a choice of managed care plans to recipients; providing requirements for managed care plans; requiring the agency to withhold certain funding contingent upon the performance of a plan; requiring the plan to rebate certain profits to the agency; authorizing the agency to limit the number of enrollees in a plan under certain circumstances; providing for eligibility determination and choice counseling for persons who are a certain age; requiring the agency to evaluate the medical loss ratios of certain managed care plans; authorizing the agency to adopt rules for minimum loss ratios; providing for imposition of liquidated damages; authorizing the agency to grant a modification of certificate-of-need conditions to nursing homes under certain circumstances; requiring integration of Medicare and Medicaid services; providing legislative intent; providing for awarding of funds for managed care delivery system development, contingent upon an appropriation; requiring the Office of Program Policy Analysis and Government Accountability conduct a study of the feasibility of establishing a Medicaid buy-in program for certain non-Medicaid eligible persons; requiring the office to submit a report to the Legislature; providing applicability; granting rulemaking authority to the agency; requiring legislative authority to implement the waiver; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the Medicaid reform waiver and issue reports; requiring the agency to submit

status reports; requiring the agency to contract for certain evaluation comparisons; providing for future review and repeal of the act; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation for the purpose of contracting to monitor and evaluate clinical practice patterns; providing an appropriation for the purpose of contracting for the database to review real-time utilization of Medicaid services; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing appropriations; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 838** as amended and read the second time by title.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senators Peaden, Carlton, Saunders, Atwater, Campbell and Rich offered the following amendment which was moved by Senator Peaden:

Amendment 1 (283104)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. *The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization.* The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. *The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care.* The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. *The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913.* The agency *may* ~~is authorized to~~ seek federal waivers necessary to *administer these policies* ~~implement this policy~~.

(1) The agency shall work with the Department of Children and Family Services to ensure access of children and families in the child protection system to needed and appropriate mental health and substance abuse services.

(2) The agency may enter into agreements with appropriate agents of other state agencies or of any agency of the Federal Government and

accept such duties in respect to social welfare or public aid as may be necessary to implement the provisions of Title XIX of the Social Security Act and ss. 409.901-409.920.

(3) The agency may contract with health maintenance organizations certified pursuant to part I of chapter 641 for the provision of services to recipients.

(4) The agency may contract with:

(a) An entity that provides no prepaid health care services other than Medicaid services under contract with the agency and which is owned and operated by a county, county health department, or county-owned and operated hospital to provide health care services on a prepaid or fixed-sum basis to recipients, which entity may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services entities must be licensed under parts I and III by January 1, 1998, and until then are exempt from the provisions of part I of chapter 641. An entity recognized under this paragraph which demonstrates to the satisfaction of the Office of Insurance Regulation of the Financial Services Commission that it is backed by the full faith and credit of the county in which it is located may be exempted from s. 641.225.

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must be licensed under chapter 624, chapter 636, or chapter 641 and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody prior to enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a managed care plan in an AHCA area. Each entity must offer sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph shall require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations, to be expended for the provision of behavioral health care services. In the event the managed care plan expends less than 80 percent of the capitation paid pursuant to this paragraph for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the managed care plan with a certification letter indicating the amount of capitation paid during each calendar year for the provision of behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations shall be eligible to compete. Managed care plans contracting with the agency under subsection (3) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider shall not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. For fiscal year 2004-2005, all Medicaid eligible children, except children in areas 1 and 6, whose cases are open for child welfare services in the HomeSafeNet system, shall be enrolled in MediPass or in Medicaid fee-for-service and all their behavioral health care services including inpatient, outpatient psychiatric, community mental health, and case management shall be reimbursed on a fee-for-service basis. Beginning July 1, 2005, such children, who are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies either through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms

to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency is authorized to seek any federal waivers to implement this initiative.

(c) A federally qualified health center or an entity owned by one or more federally qualified health centers or an entity owned by other migrant and community health centers receiving non-Medicaid financial support from the Federal Government to provide health care services on a prepaid or fixed-sum basis to recipients. Such prepaid health care services entity must be licensed under parts I and III of chapter 641, but shall be prohibited from serving Medicaid recipients on a prepaid basis, until such licensure has been obtained. However, such an entity is exempt from s. 641.225 if the entity meets the requirements specified in subsections (17) and (18).

(d) A provider service network may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. *Any contract previously awarded to a provider service network operated by a hospital pursuant to this subsection shall remain in effect for a period of 3 years following the current contract-expiration date, regardless of any contractual provisions to the contrary. A provider service network is a network established or organized and operated by a health care provider, or group of affiliated health care providers, which provides a substantial proportion of the health care items and services under a contract directly through the provider or affiliated group of providers and may make arrangements with physicians or other health care professionals, health care institutions, or any combination of such individuals or institutions to assume all or part of the financial risk on a prospective basis for the provision of basic health services by the physicians, by other health professionals, or through the institutions. The health care providers must have a controlling interest in the governing body of the provider service network organization.*

(e) An entity that provides only comprehensive behavioral health care services to certain Medicaid recipients through an administrative services organization agreement. Such an entity must possess the clinical systems and operational competence to provide comprehensive health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. Any contract awarded under this paragraph must be competitively procured. The agency must ensure that Medicaid recipients have available the choice of at least two managed care plans for their behavioral health care services.

(f) An entity that provides in-home physician services to test the cost-effectiveness of enhanced home-based medical care to Medicaid recipients with degenerative neurological diseases and other diseases or disabling conditions associated with high costs to Medicaid. The program shall be designed to serve very disabled persons and to reduce Medicaid reimbursed costs for inpatient, outpatient, and emergency department services. The agency shall contract with vendors on a risk-sharing basis.

(g) Children's provider networks that provide care coordination and care management for Medicaid-eligible pediatric patients, primary care, authorization of specialty care, and other urgent and emergency care through organized providers designed to service Medicaid eligibles under age 18 and pediatric emergency departments' diversion programs. The networks shall provide after-hour operations, including evening and weekend hours, to promote, when appropriate, the use of the children's networks rather than hospital emergency departments.

(h) An entity authorized in s. 430.205 to contract with the agency and the Department of Elderly Affairs to provide health care and social services on a prepaid or fixed-sum basis to elderly recipients. Such prepaid health care services entities are exempt from the provisions of part I of chapter 641 for the first 3 years of operation. An entity recognized under this paragraph that demonstrates to the satisfaction of the Office of Insurance Regulation that it is backed by the full faith and credit of one or more counties in which it operates may be exempted from s. 641.225.

(i) A Children's Medical Services Network, as defined in s. 391.021.

(5) *By December 1, 2005, the Agency for Health Care Administration, in partnership with the Department of Elderly Affairs, shall create an integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The Agency for Health Care Administration shall implement the integrated system initially on a pilot basis in two areas of the state. In one of the areas enrollment shall be on a voluntary basis. The program must transfer all Medicaid services for eligible elderly individuals who choose to participate into an integrated-care management model designed to serve Medicaid recipients in the community. The program must combine all funding for Medicaid services provided to individuals 60 years of age or older into the integrated system, including funds for Medicaid home and community-based waiver services; all Medicaid services authorized in ss. 409.905 and 409.906, excluding funds for Medicaid nursing home services unless the agency is able to demonstrate how the integration of the funds will improve coordinated care for these services in a less costly manner; and Medicare coinsurance and deductibles for persons dually eligible for Medicaid and Medicare as prescribed in s. 409.908(13).*

(a) Individuals who are 60 years of age or older and enrolled in the the developmental disabilities waiver program, the family and supported-living waiver program, the project AIDS care waiver program, the traumatic brain injury and spinal cord injury waiver program, the consumer-directed care waiver program, and the program of all-inclusive care for the elderly program, and residents of institutional care facilities for the developmentally disabled, must be excluded from the integrated system.

(b) The program must use a competitive-procurement process to select entities to operate the integrated system. Entities eligible to submit bids include managed care organizations licensed under chapter 641, including entities eligible to participate in the nursing home diversion program, other qualified providers as defined in s. 430.703(7), community care for the elderly lead agencies, and other state-certified community service networks that meet comparable standards as defined by the agency, in consultation with the Department of Elderly Affairs and the Office of Insurance Regulation, to be financially solvent and able to take on financial risk for managed care. Community service networks that are certified pursuant to the comparable standards defined by the agency are not required to be licensed under chapter 641.

(c) The agency must ensure that the capitation-rate-setting methodology for the integrated system is actuarially sound and reflects the intent to provide quality care in the least-restrictive setting. The agency must also require integrated-system providers to develop a credentialing system for service providers and to contract with all Gold Seal nursing homes, where feasible, and exclude, where feasible, chronically poor-performing facilities and providers as defined by the agency. The integrated system must provide that if the recipient resides in a noncontracted residential facility licensed under chapter 400 at the time the integrated system is initiated, the recipient must be permitted to continue to reside in the noncontracted facility as long as the recipient desires. The integrated system must also provide that, in the absence of a contract between the integrated-system provider and the residential facility licensed under chapter 400, current Medicaid rates must prevail. The agency and the Department of Elderly Affairs must jointly develop procedures to manage the services provided through the integrated system in order to ensure quality and recipient choice.

(d) Within 24 months after implementation, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, shall comprehensively evaluate the pilot project for the integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The evaluation must include assessments of cost savings; consumer education, choice, and access to services; coordination of care; and quality of care. The evaluation must describe administrative or legal barriers to the implementation and operation of the pilot program and include recommendations regarding statewide expansion of the pilot program. The office shall submit an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than June 30, 2008.

(e) The agency may seek federal waivers and adopt rules as necessary to administer the integrated system. The agency must receive specific authorization from the Legislature prior to implementing the waiver for the integrated system. ~~By October 1, 2003, the agency and the department shall, to the extent feasible, develop a plan for implementing new Medicaid procedure codes for emergency and crisis care, supportive residential services, and other services designed to maximize the use of Medicaid funds for Medicaid-eligible recipients. The agency shall include in the agreement developed pursuant to subsection (4) a provision that ensures that the match requirements for these new procedure codes are met by certifying eligible general revenue or local funds that are currently expended on these services by the department with contracted alcohol, drug abuse, and mental health providers. The plan must describe specific procedure codes to be implemented, a projection of the number of procedures to be delivered during fiscal year 2003-2004, and a financial analysis that describes the certified match procedures, and accountability mechanisms, projects the earnings associated with these procedures, and describes the sources of state match. This plan may not be implemented in any part until approved by the Legislative Budget Commission. If such approval has not occurred by December 31, 2003, the plan shall be submitted for consideration by the 2004 Legislature.~~

(6) The agency may contract with any public or private entity otherwise authorized by this section on a prepaid or fixed-sum basis for the provision of health care services to recipients. An entity may provide prepaid services to recipients, either directly or through arrangements with other entities, if each entity involved in providing services:

(a) Is organized primarily for the purpose of providing health care or other services of the type regularly offered to Medicaid recipients;

(b) Ensures that services meet the standards set by the agency for quality, appropriateness, and timeliness;

(c) Makes provisions satisfactory to the agency for insolvency protection and ensures that neither enrolled Medicaid recipients nor the agency will be liable for the debts of the entity;

(d) Submits to the agency, if a private entity, a financial plan that the agency finds to be fiscally sound and that provides for working capital in the form of cash or equivalent liquid assets excluding revenues from Medicaid premium payments equal to at least the first 3 months of operating expenses or $200,000, whichever is greater;

(e) Furnishes evidence satisfactory to the agency of adequate liability insurance coverage or an adequate plan of self-insurance to respond to claims for injuries arising out of the furnishing of health care;

(f) Provides, through contract or otherwise, for periodic review of its medical facilities and services, as required by the agency; and

(g) Provides organizational, operational, financial, and other information required by the agency.

(7) The agency may contract on a prepaid or fixed-sum basis with any health insurer that:

(a) Pays for health care services provided to enrolled Medicaid recipients in exchange for a premium payment paid by the agency;

(b) Assumes the underwriting risk; and

(c) Is organized and licensed under applicable provisions of the Florida Insurance Code and is currently in good standing with the Office of Insurance Regulation.

(8) The agency may contract on a prepaid or fixed-sum basis with an exclusive provider organization to provide health care services to Medicaid recipients provided that the exclusive provider organization meets applicable managed care plan requirements in this section, ss. 409.9122, 409.9123, 409.9128, and 627.6472, and other applicable provisions of law.

(9) The Agency for Health Care Administration may provide cost-effective purchasing of chiropractic services on a fee-for-service basis to Medicaid recipients through arrangements with a statewide chiropractic preferred provider organization incorporated in this state as a not-for-profit corporation. The agency shall ensure that the benefit limits and prior authorization requirements in the current Medicaid program shall apply to the services provided by the chiropractic preferred provider organization.

(10) The agency shall not contract on a prepaid or fixed-sum basis for Medicaid services with an entity which knows or reasonably should know that any officer, director, agent, managing employee, or owner of stock or beneficial interest in excess of 5 percent common or preferred stock, or the entity itself, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere, or guilty, to:

(a) Fraud;

(b) Violation of federal or state antitrust statutes, including those proscribing price fixing between competitors and the allocation of customers among competitors;

(c) Commission of a felony involving embezzlement, theft, forgery, income tax evasion, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or

(d) Any crime in any jurisdiction which directly relates to the provision of health services on a prepaid or fixed-sum basis.

(11) The agency, after notifying the Legislature, may apply for waivers of applicable federal laws and regulations as necessary to implement more appropriate systems of health care for Medicaid recipients and reduce the cost of the Medicaid program to the state and federal governments and shall implement such programs, after legislative approval, within a reasonable period of time after federal approval. These programs must be designed primarily to reduce the need for inpatient care, custodial care and other long-term or institutional care, and other high-cost services.

(a) Prior to seeking legislative approval of such a waiver as authorized by this subsection, the agency shall provide notice and an opportunity for public comment. Notice shall be provided to all persons who have made requests of the agency for advance notice and shall be published in the Florida Administrative Weekly not less than 28 days prior to the intended action.

(b) Notwithstanding s. 216.292, funds that are appropriated to the Department of Elderly Affairs for the Assisted Living for the Elderly Medicaid waiver and are not expended shall be transferred to the agency to fund Medicaid-reimbursed nursing home care.

(12) The agency shall establish a postpayment utilization control program designed to identify recipients who may inappropriately overuse or underuse Medicaid services and shall provide methods to correct such misuse.

(13) The agency shall develop and provide coordinated systems of care for Medicaid recipients and may contract with public or private entities to develop and administer such systems of care among public and private health care providers in a given geographic area.

(14)*(a)* The agency shall operate or contract for the operation of utilization management and incentive systems designed to encourage cost-effective use services.

(b) The agency shall develop a procedure for determining whether health care providers and service vendors can provide the Medicaid program using a business case that demonstrates whether a particular good or service can offset the cost of providing the good or service in an alternative setting or through other means and therefore should receive a higher reimbursement. The business case must include, but need not be limited to:

1. A detailed description of the good or service to be provided, a description and analysis of the agency's current performance of the service, and a rationale documenting how providing the service in an alternative setting would be in the best interest of the state, the agency, and its clients.

2. A cost-benefit analysis documenting the estimated specific direct and indirect costs, savings, performance improvements, risks, and qualitative and quantitative benefits involved in or resulting from providing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions that must be implemented to realize ex-

pected benefits. The Secretary of Health Care Administration shall verify that all costs, savings, and benefits are valid and achievable.

(c) If the agency determines that the increased reimbursement is cost-effective, the agency shall recommend a change in the reimbursement schedule for that particular good or service. If, within 12 months after implementing any rate change under this procedure, the agency determines that costs were not offset by the increased reimbursement schedule, the agency may revert to the former reimbursement schedule for the particular good or service.

(15)(a) The agency shall operate the Comprehensive Assessment and Review for Long-Term Care Services (CARES) nursing facility preadmission screening program to ensure that Medicaid payment for nursing facility care is made only for individuals whose conditions require such care and to ensure that long-term care services are provided in the setting most appropriate to the needs of the person and in the most economical manner possible. The CARES program shall also ensure that individuals participating in Medicaid home and community-based waiver programs meet criteria for those programs, consistent with approved federal waivers.

(b) The agency shall operate the CARES program through an interagency agreement with the Department of Elderly Affairs. The agency, in consultation with the Department of Elderly Affairs, may contract for any function or activity of the CARES program, including any function or activity required by 42 C.F.R. part 483.20, relating to preadmission screening and resident review.

(c) Prior to making payment for nursing facility services for a Medicaid recipient, the agency must verify that the nursing facility preadmission screening program has determined that the individual requires nursing facility care and that the individual cannot be safely served in community-based programs. The nursing facility preadmission screening program shall refer a Medicaid recipient to a community-based program if the individual could be safely served at a lower cost and the recipient chooses to participate in such program. *For individuals whose nursing home stay is initially funded by Medicare and Medicare coverage is being terminated for lack of progress towards rehabilitation, CARES staff shall consult with the person making the determination of progress toward rehabilitation to ensure that the recipient is not being inappropriately disqualified from Medicare coverage. If, in their professional judgment, CARES staff believes that a Medicare beneficiary is still making progress toward rehabilitation, they may assist the Medicare beneficiary with an appeal of the disqualification from Medicare coverage. The use of CARES teams to review Medicare denials for coverage under this section is authorized only if it is determined that such reviews qualify for federal matching funds through Medicaid. The agency shall seek or amend federal waivers as necessary to implement this section.*

(d) For the purpose of initiating immediate prescreening and diversion assistance for individuals residing in nursing homes and in order to make families aware of alternative long-term care resources so that they may choose a more cost-effective setting for long-term placement, CARES staff shall conduct an assessment and review of a sample of individuals whose nursing home stay is expected to exceed 20 days, regardless of the initial funding source for the nursing home placement. CARES staff shall provide counseling and referral services to these individuals regarding choosing appropriate long-term care alternatives. This paragraph does not apply to continuing care facilities licensed under chapter 651 or to retirement communities that provide a combination of nursing home, independent living, and other long-term care services.

(e) By January 15 of each year, the agency shall submit a report to the Legislature and the Office of Long-Term-Care Policy describing the operations of the CARES program. The report must describe:

1. Rate of diversion to community alternative programs;

2. CARES program staffing needs to achieve additional diversions;

3. Reasons the program is unable to place individuals in less restrictive settings when such individuals desired such services and could have been served in such settings;

4. Barriers to appropriate placement, including barriers due to policies or operations of other agencies or state-funded programs; and

5. Statutory changes necessary to ensure that individuals in need of long-term care services receive care in the least restrictive environment.

(f) The Department of Elderly Affairs shall track individuals over time who are assessed under the CARES program and who are diverted from nursing home placement. By January 15 of each year, the department shall submit to the Legislature and the Office of Long-Term-Care Policy a longitudinal study of the individuals who are diverted from nursing home placement. The study must include:

1. The demographic characteristics of the individuals assessed and diverted from nursing home placement, including, but not limited to, age, race, gender, frailty, caregiver status, living arrangements, and geographic location;

2. A summary of community services provided to individuals for 1 year after assessment and diversion;

3. A summary of inpatient hospital admissions for individuals who have been diverted; and

4. A summary of the length of time between diversion and subsequent entry into a nursing home or death.

(g) By July 1, 2005, the department and the Agency for Health Care Administration shall report to the President of the Senate and the Speaker of the House of Representatives regarding the impact to the state of modifying level-of-care criteria to eliminate the Intermediate II level of care.

(16)(a) The agency shall identify health care utilization and price patterns within the Medicaid program which are not cost-effective or medically appropriate and assess the effectiveness of new or alternate methods of providing and monitoring service, and may implement such methods as it considers appropriate. Such methods may include disease management initiatives, an integrated and systematic approach for managing the health care needs of recipients who are at risk of or diagnosed with a specific disease by using best practices, prevention strategies, clinical-practice improvement, clinical interventions and protocols, outcomes research, information technology, and other tools and resources to reduce overall costs and improve measurable outcomes.

(b) The responsibility of the agency under this subsection shall include the development of capabilities to identify actual and optimal practice patterns; patient and provider educational initiatives; methods for determining patient compliance with prescribed treatments; fraud, waste, and abuse prevention and detection programs; and beneficiary case management programs.

1. The practice pattern identification program shall evaluate practitioner prescribing patterns based on national and regional practice guidelines, comparing practitioners to their peer groups. The agency and its Drug Utilization Review Board shall consult with the Department of Health and a panel of practicing health care professionals consisting of the following: the Speaker of the House of Representatives and the President of the Senate shall each appoint three physicians licensed under chapter 458 or chapter 459; and the Governor shall appoint two pharmacists licensed under chapter 465 and one dentist licensed under chapter 466 who is an oral surgeon. Terms of the panel members shall expire at the discretion of the appointing official. The panel shall begin its work by August 1, 1999, regardless of the number of appointments made by that date. The advisory panel shall be responsible for evaluating treatment guidelines and recommending ways to incorporate their use in the practice pattern identification program. Practitioners who are prescribing inappropriately or inefficiently, as determined by the agency, may have their prescribing of certain drugs subject to prior authorization or may be terminated from all participation in the Medicaid program.

2. The agency shall also develop educational interventions designed to promote the proper use of medications by providers and beneficiaries.

3. The agency shall implement a pharmacy fraud, waste, and abuse initiative that may include a surety bond or letter of credit requirement for participating pharmacies, enhanced provider auditing practices, the use of additional fraud and abuse software, recipient management programs for beneficiaries inappropriately using their benefits, and other steps that will eliminate provider and recipient fraud, waste, and abuse.

The initiative shall address enforcement efforts to reduce the number and use of counterfeit prescriptions.

4. By September 30, 2002, the agency shall contract with an entity in the state to implement a wireless handheld clinical pharmacology drug information database for practitioners. The initiative shall be designed to enhance the agency's efforts to reduce fraud, abuse, and errors in the prescription drug benefit program and to otherwise further the intent of this paragraph.

5. By April 1, 2006, the agency shall contract with an entity to design a database of clinical utilization information or electronic medical records for Medicaid providers. This system must be web-based and allow providers to review on a real-time basis the utilization of Medicaid services, including, but not limited to, physician office visits, inpatient and outpatient hospitalizations, laboratory and pathology services, radiological and other imaging services, dental care, and patterns of dispensing prescription drugs in order to coordinate care and identify potential fraud and abuse.

6.~~5.~~ The agency may apply for any federal waivers needed to *administer* ~~implement~~ this paragraph.

(17) An entity contracting on a prepaid or fixed-sum basis shall, in addition to meeting any applicable statutory surplus requirements, also maintain at all times in the form of cash, investments that mature in less than 180 days allowable as admitted assets by the Office of Insurance Regulation, and restricted funds or deposits controlled by the agency or the Office of Insurance Regulation, a surplus amount equal to one-and-one-half times the entity's monthly Medicaid prepaid revenues. As used in this subsection, the term "surplus" means the entity's total assets minus total liabilities. If an entity's surplus falls below an amount equal to one-and-one-half times the entity's monthly Medicaid prepaid revenues, the agency shall prohibit the entity from engaging in marketing and preenrollment activities, shall cease to process new enrollments, and shall not renew the entity's contract until the required balance is achieved. The requirements of this subsection do not apply:

(a) Where a public entity agrees to fund any deficit incurred by the contracting entity; or

(b) Where the entity's performance and obligations are guaranteed in writing by a guaranteeing organization which:

1. Has been in operation for at least 5 years and has assets in excess of $50 million; or

2. Submits a written guarantee acceptable to the agency which is irrevocable during the term of the contracting entity's contract with the agency and, upon termination of the contract, until the agency receives proof of satisfaction of all outstanding obligations incurred under the contract.

(18)(a) The agency may require an entity contracting on a prepaid or fixed-sum basis to establish a restricted insolvency protection account with a federally guaranteed financial institution licensed to do business in this state. The entity shall deposit into that account 5 percent of the capitation payments made by the agency each month until a maximum total of 2 percent of the total current contract amount is reached. The restricted insolvency protection account may be drawn upon with the authorized signatures of two persons designated by the entity and two representatives of the agency. If the agency finds that the entity is insolvent, the agency may draw upon the account solely with the two authorized signatures of representatives of the agency, and the funds may be disbursed to meet financial obligations incurred by the entity under the prepaid contract. If the contract is terminated, expired, or not continued, the account balance must be released by the agency to the entity upon receipt of proof of satisfaction of all outstanding obligations incurred under this contract.

(b) The agency may waive the insolvency protection account requirement in writing when evidence is on file with the agency of adequate insolvency insurance and reinsurance that will protect enrollees if the entity becomes unable to meet its obligations.

(19) An entity that contracts with the agency on a prepaid or fixed-sum basis for the provision of Medicaid services shall reimburse any hospital or physician that is outside the entity's authorized geographic service area as specified in its contract with the agency, and that provides services authorized by the entity to its members, at a rate negotiated with the hospital or physician for the provision of services or according to the lesser of the following:

(a) The usual and customary charges made to the general public by the hospital or physician; or

(b) The Florida Medicaid reimbursement rate established for the hospital or physician.

(20) When a merger or acquisition of a Medicaid prepaid contractor has been approved by the Office of Insurance Regulation pursuant to s. 628.4615, the agency shall approve the assignment or transfer of the appropriate Medicaid prepaid contract upon request of the surviving entity of the merger or acquisition if the contractor and the other entity have been in good standing with the agency for the most recent 12-month period, unless the agency determines that the assignment or transfer would be detrimental to the Medicaid recipients or the Medicaid program. To be in good standing, an entity must not have failed accreditation or committed any material violation of the requirements of s. 641.52 and must meet the Medicaid contract requirements. For purposes of this section, a merger or acquisition means a change in controlling interest of an entity, including an asset or stock purchase.

(21) Any entity contracting with the agency pursuant to this section to provide health care services to Medicaid recipients is prohibited from engaging in any of the following practices or activities:

(a) Practices that are discriminatory, including, but not limited to, attempts to discourage participation on the basis of actual or perceived health status.

(b) Activities that could mislead or confuse recipients, or misrepresent the organization, its marketing representatives, or the agency. Violations of this paragraph include, but are not limited to:

1. False or misleading claims that marketing representatives are employees or representatives of the state or county, or of anyone other than the entity or the organization by whom they are reimbursed.

2. False or misleading claims that the entity is recommended or endorsed by any state or county agency, or by any other organization which has not certified its endorsement in writing to the entity.

3. False or misleading claims that the state or county recommends that a Medicaid recipient enroll with an entity.

4. Claims that a Medicaid recipient will lose benefits under the Medicaid program, or any other health or welfare benefits to which the recipient is legally entitled, if the recipient does not enroll with the entity.

(c) Granting or offering of any monetary or other valuable consideration for enrollment, except as authorized by subsection (24).

(d) Door-to-door solicitation of recipients who have not contacted the entity or who have not invited the entity to make a presentation.

(e) Solicitation of Medicaid recipients by marketing representatives stationed in state offices unless approved and supervised by the agency or its agent and approved by the affected state agency when solicitation occurs in an office of the state agency. The agency shall ensure that marketing representatives stationed in state offices shall market their managed care plans to Medicaid recipients only in designated areas and in such a way as to not interfere with the recipients' activities in the state office.

(f) Enrollment of Medicaid recipients.

(22) The agency may impose a fine for a violation of this section or the contract with the agency by a person or entity that is under contract with the agency. With respect to any nonwillful violation, such fine shall not exceed $2,500 per violation. In no event shall such fine exceed an aggregate amount of $10,000 for all nonwillful violations arising out of the same action. With respect to any knowing and willful violation of this section or the contract with the agency, the agency may impose a fine upon the entity in an amount not to exceed $20,000 for each such violation. In no event shall such fine exceed an aggregate amount of $100,000 for all knowing and willful violations arising out of the same action.

(23) A health maintenance organization or a person or entity exempt from chapter 641 that is under contract with the agency for the provision of health care services to Medicaid recipients may not use or distribute marketing materials used to solicit Medicaid recipients, unless such materials have been approved by the agency. The provisions of this subsection do not apply to general advertising and marketing materials used by a health maintenance organization to solicit both non-Medicaid subscribers and Medicaid recipients.

(24) Upon approval by the agency, health maintenance organizations and persons or entities exempt from chapter 641 that are under contract with the agency for the provision of health care services to Medicaid recipients may be permitted within the capitation rate to provide additional health benefits that the agency has found are of high quality, are practicably available, provide reasonable value to the recipient, and are provided at no additional cost to the state.

(25) The agency shall utilize the statewide health maintenance organization complaint hotline for the purpose of investigating and resolving Medicaid and prepaid health plan complaints, maintaining a record of complaints and confirmed problems, and receiving disenrollment requests made by recipients.

(26) The agency shall require the publication of the health maintenance organization's and the prepaid health plan's consumer services telephone numbers and the "800" telephone number of the statewide health maintenance organization complaint hotline on each Medicaid identification card issued by a health maintenance organization or prepaid health plan contracting with the agency to serve Medicaid recipients and on each subscriber handbook issued to a Medicaid recipient.

(27) The agency shall establish a health care quality improvement system for those entities contracting with the agency pursuant to this section, incorporating all the standards and guidelines developed by the Medicaid Bureau of the Health Care Financing Administration as a part of the quality assurance reform initiative. The system shall include, but need not be limited to, the following:

(a) Guidelines for internal quality assurance programs, including standards for:

1. Written quality assurance program descriptions.

2. Responsibilities of the governing body for monitoring, evaluating, and making improvements to care.

3. An active quality assurance committee.

4. Quality assurance program supervision.

5. Requiring the program to have adequate resources to effectively carry out its specified activities.

6. Provider participation in the quality assurance program.

7. Delegation of quality assurance program activities.

8. Credentialing and recredentialing.

9. Enrollee rights and responsibilities.

10. Availability and accessibility to services and care.

11. Ambulatory care facilities.

12. Accessibility and availability of medical records, as well as proper recordkeeping and process for record review.

13. Utilization review.

14. A continuity of care system.

15. Quality assurance program documentation.

16. Coordination of quality assurance activity with other management activity.

17. Delivering care to pregnant women and infants; to elderly and disabled recipients, especially those who are at risk of institutional placement; to persons with developmental disabilities; and to adults who have chronic, high-cost medical conditions.

(b) Guidelines which require the entities to conduct quality-of-care studies which:

1. Target specific conditions and specific health service delivery issues for focused monitoring and evaluation.

2. Use clinical care standards or practice guidelines to objectively evaluate the care the entity delivers or fails to deliver for the targeted clinical conditions and health services delivery issues.

3. Use quality indicators derived from the clinical care standards or practice guidelines to screen and monitor care and services delivered.

(c) Guidelines for external quality review of each contractor which require: focused studies of patterns of care; individual care review in specific situations; and followup activities on previous pattern-of-care study findings and individual-care-review findings. In designing the external quality review function and determining how it is to operate as part of the state's overall quality improvement system, the agency shall construct its external quality review organization and entity contracts to address each of the following:

1. Delineating the role of the external quality review organization.

2. Length of the external quality review organization contract with the state.

3. Participation of the contracting entities in designing external quality review organization review activities.

4. Potential variation in the type of clinical conditions and health services delivery issues to be studied at each plan.

5. Determining the number of focused pattern-of-care studies to be conducted for each plan.

6. Methods for implementing focused studies.

7. Individual care review.

8. Followup activities.

(28) In order to ensure that children receive health care services for which an entity has already been compensated, an entity contracting with the agency pursuant to this section shall achieve an annual Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Service screening rate of at least 60 percent for those recipients continuously enrolled for at least 8 months. The agency shall develop a method by which the EPSDT screening rate shall be calculated. For any entity which does not achieve the annual 60 percent rate, the entity must submit a corrective action plan for the agency's approval. If the entity does not meet the standard established in the corrective action plan during the specified timeframe, the agency is authorized to impose appropriate contract sanctions. At least annually, the agency shall publicly release the EPSDT Services screening rates of each entity it has contracted with on a prepaid basis to serve Medicaid recipients.

(29) The agency shall perform enrollments and disenrollments for Medicaid recipients who are eligible for MediPass or managed care plans. Notwithstanding the prohibition contained in paragraph (21)(f), managed care plans may perform preenrollments of Medicaid recipients under the supervision of the agency or its agents. For the purposes of this section, "preenrollment" means the provision of marketing and educational materials to a Medicaid recipient and assistance in completing the application forms, but shall not include actual enrollment into a managed care plan. An application for enrollment shall not be deemed complete until the agency or its agent verifies that the recipient made an informed, voluntary choice. The agency, in cooperation with the Department of Children and Family Services, may test new marketing initiatives to inform Medicaid recipients about their managed care options at selected sites. The agency shall report to the Legislature on the effectiveness of such initiatives. The agency may contract with a third party to perform managed care plan and MediPass enrollment and disenrollment services for Medicaid recipients and is authorized to adopt rules to implement such services. The agency may adjust the capitation rate only to cover the costs of a third-party enrollment and disenrollment contract, and for agency supervision and management of the managed care plan enrollment and disenrollment contract.

(30) Any lists of providers made available to Medicaid recipients, MediPass enrollees, or managed care plan enrollees shall be arranged alphabetically showing the provider's name and specialty and, separately, by specialty in alphabetical order.

(31) The agency shall establish an enhanced managed care quality assurance oversight function, to include at least the following components:

(a) At least quarterly analysis and followup, including sanctions as appropriate, of managed care participant utilization of services.

(b) At least quarterly analysis and followup, including sanctions as appropriate, of quality findings of the Medicaid peer review organization and other external quality assurance programs.

(c) At least quarterly analysis and followup, including sanctions as appropriate, of the fiscal viability of managed care plans.

(d) At least quarterly analysis and followup, including sanctions as appropriate, of managed care participant satisfaction and disenrollment surveys.

(e) The agency shall conduct regular and ongoing Medicaid recipient satisfaction surveys.

The analyses and followup activities conducted by the agency under its enhanced managed care quality assurance oversight function shall not duplicate the activities of accreditation reviewers for entities regulated under part III of chapter 641, but may include a review of the finding of such reviewers.

(32) Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the Florida Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. 435.03.

(33) The agency shall, by rule, develop a process whereby a Medicaid managed care plan enrollee who wishes to enter hospice care may be disenrolled from the managed care plan within 24 hours after contacting the agency regarding such request. The agency rule shall include a methodology for the agency to recoup managed care plan payments on a pro rata basis if payment has been made for the enrollment month when disenrollment occurs.

(34) The agency and entities *that* ~~which~~ contract with the agency to provide health care services to Medicaid recipients under this section or *ss. 409.91211 and* ~~s.~~ 409.9122 must comply with the provisions of s. 641.513 in providing emergency services and care to Medicaid recipients and MediPass recipients. *Where feasible, safe, and cost-effective, the agency shall encourage hospitals, emergency medical services providers, and other public and private health care providers to work together in their local communities to enter into agreements or arrangements to ensure access to alternatives to emergency services and care for those Medicaid recipients who need nonemergent care. The agency shall coordinate with hospitals, emergency medical services providers, private health plans, capitated managed care networks as established in s. 409.91211, and other public and private health care providers to implement the provisions of ss. 395.1041(7), 409.91255(3)(g), 627.6405, and 641.31097 to develop and implement emergency department diversion programs for Medicaid recipients.*

(35) All entities providing health care services to Medicaid recipients shall make available, and encourage all pregnant women and mothers with infants to receive, and provide documentation in the medical records to reflect, the following:

(a) Healthy Start prenatal or infant screening.

(b) Healthy Start care coordination, when screening or other factors indicate need.

(c) Healthy Start enhanced services in accordance with the prenatal or infant screening results.

(d) Immunizations in accordance with recommendations of the Advisory Committee on Immunization Practices of the United States Public Health Service and the American Academy of Pediatrics, as appropriate.

(e) Counseling and services for family planning to all women and their partners.

(f) A scheduled postpartum visit for the purpose of voluntary family planning, to include discussion of all methods of contraception, as appropriate.

(g) Referral to the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

(36) Any entity that provides Medicaid prepaid health plan services shall ensure the appropriate coordination of health care services with an assisted living facility in cases where a Medicaid recipient is both a member of the entity's prepaid health plan and a resident of the assisted living facility. If the entity is at risk for Medicaid targeted case management and behavioral health services, the entity shall inform the assisted living facility of the procedures to follow should an emergent condition arise.

(37) The agency may seek and implement federal waivers necessary to provide for cost-effective purchasing of home health services, private duty nursing services, transportation, independent laboratory services, and durable medical equipment and supplies through competitive bidding pursuant to s. 287.057. The agency may request appropriate waivers from the federal Health Care Financing Administration in order to competitively bid such services. The agency may exclude providers not selected through the bidding process from the Medicaid provider network.

(38) The agency shall enter into agreements with not-for-profit organizations based in this state for the purpose of providing vision screening.

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. Medicaid prescribed-drug coverage for brand-name drugs for adult Medicaid recipients is limited to the dispensing of four brand-name drugs per month per recipient. Children are exempt from this restriction. Antiretroviral agents are excluded from this limitation. No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, severe depression, or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available without restriction for persons with mental illnesses include atypical antipsychotic medications, conventional antipsychotic medications, selective serotonin reuptake inhibitors, and other medications used for the treatment of serious mental illnesses. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply. The agency shall continue to provide unlimited generic drugs, contraceptive drugs and items, and diabetic supplies. Although a drug may be included on the preferred drug formulary, it would not be exempt from the four-brand limit. The agency may authorize exceptions to the brand-name-drug restriction based upon the treatment needs of the patients, only when such exceptions are based on prior consultation provided by the agency or an agency contractor, but the agency must establish procedures to ensure that:

a. There will be a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation;

b. A 72-hour supply of the drug prescribed will be provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.; and

c. Except for the exception for nursing home residents and other institutionalized adults and except for drugs on the restricted formulary for which prior authorization may be sought by an institutional or community pharmacy, prior authorization for an exception to the brand-name-drug restriction is sought by the prescriber and not by the pharmacy. When prior authorization is granted for a patient in an institutional setting beyond the brand-name-drug restriction, such approval is authorized for 12 months and monthly prior authorization is not required for that patient.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus 15.4 percent, the wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease-management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers. *The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.*

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug formulary in accordance with 42 U.S.C. s. 1396r-8, and, pursuant to the establishment of such formulary, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug formulary. However, a pharmaceutical manufacturer is not guaranteed placement on the formulary by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

8. The agency shall establish an advisory committee for the purposes of studying the feasibility of using a restricted drug formulary for nursing home residents and other institutionalized adults. The committee shall be comprised of seven members appointed by the Secretary of Health Care Administration. The committee members shall include two physicians licensed under chapter 458 or chapter 459; three pharmacists licensed under chapter 465 and appointed from a list of recommendations provided by the Florida Long-Term Care Pharmacy Alliance; and two pharmacists licensed under chapter 465.

9. The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

10. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

11.a. The agency shall implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program shall include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

c. If the agency is unable to negotiate a contract with one or more manufacturers to finance and guarantee savings associated with a be-

havioral drug management program by September 1, 2004, the four-brand drug limit and preferred drug list prior-authorization requirements shall apply to mental health-related drugs, notwithstanding any provision in subparagraph 1. The agency is authorized to seek federal waivers to implement this policy.

12.a. The agency shall implement a Medicaid prescription-drug-management system. The agency may contract with a vendor that has experience in operating prescription-drug-management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug-management system must be designed to improve the quality of care and prescribing practices based on best-practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the development and adoption of best-practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best-practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best-practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best-practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

(V) Track spending trends for prescription drugs and deviation from best-practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement disease-management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.

13.~~12.~~ The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

14.~~13.~~ The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

15.~~14.~~ The agency may require prior authorization for the off-label use of Medicaid-covered prescribed drugs as specified in the General Appropriations Act. The agency may, but is not required to, preauthorize the use of a product for an indication not in the approved labeling. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the off-label use of a drug.

16.~~15.~~ The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a $5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. *The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more prescription drugs are not destroyed which could safely be reused. The agency's conclusion and recommendations shall be reported to the Legislature by December 1, 2005.*

(b) The agency shall implement this subsection to the extent that funds are appropriated to administer the Medicaid prescribed-drug spending-control program. The agency may contract all or any part of this program to private organizations.

(c) The agency shall submit quarterly reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives which must include, but need not be limited to, the progress made in implementing this subsection and its effect on Medicaid prescribed-drug expenditures.

(40) Notwithstanding the provisions of chapter 287, the agency may, at its discretion, renew a contract or contracts for fiscal intermediary services one or more times for such periods as the agency may decide; however, all such renewals may not combine to exceed a total period longer than the term of the original contract.

(41) The agency shall provide for the development of a demonstration project by establishment in Miami-Dade County of a long-term-care facility licensed pursuant to chapter 395 to improve access to health care for a predominantly minority, medically underserved, and medically complex population and to evaluate alternatives to nursing home care and general acute care for such population. Such project is to be located in a health care condominium and colocated with licensed facilities providing a continuum of care. The establishment of this project is not subject to the provisions of s. 408.036 or s. 408.039. The agency shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2003.

(42) The agency shall develop and implement a utilization management program for Medicaid-eligible recipients for the management of occupational, physical, respiratory, and speech therapies. The agency shall establish a utilization program that may require prior authorization in order to ensure medically necessary and cost-effective treatments. The program shall be operated in accordance with a federally approved waiver program or state plan amendment. The agency may seek a federal waiver or state plan amendment to implement this program. The agency may also competitively procure these services from an outside vendor on a regional or statewide basis.

(43) The agency may contract on a prepaid or fixed-sum basis with appropriately licensed prepaid dental health plans to provide dental services.

(44) The Agency for Health Care Administration shall ensure that any Medicaid managed care plan as defined in s. 409.9122(2)(h), whether paid on a capitated basis or a shared savings basis, is cost-effective. For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31 of each year. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(45) Subject to the availability of funds, the agency shall mandate a recipient's participation in a provider lock-in program, when appropriate, if a recipient is found by the agency to have used Medicaid goods or services at a frequency or amount not medically necessary, limiting the receipt of goods or services to medically necessary providers after the 21-day appeal process has ended, for a period of not less than 1 year. The

lock-in programs shall include, but are not limited to, pharmacies, medical doctors, and infusion clinics. The limitation does not apply to emergency services and care provided to the recipient in a hospital emergency department. The agency shall seek any federal waivers necessary to implement this subsection. The agency shall adopt any rules necessary to comply with or administer this subsection.

(46) The agency shall seek a federal waiver for permission to terminate the eligibility of a Medicaid recipient who has been found to have committed fraud, through judicial or administrative determination, two times in a period of 5 years.

(47) The agency shall conduct a study of available electronic systems for the purpose of verifying the identity and eligibility of a Medicaid recipient. The agency shall recommend to the Legislature a plan to implement an electronic verification system for Medicaid recipients by January 31, 2005.

(48) A provider is not entitled to enrollment in the Medicaid provider network. The agency may implement a Medicaid fee-for-service provider network controls, including, but not limited to, competitive procurement and provider credentialing. If a credentialing process is used, the agency may limit its provider network based upon the following considerations: beneficiary access to care, provider availability, provider quality standards and quality assurance processes, cultural competency, demographic characteristics of beneficiaries, practice standards, service wait times, provider turnover, provider licensure and accreditation history, program integrity history, peer review, Medicaid policy and billing compliance records, clinical and medical record audit findings, and such other areas that are considered necessary by the agency to ensure the integrity of the program.

(49) The agency shall contract with established minority physician networks that provide services to historically underserved minority patients. The networks must provide cost-effective Medicaid services, comply with the requirements to be a MediPass provider, and provide their primary care physicians with access to data and other management tools necessary to assist them in ensuring the appropriate use of services, including inpatient hospital services and pharmaceuticals.

(a) The agency shall provide for the development and expansion of minority physician networks in each service area to provide services to Medicaid recipients who are eligible to participate under federal law and rules.

(b) The agency shall reimburse each minority physician network as a fee-for-service provider, including the case management fee for primary care, or as a capitated rate provider for Medicaid services. Any savings shall be shared with the minority physician networks pursuant to the contract.

(c) For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(d) The agency may apply for any federal waivers needed to implement this subsection.

(50) To the extent permitted by federal law and as allowed under s. 409.906, the agency shall provide reimbursement for emergency mental health care services for Medicaid recipients in crisis-stabilization facilities licensed under s. 394.875 as long as those services are less expensive than the same services provided in a hospital setting.

Section 2. Section 409.91211, Florida Statutes, is created to read:

409.91211 Medicaid managed care pilot program.—

(1) The agency is authorized to seek experimental, pilot, or demonstration project waivers, pursuant to s. 1115 of the Social Security Act, to create a more efficient and effective service delivery system that enhances quality of care and client outcomes in the Florida Medicaid program pursuant to this section in two geographic areas. One demonstration site shall include only Broward County. A second demonstration site shall initially include Duval County and shall be expanded to include Baker, Clay, and Nassau Counties within 1 year after the Duval County program becomes operational. This waiver authority is contingent upon federal approval to preserve the upper-payment-limit funding mechanism for hospitals, including a guarantee of a reasonable growth factor, a methodology to allow the use of a portion of these funds to serve as a risk pool for demonstration sites, provisions to preserve the state's ability to use intergovernmental transfers, and provisions to protect the disproportionate share program authorized pursuant to this chapter.

(2) The Legislature intends for the capitated managed care pilot program to:

(a) Provide recipients in Medicaid fee-for-service or the MediPass program a comprehensive and coordinated capitated managed care system for all health care services specified in ss. 409.905 and 409.906.

(b) Stabilize Medicaid expenditures under the pilot program compared to Medicaid expenditures in the pilot area for the 3 years before implementation of the pilot program, while ensuring:

1. Consumer education and choice.

2. Access to medically necessary services.

3. Coordination of preventative, acute, and long-term care.

4. Reductions in unnecessary service utilization.

(c) Provide an opportunity to evaluate the feasibility of statewide implementation of capitated managed care networks as a replacement for the current Medicaid fee-for-service and MediPass systems.

(3) The agency shall have the following powers, duties, and responsibilities with respect to the development of a pilot program:

(a) To develop and recommend a system to deliver all mandatory services specified in s. 409.905 and optional services specified in s. 409.906, as approved by the Centers for Medicare and Medicaid Services and the Legislature in the waiver pursuant to this section. Services to recipients under plan benefits shall include emergency services provided under s. 409.9128.

(b) To recommend Medicaid-eligibility categories, from those specified in ss. 409.903 and 409.904, which shall be included in the pilot program.

(c) To determine and recommend how to design the managed care pilot program in order to take maximum advantage of all available state and federal funds, including those obtained through intergovernmental transfers, the upper-payment-level funding systems, and the disproportionate share program.

(d) To determine and recommend actuarially sound, risk-adjusted capitation rates for Medicaid recipients in the pilot program which can be separated to cover comprehensive care, enhanced services, and catastrophic care.

(e) To determine and recommend policies and guidelines for phasing in financial risk for approved provider service networks over a 3-year period. These shall include an option to pay fee-for-service rates that may include a savings-settlement option for at least 2 years. This model may be converted to a risk-adjusted capitated rate in the third year of operation. Federally qualified health centers may be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid primary care services.

(f) To determine and recommend provisions related to stop-loss requirements and the transfer of excess cost to catastrophic coverage that accommodates the risks associated with the development of the pilot program.

(g) To determine and recommend a process to be used by the Social Services Estimating Conference to determine and validate the rate of growth of the per-member costs of providing Medicaid services under the managed care pilot program.

(h) To determine and recommend program standards and credentialing requirements for capitated managed care networks to participate in the pilot program, including those related to fiscal solvency, quality of care, and adequacy of access to health care providers. It is the intent of the Legislature that, to the extent possible, any pilot program authorized by the state under this section include any federally qualified health center, federally qualified rural health clinic, county health department, or other federally, state, or locally funded entity that serves the geographic areas within the boundaries of the pilot program that requests to participate. This paragraph does not relieve an entity that qualifies as a capitated managed care network under this section from any other licensure or regulatory requirements contained in state or federal law which would otherwise apply to the entity. The standards and credentialing requirements shall be based upon, but are not limited to:

1. Compliance with the accreditation requirements as provided in s. 641.512.

2. Compliance with early and periodic screening, diagnosis, and treatment screening requirements under federal law.

3. The percentage of voluntary disenrollments.

4. Immunization rates.

5. Standards of the National Committee for Quality Assurance and other approved accrediting bodies.

6. Recommendations of other authoritative bodies.

7. Specific requirements of the Medicaid program, or standards designed to specifically meet the unique needs of Medicaid recipients.

8. Compliance with the health quality improvement system as established by the agency, which incorporates standards and guidelines developed by the Centers for Medicare and Medicaid Services as part of the quality assurance reform initiative.

9. The network's infrastructure capacity to manage financial transactions, recordkeeping, data collection, and other administrative functions.

10. The network's ability to submit any financial, programmatic, or patient-encounter data or other information required by the agency to determine the actual services provided and the cost of administering the plan.

(i) To develop and recommend a mechanism for providing information to Medicaid recipients for the purpose of selecting a capitated managed care plan. For each plan available to a recipient, the agency, at a minimum shall ensure that the recipient is provided with:

1. A list and description of the benefits provided.

2. Information about cost sharing.

3. Plan performance data, if available.

4. An explanation of benefit limitations.

5. Contact information, including identification of providers participating in the network, geographic locations, and transportation limitations.

6. Any other information the agency determines would facilitate a recipient's understanding of the plan or insurance that would best meet his or her needs.

(j) To develop and recommend a system to ensure that there is a record of recipient acknowledgment that choice counseling has been provided.

(k) To develop and recommend a choice counseling system to ensure that the choice counseling process and related material are designed to provide counseling through face-to-face interaction, by telephone, and in writing and through other forms of relevant media. Materials shall be written at the fourth-grade reading level and available in a language other than English when 5 percent of the county speaks a language other than English. Choice counseling shall also use language lines and other services for impaired recipients, such as TTD/TTY.

(l) To develop and recommend a system that prohibits capitated managed care plans, their representatives, and providers employed by or contracted with the capitated managed care plans from recruiting persons eligible for or enrolled in Medicaid, from providing inducements to Medicaid recipients to select a particular capitated managed care plan, and from prejudicing Medicaid recipients against other capitated managed care plans. The system shall require the entity performing choice counseling to determine if the recipient has made a choice of a plan or has opted out because of duress, threats, payment to the recipient, or incentives promised to the recipient by a third party. If the choice counseling entity determines that the decision to choose a plan was unlawfully influenced or a plan violated any of the provisions of s. 409.912(21), the choice counseling entity shall immediately report the violation to the agency's program integrity section for investigation. Verification of choice counseling by the recipient shall include a stipulation that the recipient acknowledges the provisions of this subsection.

(m) To develop and recommend a choice counseling system that promotes health literacy and provides information aimed to reduce minority health disparities through outreach activities for Medicaid recipients.

(n) To develop and recommend a system for the agency to contract with entities to perform choice counseling. The agency may establish standards and performance contracts, including standards requiring the contractor to hire choice counselors who are representative of the state's diverse population and to train choice counselors in working with culturally diverse populations.

(o) To determine and recommend descriptions of the eligibility assignment processes which will be used to facilitate client choice while ensuring pilot programs of adequate enrollment levels. These processes shall ensure that pilot sites have sufficient levels of enrollment to conduct a valid test of the managed care pilot program within a 2-year timeframe.

(p) To develop and recommend a system to monitor the provision of health care services in the pilot program, including utilization and quality of health care services for the purpose of ensuring access to medically necessary services. This system shall include an encounter data-information system that collects and reports utilization information. The system shall include a method for verifying data integrity within the database and within the provider's medical records.

(q) To recommend a grievance-resolution process for Medicaid recipients enrolled in a capitated managed care network under the pilot program modeled after the subscriber assistance panel, as created in s. 408.7056. This process shall include a mechanism for an expedited review of no greater than 24 hours after notification of a grievance if the life of a Medicaid recipient is in imminent and emergent jeopardy.

(r) To recommend a grievance-resolution process for health care providers employed by or contracted with a capitated managed care network under the pilot program in order to settle disputes among the provider and the managed care network or the provider and the agency.

(s) To develop and recommend criteria to designate health care providers as eligible to participate in the pilot program. The agency and capitated managed care networks must follow national guidelines for selecting health care providers, whenever available. These criteria must include at a minimum those criteria specified in s. 409.907.

(t) To develop and recommend health care provider agreements for participation in the pilot program.

(u) To require that all health care providers under contract with the pilot program be duly licensed in the state, if such licensure is available, and meet other criteria as may be established by the agency. These criteria shall include at a minimum those criteria specified in s. 409.907.

(v) To develop and recommend agreements with other state or local governmental programs or institutions for the coordination of health care to eligible individuals receiving services from such programs or institutions.

(w) To develop and recommend a system to oversee the activities of pilot program participants, health care providers, capitated managed care networks, and their representatives in order to prevent fraud or abuse, overutilization or duplicative utilization, underutilization or inappropriate denial of services, and neglect of participants and to recover overpayments as appropriate. For the purposes of this paragraph, the

terms "abuse" and "fraud" have the meanings as provided in s. 409.913. The agency must refer incidents of suspected fraud, abuse, overutilization and duplicative utilization, and underutilization or inappropriate denial of services to the appropriate regulatory agency.

(x) To develop and provide actuarial and benefit design analyses that indicate the effect on capitation rates and benefits offered in the pilot program over a prospective 5-year period based on the following assumptions:

1. Growth in capitation rates which is limited to the estimated growth rate in general revenue.

2. Growth in capitation rates which is limited to the average growth rate over the last 3 years in per-recipient Medicaid expenditures.

3. Growth in capitation rates which is limited to the growth rate of aggregate Medicaid expenditures between the 2003-2004 fiscal year and the 2004-2005 fiscal year.

(y) To develop a mechanism to require capitated managed care plans to reimburse qualified emergency service providers, including, but not limited to, ambulance services, in accordance with ss. 409.908 and 409.9128. The pilot program must include a provision for continuing fee-for-service payments for emergency services, including but not limited to, individuals who access ambulance services or emergency departments and who are subsequently determined to be eligible for Medicaid services.

(z) To develop a system whereby school districts participating in the certified school match program pursuant to ss. 409.908(21) and 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services as authorized in s. 1011.70, as provided for in s. 409.9071, regardless of whether the child is enrolled in a capitated managed care network. Capitated managed care networks must make a good-faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 must be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in a capitated managed care network. Capitated managed care networks must make a good-faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's capitated managed care network provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.

(aa) To develop and recommend a mechanism whereby Medicaid recipients who are already enrolled in a managed care plan or the Medi-Pass program in the pilot areas shall be offered the opportunity to change to capitated managed care plans on a staggered basis, as defined by the agency. All Medicaid recipients shall have 30 days in which to make a choice of capitated managed care plans. Those Medicaid recipients who do not make a choice shall be assigned to a capitated managed care plan in accordance with paragraph (4)(a). To facilitate continuity of care for a Medicaid recipient who is also a recipient of Supplemental Security Income (SSI), prior to assigning the SSI recipient to a capitated managed care plan, the agency shall determine whether the SSI recipient has an ongoing relationship with a provider or capitated managed care plan, and if so, the agency shall assign the SSI recipient to that provider or capitated managed care plan where feasible. Those SSI recipients who do not have such a provider relationship shall be assigned to a capitated managed care plan provider in accordance with paragraph (4)(a).

(bb) To develop and recommend a service delivery alternative for children having chronic medical conditions which establishes a medical home project to provide primary care services to this population. The project shall provide community-based primary care services that are integrated with other subspecialties to meet the medical, developmental, and emotional needs for children and their families. This project shall include an evaluation component to determine impacts on hospitalizations, length of stays, emergency room visits, costs, and access to care, including specialty care and patient, and family satisfaction.

(cc) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to persons with developmental disabilities sufficient to meet the medical, developmental, and emotional needs of these persons.

(dd) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to Medicaid-eligible children in foster care. These services must be coordinated with community-based care providers as specified in s. 409.1675, where available, and be sufficient to meet the medical, developmental, and emotional needs of these children.

(4)(a) A Medicaid recipient in the pilot area who is not currently enrolled in a capitated managed care plan upon implementation is not eligible for services as specified in ss. 409.905 and 409.906, for the amount of time that the recipient does not enroll in a capitated managed care network. If a Medicaid recipient has not enrolled in a capitated managed care plan within 30 days after eligibility, the agency shall assign the Medicaid recipient to a capitated managed care plan based on the assessed needs of the recipient as determined by the agency. When making assignments, the agency shall take into account the following criteria:

1. A capitated managed care network has sufficient network capacity to meet the need of members.

2. The capitated managed care network has previously enrolled the recipient as a member, or one of the capitated managed care network's primary care providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular capitated managed care network as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The capitated managed care network's primary care providers are geographically accessible to the recipient's residence.

(b) When more than one capitated managed care network provider meets the criteria specified in paragraph (3)(h), the agency shall make recipient assignments consecutively by family unit.

(c) The agency may not engage in practices that are designed to favor one capitated managed care plan over another or that are designed to influence Medicaid recipients to enroll in a particular capitated managed care network in order to strengthen its particular fiscal viability.

(d) After a recipient has made a selection or has been enrolled in a capitated managed care network, the recipient shall have 90 days in which to voluntarily disenroll and select another capitated managed care network. After 90 days, no further changes may be made except for cause. Cause shall include, but not be limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, inordinate or inappropriate changes of primary care providers, service access impairments due to significant changes in the geographic location of services, or fraudulent enrollment. The agency may require a recipient to use the capitated managed care network's grievance process as specified in paragraph (3)(g) prior to the agency's determination of cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, when used, must be completed in time to permit the recipient to disenroll no later than the first day of the second month after the month the disenrollment request was made. If the capitated managed care network, as a result of the grievance process, approves an enrollee's request to disenroll, the agency is not required to make a determination in the case. The agency must make a determination and take final action on a recipient's request so that disenrollment occurs no later than the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

(e) The agency shall apply for federal waivers from the Centers for Medicare and Medicaid Services to lock eligible Medicaid recipients into a capitated managed care network for 12 months after an open enrollment period. After 12 months of enrollment, a recipient may select another capitated managed care network. However, nothing shall prevent

a Medicaid recipient from changing primary care providers within the capitated managed care network during the 12-month period.

(f) The agency shall apply for federal waivers from the Centers for Medicare and Medicaid Services to allow recipients to purchase health care coverage through an employer-sponsored health insurance plan instead of through a Medicaid-certified plan. This provision shall be known as the opt-out option.

1. A recipient who chooses the Medicaid opt-out option shall have an opportunity for a specified period of time, as authorized under a waiver granted by the Centers for Medicare and Medicaid Services, to select and enroll in a Medicaid-certified plan. If the recipient remains in the employer-sponsored plan after the specified period, the recipient shall remain in the opt-out program for at least 1 year or until the recipient no longer has access to employer-sponsored coverage, until the employer's open enrollment period for a person who opts out in order to participate in employer-sponsored coverage, or until the person is no longer eligible for Medicaid, whichever time period is shorter.

2. Notwithstanding any other provision of this section, coverage, cost sharing, and any other component of employer-sponsored health insurance shall be governed by applicable state and federal laws.

(5) This section does not authorize the agency to implement any provision of s. 1115 of the Social Security Act experimental, pilot, or demonstration project waiver to reform the state Medicaid program in any part of the state other than the two geographic areas specified in this section unless approved by the Legislature.

(6) The agency shall develop and submit for approval applications for waivers of applicable federal laws and regulations as necessary to implement the managed care pilot project as defined in this section. The agency shall post all waiver applications under this section on its Internet website 30 days before submitting the applications to the United States Centers for Medicare and Medicaid Services. All waiver applications shall be provided for review and comment to the appropriate committees of the Senate and House of Representatives for at least 10 working days prior to submission. All waivers submitted to and approved by the United States Centers for Medicare and Medicaid Services under this section must be approved by the Legislature. Federally approved waivers must be submitted to the President of the Senate and the Speaker of the House of Representatives for referral to the appropriate legislative committees. The appropriate committees shall recommend whether to approve the implementation of any waivers to the Legislature as a whole. The agency shall submit a plan containing a recommended timeline for implementation of any waivers and budgetary projections of the effect of the pilot program under this section on the total Medicaid budget for the 2006-2007 through 2009-2010 state fiscal years. This implementation plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives at the same time any waivers are submitted for consideration by the Legislature.

(7) Upon review and approval of the applications for waivers of applicable federal laws and regulations to implement the managed care pilot program by the Legislature, the agency may initiate adoption of rules pursuant to ss. 120.536(1) and 120.54 to implement and administer the managed care pilot program as provided in this section.

Section 3. *The Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, shall comprehensively evaluate the two managed care pilot programs created under section 409.91211, Florida Statutes. The evaluation shall begin with the implementation of the managed care model in the pilot areas and continue for 24 months after the two pilot programs have enrolled Medicaid recipients and started providing health care services. The evaluation must include assessments of cost savings; consumer education, choice, and access to services; coordination of care; and quality of care by each eligibility category and managed care plan in each pilot site. The evaluation must describe administrative or legal barriers to the implementation and operation of each pilot program and include recommendations regarding statewide expansion of the managed care pilot programs. The office shall submit an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than June 30, 2008. The managed care pilot program may not be expanded to any additional counties that are not identified in this section without the authorization of the Legislature.*

Section 4. Paragraphs (a) and (j) of subsection (2) of section 409.9122, Florida Statutes, are amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)(a) The agency shall enroll in a managed care plan or MediPass all Medicaid recipients, except those Medicaid recipients who are: in an institution; enrolled in the Medicaid medically needy program; or eligible for both Medicaid and Medicare. Upon enrollment, individuals will be able to change their managed care option during the 90-day opt out period required by federal Medicaid regulations. The agency is authorized to seek the necessary Medicaid state plan amendment to implement this policy. However, to the extent permitted by federal law, the agency may enroll in a managed care plan or MediPass a Medicaid recipient who is exempt from mandatory managed care enrollment, provided that:

1. The recipient's decision to enroll in a managed care plan or MediPass is voluntary;

2. If the recipient chooses to enroll in a managed care plan, the agency has determined that the managed care plan provides specific programs and services which address the special health needs of the recipient; and

3. The agency receives any necessary waivers from the federal *Centers for Medicare and Medicaid Services* ~~Health Care Financing Administration~~.

The agency shall develop rules to establish policies by which exceptions to the mandatory managed care enrollment requirement may be made on a case-by-case basis. The rules shall include the specific criteria to be applied when making a determination as to whether to exempt a recipient from mandatory enrollment in a managed care plan or MediPass. School districts participating in the certified school match program pursuant to ss. 409.908(21) and 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services as authorized in s. 1011.70, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 shall be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's managed care plan or MediPass provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.

(j) The agency shall apply for a federal waiver from the *Centers for Medicare and Medicaid Services* ~~Health Care Financing Administration~~ to lock eligible Medicaid recipients into a managed care plan or MediPass for 12 months after an open enrollment period. After 12 months' enrollment, a recipient may select another managed care plan or MediPass provider. However, nothing shall prevent a Medicaid recipient from changing primary care providers within the managed care plan or MediPass program during the 12-month period.

Section 5. Subsection (2) of section 409.913, Florida Statutes, is amended, and subsection (36) is added to that section, to read:

409.913 Oversight of the integrity of the Medicaid program.—The agency shall operate a program to oversee the activities of Florida Medicaid recipients, and providers and their representatives, to ensure that fraudulent and abusive behavior and neglect of recipients occur to the minimum extent possible, and to recover overpayments and impose sanctions as appropriate. Beginning January 1, 2003, and each year thereafter, the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs shall submit a joint report to the Legislature documenting the effectiveness of the state's efforts to control Medicaid fraud and abuse and to recover Medicaid overpayments during the previous fiscal year. The report must describe the number of cases opened and investigated each year; the sources of the cases opened; the disposition

of the cases closed each year; the amount of overpayments alleged in preliminary and final audit letters; the number and amount of fines or penalties imposed; any reductions in overpayment amounts negotiated in settlement agreements or by other means; the amount of final agency determinations of overpayments; the amount deducted from federal claiming as a result of overpayments; the amount of overpayments recovered each year; the amount of cost of investigation recovered each year; the average length of time to collect from the time the case was opened until the overpayment is paid in full; the amount determined as uncollectible and the portion of the uncollectible amount subsequently reclaimed from the Federal Government; the number of providers, by type, that are terminated from participation in the Medicaid program as a result of fraud and abuse; and all costs associated with discovering and prosecuting cases of Medicaid overpayments and making recoveries in such cases. The report must also document actions taken to prevent overpayments and the number of providers prevented from enrolling in or reenrolling in the Medicaid program as a result of documented Medicaid fraud and abuse and must recommend changes necessary to prevent or recover overpayments.

(2) The agency shall conduct, or cause to be conducted by contract or otherwise, reviews, investigations, analyses, audits, or any combination thereof, to determine possible fraud, abuse, overpayment, or recipient neglect in the Medicaid program and shall report the findings of any overpayments in audit reports as appropriate. *At least 5 percent of all audits shall be conducted on a random basis.*

(36) The agency shall provide to each Medicaid recipient or his or her representative an explanation of benefits in the form of a letter that is mailed to the most recent address of the recipient on the record with the Department of Children and Family Services. The explanation of benefits must include the patient's name, the name of the health care provider and the address of the location where the service was provided, a description of all services billed to Medicaid in terminology that should be understood by a reasonable person, and information on how to report inappropriate or incorrect billing to the agency or other law enforcement entities for review or investigation.

Section 6. *The Agency for Health Care Administration shall submit to the Legislature by December 15, 2005, a report on the legal and administrative barriers to enforcing section 409.9081, Florida Statutes. The report must describe how many services require copayments, which providers collect copayments, and the total amount of copayments collected from recipients for all services required under section 409.9081, Florida Statutes, by provider type for the 2001-2002 through 2004-2005 fiscal years. The agency shall recommend a mechanism to enforce the requirement for Medicaid recipients to make copayments which does not shift the copayment amount to the provider. The agency shall also identify the federal or state laws or regulations that permit Medicaid recipients to declare impoverishment in order to avoid paying the copayment and extent to which these statements of impoverishment are verified. If claims of impoverishment are not currently verified, the agency shall recommend a system for such verification. The report must also identify any other cost-sharing measures that could be imposed on Medicaid recipients.*

Section 7. *The Agency for Health Care Administration shall submit to the Legislature by January 15, 2006, recommendations to ensure that Medicaid is the payer of last resort as required by section 409.910, Florida Statutes. The report must identify the public and private entities that are liable for primary payment of health care services and recommend methods to improve enforcement of third-party liability responsibility and repayment of benefits to the state Medicaid program. The report must estimate the potential recoveries that may be achieved through third-party liability efforts if administrative and legal barriers are removed. The report must recommend whether modifications to the agency's contingency-fee contract for third-party liability could enhance third-party liability for benefits provided to Medicaid recipients.*

Section 8. *By January 15, 2006, the Office of Program Policy Analysis and Government Accountability shall submit to the Legislature a study of the long-term care community diversion pilot project authorized under sections 430.701-430.709, Florida Statutes. The study may be conducted by staff of the Office of Program Policy Analysis and Government Accountability or by a consultant obtained through a competitive bid pursuant to the provisions of chapter 287, Florida Statutes. The study must use a statistically-valid methodology to assess the percent of persons served in the project over a 2-year period who would have required Medicaid nursing home services without the diversion services, which services are most frequently used, and which services are least frequently used. The study must determine whether the project is cost-effective or is an expansion of the Medicaid program because a preponderance of the project enrollees would not have required Medicaid nursing home services within a 2-year period regardless of the availability of the project or that the enrollees could have been safely served through another Medicaid program at a lower cost to the state.*

Section 9. *The Agency for Health Care Administration shall identify how many individuals in the long-term care diversion programs who receive care at home have a patient-responsibility payment associated with their participation in the diversion program. If no system is available to assess this information, the agency shall determine the cost of creating a system to identify and collect these payments and whether the cost of developing a system for this purpose is offset by the amount of patient-responsibility payments which could be collected with the system. The agency shall report this information to the Legislature by December 1, 2005.*

Section 10. *The Office of Program Policy Analysis and Government Accountability shall conduct a study of state programs that allow non-Medicaid eligible persons under a certain income level to buy into the Medicaid program as if it was private insurance. The study shall examine Medicaid buy-in programs in other states to determine if there are any models that can be implemented in Florida which would provide access to uninsured Floridians and what effect this program would have on Medicaid expenditures based on the experience of similar states. The study must also examine whether the Medically Needy program could be redesigned to be a Medicaid buy-in program. The study must be submitted to the Legislature by January 1, 2006.*

Section 11. *The Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General, Medicaid Fraud Control Unit and the Auditor General, shall conduct a study to examine issues related to the amount of state and federal dollars lost due to fraud and abuse in the Medicaid prescription drug program. The study shall focus on examining whether pharmaceutical manufacturers and their affiliates and wholesale pharmaceutical manufacturers and their affiliates that participate in the Medicaid program in this state, with respect to rebates for prescription drugs, are inflating the average wholesale price that is used in determining how much the state pays for prescription drugs for Medicaid recipients. The study shall also focus on examining whether the manufacturers and their affiliates are committing other deceptive pricing practices with regard to federal and state rebates for prescription drugs in the Medicaid program in this state. The study, including findings and recommendations, shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives by January 1, 2006.*

Section 12. *The sums of $7,129,241 in recurring General Revenue Funds, $9,076,875 in nonrecurring General Revenue Funds, $8,608,242 in recurring funds from the Administrative Trust Fund, and $9,076,874 in nonrecurring funds from the Administrative Trust Fund are appropriated and 11 full time equivalent positions are authorized for the purpose of implementing this act.*

Section 13. *The amendments made to section 393.0661, Florida Statutes, by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 are repealed.*

Section 14. *The amendments made to section 409.907, Florida Statutes, by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 are repealed.*

Section 15. *The amendments made to the introductory provision only of section 409.908, Florida Statutes, by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 are repealed.*

Section 16. *Section 409.9082, Florida Statutes, as created by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404, is repealed.*

Section 17. *Section 23 of the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 is repealed.*

Section 18. Subsection (2) of section 409.9124, F.S., as amended by section 18 of the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 is amended, and subsection (6) is added to that section, to read:

409.9124 Managed care reimbursement.—

(2) Each year prior to establishing new managed care rates, the agency shall review all prior year adjustments for changes in trend, and shall reduce or eliminate those adjustments which are not reasonable and which reflect policies or programs which are not in effect. In addition, the agency shall apply only those policy reductions applicable to the fiscal year for which the rates are being set, which can be accurately estimated and verified by an independent actuary, and which have been implemented prior to or will be implemented during the fiscal year. The agency shall pay rates at per-member, per-month averages that ~~equal, but~~ do not exceed~~,~~ the amounts allowed for in the General Appropriations Act applicable to the fiscal year for which the rates will be in effect.

(6) For the 2005-2006 fiscal year only, the agency shall make an additional adjustment in calculating the capitation payments to prepaid health plans, excluding prepaid mental health plans. This adjustment must result in an increase of 2.8 percent in the average per-member, per-month rate paid to prepaid health plans, excluding prepaid mental health plans, which are funded from Specific Appropriations 225 and 226 in the 2005-2006 General Appropriations Act.

Section 19. *The Senate Select Committee on Medicaid Reform shall study how provider rates are established and modified, how provider agreements and administrative rulemaking effect those rates, the discretion allowed by federal law for the setting of rates by the state, and the impact of litigation on provider rates. The committee shall issue a report containing recommendations by March 1, 2006, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 20. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide a business case demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; allowing dispensing practitioners to participate in Medicaid; requiring that the agency implement a Medicaid prescription-drug-management system; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; authorizing the agency to pay for emergency mental health services provided through licensed crisis-stabilization facilities; creating s. 409.91211, F.S.; specifying waiver authority for the Agency for Health Care Administration to establish a Medicaid reform program contingent on federal approval to preserve the upper-payment-limit finding mechanism for hospitals and contingent on protection of the disproportionate share program authorized pursuant to ch. 409, F.S.; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency submit any waivers to the Legislature for approval before implementation; allowing the agency to develop rules; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation and authorizing positions to implement this act; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General and the Auditor General, to conduct a study to examine whether state and federal dollars are lost due to fraud and abuse in the Medicaid prescription drug program; providing duties; requiring that a report with findings and recommendations be submitted to the Governor and the Legislature by a specified date; repealing the amendments made to ss. 393.0661, 409.907, and 409.9082, F.S., and the amendments made to the introductory provision of s. 409.908, F.S., by the Conference Committee Report on CS for CS for SB 404, relating to provider agreements and provider methodologies; repealing s. 23 of the Conference Committee Report on CS for CS for SB 404, relating to legislative intent; amending s. 409.9124, F.S., as amended by the Conference Committee Report on CS for CS for SB 404; revising provisions requiring the Agency for Health Care Administration to pay certain rates for managed care reimbursement; requiring that the agency make an additional adjustment in calculating the rates paid to prepaid health plans for the 2005-2006 fiscal year; requiring that the Senate Select Committee on Medicaid Reform study various issues concerning Medicaid provider rates and issue a report to the Governor and the Legislature; providing an effective date.

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senator Smith moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (674124)(with title amendment)—On page 68, between lines 1 and 2, insert:

Section 4. Section 409.9062, Florida Statutes, is amended to read:

409.9062 Lung transplant services for Medicaid recipients.—Subject to the availability of funds and subject to any limitations or directions provided for in the General Appropriations Act or chapter 216, the Agency for Health Care Administration Medicaid program shall pay for medically necessary lung transplant services for Medicaid recipients. *These payments must be used to reimburse approved lung transplant facilities a global fee for providing lung transplant services to Medicaid recipients.*

Section 5. *The sums of $401,098 from the General Revenue Fund and $593,058 from the Medical Care Trust Fund are appropriated to the Agency for Health Care Administration for the purpose of implementing section 4 during the 2005-2006 fiscal year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 79, line 30, following the semicolon (;) insert: amending s. 409.9062, F.S.; requiring the Agency for Health Care Administration to

reimburse lung transplant facilities a global fee for services provided to Medicaid recipients; providing an appropriation;

Amendment 1 as amended was adopted.

On motion by Senator Peaden, by two-thirds vote **HCB 6003 (for HB's 1869, 1871, 1873, 1875)** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—1

Jones

Vote after roll call:

Yea—Bennett

HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)—A bill to be entitled An act relating to education; amending s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education; amending s. 1000.01, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1001.03, F.S.; requiring the State Board of Education to review the Sunshine State Standards and provide a report evaluating the extent to which the standards are being taught; amending s. 1001.11, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; providing duties of the department relating to education goals; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties; amending s. 1001.41, F.S.; requiring district school boards to adopt policies to provide each student a complete education program; amending s. 1001.42, F.S.; providing requirements for each district school board's system of school improvement and student progression; providing components to increase student achievement; conforming provisions relating to deletion of a rigorous reading requirement and the designation of school grades; amending s. 1002.20, F.S.; conforming a cross reference and provisions relating to educational choice; amending s. 1002.38, F.S.; conforming provisions relating to the designation of school grades and revising the date for request of an Opportunity Scholarship; creating s. 1002.385, F.S.; establishing the Reading Compact Scholarship Program to provide students with reading deficiencies the option to attend a public or private school of choice; providing eligibility requirements for receipt of a Reading Compact Scholarship to attend a private school and restricting use of such scholarship; providing for the term of a scholarship; providing school district obligation to notify parents of available options; providing Department of Education obligations, including establishment of a process for notification of violations, subsequent investigation, and certification of compliance by private schools and selection of a research organization to analyze student performance data; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school's participation in the scholarship program and procedures and timelines therefor; providing private school eligibility requirements and obligations, including compliance with specified laws and academic accountability to the parent; providing parent and student responsibilities for scholarship program participation, including compliance with the private school's published policies, participation in student academic assessment, and restrictive endorsement of scholarship warrants; prohibiting power of attorney for endorsing a scholarship warrant; providing funding and payment requirements, including calculation of scholarship amount, payment process, and Department of Financial Services review; providing for immunity; providing scope of authority; requiring adoption of rules; creating s. s. 1002.395, F.S.; establishing the K-12 GI Bill Program to provide educational options for dependents of an active-duty member of the Florida National Guard who is serving in Operation Enduring Freedom or Operation Iraqi Freedom; providing that a student may attend a public school in the school district other than the one to which assigned; providing that a student may receive a K-12 GI Bill to attend a public school in an adjacent school district or to attend a private school; amending s. 1002.20, F.S., relating to student and parent rights to educational choice, to conform; creating s. 1002.421, F.S., relating to rights and obligations of private schools participating in state school choice scholarship programs; providing requirements for participation in a scholarship program, including compliance with specified state, local, and federal laws and demonstration of fiscal soundness; requiring restrictive endorsement of checks and prohibiting a school from acting as attorney in fact; requiring employment of qualified teachers and background screening of individuals with direct student contact; requiring adoption of rules; amending s. 1003.01, F.S.; revising definition of the term "special education services"; amending s. 1003.03, F.S.; modifying implementation provisions relating to constitutional class size requirements; creating s. 1003.035, F.S.; providing class size requirements based on district average contingent upon constitutional amendment; providing implementation and calculation requirements; specifying options to meet class size requirements; authorizing transfer of funds for class size reduction; requiring certain actions by school districts not in compliance; requiring constitutional compliance plans in certain instances; amending s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs even if maximum enrollment has been reached; removing charter schools from the definition of special academic programs; creating s. 1003.413, F.S.; requiring each school district to establish policies to assist high school students to remain in school, graduate on time, and be prepared for postsecondary education and the workplace; directing the Commissioner of Education to create and implement the Challenge High School Recognition Program; creating the High School Reform Task Force and providing for appointment of members; requiring recommendation of a long-term plan relating to high school reform and specifying items to be addressed; providing for termination of the task force; amending s. 1003.415, F.S.; providing the mission of middle grades; deleting the rigorous reading requirement for middle grade students; deleting obsolete language relating to a department study; creating s. 1003.4155, F.S.; specifying the grading scale for grades 6 through 8; creating s. 1003.4156, F.S.; specifying general requirements for middle school promotion; requiring an intensive reading course under certain circumstances; defining an academic credit; requiring school district policies and authorizing alternative methods for progression; requiring adoption of rules for alternative promotion standards; amending s. 1003.42, F.S.; revising provisions relating to required instruction and courses of study in the public schools; including study of the history of the United States and free enterprise; amending s. 1003.43, F.S., relating to general requirements for high school graduation; including study of the Declaration of Independence in the credit requirement for American government; amending s. 1003.57, F.S.; providing guidelines for determining the residency of an exceptional student with a disability who resides in a residential facility and receives special instruction or services; requiring the placing authority in a parent's state of residence to pay the cost of such instruction, facilities, and services for a nonresident exceptional student with a disability; providing requirements of the department and school districts with respect to financial obligations; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; defining the term "parent" for purposes of the section; authorizing adoption of rules; creating s. 1003.575, F.S.; requiring the department to coordinate the development of an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring the form to be available to school districts to facilitate the use of an individual education plan when a student transfers; amending s. 1003.58, F.S.; correcting a cross reference; amending s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated-pay policies; amending ss. 1005.22 and 1007.33, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1008.22, F.S.; specifying grade level and subject area testing requirements; requiring the State Board of Education to conduct concordance studies to determine FCAT equivalencies for high school graduation; deleting a limitation on and specifying requirements for the use of alternative assessments to the grade 10 FCAT; requiring an annual report on student performance; amending s.

1008.25, F.S.; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours; requiring the department to establish a uniform format for reporting information relating to student progression; requiring an annual report; repealing s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation; amending s. 1008.31, F.S.; deleting provisions relating to performance-based funding; revising goals and measures of the K-20 performance accountability system and requiring data quality improvement; providing for development of reporting and data collection requirements; requiring adoption of rules; amending s. 1008.33, F.S.; conforming provisions relating to the designation of school grades and a cross reference; authorizing district school boards to transfer teachers, faculty, and staff as needed; amending s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; specifying use of assessment data with respect to alternative schools; defining the term "home school"; requiring an annual school report card to be published by the department and distributed by school districts; creating s. 1008.341, F.S.; requiring improvement ratings for certain alternative schools; providing the basis for such ratings and requiring annual performance reports; providing for determination of school improvement ratings, identification of learning gains, and eligibility for school recognition awards; requiring an annual report card to be developed by the department and distributed by school districts; requiring adoption of rules; amending s. 1008.345, F.S.; conforming provisions relating to the designation of school grades and a cross reference; amending s. 1008.36, F.S.; providing for assignment of school grades to certain feeder pattern schools that do not receive such a grade for purposes of participation in the Florida School Recognition Program; defining feeder school pattern; providing that a feeder pattern school shall be subject to the Opportunity Scholarship Program; modifying procedures for determination and use of school recognition awards; amending s. 1008.45, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; repealing s. 1008.51, F.S., relating to the Council for Education Policy Research and Improvement; amending s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in a specified education program; providing funding for supplemental educational services for certain students; conforming cross references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation; amending s. 1011.64, F.S.; conforming terminology and cross references; amending s. 1011.685, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; creating s. 1011.6855, F.S.; creating an operating categorical fund to fund minimum pay requirements for certain instructional personnel contingent upon constitutional amendment; amending s. 1011.71, F.S.; correcting a cross reference; amending s. 1012.21, F.S.; requiring the department to annually post online school district collective bargaining contracts; amending s. 1012.22, F.S.; deleting a requirement that each district school board adopt a performance-pay policy; requiring each district school board to annually provide its negotiated collective bargaining contract to the department; creating s. 1012.2305, F.S.; establishing minimum pay for certain instructional personnel contingent upon constitutional amendment; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching salary career ladder program; creating s. 1012.2312, F.S.; requiring each district school board to adopt a differentiated-pay policy for instructional personnel; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2313, F.S.; requiring each district school board to have a differentiated-pay policy for school administrators; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and authorizing incentives; providing procedures for noncompliance; providing requirements relating to collective bargaining; amending s. 1012.27, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; amending s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement; creating s. 1012.986, F.S.; establishing the A+ Professional Development Program for School Leaders; defining the term "school leader"; establishing school leadership designations; providing program requirements and delivery systems; requiring adoption of rules; repealing s. 1012.987, F.S., relating to rules for a leadership designation; creating s. 1013.381, F.S.; requiring each district school board to adopt and implement an indoor environmental quality policy which provides for periodic surveys; providing that the policy may include certain requirements; providing for indemnification under certain circumstances; requiring display of indoor environmental quality training completion; requiring adoption of rules; amending s. 1013.512, F.S.; requiring the release of funds remaining in reserve relating to school district land acquisition and facilities operations; specifying when a Land Acquisition and Facilities Advisory Board shall be disbanded; establishing the Charter School Task Force and specifying composition and duties; requiring the department to provide staff support to the task force; providing severability; providing effective dates.

—as amended May 5 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Lynn, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (074810)** was adopted on May 5.

Senator Lynn moved the following amendment to **Amendment 1** which failed to receive the required two-thirds vote:

Amendment 1F (523430)(with title amendment)—On page 7, line 7 through page 12, line 22, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 79, line 18 through page 80, line 7, delete those lines and insert: the federal holiday; amending s. 1003.05, F.S.;

The question recurred on **Amendment 1** which was adopted by two-thirds vote.

On motion by Senator Lynn, **HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 392

The Honorable Tom Lee May 4, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 392, same being:

An act relating to Water Quality Assurance Trust Fund; authorizes Department of Environmental Protection to use certain funds for brownfield activities.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton
Chair
s/Dave Aronberg
s/Michael S. "Mike" Bennett
s/Charlie Clary
s/Victor D. Crist
s/Paula Dockery
s/Rudy Garcia
s/Dennis L. Jones
s/Ron Klein
s/Evelyn J. Lynn
s/Lesley "Les" Miller, Jr.
s/Ken Pruitt
s/Burt L. Saunders
s/Gary Siplin
s/J. Alex Villalobos
s/Frederica S. Wilson
s/Nancy Argenziano
s/JD Alexander
s/Carey Baker
s/Larcenia J. Bullard
s/Lee Constantine
s/M. Mandy Dawson
s/Mike Fasano
s/Anthony C. "Tony" Hill, Sr.
s/James E. "Jim" King, Jr.
s/Alfred "Al" Lawson, Jr.
s/Gwen Margolis
s/Durell Peaden, Jr.
s/Nan Rich
s/Jim Sebesta
s/Rod Smith
s/Daniel Webster
s/Stephen R. Wise

Managers on the part of the Senate

s/Joe Negron
Vice Chair
s/Rafael "Ralph" Arza
s/Loranne Ausley
s/Dennis K. Baxley
Dorothy Bendross-Mindingall
s/Kimberly Berfield
s/Ellyn Setnor Bogdanoff
s/Donald D. "Don" Brown
s/Dean Cannon
s/Donna Clarke
s/Don Davis
s/Greg Evers
s/Anitere Flores
s/Anne M. "Annie" Gannon
s/Andy Gardiner
s/Hugh H. Gibson III
s/Ron L. Greenstein
s/Alan D. Hays
s/Arthenia L. Joyner
s/Will S. Kendrick
Dick Kravitz
s/Marcelo Llorente
s/Mark Mahon
s/David J. Mealor
s/Mitch Needelman
s/Joe H. Pickens
s/L. Ralph Poppell
s/Ron Reagan
David Rivera
s/Marco Rubio
s/Franklin Sands
s/John P. "Jack" Seiler
s/Eleanor Sobel
s/A. Trey Traviesa
s/Shelley Vana
s/Sandra "Sandy" Adams
s/Thad Altman
s/Frank Attkisson
s/Gustavo A. Barreiro
s/Aaron P. Bean
s/Anna Holliday "Holly" Benson
s/Gus Michael Bilirakis
s/Marsha L. "Marty" Bowen
s/Frederick C. "Fred" Brummer
s/Jennifer "JC" Carroll
s/Joyce Cusack
s/Mike Davis
s/Frank Farkas
s/Bill Galvano
s/Rene Garcia
s/Dan Gelber
s/J. Dudley Goodlette
s/Adam Hasner
s/Edward L. "Ed" Jennings, Jr.
s/Charlie Justice
s/Jeffrey D. "Jeff" Kottkamp
s/Kenneth W. "Ken" Littlefield
s/Richard A. Machek
s/Stan Mayfield
s/Dave Murzin
s/Pat Patterson
s/Juan-Carlos "J.C." Planas
s/John "Q" Quinones
s/Curtis B. Richardson
s/Yolly Roberson
s/Timothy M. "Tim" Ryan
s/Ray Sansom
s/David Simmons
s/Dwight Stansel
s/Baxter G. Troutman
s/Leslie Waters

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (f) is added to subsection (1) of section 376.307, Florida Statutes, to read:

376.307 Water Quality Assurance Trust Fund.—

(1) The Water Quality Assurance Trust Fund is intended to serve as a broad-based fund for use in responding to incidents of contamination that pose a serious danger to the quality of groundwater and surface water resources or otherwise pose a serious danger to the public health, safety, or welfare. Moneys in this fund may be used:

(f) For activities by the department to administer brownfield sites.

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Water Quality Assurance Trust Fund; amending s. 376.307, F.S.; authorizing the Department of Environmental Protection to use certain funds for brownfield activities; providing an effective date.

On motion by Senator Clary, the Conference Committee Report was adopted and **CS for SB 392** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 388

The Honorable Tom Lee
President of the Senate

May 5, 2005

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 388, same being:

An act relating to Student Financial Aid; authorizes deposit of funds appropriated by Legislature for student financial assistance into State Student Financial Assistance Trust Fund; eliminates requirement that funds appropriated for William L. Boyd, IV, Florida Resident Access Grant Program be deposited into such trust fund.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton
Chair
s/Dave Aronberg
s/Michael S. "Mike" Bennett
s/Charlie Clary
s/Victor D. Crist
s/Paula Dockery
s/Rudy Garcia
s/Dennis L. Jones
s/Ron Klein
s/Evelyn J. Lynn
s/Lesley "Les" Miller, Jr.
s/Ken Pruitt
s/Burt L. Saunders
s/Nancy Argenziano
s/JD Alexander
s/Carey Baker
s/Larcenia J. Bullard
s/Lee Constantine
s/M. Mandy Dawson
s/Mike Fasano
s/Anthony C. "Tony" Hill, Sr.
s/James E. "Jim" King, Jr.
s/Alfred "Al" Lawson, Jr.
s/Gwen Margolis
s/Durell Peaden, Jr.
s/Nan Rich
s/Jim Sebesta

s/Gary Siplin
s/J. Alex Villalobos
s/Frederica S. Wilson
s/Rod Smith
s/Daniel Webster
s/Stephen R. Wise

Managers on the part of the Senate

s/Joe Negron
Vice Chair
s/Rafael "Ralph" Arza
s/Loranne Ausley
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s/Ron Reagan
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s/Yolly Roberson
s/Timothy M. "Tim" Ryan
s/Ray Sansom
s/David Simmons
s/Dwight Stansel
s/Baxter G. Troutman
s/Leslie Waters

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (6) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

. . . . FOR THE . . . . CENTS TAX
. . . . AGAINST THE . . . . CENTS TAX

(c) The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses.

(d) Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or ~~required state~~ taxes *authorized in the General Appropriations Act*.

(e) Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

Section 2. Paragraph (a) of subsection (5) of section 411.01, Florida Statutes, as amended by section 2 of chapter 2004-484, Laws of Florida, is amended to read:

411.01 School readiness programs; early learning coalitions.—

(5) CREATION OF EARLY LEARNING COALITIONS.—

(a) Early learning coalitions.—

1. The Agency for Workforce Innovation shall establish the minimum number of children to be served by each early learning coalition through the coalition's school readiness program. The Agency for Workforce Innovation may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every early learning coalition and must:

a. Permit 30 or fewer coalitions to be established; and

b. Require each coalition to serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months.

The Agency for Workforce Innovation shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. Each early learning coalition must comply with the merger procedures and shall be organized in accordance with this subparagraph by April 1, 2005. By June 30, 2005, each coalition must complete the transfer of powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the successor coalition, if applicable.

2. If an early learning coalition would serve fewer children than the minimum number established under subparagraph 1., the coalition must merge with another county to form a multicounty coalition. However, the Agency for Workforce Innovation may authorize an early learning coalition to serve fewer children than the minimum number established under subparagraph 1., if:

a. The coalition demonstrates to the Agency for Workforce Innovation that merging with another county or multicounty region contiguous to the coalition would cause an extreme hardship on the coalition;

b. The Agency for Workforce Innovation has determined during the most recent annual review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(l), that the coalition has substantially implemented its plan and substantially met the performance standards and outcome measures adopted by the agency; and

c. The coalition demonstrates to the Agency for Workforce Innovation the coalition's ability to effectively and efficiently implement the Voluntary Prekindergarten Education Program.

If an early learning coalition fails or refuses to merge as required by this subparagraph, the Agency for Workforce Innovation may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the coalition is reestablished through resubmission of a school readiness plan and approval by the agency.

3. Notwithstanding the provisions of subparagraphs 1. and 2., the early learning coalitions in Sarasota, Osceola, and Santa Rosa Counties which were in operation on January 1, 2005, are established and authorized to continue operation as independent coalitions, and shall not be counted within the limit of 30 coalitions established in subparagraph 1.

4.~~3.~~ Each early learning coalition shall be composed of at least 18 members but not more than 35 members. The Agency for Workforce Innovation shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to an early learning coalition. These standards must include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

5.~~4.~~ The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as private-sector business members appointed by the coalition under subparagraph *7.* ~~6.~~

6.~~5.~~ Each early learning coalition must include the following members:

a. A Department of Children and Family Services district administrator or his or her designee who is authorized to make decisions on behalf of the department.

b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district, who shall be a nonvoting member.

c. A regional workforce board executive director or his or her designee.

d. A county health department director or his or her designee.

e. A children's services council or juvenile welfare board chair or executive director, if applicable, who shall be a nonvoting member if the council or board is the fiscal agent of the coalition or if the council or board contracts with and receives funds from the coalition.

f. An agency head of a local licensing agency as defined in s. 402.302, where applicable.

g. A president of a community college or his or her designee.

h. One member appointed by a board of county commissioners.

i. A central agency administrator, where applicable, who shall be a nonvoting member.

j. A Head Start director, who shall be a nonvoting member.

k. A representative of private child care providers, including family day care homes, who shall be a nonvoting member.

l. A representative of faith-based child care providers, who shall be a nonvoting member.

m. A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act, who shall be a nonvoting member.

7.~~6.~~ Including the members appointed by the Governor under subparagraph *5.* ~~4.~~, more than one-third of the members of each early learning coalition must be private-sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the coalition's school readiness program. To meet this requirement an early learning coalition must appoint additional members from a list of nominees submitted to the coalition by a chamber of commerce or economic development council within the geographic region served by the coalition. The Agency for Workforce Innovation shall establish criteria for appointing private-sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program.

8.~~7.~~ A majority of the voting membership of an early learning coalition constitutes a quorum required to conduct the business of the coalition.

9.~~8.~~ A voting member of an early learning coalition may not appoint a designee to act in his or her place, except as otherwise provided in this paragraph. A voting member may send a representative to coalition meetings, but that representative does not have voting privileges. When a district administrator for the Department of Children and Family Services appoints a designee to an early learning coalition, the designee is the voting member of the coalition, and any individual attending in the designee's place, including the district administrator, does not have voting privileges.

10.~~9.~~ Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists.

11.~~10.~~ For purposes of tort liability, each member or employee of an early learning coalition shall be governed by s. 768.28.

12.~~11.~~ An early learning coalition serving a multicounty region must include representation from each county.

13.~~12.~~ Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

Section 3. Subsection (1) and paragraph (a) of subsection (2) of section 1001.451, Florida Statutes, are amended to read:

1001.451 Regional consortium service organizations.—In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(1) School districts with 20,000 or fewer unweighted full-time equivalent students*, developmental research (laboratory) schools established pursuant to s. 1002.32, and the Florida School for the Deaf and the Blind* may enter into cooperative agreements to form a regional consortium service organization. Each regional consortium service organization shall provide, at a minimum, three of the following services: exceptional student education; teacher education centers; environmental education; federal grant procurement and coordination; data processing; health insurance; risk management insurance; staff development; purchasing; or planning and accountability.

(2)(a) Each regional consortium service organization that consists of four or more school districts is eligible to receive, through the Department of Education, an incentive grant of *$50,000* ~~$25,000~~ per school district *and eligible member* to be used for the delivery of services within the participating school districts.

Section 4. Subsection (3) of section 1002.71, Florida Statutes, as created by section 1 of chapter 2004-484, Laws of Florida, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(3)(a) The base student allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be provided in the General Appropriations Act and shall be equal for each student, regardless of whether the student is enrolled in a school-year prekindergarten program delivered by a private prekindergarten provider, a summer prekindergarten program delivered by a public school or private prekindergarten provider, or a school-year prekindergarten program delivered by a public school.

(b) Each county's allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated an-

nually by multiplying the base student allocation provided in the General Appropriations Act by the county's district cost differential provided in s. 1011.62(2). Each private prekindergarten provider and public school shall be paid in accordance with the county's allocation per full-time equivalent student.

(c) The initial allocation shall be based on estimated student enrollment in each coalition service area. The Agency for Workforce Innovation shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area.

Section 5. Subsection (5) of section 1009.50, Florida Statutes, is amended to read:

1009.50 Florida Public Student Assistance Grant Program; eligibility for grants.—

(5) Funds appropriated by the Legislature for state student assistance grants *may* ~~shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year *which* ~~that~~ has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

Section 6. Subsection (5) of section 1009.51, Florida Statutes, is amended to read:

1009.51 Florida Private Student Assistance Grant Program; eligibility for grants.—

(5) Funds appropriated by the Legislature for Florida private student assistance grants *may* ~~shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year *which* ~~that~~ has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

Section 7. Subsection (6) of section 1009.52, Florida Statutes, is amended to read:

1009.52 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(6) Funds appropriated by the Legislature for Florida postsecondary student assistance grants *may* ~~shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year *which* ~~that~~ has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

Section 8. Subsection (6) of section 1009.89, Florida Statutes, is amended to read:

1009.89 The William L. Boyd, IV, Florida resident access grants.—

(6) ~~Funds appropriated by the Legislature for the William L. Boyd, IV, Florida Resident Access Grant Program shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year which has been allocated to the William L. Boyd, IV, Florida Resident Access Grant Program shall remain therein and shall be available for carrying out the purposes of this section.~~ If the number of eligible students exceeds the total authorized in the General Appropriations Act, an institution may use its own resources to assure that each eligible student receives the full benefit of the grant amount authorized.

Section 9. Section 1010.72, Florida Statutes, is amended to read:

1010.72 Dale Hickam Excellent Teaching Program Trust Fund.—The Dale Hickam Excellent Teaching Program Trust Fund is created to be administered by the Department of Education. Funds *may* ~~must~~ be credited to the trust fund as provided in chapter 98-309, Laws of Florida, to be used for the purposes set forth therein.

Section 10. Paragraph (c) of subsection (6) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(6) DETERMINATION OF SPARSITY SUPPLEMENT.—

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count.~~;~~

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count.~~;~~

3. A total potential funds per FTE for each district shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for each district by its FTE student count.

4. A state average total potential funds per FTE shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for all districts by the state total FTE student count.

5.~~3.~~ For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1. *However, no district shall have a sparsity wealth adjustment that, when applied to the total potential funds calculated in subparagraph 3., would cause the district's total potential funds per FTE to be less than the state average calculated in subparagraph 4.*~~;~~

6.~~4.~~ Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

Section 11. Subsection (1) of section 1011.94, Florida Statutes, is amended to read:

1011.94 Trust Fund for University Major Gifts.—

(1) There is established a Trust Fund for University Major Gifts. The purpose of the trust fund is to enable each university and New College to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments and sales tax exemption matching funds received pursuant to s. 212.08(5)(j), which must be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by the State Board of Education. All funds appropriated for the challenge grants, new donors, major gifts, sales tax exemption matching funds pursuant to s. 212.08(5)(j), or eminent scholars program *may* ~~must~~ be deposited into the trust fund and invested pursuant to s. 17.61 until the State Board of Education allocates the funds to universities to match private donations. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund which is not matched and distributed to universities must remain in the trust fund and be used to increase the total funds available for challenge grants. Funds deposited in the trust fund for the sales tax exemption matching program authorized in s. 212.08(5)(j), and interest earnings thereon, shall be maintained in a separate account within the Trust Fund for University Major Gifts, and may be used only to match qualified sales tax exemptions that a certified business designates for use by state universities and community colleges to support research and development projects requested by the certified business. The State Board of Education may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 1011.45.

Section 12. Subsections (1) and (3) of section 1013.79, Florida Statutes, are amended to read:

1013.79 University Facility Enhancement Challenge Grant Program.—

(1) The Legislature recognizes that the universities do not have sufficient physical facilities to meet the current demands of their instructional and research programs. It further recognizes that, to strengthen and enhance universities, it is necessary to provide facilities in addition to those currently available from existing revenue sources. It further recognizes that there are sources of private support that, if matched with state support, can assist in constructing much-needed facilities and strengthen the commitment of citizens and organizations in promoting excellence throughout the state universities. Therefore, it is the intent of the Legislature to establish a trust fund to provide the opportunity for each university to receive *support for* ~~and match~~ challenge grants for instructional and research-related capital facilities within the university.

(3) There is established the Alec P. Courtelis Capital Facilities Matching Trust Fund for the purpose of providing matching funds from private contributions for the development of high priority instructional and research-related capital facilities, including common areas connecting such facilities, within a university. The Legislature *may* ~~shall~~ appropriate funds to be transferred to the trust fund. The Public Education Capital Outlay and Debt Service Trust Fund, Capital Improvement Trust Fund, Division of Sponsored Research Trust Fund, and Contracts and Grants Trust Fund shall not be used as the source of the state match for private contributions. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 17.61. Interest income accruing to that portion of the trust fund shall increase the total funds available for the challenge grant program. Interest income accruing from the private donations shall be returned to the participating foundation upon completion of the project. The State Board of Education shall administer the trust fund and all related construction activities.

Section 13. *Subsection (2) of section 1008.31 and section 1012.231, Florida Statutes, are repealed.*

Section 14. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education funding; amending s. 212.055, F.S., relating to the school capital outlay surtax; providing that a required freeze on certain taxes does not apply to taxes authorized in the General Appropriations Act; amending s. 411.01, F.S.; authorizing certain specified counties or school districts to operate early learning coalitions, notwithstanding other provisions of law; amending s. 1001.451, F.S.; authorizing developmental research schools and the Florida School for the Deaf and the Blind to enter into agreements to form a regional consortium service organization; revising the amount of the award of an incentive grant to a regional consortium service organization; amending s. 1002.71, F.S.; providing for the initial allocation of student funding for the Voluntary Prekindergarten Education Program to be based on estimated student enrollment; amending ss. 1009.50, 1009.51, and 1009.52, F.S.; authorizing the deposit of funds appropriated by the Legislature for student financial assistance into the State Student Financial Assistance Trust Fund; amending s. 1009.89, F.S.; eliminating a requirement that funds appropriated for the William L. Boyd, IV, Florida Resident Access Grant Program be deposited into such trust fund; amending s. 1010.72, F.S.; authorizing funds to be credited to the Dale Hickam Excellent Teaching Program Trust Fund; amending s. 1011.62, F.S., relating to funds for the operation of schools; revising provisions relating to the manner in which each school district's allocation of sparsity supplement funds shall be adjusted; amending s. 1011.94, F.S.; authorizing funds to be deposited in the Trust Fund for University Major Gifts; amending s. 1013.79, F.S.; authorizing the appropriation of funds to be transferred to the Alec P. Courtelis Capital Facilities Matching Trust Fund; repealing ss. 1008.31(2) and 1012.231, F.S., relating to performanced-based funding and the BEST Florida Teaching salary career ladder program; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report was adopted and **CS for SB 388** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 394

The Honorable Tom Lee May 5, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 394, same being:

An act relating to Enforcement of Farm Labor Laws; requires that moneys to enforce farm labor laws be transferred to Professional Regulation Trust Fund from Workers' Compensation Administration Trust Fund within Financial Services Dept.; authorized appropriation of moneys for such purpose.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton	*s/Nancy Argenziano*
Chair	*s/JD Alexander*
s/Dave Aronberg	*s/Carey Baker*
s/Michael S. "Mike" Bennett	*s/Larcenia J. Bullard*
s/Charlie Clary	*s/Lee Constantine*
s/Victor D. Crist	*s/M. Mandy Dawson*
s/Paula Dockery	*s/Mike Fasano*
s/Rudy Garcia	*s/Anthony C. "Tony" Hill, Sr.*
s/Dennis L. Jones	*s/James E. "Jim" King, Jr.*
s/Ron Klein	*s/Alfred "Al" Lawson, Jr.*
s/Evelyn J. Lynn	*s/Gwen Margolis*
s/Lesley "Les" Miller, Jr.	*s/Durell Peaden, Jr.*
s/Ken Pruitt	*s/Nan Rich*
s/Burt L. Saunders	*s/Jim Sebesta*
s/Gary Siplin	*s/Rod Smith*
s/J. Alex Villalobos	*s/Daniel Webster*
s/Frederica S. Wilson	*s/Stephen R. Wise*

Managers on the part of the Senate

s/Joe Negron	*s/Sandra "Sandy" Adams*
Vice Chair	*s/Thad Altman*
s/Rafael "Ralph" Arza	*s/Frank Attkisson*
s/Loranne Ausley	*s/Gustavo A. Barreiro*
s/Dennis K. Baxley	*s/Aaron P. Bean*
s/Dorothy Bendross-Mindingall	*s/Anna Holliday "Holly" Benson*
s/Kimberly Berfield	*s/Gus Michael Bilirakis*
s/Ellyn Setnor Bogdanoff	*s/Marsha L. "Marty" Bowen*
s/Donald D. "Don" Brown	*s/Frederick C. "Fred" Brummer*

s/Dean Cannon
s/Donna Clarke
s/Don Davis
s/Greg Evers
s/Anitere Flores
s/Anne M. "Annie" Gannon
s/Andy Gardiner
s/Hugh H. Gibson III
s/Ron L. Greenstein
s/Alan D. Hays
s/Arthenia L. Joyner
s/Will S. Kendrick
Dick Kravitz
s/Marcelo Llorente
s/Mark Mahon
s/David J. Mealor
s/Mitch Needelman
s/Joe H. Pickens
s/L. Ralph Poppell
s/Ron Reagan
s/David Rivera
s/Marco Rubio
s/Franklin Sands
s/John P. "Jack" Seiler
s/Eleanor Sobel
s/A. Trey Traviesa
s/Shelley Vana
s/Jennifer "JC" Carroll
s/Joyce Cusack
s/Mike Davis
s/Frank Farkas
s/Bill Galvano
s/Rene Garcia
s/Dan Gelber
s/J. Dudley Goodlette
s/Adam Hasner
s/Edward L. "Ed" Jennings, Jr.
s/Charlie Justice
s/Jeffrey D. "Jeff" Kottkamp
s/Kenneth W. "Ken" Littlefield
s/Richard A. Machek
s/Stan Mayfield
s/Dave Murzin
s/Pat Patterson
s/Juan-Carlos "J.C." Planas
s/John "Q" Quinones
s/Curtis B. Richardson
s/Yolly Roberson
s/Timothy M. "Tim" Ryan
s/Ray Sansom
s/David Simmons
s/Dwight Stansel
s/Baxter G. Troutman
s/Leslie Waters

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) is added to section 450.38, Florida Statutes, to read:

450.38 Enforcement of farm labor laws.—

(8) Moneys for the enforcement of the farm labor laws shall be transferred to the Professional Regulation Trust Fund from the Workers' Compensation Administration Trust Fund of the Department of Financial Services.

Section 2. *In addition to the purpose of the Workers' Compensation Administration Trust Fund specified in section 440.50(1)(a), Florida Statutes, moneys in the Workers' Compensation Administration Trust Fund in the Department of Financial Services may also be appropriated to fund the enforcement of farm labor laws by the Department of Business and Professional Regulation.*

Section 3. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the enforcement of farm labor laws; amending s. 450.38, F.S.; requiring that moneys to enforce farm labor laws be transferred to the Professional Regulation Trust Fund from the Workers' Compensation Administration Trust Fund within the Department of Financial Services; authorizing the appropriation of moneys for such purpose; providing an effective date.

On motion by Senator Clary, the Conference Committee Report was adopted and **CS for SB 394** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—39

Alexander	Clary	Haridopolos
Argenziano	Constantine	Hill
Aronberg	Crist	Jones
Atwater	Dawson	King
Baker	Diaz de la Portilla	Klein
Bennett	Dockery	Lawson
Bullard	Fasano	Lynn
Campbell	Garcia	Margolis
Carlton	Geller	Miller
Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 400

The Honorable Tom Lee May 4, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 400, same being:

An act relating to Procurement/Commodities/Contracts; requires that DMS compensate provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requires that provider report transaction data to dept.; requires that fees due to state on transactional basis or a fixed percentage of savings generated be deposited into State Treasury; requires vendor pay interest on balance of fees remaining due and unpaid.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton
Chair
s/Dave Aronberg
s/Michael S. "Mike" Bennett
s/Charlie Clary
s/Victor D. Crist
s/Paula Dockery
s/Rudy Garcia
s/Dennis L. Jones
s/Ron Klein
s/Evelyn J. Lynn
s/Lesley "Les" Miller, Jr.
s/Ken Pruitt
s/Burt L. Saunders
s/Gary Siplin
s/J. Alex Villalobos
s/Frederica S. Wilson
s/Nancy Argenziano
s/JD Alexander
s/Carey Baker
s/Larcenia J. Bullard
s/Lee Constantine
s/M. Mandy Dawson
s/Mike Fasano
s/Anthony C. "Tony" Hill, Sr.
s/James E. "Jim" King, Jr.
s/Alfred "Al" Lawson, Jr.
s/Gwen Margolis
s/Durell Peaden, Jr.
s/Nan Rich
s/Jim Sebesta
s/Rod Smith
s/Daniel Webster
s/Stephen R. Wise

Managers on the part of the Senate

s/Joe Negron
Vice Chair
s/Rafael "Ralph" Arza
s/Loranne Ausley
s/Dennis K. Baxley
s/Dorothy Bendross-Mindingall
s/Kimberly Berfield
s/Ellyn Setnor Bogdanoff
s/Donald D. "Don" Brown
s/Dean Cannon
s/Donna Clarke
s/Don Davis
s/Greg Evers
s/Anitere Flores
s/Anne M. "Annie" Gannon
s/Andy Gardiner
s/Hugh H. Gibson III
s/Ron L. Greenstein
s/Alan D. Hays
s/Arthenia L. Joyner
s/Sandra "Sandy" Adams
s/Thad Altman
s/Frank Attkisson
s/Gustavo A. Barreiro
s/Aaron P. Bean
s/Anna Holliday "Holly" Benson
s/Gus Michael Bilirakis
s/Marsha L. "Marty" Bowen
s/Frederick C. "Fred" Brummer
s/Jennifer "JC" Carroll
s/Joyce Cusack
s/Mike Davis
s/Frank Farkas
s/Bill Galvano
s/Rene Garcia
s/Dan Gelber
s/J. Dudley Goodlette
s/Adam Hasner
s/Edward L. "Ed" Jennings, Jr.
s/Charlie Justice

s/Will S. Kendrick
Dick Kravitz
s/Marcelo Llorente
s/Mark Mahon
s/David J. Mealor
s/Mitch Needelman
s/Joe H. Pickens
s/L. Ralph Poppell
s/Ron Reagan
David Rivera
s/Marco Rubio
s/Franklin Sands
s/John P. "Jack" Seiler
s/Eleanor Sobel
s/A. Trey Traviesa
s/Shelley Vana
s/Jeffrey D. "Jeff" Kottkamp
s/Kenneth W. "Ken" Littlefield
s/Richard A. Machek
s/Stan Mayfield
s/Dave Murzin
s/Pat Patterson
s/Juan-Carlos "J.C." Planas
s/John "Q" Quinones
s/Curtis B. Richardson
s/Yolly Roberson
s/Timothy M. "Tim" Ryan
s/Ray Sansom
s/David Simmons
s/Dwight Stansel
s/Baxter G. Troutman
s/Leslie Waters

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (23) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(23)

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

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

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

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

On motion by Senator Clary, the Conference Committee Report was adopted and **CS for SB 400** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR CS FOR SB 404

The Honorable Tom Lee May 5, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 404, same being:

An act relating to Health Care; delays provisions requiring nursing home staffing increase; revises guidelines re: reimbursement of Medicaid providers; revises Medicaid prescribed drug spending control program; directs AHCA to implement, & authorizes it to seek federal waivers for, program of all-inclusive care for children; requires AHCA to publish managed care reimbursement rates annually, etc.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton
Chair
s/Dave Aronberg
s/Michael S. "Mike" Bennett
s/Charlie Clary
s/Victor D. Crist
s/Paula Dockery
s/Rudy Garcia
s/Dennis L. Jones
s/Ron Klein
s/Evelyn J. Lynn
s/Lesley "Les" Miller, Jr.
s/Ken Pruitt
s/Burt L. Saunders
s/Gary Siplin
s/J. Alex Villalobos
s/Frederica S. Wilson
s/Nancy Argenziano
s/JD Alexander
s/Carey Baker
s/Larcenia J. Bullard
s/Lee Constantine
s/M. Mandy Dawson
s/Mike Fasano
s/Anthony C. "Tony" Hill, Sr.
s/James E. "Jim" King, Jr.
s/Alfred "Al" Lawson, Jr.
s/Gwen Margolis
s/Durell Peaden, Jr.
s/Nan Rich
s/Jim Sebesta
s/Rod Smith
s/Daniel Webster
s/Stephen R. Wise

Managers on the part of the Senate

s/Joe Negron
Vice Chair
s/Rafael "Ralph" Arza
s/Loranne Ausley
s/Dennis K. Baxley
s/Dorothy Bendross-Mindingall
s/Sandra "Sandy" Adams
s/Thad Altman
s/Frank Attkisson
s/Gustavo A. Barreiro
s/Aaron P. Bean
s/Anna Holliday "Holly" Benson

s/Kimberly Berfield
s/Ellyn Setnor Bogdanoff
s/Donald D. "Don" Brown
s/Dean Cannon
s/Donna Clarke
s/Don Davis
s/Greg Evers
s/Anitere Flores
s/Anne M. "Annie" Gannon
s/Andy Gardiner
s/Hugh H. Gibson III
s/Ron L. Greenstein
s/Alan D. Hays
s/Arthenia L. Joyner
s/Will S. Kendrick
Dick Kravitz
s/Marcelo Llorente
s/Mark Mahon
s/David J. Mealor
s/Mitch Needelman
s/Joe H. Pickens
s/L. Ralph Poppell
s/Ron Reagan
s/David Rivera
s/Marco Rubio
s/Franklin Sands
s/John P. "Jack" Seiler
s/Eleanor Sobel
s/A. Trey Traviesa
s/Shelley Vana
s/Gus Michael Bilirakis
s/Marsha L. "Marty" Bowen
s/Frederick C. "Fred" Brummer
s/Jennifer "JC" Carroll
s/Joyce Cusack
s/Mike Davis
s/Frank Farkas
s/Bill Galvano
s/Rene Garcia
s/Dan Gelber
s/J. Dudley Goodlette
s/Adam Hasner
s/Edward L. "Ed" Jennings, Jr.
s/Charlie Justice
s/Jeffrey D. "Jeff" Kottkamp
s/Kenneth W. "Ken" Littlefield
s/Richard A. Machek
s/Stan Mayfield
s/Dave Murzin
s/Pat Patterson
s/Juan-Carlos "J.C." Planas
s/John "Q" Quinones
s/Curtis B. Richardson
s/Yolly Roberson
s/Timothy M. "Tim" Ryan
s/Ray Sansom
s/David Simmons
s/Dwight Stansel
s/Baxter G. Troutman
s/Leslie Waters

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 393.0661, Florida Statutes, is amended to read:

393.0661 Home and community-based services delivery system; comprehensive redesign.—The Legislature finds that the home and community-based services delivery system for persons with developmental disabilities and the availability of appropriated funds are two of the critical elements in making services available. Therefore, it is the intent of the Legislature that the Agency for Persons with Disabilities shall develop and implement a comprehensive redesign of the system.

(1) The redesign of the home and community-based services system shall include, at a minimum, all actions necessary to achieve an appropriate rate structure, client choice within a specified service package, appropriate assessment strategies, an efficient billing process that contains reconciliation and monitoring components, a redefined role for support coordinators that avoids potential conflicts of interest, and ensures that family/client budgets are linked to levels of need.

(a) The agency shall use an assessment instrument that is reliable and valid. The agency may contract with an external vendor or may use support coordinators to complete client assessments if it develops sufficient safeguards and training to ensure ongoing inter-rater reliability.

(b) The agency, with the concurrence of the Agency for Health Care Administration, may contract for the determination of medical necessity and establishment of individual budgets.

(2) A provider of services rendered to persons with developmental disabilities pursuant to a federally approved waiver shall be reimbursed according to a rate methodology based upon an analysis of the expenditure history and prospective costs of providers participating in the waiver program, or under any other methodology developed by the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, and approved by the Federal Government in accordance with the waiver.

~~(3) Pending the adoption of rate methodologies pursuant to nonemergency rulemaking under s. 120.54, the Agency for Health Care Administration may, at any time, adopt emergency rules under s. 120.54(4) in order to comply with subsection (4). In adopting such emergency rules, the agency need not make the findings required by s. 120.54(4)(a), and such rules shall be exempt from time limitations provided in s. 120.54(4)(c) and shall remain in effect until replaced by another emergency rule or the nonemergency adoption of the rate methodology.~~

(3)~~(4)~~ Nothing in this section or in any administrative rule shall be construed to prevent or limit the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or from limiting enrollment, or making any other adjustment necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act. If at any time, based upon an analysis by the Agency for Health Care Administration in consultation with the Agency for Persons with Disabilities, the cost of home and community-based waiver services are expected to exceed the appropriated amount, the Agency for Health Care Administration may implement any adjustment, including provider rate reductions, within 30 days in order to remain within the appropriation.

Section 2. Paragraph (a) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)(a) The agency shall adopt rules providing ~~for the~~ minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.9 hours of direct care per resident per day beginning July 1, *2006* ~~2005~~. Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses ~~so recognized~~ are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted toward the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and ~~shall~~ not also be counted toward the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

Section 3. Subsection (4) of section 408.034, Florida Statutes, is amended to read:

408.034 Duties and responsibilities of agency; rules.—

(4) Prior to determining that there is a need for additional community nursing facility beds in any area of the state, the agency shall determine that the need cannot be met through the provision, enhancement, or expansion of home and community-based services. In determining such need, the agency shall examine nursing home placement patterns and demographic patterns of persons entering nursing homes and the availability of and effectiveness of existing home-based and community-based service delivery systems at meeting the long-term care needs of the population. The agency shall recommend to the *Legislature* ~~Office of Long-Term Care Policy~~ changes that could be made to existing home-based and community-based delivery systems to lessen the need for additional nursing facility beds.

Section 4. Subsection (5) of section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The agency shall make payments for medical assistance and related services on

behalf of the following persons who the department, or the Social Security Administration by contract with the Department of Children and Family Services, determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(5) A pregnant woman for the duration of her pregnancy and for the postpartum period as defined in federal law and rule, or a child under age 1, if either is living in a family that has an income which is at or below 150 percent of the most current federal poverty level, or, effective January 1, 1992, that has an income which is at or below 185 percent of the most current federal poverty level. Such a person is not subject to an assets test. Further, a pregnant woman who applies for eligibility for the Medicaid program through a qualified Medicaid provider must be offered the opportunity, subject to federal rules, to be made presumptively eligible for the Medicaid program. ~~Effective July 1, 2005, eligibility for Medicaid services is eliminated for women who have incomes above 150 percent of the most current federal poverty level.~~

Section 5. Subsections (1) and (2) of section 409.904, Florida Statutes, are amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1)*(a) From July 1, 2005, through December 31, 2005,* a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of federal poverty level, and whose assets do not exceed established limitations.

(b) Effective January 1, 2006, and subject to federal waiver approval, a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of the federal poverty level, whose assets do not exceed established limitations, and who is not eligible for Medicare or, if eligible for Medicare, is also eligible for and receiving Medicaid-covered institutional care services, hospice services, or home and community-based services. The agency shall seek federal authorization through a waiver to provide this coverage.

(2) A family, a pregnant woman, a child under age 21, a person age 65 or over, or a blind or disabled person, who would be eligible under any group listed in s. 409.903(1), (2), or (3), except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A family or person eligible under the coverage known as the "medically needy," is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled. ~~Effective July 1, 2005, the medically needy are eligible for prescribed drug services only.~~

Section 6. Paragraph (b) of subsection (1) of section 409.906, Florida Statutes, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(1) ADULT DENTAL SERVICES.—

(b) Beginning January 1, 2005, the agency may pay for dentures, the procedures required to seat dentures, and the repair and reline of dentures, provided by or under the direction of a licensed dentist, for a recipient who is 21 years of age or older. ~~This paragraph is repealed effective July 1, 2005.~~

Section 7. *Effective January 1, 2006, section 409.9065, Florida Statutes, is repealed.*

Section 8. Subsection (2) of section 409.907, Florida Statutes, is amended to read:

409.907 Medicaid provider agreements.—The agency may make payments for medical assistance and related services rendered to Medicaid recipients only to an individual or entity who has a provider agreement in effect with the agency, who is performing services or supplying goods in accordance with federal, state, and local law, and who agrees that no person shall, on the grounds of handicap, race, color, or national origin, or for any other reason, be subjected to discrimination under any program or activity for which the provider receives payment from the agency.

(2) Each provider agreement shall be a voluntary contract between the agency and the provider~~,~~ in which the provider agrees to comply with all laws and rules pertaining to the Medicaid program when furnishing a service or goods to a Medicaid recipient and the agency agrees to pay a sum~~,~~ determined by *the agency* ~~fee schedule, payment methodology, or other manner,~~ for the service or goods provided to the Medicaid recipient. *The agency may require a provider to be subject to a fee or rate schedule or other payment methodology, but a fee or rate schedule or any payment methodology shall not be incorporated into the provider agreement or any other agreement relating to the provision of Medicaid goods or services. The provider agreement and other agreement shall require that the provider agrees to accept the compensation established from time to time by the agency for Medicaid goods and services.* Each provider agreement shall be effective for a stipulated period of time, shall be terminable by either party after reasonable notice, and shall be renewable by mutual agreement. *Provider agreements and other agreements relating to the provision of Medicaid goods and services shall be renewed or amended only in writing. Any term of any provider agreement or other Medicaid agreement which is inconsistent with this section shall be amended by operation of law to conform to the requirements set forth in this subsection.*

Section 9. Section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to *published* methodologies ~~set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein~~. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. *The agency may adjust* ~~Further, nothing in this section shall be construed to prevent or limit the agency from adjusting~~ fees, reimbursement rates, lengths of stay, number of visits, or number of services, or *make* ~~making~~ any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(1) Reimbursement to hospitals licensed under part I of chapter 395 must be made prospectively or on the basis of negotiation.

(a) Reimbursement for inpatient care is limited as provided for in s. 409.905(5), except for:

1. The raising of rate reimbursement caps, excluding rural hospitals.

2. Recognition of the costs of graduate medical education.

3. Other methodologies recognized in the General Appropriations Act.

~~4. Hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001, and restored effective April 1, 2002.~~

During the years funds are transferred from the Department of Health, any reimbursement supported by such funds shall be subject to certification by the Department of Health that the hospital has complied with s. 381.0403. The agency is authorized to receive funds from state entities, including, but not limited to, the Department of Health, local governments, and other local political subdivisions, for the purpose of making special exception payments, including federal matching funds, through the Medicaid inpatient reimbursement methodologies. Funds received from state entities or local governments for this purpose shall be separately accounted for and shall not be commingled with other state or local funds in any manner. The agency may certify all local governmental funds used as state match under Title XIX of the Social Security Act, to the extent that the identified local health care provider that is otherwise entitled to and is contracted to receive such local funds is the benefactor under the state's Medicaid program as determined under the General Appropriations Act and pursuant to an agreement between the Agency for Health Care Administration and the local governmental entity. The local governmental entity shall use a certification form prescribed by the agency. At a minimum, the certification form shall identify the amount being certified and describe the relationship between the certifying local governmental entity and the local health care provider. The agency shall prepare an annual statement of impact which documents the specific activities undertaken during the previous fiscal year pursuant to this paragraph, to be submitted to the Legislature no later than January 1, annually.

(b) Reimbursement for hospital outpatient care is limited to $1,500 per state fiscal year per recipient, except for:

1. Such care provided to a Medicaid recipient under age 21, in which case the only limitation is medical necessity.

2. Renal dialysis services.

3. Other exceptions made by the agency.

The agency is authorized to receive funds from state entities, including, but not limited to, the Department of Health, the Board of Regents, local governments, and other local political subdivisions, for the purpose of making payments, including federal matching funds, through the Medicaid outpatient reimbursement methodologies. Funds received from state entities and local governments for this purpose shall be separately accounted for and shall not be commingled with other state or local funds in any manner.

(c) Hospitals that provide services to a disproportionate share of low-income Medicaid recipients, or that participate in the regional perinatal intensive care center program under chapter 383, or that participate in the statutory teaching hospital disproportionate share program may receive additional reimbursement. The total amount of payment for disproportionate share hospitals shall be fixed by the General Appropriations Act. The computation of these payments must be made in compliance with all federal regulations and the methodologies described in ss. 409.911, 409.9112, and 409.9113.

(d) The agency is authorized to limit inflationary increases for outpatient hospital services as directed by the General Appropriations Act.

(2)(a)1. Reimbursement to nursing homes licensed under part II of chapter 400 and state-owned-and-operated intermediate care facilities for the developmentally disabled licensed under chapter 393 must be made prospectively.

2. Unless otherwise limited or directed in the General Appropriations Act, reimbursement to hospitals licensed under part I of chapter 395 for the provision of swing-bed nursing home services must be made on the basis of the average statewide nursing home payment, and reimbursement to a hospital licensed under part I of chapter 395 for the provision of skilled nursing services must be made on the basis of the average nursing home payment for those services in the county in which the hospital is located. When a hospital is located in a county that does not have any community nursing homes, reimbursement must be determined by averaging the nursing home payments, in counties that surround the county in which the hospital is located. Reimbursement to hospitals, including Medicaid payment of Medicare copayments, for skilled nursing services shall be limited to 30 days, unless a prior authorization has been obtained from the agency. Medicaid reimbursement may be extended by the agency beyond 30 days, and approval must be based upon verification by the patient's physician that the patient requires short-term rehabilitative and recuperative services only, in which case an extension of no more than 15 days may be approved. Reimbursement to a hospital licensed under part I of chapter 395 for the temporary provision of skilled nursing services to nursing home residents who have been displaced as the result of a natural disaster or other emergency may not exceed the average county nursing home payment for those services in the county in which the hospital is located and is limited to the period of time which the agency considers necessary for continued placement of the nursing home residents in the hospital.

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling, and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, ~~by~~ the target rate class ceiling, or ~~by~~ the individual provider target. ~~The agency shall adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.~~

3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, *minimum data set* ~~MDS~~, and care plan coordinators, staff development, and staffing coordinator.

4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

6. In order to offset the cost of general and professional liability insurance, the agency shall amend the plan to allow for interim rate adjustments to reflect increases in the cost of general or professional liability insurance for nursing homes. This provision shall be implemented to the extent existing appropriations are available.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(3) Subject to any limitations or directions provided for in the General Appropriations Act, the following Medicaid services and goods may be reimbursed on a fee-for-service basis. For each allowable service or goods furnished in accordance with Medicaid rules, policy manuals, handbooks, and state and federal law, the payment shall be the amount billed by the provider, the provider's usual and customary charge, or the maximum allowable fee established by the agency, whichever amount is less, with the exception of those services or goods for which the agency makes payment using a methodology based on capitation rates, average costs, or negotiated fees.

(a) Advanced registered nurse practitioner services.

(b) Birth center services.

(c) Chiropractic services.

(d) Community mental health services.

(e) Dental services, including oral and maxillofacial surgery.

(f) Durable medical equipment.

(g) Hearing services.

(h) Occupational therapy for Medicaid recipients under age 21.

(i) Optometric services.

(j) Orthodontic services.

(k) Personal care for Medicaid recipients under age 21.

(l) Physical therapy for Medicaid recipients under age 21.

(m) Physician assistant services.

(n) Podiatric services.

(o) Portable X-ray services.

(p) Private-duty nursing for Medicaid recipients under age 21.

(q) Registered nurse first assistant services.

(r) Respiratory therapy for Medicaid recipients under age 21.

(s) Speech therapy for Medicaid recipients under age 21.

(t) Visual services.

(4) Subject to any limitations or directions provided for in the General Appropriations Act, alternative health plans, health maintenance organizations, and prepaid health plans shall be reimbursed a fixed, prepaid amount negotiated, or competitively bid pursuant to s. 287.057, by the agency and prospectively paid to the provider monthly for each Medicaid recipient enrolled. The amount may not exceed the average amount the agency determines it would have paid, based on claims experience, for recipients in the same or similar category of eligibility. The agency shall calculate capitation rates on a regional basis and, beginning September 1, 1995, shall include age-band differentials in such calculations.

(5) An ambulatory surgical center shall be reimbursed the lesser of the amount billed by the provider or the Medicare-established allowable amount for the facility.

(6) A provider of early and periodic screening, diagnosis, and treatment services to Medicaid recipients who are children under age 21 shall be reimbursed using an all-inclusive rate stipulated in a fee schedule established by the agency. A provider of the visual, dental, and hearing components of such services shall be reimbursed the lesser of the amount billed by the provider or the Medicaid maximum allowable fee established by the agency.

(7) A provider of family planning services shall be reimbursed the lesser of the amount billed by the provider or an all-inclusive amount per type of visit for physicians and advanced registered nurse practitioners, as established by the agency in a fee schedule.

(8) A provider of home-based or community-based services rendered pursuant to a federally approved waiver shall be reimbursed based on an established or negotiated rate for each service. These rates shall be established according to an analysis of the expenditure history and prospective budget developed by each contract provider participating in the waiver program, or under any other methodology adopted by the agency and approved by the Federal Government in accordance with the waiver. Effective July 1, 1996, privately owned and operated community-based residential facilities which meet agency requirements and which formerly received Medicaid reimbursement for the optional intermediate care facility for the mentally retarded service may participate in the developmental services waiver as part of a home-and-community-based continuum of care for Medicaid recipients who receive waiver services.

(9) A provider of home health care services or of medical supplies and appliances shall be reimbursed on the basis of competitive bidding or for the lesser of the amount billed by the provider or the agency's established maximum allowable amount, except that, in the case of the rental of durable medical equipment, the total rental payments may not exceed the purchase price of the equipment over its expected useful life or the agency's established maximum allowable amount, whichever amount is less.

(10) A hospice shall be reimbursed through a prospective system for each Medicaid hospice patient at Medicaid rates using the methodology established for hospice reimbursement pursuant to Title XVIII of the federal Social Security Act.

(11) A provider of independent laboratory services shall be reimbursed on the basis of competitive bidding or for the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency.

(12)(a) A physician shall be reimbursed the lesser of the amount billed by the provider or the Medicaid maximum allowable fee established by the agency.

(b) The agency shall adopt a fee schedule, subject to any limitations or directions provided for in the General Appropriations Act, based on a resource-based relative value scale for pricing Medicaid physician services. Under this fee schedule, physicians shall be paid a dollar amount for each service based on the average resources required to provide the service, including, but not limited to, estimates of average physician time and effort, practice expense, and the costs of professional liability insurance. The fee schedule shall provide increased reimbursement for preventive and primary care services and lowered reimbursement for specialty services by using at least two conversion factors, one for cognitive services and another for procedural services. The fee schedule shall not increase total Medicaid physician expenditures unless moneys are available, and shall be phased in over a 2-year period beginning on July 1, 1994. The Agency for Health Care Administration shall seek the advice of a 16-member advisory panel in formulating and adopting the fee schedule. The panel shall consist of Medicaid physicians licensed under chapters 458 and 459 and shall be composed of 50 percent primary care physicians and 50 percent specialty care physicians.

(c) Notwithstanding paragraph (b), reimbursement fees to physicians for providing total obstetrical services to Medicaid recipients, which include prenatal, delivery, and postpartum care, shall be at least $1,500 per delivery for a pregnant woman with low medical risk and at least $2,000 per delivery for a pregnant woman with high medical risk. However, reimbursement to physicians working in Regional Perinatal Intensive Care Centers designated pursuant to chapter 383, for services to certain pregnant Medicaid recipients with a high medical risk, may be made according to obstetrical care and neonatal care groupings and rates established by the agency. Nurse midwives licensed under part I of chapter 464 or midwives licensed under chapter 467 shall be reimbursed at no less than 80 percent of the low medical risk fee. The agency

shall by rule determine, for the purpose of this paragraph, what constitutes a high or low medical risk pregnant woman and shall not pay more based solely on the fact that a caesarean section was performed, rather than a vaginal delivery. The agency shall by rule determine a prorated payment for obstetrical services in cases where only part of the total prenatal, delivery, or postpartum care was performed. The Department of Health shall adopt rules for appropriate insurance coverage for midwives licensed under chapter 467. Prior to the issuance and renewal of an active license, or reactivation of an inactive license for midwives licensed under chapter 467, such licensees shall submit proof of coverage with each application.

(13) Medicare premiums for persons eligible for both Medicare and Medicaid coverage shall be paid at the rates established by Title XVIII of the Social Security Act. For Medicare services rendered to Medicaid-eligible persons, Medicaid shall pay Medicare deductibles and coinsurance as follows:

(a) Medicaid shall make no payment toward deductibles and coinsurance for any service that is not covered by Medicaid.

(b) Medicaid's financial obligation for deductibles and coinsurance payments shall be based on Medicare allowable fees, not on a provider's billed charges.

(c) Medicaid will pay no portion of Medicare deductibles and coinsurance when payment that Medicare has made for the service equals or exceeds what Medicaid would have paid if it had been the sole payor. The combined payment of Medicare and Medicaid shall not exceed the amount Medicaid would have paid had it been the sole payor. The Legislature finds that there has been confusion regarding the reimbursement for services rendered to dually eligible Medicare beneficiaries. Accordingly, the Legislature clarifies that it has always been the intent of the Legislature before and after 1991 that, in reimbursing in accordance with fees established by Title XVIII for premiums, deductibles, and coinsurance for Medicare services rendered by physicians to Medicaid eligible persons, physicians be reimbursed at the lesser of the amount billed by the physician or the Medicaid maximum allowable fee established by the Agency for Health Care Administration, as is permitted by federal law. It has never been the intent of the Legislature with regard to such services rendered by physicians that Medicaid be required to provide any payment for deductibles, coinsurance, or copayments for Medicare cost sharing, or any expenses incurred relating thereto, in excess of the payment amount provided for under the State Medicaid plan for such service. This payment methodology is applicable even in those situations in which the payment for Medicare cost sharing for a qualified Medicare beneficiary with respect to an item or service is reduced or eliminated. This expression of the Legislature is in clarification of existing law and shall apply to payment for, and with respect to provider agreements with respect to, items or services furnished on or after the effective date of this act. This paragraph applies to payment by Medicaid for items and services furnished before the effective date of this act if such payment is the subject of a lawsuit that is based on the provisions of this section, and that is pending as of, or is initiated after, the effective date of this act.

(d) Notwithstanding paragraphs (a)-(c):

1. Medicaid payments for Nursing Home Medicare part A coinsurance shall be the lesser of the Medicare coinsurance amount or the Medicaid nursing home per diem rate.

2. Medicaid shall pay all deductibles and coinsurance for Medicare-eligible recipients receiving freestanding end stage renal dialysis center services.

3. Medicaid payments for general hospital inpatient services shall be limited to the Medicare deductible per spell of illness. Medicaid shall make no payment toward coinsurance for Medicare general hospital inpatient services.

4. Medicaid shall pay all deductibles and coinsurance for Medicare emergency transportation services provided by ambulances licensed pursuant to chapter 401.

(14) A provider of prescribed drugs shall be reimbursed the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency, plus a dispensing fee. The Medicaid maximum allowable fee for ingredient cost will be based on the lower of: average wholesale price (AWP) minus 15.4 percent, wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider. Medicaid providers are required to dispense generic drugs if available at lower cost and the agency has not determined that the branded product is more cost-effective, unless the prescriber has requested and received approval to require the branded product. The agency is directed to implement a variable dispensing fee for payments for prescribed medicines while ensuring continued access for Medicaid recipients. The variable dispensing fee may be based upon, but not limited to, either or both the volume of prescriptions dispensed by a specific pharmacy provider, the volume of prescriptions dispensed to an individual recipient, and dispensing of preferred-drug-list products. The agency may increase the pharmacy dispensing fee authorized by statute and in the annual General Appropriations Act by $0.50 for the dispensing of a Medicaid preferred-drug-list product and reduce the pharmacy dispensing fee by $0.50 for the dispensing of a Medicaid product that is not included on the preferred drug list. The agency may establish a supplemental pharmaceutical dispensing fee to be paid to providers returning unused unit-dose packaged medications to stock and crediting the Medicaid program for the ingredient cost of those medications if the ingredient costs to be credited exceed the value of the supplemental dispensing fee. The agency is authorized to limit reimbursement for prescribed medicine in order to comply with any limitations or directions provided for in the General Appropriations Act, which may include implementing a prospective or concurrent utilization review program.

(15) A provider of primary care case management services rendered pursuant to a federally approved waiver shall be reimbursed by payment of a fixed, prepaid monthly sum for each Medicaid recipient enrolled with the provider.

(16) A provider of rural health clinic services and federally qualified health center services shall be reimbursed a rate per visit based on total reasonable costs of the clinic, as determined by the agency in accordance with federal regulations.

(17) A provider of targeted case management services shall be reimbursed pursuant to an established fee, except where the Federal Government requires a public provider be reimbursed on the basis of average actual costs.

(18) Unless otherwise provided for in the General Appropriations Act, a provider of transportation services shall be reimbursed the lesser of the amount billed by the provider or the Medicaid maximum allowable fee established by the agency, except when the agency has entered into a direct contract with the provider, or with a community transportation coordinator, for the provision of an all-inclusive service, or when services are provided pursuant to an agreement negotiated between the agency and the provider. The agency, as provided for in s. 427.0135, shall purchase transportation services through the community coordinated transportation system, if available, unless the agency determines a more cost-effective method for Medicaid clients. Nothing in this subsection shall be construed to limit or preclude the agency from contracting for services using a prepaid capitation rate or from establishing maximum fee schedules, individualized reimbursement policies by provider type, negotiated fees, prior authorization, competitive bidding, increased use of mass transit, or any other mechanism that the agency considers efficient and effective for the purchase of services on behalf of Medicaid clients, including implementing a transportation eligibility process. The agency shall not be required to contract with any community transportation coordinator or transportation operator that has been determined by the agency, the Department of Legal Affairs Medicaid Fraud Control Unit, or any other state or federal agency to have engaged in any abusive or fraudulent billing activities. The agency is authorized to competitively procure transportation services or make other changes necessary to secure approval of federal waivers needed to permit federal financing of Medicaid transportation services at the service matching rate rather than the administrative matching rate.

(19) County health department services shall be reimbursed a rate per visit based on total reasonable costs of the clinic, as determined by the agency in accordance with federal regulations under the authority of 42 C.F.R. s. 431.615.

(20) A renal dialysis facility that provides dialysis services under s. 409.906(9) must be reimbursed the lesser of the amount billed by the

provider, the provider's usual and customary charge, or the maximum allowable fee established by the agency, whichever amount is less.

(21) The agency shall reimburse school districts which certify the state match pursuant to ss. 409.9071 and 1011.70 for the federal portion of the school district's allowable costs to deliver the services, based on the reimbursement schedule. The school district shall determine the costs for delivering services as authorized in ss. 409.9071 and 1011.70 for which the state match will be certified. Reimbursement of school-based providers is contingent on such providers being enrolled as Medicaid providers and meeting the qualifications contained in 42 C.F.R. s. 440.110, unless otherwise waived by the federal Health Care Financing Administration. Speech therapy providers who are certified through the Department of Education pursuant to rule 6A-4.0176, Florida Administrative Code, are eligible for reimbursement for services that are provided on school premises. Any employee of the school district who has been fingerprinted and has received a criminal background check in accordance with Department of Education rules and guidelines shall be exempt from any agency requirements relating to criminal background checks.

(22) The agency shall request and implement Medicaid waivers from the federal Health Care Financing Administration to advance and treat a portion of the Medicaid nursing home per diem as capital for creating and operating a risk-retention group for self-insurance purposes, consistent with federal and state laws and rules.

Section 10. Section 409.9082, Florida Statutes, is created to read:

409.9082 Medicaid rate-setting process.—The agency is authorized to adopt fees, rates, or other methods of payment for Medicaid goods and services which may be amended from time to time consistent with the needs of the state Medicaid program and any limitations or directions provided for in the General Appropriations Act. The agency is not required to comply with chapter 120 when setting rates and methods of payment. The substance of Medicaid rates are not subject to judicial review, except to the extent decisions setting rates or methods of payment violate the State Constitution or federal law.

(1) For determining rates of payment for hospital services, nursing facility services, and services for intermediate care facilities for the developmentally disabled:

(a) Notice of proposed rate methodologies and justifications for the proposed rate methodologies shall be published in the Florida Administrative Weekly.

1. The notice must generally describe the proposed changes in rate methodologies and the justification for change so as to put interested persons on reasonable notice of proposed changes of rates and methodologies and their justification.

2. The notice must state how or where proposed rate methodologies and justifications can be obtained.

3. The notice must state that comments will be received, the period of time during which they will be received, and the person to whom they should be sent.

(b) Providers, beneficiaries and their representatives, and other concerned state residents shall be given a reasonable opportunity to review and comment on the proposed rate methodologies and justifications.

(c) Notice of final rate methodologies and justifications for such final rate methodologies shall be published in the Florida Administrative Weekly. The notice must generally describe the final rate methodologies and the justification for change so as to put interested persons on reasonable notice of the substance of final rate methodologies and their justification.

(d) The notice must state how or where final rate methodologies and justifications can be obtained.

(2) For determining all other rates or methods of payment:

(a) Notice shall be published in the Florida Administrative Weekly at least 48 hours before the effective date of the rate.

(b) The notice must:

1. Generally describe the proposed changes in rates or methodologies and the justification for change so as to put interested persons on reasonable notice of proposed changes of rates and methodologies and their justification;

2. Estimate any changes in annual aggregate expenditures caused or anticipated by the change;

3. State how or where the proposed changes in rates or methodologies and the justification may be obtained; and

4. State where comments may be sent.

Section 11. Paragraphs (a) and (b) of subsection (2) and paragraph (b) of subsection (4) of section 409.911, Florida Statutes, are amended to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(2) The Agency for Health Care Administration shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the 1998, 1999, and 2000 audited *disproportionate share* data to determine each hospital's Medicaid days and charity care *for the 2004-2005 state fiscal year and the average of the 1999, 2000, and 2001 audited disproportionate share data to determine the Medicaid days and charity care for the 2005-2006 state fiscal year*.

(b) *If the Agency for Health Care Administration does not have the prescribed 3 years of audited disproportionate share data as noted in paragraph (a) for a hospital, the agency shall use the average of the years of the audited disproportionate share data as noted in paragraph (a) which is available.* ~~The average of the audited disproportionate share data for the years available if the Agency for Health Care Administration does not have the prescribed 3 years of audited disproportionate share data for a hospital.~~

(4) The following formulas shall be used to pay disproportionate share dollars to public hospitals:

(b) For non-state government owned or operated hospitals with 3,300 or more Medicaid days:

$$DSHP = [(.82 \times HCCD/TCCD) + (.18 \times HMD/TMD)] \times TAAPH$$

$$TAAPH = TAA - TAAMH$$

Where:

TAA = total available appropriation.

TAAPH = total amount available for public hospitals.

DSHP = disproportionate share hospital payments.

HMD = hospital Medicaid days.

TMD = total state Medicaid days for public hospitals.

HCCD = hospital charity care dollars.

TCCD = total state charity care dollars for public non-state hospitals.

1. For the 2005-2006 state fiscal year only, the DSHP for the public nonstate hospitals shall be computed using a weighted average of the disproportionate share payments for the 2004-2005 state fiscal year which uses an average of the 1998, 1999, and 2000 audited disproportionate share data and the disproportionate share payments for the 2005-2006 state fiscal year as computed using the formula above and using the average of the 1999, 2000, and 2001 audited disproportionate share data. The final DSHP for the public nonstate hospitals shall be computed as an average using the calculated payments for the 2005-2006 state fiscal year weighted at 65 percent and the disproportionate share payments for the 2004-2005 state fiscal year weighted at 35 percent.

2. The TAAPH shall be reduced by $6,365,257 before computing the DSHP for each public hospital. The $6,365,257 shall be distributed equally between the public hospitals that are also designated statutory teaching hospitals.

Section 12. Section 409.9112, Florida Statutes, is amended to read:

409.9112 Disproportionate share program for regional perinatal intensive care centers.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall design and implement a system of making disproportionate share payments to those hospitals that participate in the regional perinatal intensive care center program established pursuant to chapter 383. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the state fiscal year *2005-2006* ~~2004-2005~~, the agency shall not distribute moneys under the regional perinatal intensive care centers disproportionate share program~~, except as noted in subsection (2)~~. ~~In the event the Centers for Medicare and Medicaid Services do not approve Florida's inpatient hospital state plan amendment for the public disproportionate share program by January 1, 2005, the agency may make payments to hospitals under the regional perinatal intensive care centers disproportionate share program.~~

(1) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the regional perinatal intensive care center program:

TAE = HDSP/THDSP

Where:

TAE = total amount earned by a regional perinatal intensive care center.

HDSP = the prior state fiscal year regional perinatal intensive care center disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total regional perinatal intensive care center disproportionate share payments to all hospitals.

(2) The total additional payment for hospitals that participate in the regional perinatal intensive care center program shall be calculated by the agency as follows:

TAP = TAE x TA

Where:

TAP = total additional payment for a regional perinatal intensive care center.

TAE = total amount earned by a regional perinatal intensive care center.

TA = total appropriation for the regional perinatal intensive care center disproportionate share program.

(3) In order to receive payments under this section, a hospital must be participating in the regional perinatal intensive care center program pursuant to chapter 383 and must meet the following additional requirements:

(a) Agree to conform to all departmental and agency requirements to ensure high quality in the provision of services, including criteria adopted by departmental and agency rule concerning staffing ratios, medical records, standards of care, equipment, space, and such other standards and criteria as the department and agency deem appropriate as specified by rule.

(b) Agree to provide information to the department and agency, in a form and manner to be prescribed by rule of the department and agency, concerning the care provided to all patients in neonatal intensive care centers and high-risk maternity care.

(c) Agree to accept all patients for neonatal intensive care and high-risk maternity care, regardless of ability to pay, on a functional space-available basis.

(d) Agree to develop arrangements with other maternity and neonatal care providers in the hospital's region for the appropriate receipt and transfer of patients in need of specialized maternity and neonatal intensive care services.

(e) Agree to establish and provide a developmental evaluation and services program for certain high-risk neonates, as prescribed and defined by rule of the department.

(f) Agree to sponsor a program of continuing education in perinatal care for health care professionals within the region of the hospital, as specified by rule.

(g) Agree to provide backup and referral services to the department's county health departments and other low-income perinatal providers within the hospital's region, including the development of written agreements between these organizations and the hospital.

(h) Agree to arrange for transportation for high-risk obstetrical patients and neonates in need of transfer from the community to the hospital or from the hospital to another more appropriate facility.

(4) Hospitals which fail to comply with any of the conditions in subsection (3) or the applicable rules of the department and agency shall not receive any payments under this section until full compliance is achieved. A hospital which is not in compliance in two or more consecutive quarters shall not receive its share of the funds. Any forfeited funds shall be distributed by the remaining participating regional perinatal intensive care center program hospitals.

Section 13. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.—In addition to the payments made under ss. 409.911 and 409.9112, the Agency for Health Care Administration shall make disproportionate share payments to statutorily defined teaching hospitals for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the state fiscal year *2005-2006* ~~2004-2005~~, the agency shall not distribute moneys under the teaching hospital disproportionate share program~~, except as noted in subsection (2)~~. ~~In the event the Centers for Medicare and Medicaid Services do not approve Florida's inpatient hospital state plan amendment for the public disproportionate share program by January 1, 2005, the agency may make payments to hospitals under the teaching hospital disproportionate share program.~~

(1) On or before September 15 of each year, the Agency for Health Care Administration shall calculate an allocation fraction to be used for distributing funds to state statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the agency shall distribute to each statutory teaching hospital, as defined in s. 408.07, an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of three primary factors, divided by three. The primary factors are:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state

fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index that comprises three components:

1. The Agency for Health Care Administration Service Index, computed by applying the standard Service Inventory Scores established by the Agency for Health Care Administration to services offered by the given hospital, as reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total Agency for Health Care Administration Service Index values, where the total is computed for all state statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the Agency for Health Care Administration to the volume of each service, expressed in terms of the standard units of measure reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all state statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) By October 1 of each year, the agency shall use the following formula to calculate the maximum additional disproportionate share payment for statutorily defined teaching hospitals:

$$TAP = THAF \times A$$

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

Section 14. Section 409.9117, Florida Statutes, is amended to read:

409.9117 Primary care disproportionate share program.—For the state fiscal year *2005-2006* ~~2004-2005~~, the agency shall not distribute moneys under the primary care disproportionate share program~~, except as noted in subsection (2)~~. ~~In the event the Centers for Medicare and Medicaid Services do not approve Florida's inpatient hospital state plan amendment for the public disproportionate share program by January 1, 2005, the agency may make payments to hospitals under the primary care disproportionate share program.~~

(1) If federal funds are available for disproportionate share programs in addition to those otherwise provided by law, there shall be created a primary care disproportionate share program.

(2) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the primary care disproportionate share program:

$$TAE = HDSP/THDSP$$

Where:

TAE = total amount earned by a hospital participating in the primary care disproportionate share program.

HDSP = the prior state fiscal year primary care disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total primary care disproportionate share payments to all hospitals.

(3) The total additional payment for hospitals that participate in the primary care disproportionate share program shall be calculated by the agency as follows:

$$TAP = TAE \times TA$$

Where:

TAP = total additional payment for a primary care hospital.

TAE = total amount earned by a primary care hospital.

TA = total appropriation for the primary care disproportionate share program.

(4) In the establishment and funding of this program, the agency shall use the following criteria in addition to those specified in s. 409.911, payments may not be made to a hospital unless the hospital agrees to:

(a) Cooperate with a Medicaid prepaid health plan, if one exists in the community.

(b) Ensure the availability of primary and specialty care physicians to Medicaid recipients who are not enrolled in a prepaid capitated arrangement and who are in need of access to such physicians.

(c) Coordinate and provide primary care services free of charge, except copayments, to all persons with incomes up to 100 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, and to provide such services based on a sliding fee scale to all persons with incomes up to 200 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, except that eligibility may be limited to persons who reside within a more limited area, as agreed to by the agency and the hospital.

(d) Contract with any federally qualified health center, if one exists within the agreed geopolitical boundaries, concerning the provision of primary care services, in order to guarantee delivery of services in a nonduplicative fashion, and to provide for referral arrangements, privileges, and admissions, as appropriate. The hospital shall agree to provide at an onsite or offsite facility primary care services within 24 hours to which all Medicaid recipients and persons eligible under this paragraph who do not require emergency room services are referred during normal daylight hours.

(e) Cooperate with the agency, the county, and other entities to ensure the provision of certain public health services, case management, referral and acceptance of patients, and sharing of epidemiological data, as the agency and the hospital find mutually necessary and desirable to promote and protect the public health within the agreed geopolitical boundaries.

(f) In cooperation with the county in which the hospital resides, develop a low-cost, outpatient, prepaid health care program to persons who are not eligible for the Medicaid program, and who reside within the area.

(g) Provide inpatient services to residents within the area who are not eligible for Medicaid or Medicare, and who do not have private health insurance, regardless of ability to pay, on the basis of available space, except that nothing shall prevent the hospital from establishing bill collection programs based on ability to pay.

(h) Work with the Florida Healthy Kids Corporation, the Florida Health Care Purchasing Cooperative, and business health coalitions, as

appropriate, to develop a feasibility study and plan to provide a low-cost comprehensive health insurance plan to persons who reside within the area and who do not have access to such a plan.

(i) Work with public health officials and other experts to provide community health education and prevention activities designed to promote healthy lifestyles and appropriate use of health services.

(j) Work with the local health council to develop a plan for promoting access to affordable health care services for all persons who reside within the area, including, but not limited to, public health services, primary care services, inpatient services, and affordable health insurance generally.

Any hospital that fails to comply with any of the provisions of this subsection, or any other contractual condition, may not receive payments under this section until full compliance is achieved.

Section 15. Section 409.91195, Florida Statutes, is amended to read:

409.91195 Medicaid Pharmaceutical and Therapeutics Committee.—There is created a Medicaid Pharmaceutical and Therapeutics Committee within the agency ~~for Health Care Administration~~ for the purpose of developing a *Medicaid* preferred drug *list* ~~formulary pursuant to 42 U.S.C. s. 1396r-8~~.

(1) The ~~Medicaid Pharmaceutical and Therapeutics~~ committee shall be *composed* ~~comprised as specified in 42 U.S.C. s. 1396r-8 and consist~~ of 11 members appointed by the Governor. Four members shall be physicians, licensed under chapter 458; one member licensed under chapter 459; five members shall be pharmacists licensed under chapter 465; and one member shall be a consumer representative. The members shall be appointed to serve for terms of 2 years from the date of their appointment. Members may be appointed to more than one term. The agency ~~for Health Care Administration~~ shall serve as staff for the committee and assist them with all ministerial duties. The Governor shall ensure that at least some of the members of the ~~Medicaid Pharmaceutical and Therapeutics~~ committee represent Medicaid participating physicians and pharmacies serving all segments and diversity of the Medicaid population, and have experience in either developing or practicing under a preferred drug *list* ~~formulary~~. At least one of the members shall represent the interests of pharmaceutical manufacturers.

(2) Committee members shall select a chairperson and a vice chairperson each year from the committee membership.

(3) The committee shall meet at least quarterly and may meet at other times at the discretion of the chairperson and members. The committee shall comply with rules adopted by the agency, including notice of any meeting of the committee pursuant to the requirements of the Administrative Procedure Act.

(4) Upon recommendation of the ~~Medicaid Pharmaceutical and Therapeutics~~ committee, the agency shall adopt a preferred drug list *as described in s. 409.912(39)*. To the extent feasible, the committee shall review all drug classes included *on* ~~in~~ the *preferred drug list* ~~formulary at least~~ every 12 months, and may recommend additions to and deletions from the *preferred drug list* ~~formulary~~, such that the *preferred drug list* ~~formulary~~ provides for medically appropriate drug therapies for Medicaid patients which achieve cost savings contained in the General Appropriations Act.

(5) Except for ~~mental health-related drugs,~~ antiretroviral drugs, ~~and drugs for nursing home residents and other institutional residents,~~ reimbursement of drugs not included *on the preferred drug list* ~~in the formulary~~ is subject to prior authorization.

(5)~~(6)~~ The agency ~~for Health Care Administration~~ shall publish and disseminate the preferred drug *list* ~~formulary~~ to all Medicaid providers in the state *by Internet posting on the agency's website or in other media*.

(6)~~(7)~~ The committee shall ensure that interested parties, including pharmaceutical manufacturers agreeing to provide a supplemental rebate as outlined in this chapter, have an opportunity to present public testimony to the committee with information or evidence supporting inclusion of a product on the preferred drug list. Such public testimony shall occur prior to any recommendations made by the committee for inclusion or exclusion from the preferred drug list. Upon timely notice, the agency shall ensure that any drug that has been approved or had any of its particular uses approved by the United States Food and Drug Administration under a priority review classification will be reviewed by the ~~Medicaid Pharmaceutical and Therapeutics~~ committee at the next regularly scheduled meeting *following 3 months of distribution of the drug to the general public*. ~~To the extent possible, upon notice by a manufacturer the agency shall also schedule a product review for any new product at the next regularly scheduled Medicaid Pharmaceutical and Therapeutics Committee.~~

~~(8) Until the Medicaid Pharmaceutical and Therapeutics Committee is appointed and a preferred drug list adopted by the agency, the agency shall use the existing voluntary preferred drug list adopted pursuant to s. 72, chapter 2000-367, Laws of Florida. Drugs not listed on the voluntary preferred drug list will require prior authorization by the agency or its contractor.~~

(7)~~(9)~~ The ~~Medicaid Pharmaceutical and Therapeutics~~ committee shall develop its preferred drug list recommendations by considering the clinical efficacy, safety, and cost-effectiveness of a product. ~~When the preferred drug formulary is adopted by the agency, if a product on the formulary is one of the first four brand-name drugs used by a recipient in a month the drug shall not require prior authorization.~~

(8) Upon timely notice, the agency shall ensure that any therapeutic class of drugs which includes a drug that has been removed from distribution to the public by its manufacturer or the United States Food and Drug Administration or has been required to carry a black box warning label by the United States Food and Drug Administration because of safety concerns is reviewed by the committee at the next regularly scheduled meeting. After such review, the committee must recommend whether to retain the therapeutic class of drugs or subcategories of drugs within a therapeutic class on the preferred drug list and whether to institute prior authorization requirements necessary to ensure patient safety.

(9)~~(10)~~ The Medicaid Pharmaceutical and Therapeutics Committee may also make recommendations to the agency regarding the prior authorization of any prescribed drug covered by Medicaid.

(10)~~(11)~~ Medicaid recipients may appeal agency preferred drug formulary decisions using the Medicaid fair hearing process administered by the Department of Children and Family Services.

Section 16. Paragraph (b) of subsection (4), paragraphs (e) and (f) of subsection (15), paragraph (a) of subsection (39), and subsections (44) and (49) of section 409.912, Florida Statutes, are amended, and subsection (50) is added to that section, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic

characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency is authorized to seek federal waivers necessary to implement this policy.

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must be licensed under chapter 624, chapter 636, or chapter 641 and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody prior to enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a managed care plan in an AHCA area. Each entity must offer sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph shall require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations, to be expended for the provision of behavioral health care services. In the event the managed care plan expends less than 80 percent of the capitation paid pursuant to this paragraph for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the managed care plan with a certification letter indicating the amount of capitation paid during each calendar year for the provision of behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations shall be eligible to compete. Managed care plans contracting with the agency under subsection (3) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. *In AHCA Area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts shall be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in Area 11 who are assigned to MediPass under the provisions of s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in Area 11 for their behavioral care.*

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider shall not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. For fiscal year 2004-2005, all Medicaid eligible children, except children in areas 1 and 6, whose cases are open for child welfare services in the HomeSafeNet system, shall be enrolled in MediPass or in Medicaid fee-for-service and all their behavioral health care services including inpatient, outpatient psychiatric, community mental health, and case management shall be reimbursed on a fee-for-service basis. Beginning July 1, 2005, such children, who are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies either through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall

be developed by the agency and the Department of Children and Family Services. The agency is authorized to seek any federal waivers to implement this initiative.

(15)

(e) By January 15 of each year, the agency shall submit a report to the Legislature ~~and the Office of Long-Term-Care Policy~~ describing the operations of the CARES program. The report must describe:

1. Rate of diversion to community alternative programs;

2. CARES program staffing needs to achieve additional diversions;

3. Reasons the program is unable to place individuals in less restrictive settings when such individuals desired such services and could have been served in such settings;

4. Barriers to appropriate placement, including barriers due to policies or operations of other agencies or state-funded programs; and

5. Statutory changes necessary to ensure that individuals in need of long-term care services receive care in the least restrictive environment.

(f) The Department of Elderly Affairs shall track individuals over time who are assessed under the CARES program and who are diverted from nursing home placement. By January 15 of each year, the department shall submit to the Legislature ~~and the Office of Long-Term-Care Policy~~ a longitudinal study of the individuals who are diverted from nursing home placement. The study must include:

1. The demographic characteristics of the individuals assessed and diverted from nursing home placement, including, but not limited to, age, race, gender, frailty, caregiver status, living arrangements, and geographic location;

2. A summary of community services provided to individuals for 1 year after assessment and diversion;

3. A summary of inpatient hospital admissions for individuals who have been diverted; and

4. A summary of the length of time between diversion and subsequent entry into a nursing home or death.

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. *A Medicaid preferred drug list, which shall be a listing of cost-effective therapeutic options recommended by the Medicaid Pharmacy and Therapeutics Committee established pursuant to s. 409.91195 and adopted by the agency for each therapeutic class on the preferred drug list. At the discretion of the committee, and when feasible, the preferred drug list should include at least two products in a therapeutic class.* ~~Medicaid prescribed-drug coverage for brand-name drugs for adult Medicaid recipients is limited to the dispensing of four brand-name drugs per month per recipient. Children are exempt from this restriction.~~ Antiretroviral agents are excluded from *the preferred drug list* ~~this limitation~~. ~~No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, severe depression, or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available without restriction for persons with mental illnesses include atypical antipsychotic medications, conventional antipsychotic medications, selective serotonin reuptake inhibitors, and other medications used for the treatment of serious mental illnesses.~~ The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply *unless the drug products' smallest marketed package is greater than a 34-day supply, or the drug is determined by the agency to be a maintenance drug in which case a 100-day maximum supply may be authorized. The agency is authorized to seek any federal waivers necessary to implement these cost-control programs and to continue participation in the federal Medicaid rebate program, or alternatively to negotiate state-only manufacturer rebates. The agency may adopt rules to implement this subparagraph.* The agency shall continue to provide unlimited ~~generic drugs,~~ contraceptive drugs and items~~, and diabetic supplies~~. ~~Although a drug may be included on the preferred drug formulary, it would not be exempt from the four-brand limit. The agency may authorize exceptions to the brand-name-drug restriction based upon the treatment needs of the patients, only when such exceptions are based on prior consultation provided by the agency or an agency contractor, but~~ The agency must establish procedures to ensure that:

a. There will be a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation; *and*

b. A 72-hour supply of the drug prescribed will be provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.~~; and~~

~~c. Except for the exception for nursing home residents and other institutionalized adults and except for drugs on the restricted formulary for which prior authorization may be sought by an institutional or community pharmacy, prior authorization for an exception to the brand-name-drug restriction is sought by the prescriber and not by the pharmacy. When prior authorization is granted for a patient in an institutional setting beyond the brand-name-drug restriction, such approval is authorized for 12 months and monthly prior authorization is not required for that patient.~~

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus 15.4 percent, the wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease-management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers.

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug *list as described in this subsection* ~~formulary in accordance with 42 U.S.C. s. 1396r-8~~, and, pursuant to the establishment of such *preferred drug list* ~~formulary~~, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as

defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug *list* ~~formulary~~. However, a pharmaceutical manufacturer is not guaranteed placement on the *preferred drug list* ~~formulary~~ by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

~~8. The agency shall establish an advisory committee for the purposes of studying the feasibility of using a restricted drug formulary for nursing home residents and other institutionalized adults. The committee shall be comprised of seven members appointed by the Secretary of Health Care Administration. The committee members shall include two physicians licensed under chapter 458 or chapter 459; three pharmacists licensed under chapter 465 and appointed from a list of recommendations provided by the Florida Long-Term Care Pharmacy Alliance; and two pharmacists licensed under chapter 465.~~

8.~~9.~~ The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

9.~~10.~~ The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

10.a.~~11.a.~~ The agency *may* ~~shall~~ implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program *may* ~~shall~~ include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

~~c. If the agency is unable to negotiate a contract with one or more manufacturers to finance and guarantee savings associated with a behavioral drug management program by September 1, 2004, the four-brand drug limit and preferred drug list prior-authorization requirements shall apply to mental health-related drugs, notwithstanding any provision in subparagraph 1. The agency is authorized to seek federal waivers to implement this policy.~~

11.~~12.~~ The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

12.~~13.~~ The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

13.~~14.~~ The agency may require prior authorization for ~~the off-label use of~~ Medicaid-covered prescribed drugs ~~as specified in the General Appropriations Act~~. The agency may, but is not required to, *prior-authorize* ~~preauthorize~~ the use of a product*:*

a. For an indication not approved in labeling;

b. To comply with certain clinical guidelines; or

c. If the product has the potential for overuse, misuse, or abuse ~~for an indication not in the approved labeling~~.

The agency ~~Prior authorization~~ may require the prescribing professional to provide information about the rationale and supporting medical evidence for the ~~off-label~~ use of a drug. *The agency may post prior-authorization criteria and protocol and updates to the list of drugs that are subject to prior authorization on an Internet website without amending its rule or engaging in additional rulemaking.*

14. The agency, in conjunction with the Pharmaceutical and Therapeutics Committee, may require age-related prior authorizations for certain prescribed drugs. The agency may preauthorize the use of a drug for a recipient who may not meet the age requirement or may exceed the length of therapy for use of this product as recommended by the manufacturer and approved by the Food and Drug Administration. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug.

15. The agency shall implement a step-therapy-prior authorization-approval process for medications excluded from the preferred drug list. Medications listed on the preferred drug list must be used within the previous 12 months prior to the alternative medications that are not listed. The step-therapy-prior authorization may require the prescriber to use the medications of a similar drug class or for a similar medical indication unless contraindicated in the Food and Drug Administration labeling. The trial period between the specified steps may vary according to the medical indication. The step-therapy-approval process shall be developed in accordance with the committee as stated in s. 409.91195(7) and (8). A drug product may be approved without meeting the step-therapy-prior-authorization criteria if the prescribing physician provides the agency with additional written medical or clinical documentation that the product is medically necessary because:

a. There is not a drug on the preferred drug list to treat the disease or medical condition which is an acceptable clinical alternative;

b. The alternatives have been ineffective in the treatment of the beneficiary's disease; or

c. Based on historic evidence and known characteristics of the patient and the drug, the drug is likely to be ineffective, or the number of doses have been ineffective.

The agency shall work with the physician to determine the best alternative for the patient. The agency may adopt rules waiving the requirements for written clinical documentation for specific drugs in limited clinical situations.

16.~~15.~~ The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a $5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner.

(44) The Agency for Health Care Administration shall ensure that any Medicaid managed care plan as defined in s. 409.9122(2)(h), whether paid on a capitated basis or a shared savings basis, is cost-effective. For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, *if any*, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31 of each year. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(49) The agency shall contract with established minority physician networks that provide services to historically underserved minority patients. The networks must provide cost-effective Medicaid services, comply with the requirements to be a MediPass provider, and provide their primary care physicians with access to data and other management tools necessary to assist them in ensuring the appropriate use of services, including inpatient hospital services and pharmaceuticals.

(a) The agency shall provide for the development and expansion of minority physician networks in each service area to provide services to Medicaid recipients who are eligible to participate under federal law and rules.

(b) The agency shall reimburse each minority physician network as a fee-for-service provider, including the case management fee for primary care*, if any*, or as a capitated rate provider for Medicaid services. Any savings shall be shared with the minority physician networks pursuant to the contract.

(c) For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees*, if any*, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(d) The agency may apply for any federal waivers needed to implement this subsection.

(50) The agency shall implement a program of all-inclusive care for children. The program of all-inclusive care for children shall be established to provide in-home hospice-like support services to children diagnosed with a life-threatening illness and enrolled in the Children's Medical Services network to reduce hospitalizations as appropriate. The agency, in consultation with the Department of Health, may implement the program of all-inclusive care for children after obtaining approval from the Centers for Medicare and Medicaid Services.

Section 17. Paragraph (k) of subsection (2) of section 409.9122, Florida Statutes, is amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)

(k) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan, except in those counties in which there are fewer than two managed care plans accepting Medicaid enrollees, in which case assignment shall be to a managed care plan or a MediPass provider. Medicaid recipients in counties with fewer than two managed care plans accepting Medicaid enrollees who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 40 percent in MediPass and 60 percent in managed care plans is achieved. Once that enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 40 percent and 60 percent proportion, respectively. In *service areas 1 and 6 of the Agency for Health Care Administration* ~~geographic areas~~ where the agency is contracting for the provision of comprehensive behavioral health services through a capitated prepaid arrangement, recipients who fail to make a choice shall be assigned equally to MediPass or a managed care plan. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes exclusive provider organizations, provider service networks, Children's Medical Services Network, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

5. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

Section 18. Section 409.9124, Florida Statutes, is amended to read:

409.9124 Managed care reimbursement.—

~~(1)~~ The agency shall develop and adopt by rule a methodology for reimbursing managed care plans.

(1)~~(2)~~ Final *managed care* rates shall be published annually prior to September 1 of each year, based on methodology that:

(a) Uses Medicaid's fee-for-service expenditures.

(b) Is certified as an actuarially sound computation of Medicaid fee-for-service expenditures for comparable groups of Medicaid recipients and includes all fee-for-service expenditures, including those fee-for-service expenditures attributable to recipients who are enrolled for a portion of a year in a managed care plan or waiver program.

(c) Is compliant with applicable federal laws and regulations, including, but not limited to, the requirements to include an allowance for administrative expenses and to account for all fee-for-service expenditures, including fee-for-service expenditures for those groups enrolled for part of a year.

(2)~~(3)~~ Each year prior to establishing new managed care rates, the agency shall review all prior year adjustments for changes in trend, and shall reduce or eliminate those adjustments which are not reasonable and which reflect policies or programs which are not in effect. *In addition, the agency shall apply only those policy reductions applicable to the fiscal year for which the rates are being set, which can be accurately estimated and verified by an independent actuary, and which have been implemented prior to or will be implemented during the fiscal year. The agency shall pay rates at per-member, per-month averages that equal, but do not exceed, the amounts allowed for in the General Appropriations Act applicable to the fiscal year for which the rates will be in effect.*

(3)~~(4)~~ The agency shall by rule prescribe those items of financial information which each managed care plan shall report to the agency, in the time periods prescribed by rule. In prescribing items for reporting and definitions of terms, the agency shall consult with the Office of Insurance Regulation of the Financial Services Commission wherever possible.

(4)~~(5)~~ The agency shall quarterly examine the financial condition of each managed care plan, and its performance in serving Medicaid patients, and shall utilize examinations performed by the Office of Insurance Regulation wherever possible.

(5) The agency shall develop two rates for children under 1 year of age. One set of rates shall cover the month of birth through the second complete month subsequent to the month of birth, and a separate set of rates shall cover the third complete month subsequent to the month of birth through the eleventh complete month subsequent to the month of birth. The agency shall amend the payment methodology for participating Medicaid-managed health care plans to comply with this subsection.

Section 19. *Section 430.041, Florida Statutes, is repealed.*

Section 20. Subsection (1) of section 430.502, Florida Statutes, is amended to read:

430.502 Alzheimer's disease; memory disorder clinics and day care and respite care programs.—

(1) There is established:

(a) A memory disorder clinic at each of the three medical schools in this state;

(b) A memory disorder clinic at a major private nonprofit research-oriented teaching hospital, and may fund a memory disorder clinic at any of the other affiliated teaching hospitals;

(c) A memory disorder clinic at the Mayo Clinic in Jacksonville;

(d) A memory disorder clinic at the West Florida Regional Medical Center;

(e) The East Central Florida Memory Disorder Clinic at the Joint Center for Advanced Therapeutics and Biomedical Research of the Florida Institute of Technology and Holmes Regional Medical Center, Inc.;

(f) A memory disorder clinic at the Orlando Regional Healthcare System, Inc.;

(g) A memory disorder center located in a public hospital that is operated by an independent special hospital taxing district that governs multiple hospitals and is located in a county with a population greater than 800,000 persons;

(h) A memory disorder clinic at St. Mary's Medical Center in Palm Beach County;

(i) A memory disorder clinic at Tallahassee Memorial Healthcare;

(j) A memory disorder clinic at Lee Memorial Hospital created by chapter 63-1552, Laws of Florida, as amended;

(k) A memory disorder clinic at Sarasota Memorial Hospital in Sarasota County; ~~and~~

(l) A memory disorder clinic at Morton Plant Hospital, Clearwater, in Pinellas County*; and*~~,~~

(m) A memory disorder clinic at Florida Atlantic University, Boca Raton, in Palm Beach County,

for the purpose of conducting research and training in a diagnostic and therapeutic setting for persons suffering from Alzheimer's disease and related memory disorders. However, memory disorder clinics funded as of June 30, 1995, shall not receive decreased funding due solely to subsequent additions of memory disorder clinics in this subsection.

Section 21. Paragraph (d) of subsection (15) of section 440.02, Florida Statutes, is amended to read:

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

(15)

(d) "Employee" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. A person who performs services as a sports official for an entity sponsoring an interscholastic sports event or for a public entity or private, nonprofit organization that sponsors an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term "sports official" means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.

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

Section 22. Section 21 of chapter 2004-270, Laws of Florida, is amended to read:

Section 21. Notwithstanding s. 430.707, Florida Statutes, no later than September 1, 2005, *or* subject to federal approval of the application to be a Program of All-inclusive Care for the Elderly site, the agency shall contract with one private, not-for-profit hospice organization located in Lee County and one such organization in Martin County, such an entity shall be exempt from the requirements of chapter 641 Florida Statutes, each of which provides comprehensive services, including hospice care for frail and elderly persons. The agency shall approve ~~100 initial~~ enrollees in the Program of All-inclusive Care for the Elderly *for the* ~~in~~ Lee and Martin *programs, subject to an appropriation by the Legislature* ~~counties~~. *The organization in Lee County shall serve eligible residents in Lee County and in the counties contiguous to Lee County. The organization in Martin County shall serve eligible residents in Martin County and in the counties contiguous to Martin County. Each program may continue to enroll eligible residents when the Agency for Health Care Administration determines such residents to be eligible for nursing home confinement. Residents currently designated by the agency as eligible for nursing home confinement are automatically eligible for PACE program enrollment.* ~~There shall be 50 initial enrollees in each county.~~

Section 23. *Sections 8, 9, and 10 of this act are remedial in nature and it is the intent of the Legislature that the provisions of those sections apply to contracts, fees, rates, and other methods of payment in existence before, on, or after the effective date of this act.*

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

Section 25. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; amending s. 393.0661, F.S.; deleting provisions authorizing the Agency for Health Care Administration to adopt emergency rules governing the home and community-based services delivery system; amending s. 400.23, F.S.; delaying provisions requiring a nursing home staffing increase; amending s. 408.034, F.S.; deleting references to the Office of Long-Term Care Policy; requiring the Agency for Health Care Administration to make recommendations to the Legislature relating to the need for nursing facility beds; amending ss. 409.903, 409.904, F.S.; deleting certain limitations on services to the medically needy; amending s. 409.906, F.S., relating to optional Medicaid services; providing for adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.907, F.S., relating to Medicaid provider agreements; prohibiting the incorporation of a fee or rate schedule into a provider agreement; requiring that such agreements be renewed or amended only in writing; amending s. 409.908, F.S.; requiring that the agency reimburse providers according to published methodologies; authorizing adjustments in fees, rates, and other requirements under certain circumstances; removing obsolete provisions; creating s. 409.9082, F.S.; providing a Medicaid rate-setting process; providing that the agency need not comply with ch. 120, F.S., when setting such rates; limiting judicial review of such rates; providing notice requirements or proposed and final rate methodologies; amending ss. 409.911, 409.9112, 409.9113, 409.9117, F.S., relating to the hospital disproportionate share program; revising the method for calculating the disproportionate share payment; deleting obsolete provisions; amending s. 409.91195, F.S.; revising provisions relating to the

Medicaid Pharmaceutical and Therapeutics Committee and its duties with respect to developing a preferred drug list; amending s. 409.912, F.S.; authorizing the agency to contract with comprehensive behavioral health care providers in a specified service area for the purpose of demonstrating the cost-effectiveness of quality mental health services through a public hospital-operated managed care model; providing requirements for the contract; revising the Medicaid prescribed drug spending control program; eliminating case management fees; directing the Agency for Health Care Administration to implement, and authorizing it to seek federal waivers for, the program of all-inclusive care for children; authorizing the agency to adopt rules; amending s. 409.9122, F.S.; revising a provision governing assignment to a managed care option for a Medicaid recipient who does not choose a plan or provider in certain geographic areas where the Agency for Health Care Administration contracts for comprehensive behavioral health services; amending s. 409.9124, F.S.; requiring the Agency for Health Care Administration to publish managed care reimbursement rates annually; limiting the application of certain rates and rate reductions; providing for rates applicable to children under 1 year of age; repealing s. 430.041, F.S., relating to establishing the Office of Long-Term Care Policy; amending s. 430.502, F.S.; establishing a memory disorder clinic at Florida Atlantic University; amending s. 440.02, F.S.; excluding from the term "employee" as used in ch. 440, F.S., certain Medicaid-enrolled clients served under the Family and Supported Living Medicaid Waiver program; amending s. 21, ch. 2004-270, Laws of Florida; providing criteria for clientele to be served by organizations in Lee County and Martin County under the Program of All-inclusive Care for the Elderly; providing legislative intent with respect to the applicability of provisions of the act governing contracts, fees, rates, and other methods of payment; providing for severability; providing effective dates.

On motion by Senator Saunders, the Conference Committee Report was adopted and **CS for CS for SB 404** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—37

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Wilson
Constantine	Lawson	Wise
Crist	Lynn	
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Webster

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 408

The Honorable Tom Lee May 4, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 408, same being:

An act relating to Children and Family Services Dept.; revises penalties imposed by DCFS against participant who is receiving temporary cash assistance and who fails to comply with work requirements; revises certain requirements for determining eligibility for temporary cash assistance in order to conform to federal requirements; repeals provision re disqualification from food stamp program for arrearage in child support payments, etc.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton	*s/Nancy Argenziano*
Chair	*s/JD Alexander*
s/Dave Aronberg	*s/Carey Baker*
s/Michael S. "Mike" Bennett	*s/Larcenia J. Bullard*
s/Charlie Clary	*s/Lee Constantine*
s/Victor D. Crist	*s/M. Mandy Dawson*
s/Paula Dockery	*s/Mike Fasano*
s/Rudy Garcia	*s/Anthony C. "Tony" Hill, Sr.*
s/Dennis L. Jones	*s/James E. "Jim" King, Jr.*
s/Ron Klein	*s/Alfred "Al" Lawson, Jr.*
s/Evelyn J. Lynn	*s/Gwen Margolis*
s/Lesley "Les" Miller, Jr.	*s/Durell Peaden, Jr.*
s/Ken Pruitt	*s/Nan Rich*
s/Burt L. Saunders	*s/Jim Sebesta*
s/Gary Siplin	*s/Rod Smith*
s/J. Alex Villalobos	*s/Daniel Webster*
s/Frederica S. Wilson	*s/Stephen R. Wise*

Managers on the part of the Senate

s/Joe Negron	*s/Sandra "Sandy" Adams*
Vice Chair	*s/Thad Altman*
s/Rafael "Ralph" Arza	*s/Frank Attkisson*
s/Loranne Ausley	*s/Gustavo A. Barreiro*
s/Dennis K. Baxley	*s/Aaron P. Bean*
s/Dorothy Bendross-Mindingall	*s/Anna Holliday "Holly" Benson*
s/Kimberly Berfield	*s/Gus Michael Bilirakis*
s/Ellyn Setnor Bogdanoff	*s/Marsha L. "Marty" Bowen*
s/Donald D. "Don" Brown	*s/Frederick C. "Fred" Brummer*
s/Dean Cannon	*s/Jennifer "JC" Carroll*
s/Donna Clarke	*s/Joyce Cusack*
s/Don Davis	*s/Mike Davis*
s/Greg Evers	*s/Frank Farkas*
s/Anitere Flores	*s/Bill Galvano*
s/Anne M. "Annie" Gannon	*s/Rene Garcia*
s/Andy Gardiner	*s/Dan Gelber*
s/Hugh H. Gibson III	*s/J. Dudley Goodlette*
s/Ron L. Greenstein	*s/Adam Hasner*
s/Alan D. Hays	*s/Edward L. "Ed" Jennings, Jr.*
s/Arthenia L. Joyner	*s/Charlie Justice*
s/Will S. Kendrick	*s/Jeffrey D. "Jeff" Kottkamp*
Dick Kravitz	*s/Kenneth W. "Ken" Littlefield*
s/Marcelo Llorente	*s/Richard A. Machek*
s/Mark Mahon	*s/Stan Mayfield*
s/David J. Mealor	*s/Dave Murzin*
s/Mitch Needelman	*s/Pat Patterson*
s/Joe H. Pickens	*s/Juan-Carlos "J.C." Planas*
s/L. Ralph Poppell	*s/John "Q" Quinones*
s/Ron Reagan	*s/Curtis B. Richardson*
David Rivera	*s/Yolly Roberson*
s/Marco Rubio	*s/Timothy M. "Tim" Ryan*
s/Franklin Sands	*s/Ray Sansom*
s/John P. "Jack" Seiler	*s/David Simmons*
s/Eleanor Sobel	*s/Dwight Stansel*
s/A. Trey Traviesa	*s/Baxter G. Troutman*
s/Shelley Vana	*s/Leslie Waters*

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (12) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(12) The Title IV-D agency shall review child support orders in IV-D cases at least every 3 years upon request by either party, or the agency in cases where there is an assignment of support to the state under *s. 414.095(7)* ~~s. 414.095(8)~~, and may seek adjustment of the order if appropriate under the guidelines established in s. 61.30. Not less than once every 3 years the IV-D agency shall provide notice to the parties subject to the order informing them of their right to request a review and, if appropriate, an adjustment of the child support order. Said notice requirement may be met by including appropriate language in the initial support order or any subsequent orders.

Section 2. Subsections (5) through (19) of section 414.095, Florida Statutes, are renumbered as subsections (4) through (18), respectively, and paragraph (a) of subsection (2), present subsection (4), paragraphs (c) and (e) of present subsection (15), and present subsection (17) of that section are amended to read:

414.095 Determining eligibility for temporary cash assistance.—

(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

(a) To be eligible for services or temporary cash assistance and Medicaid:

1. An applicant must be a United States citizen, or a qualified noncitizen, as defined in this section.

2. An applicant must be a legal resident of the state.

3. Each member of a family must provide to the department the member's social security number or shall provide proof of application for a social security number. An individual who fails to provide ~~to the department~~ a social security number, or proof of application for a social security number, is not eligible to participate in the program.

4. A minor child must reside with a custodial parent or parents*,* ~~or~~ with a relative caretaker who is within the specified degree of blood relationship as defined *by 45 C.F.R. part 233* ~~under this chapter~~, or*, if the minor is a teen parent with a child,* in a setting approved by the department *as provided in subsection (14)*.

5. Each family must have a minor child and meet the income and resource requirements of the program. All minor children who live in the family, as well as the parents of the minor children, shall be included in the eligibility determination unless specifically excluded.

~~(4) STEPPARENTS.—A family that contains a stepparent has the following special eligibility options if the family meets all other eligibility requirements:~~

~~(a) A family that does not contain a mutual minor child has the option to include or exclude a stepparent in determining eligibility if the stepparent's monthly gross income is less than 185 percent of the federal poverty level for a two-person family.~~

~~1. If the stepparent chooses to be excluded from the family, temporary cash assistance, without shelter expense, shall be provided for the child. The parent of the child must comply with work activity requirements as provided in s. 445.024. Income and resources from the stepparent may not be included in determining eligibility; however, any income and resources from the parent of the child shall be included in determining eligibility.~~

~~2. If a stepparent chooses to be included in the family, the department shall determine eligibility using the requirements for a nonstepparent family. A stepparent whose income is equal to or greater than 185 percent of the federal poverty level for a two-person family does not have the option to be excluded from the family, and all income and resources of the stepparent shall be included in determining the family's eligibility.~~

~~(b) A family that contains a mutual minor child does not have the option to exclude a stepparent from the family, and the income and resources from the stepparent shall be included in determining eligibility.~~

~~(c) A family that contains two stepparents, with or without a mutual minor child, does not have the option to exclude a stepparent from the family, and the income and resources from each stepparent must be included in determining eligibility.~~

(14)~~(15)~~ PROHIBITIONS AND RESTRICTIONS.—

(c) The teen parent is not required to live with a parent, legal guardian, or other adult caretaker relative if the department determines that:

1. The teen parent has suffered or might suffer harm in the home of the parent, legal guardian, or adult caretaker relative.

2. The requirement is not in the best interest of the teen parent or the child. If the department determines that it is not in the best interest of the teen parent or child to reside with a parent, legal guardian, or other adult caretaker relative, the department shall provide or assist the teen parent in finding a suitable home, a second-chance home, a maternity home, or other appropriate adult-supervised supportive living arrangement. Such living arrangement may include a shelter obligation in accordance with subsection *(10)* ~~(11)~~.

The department may not delay providing temporary cash assistance to the teen parent through the alternative payee designated by the department pending a determination as to where the teen parent should live and sufficient time for the move itself. A teen parent determined to need placement that is unavailable shall continue to be eligible for temporary cash assistance so long as the teen parent cooperates with the department and the Department of Health. The teen parent shall be provided with counseling to make the transition from independence to supervised living and with a choice of living arrangements.

(e) If a parent or caretaker relative does not assign any rights a family member may have to support from any other person as required by subsection *(7)* ~~(8)~~, temporary cash assistance to the entire family shall be denied until the parent or caretaker relative assigns the rights to the department.

(16)~~(17)~~ PROPORTIONAL REDUCTION.—If the Social Services Estimating Conference forecasts an increase in the temporary cash assistance caseload and there is insufficient funding, a proportional reduction as determined by the department shall be applied to the levels of temporary cash assistance in subsection *(10)* ~~(11)~~.

Section 3. Section 414.105, Florida Statutes, is amended to read:

414.105 Time limitations of temporary cash assistance.—*Except as* ~~Unless~~ otherwise ~~expressly~~ provided in this *section* ~~chapter~~, an applicant or current participant shall receive temporary cash assistance for *no* ~~episodes of not more than 24 cumulative months in any consecutive 60-month period that begins with the first month of participation and for not~~ more than a lifetime cumulative total of 48 months ~~as an adult~~, unless otherwise provided by law.

~~(1) The time limitation for episodes of temporary cash assistance may not exceed 36 cumulative months in any consecutive 72-month period that begins with the first month of participation and may not exceed a lifetime cumulative total of 48 months of temporary cash assistance as an adult, for cases in which the participant:~~

~~(a) Has received aid to families with dependent children or temporary cash assistance for any 36 months of the preceding 60 months; or~~

~~(b) Is a custodial parent under the age of 24 who:~~

~~1. Has not completed a high school education or its equivalent; or~~

~~2. Had little or no work experience in the preceding year.~~

~~(2) A participant who is not exempt from work activity requirements may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the participant is fully complying with the work activities of the WAGES Program through subsidized or unsubsidized public or private sector employment. The period for which extended temporary cash assistance is granted shall be based upon compliance with WAGES Program requirements beginning October 1, 1996.~~

~~(3) A WAGES participant who is not exempt from work activity requirements and who participates in a recommended mental health or substance abuse treatment program may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the individual fully complies with the requirements of the treatment program. This treatment credit may be~~

~~awarded only upon the successful completion of the treatment program and only once during the 48-month time limit.~~

(1)~~(4) A participant may not receive temporary cash assistance under this subsection, in combination with other periods of temporary cash assistance for longer than a lifetime limit of 48 months.~~ Hardship exemptions to the time limitations *provided in this section* ~~of this chapter~~ shall be limited to 20 percent of the average monthly caseload, as determined by the department in cooperation with Workforce Florida, Inc. Criteria for hardship exemptions include:

(a) Diligent participation in activities, combined with inability to obtain employment.

(b) Diligent participation in activities, combined with extraordinary barriers to employment, including the conditions which may result in an exemption to work requirements.

(c) Significant barriers to employment, combined with a need for additional time.

(d) Diligent participation in activities and a need by teen parents for an exemption in order to have 24 months of eligibility beyond receipt of the high school diploma or equivalent.

(e) A recommendation of extension for a minor child of a participating family that has reached the end of the eligibility period for temporary cash assistance. The recommendation must be the result of a review which determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care. ~~Temporary cash assistance shall be provided through a protective payee. Staff of the Child Care Services Program Office of the department shall conduct all assessments in each case in which it appears a child may require continuation of temporary cash assistance through a protective payee.~~

(2)~~(5) In addition to the exemptions listed in subsection (3),~~ A victim of domestic violence may be granted a hardship exemption if the effects of such domestic violence delay or otherwise interrupt or adversely affect the individual's participation in the program.

(3)~~(6)~~ The department, in cooperation with Workforce Florida, Inc., shall establish a procedure for approving hardship exemptions and for reviewing hardship cases at least once every 2 years. Regional workforce boards may assist in making these determinations. ~~The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.~~

(4)~~(7)~~ For individuals who have moved from another state, the months in which temporary cash assistance was received under a block grant program that provided temporary assistance for needy families in any state shall count towards the cumulative 48-month benefit limit for temporary cash assistance.

(5)~~(8)~~ For individuals subject to a time limitation under the Family Transition Act of 1993, that time limitation shall continue to apply. Months in which temporary cash assistance was received through the family transition program shall count towards the time limitations under this *section* ~~chapter~~.

(6)~~(9)~~ Except when temporary cash assistance was received through the family transition program, the calculation of the time limitation for temporary cash assistance shall begin with the first month of receipt of temporary cash assistance after the effective date of this act.

(7)~~(10)~~ Child-only cases are not subject to time limitations, and temporary cash assistance received while an individual is a minor child shall not count towards time limitations.

(8)~~(11)~~ An individual who receives benefits under the Supplemental Security Income (SSI) program or the Social Security Disability Insurance (SSDI) program is not subject to time limitations. An individual who has applied for supplemental security income (SSI) or supplemental security disability income (SSDI)~~,~~ but has not yet received a determination must be granted an extension of time limits until the individual receives a final determination on the SSI *or SSDI* application. Determination shall be considered final once all appeals have been exhausted, benefits have been received, or denial has been accepted without any appeal. While awaiting a final determination, *the* ~~such~~ individual must continue to meet all program requirements assigned to the participant based on medical ability to comply. If a final determination results in the denial of benefits for supplemental security income (SSI) or supplemental security disability income (SSDI), any period during which the recipient received assistance under this *section* ~~chapter~~ shall *be counted in* ~~count against~~ the recipient's 48-month lifetime limit.

(9)~~(12)~~ A person who is totally responsible for the personal care of a disabled family member is not subject to time limitations if the need for the care is verified and alternative care is not available for the family member. The department shall annually evaluate an individual's qualifications for this exemption.

(10)~~(13)~~ A member of the staff of the regional workforce board shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the *48-month* ~~24-month~~ time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit time limit for temporary cash assistance and, if appropriate, shall refer the participant for services that could facilitate employment.

Section 4. Subsections (3) through (5) of section 414.32, Florida Statutes, are renumbered as subsections (2) through (4), respectively, and present subsection (2) of that section is amended to read:

414.32 Prohibitions and restrictions with respect to food stamps.—

~~(2) DISQUALIFICATION FOR CHILD SUPPORT ARREARS.—An individual is ineligible to participate in the food stamp program as a member of a food stamp assistance group during any month in which the individual is delinquent in any payment due under a court order for the support of a child. This subsection does not apply if the court is allowing the individual to delay payment for the support of a child or if the individual is complying with a payment plan approved by the court or the state agency that administers the child support enforcement program.~~

Section 5. Subsection (3) of section 445.048, Florida Statutes, as amended by chapter 2004-269, Laws of Florida, is amended to read:

445.048 Passport to Economic Progress demonstration program.—

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

Section 6. *Section 114 of chapter 2004-267, Laws of Florida, is repealed.*

Section 7. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic eligibility services; amending s. 409.2564, F.S.; correcting a cross-reference; amending s. 414.095, F.S.; clarifying eligibility for temporary cash assistance for teen parents; deleting additional eligibility options relating to families containing a stepparent; correcting cross-references; amending s. 414.105, F.S.; aligning time limitations for temporary cash assistance with federal requirements; deleting provisions relating to review panels; amending s. 414.32, F.S.; deleting food stamp sanctions for persons who are delinquent on child support payments; amending s. 445.048, F.S.; correcting a cross-reference; repealing s. 114 of ch. 2004-267, Laws of Florida, relating to the eligibility determination functions of the Economic Self-Sufficiency Services program; providing an effective date.

On motion by Senator Saunders, the Conference Committee Report was adopted and **CS for SB 408** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 410

The Honorable Tom Lee May 4, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 410, same being:

An act relating to Health Department; eliminates requirement that dept. issue wall certificates; provides for retired-status license; requires Board of Nursing to adopt rules specifying scope of practice and level of supervision required for certified nursing assistants; requires biennial renewal of certification as nursing assistant; reduces number of required hours of inservice training for certified nursing assistants, etc.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton
Chair
s/Dave Aronberg
s/Michael S. "Mike" Bennett
s/Charlie Clary
s/Victor D. Crist
s/Paula Dockery
s/Rudy Garcia
s/Dennis L. Jones
s/Ron Klein
s/Evelyn J. Lynn
s/Lesley "Les" Miller, Jr.
s/Ken Pruitt
s/Burt L. Saunders
s/Gary Siplin
s/J. Alex Villalobos
s/Frederica S. Wilson
s/Nancy Argenziano
s/JD Alexander
s/Carey Baker
s/Larcenia J. Bullard
s/Lee Constantine
s/M. Mandy Dawson
s/Mike Fasano
s/Anthony C. "Tony" Hill, Sr.
s/James E. "Jim" King, Jr.
s/Alfred "Al" Lawson, Jr.
s/Gwen Margolis
s/Durell Peaden, Jr.
s/Nan Rich
s/Jim Sebesta
s/Rod Smith
s/Daniel Webster
s/Stephen R. Wise

Managers on the part of the Senate

s/Joe Negron
Vice Chair
s/Rafael "Ralph" Arza
s/Loranne Ausley
s/Dennis K. Baxley
s/Dorothy Bendross-Mindingall
s/Kimberly Berfield
s/Sandra "Sandy" Adams
s/Thad Altman
s/Frank Attkisson
s/Gustavo A. Barreiro
s/Aaron P. Bean
s/Anna Holliday "Holly" Benson
s/Gus Michael Bilirakis
s/Ellyn Setnor Bogdanoff
s/Donald D. "Don" Brown
s/Dean Cannon
s/Donna Clarke
s/Don Davis
s/Greg Evers
s/Anitere Flores
s/Anne M. "Annie" Gannon
s/Andy Gardiner
s/Hugh H. Gibson III
s/Ron L. Greenstein
s/Alan D. Hays
s/Arthenia L. Joyner
s/Will S. Kendrick
Dick Kravitz
s/Marcelo Llorente
s/Mark Mahon
s/David J. Mealor
s/Mitch Needelman
s/Joe H. Pickens
s/L. Ralph Poppell
s/Ron Reagan
David Rivera
s/Marco Rubio
s/Franklin Sands
s/John P. "Jack" Seiler
s/Eleanor Sobel
s/A. Trey Traviesa
s/Shelley Vana
s/Marsha L. "Marty" Bowen
s/Frederick C. "Fred" Brummer
s/Jennifer "JC" Carroll
s/Joyce Cusack
s/Mike Davis
s/Frank Farkas
s/Bill Galvano
s/Rene Garcia
s/Dan Gelber
s/J. Dudley Goodlette
s/Adam Hasner
s/Edward L. "Ed" Jennings, Jr.
s/Charlie Justice
s/Jeffrey D. "Jeff" Kottkamp
s/Kenneth W. "Ken" Littlefield
s/Richard A. Machek
s/Stan Mayfield
s/Dave Murzin
s/Pat Patterson
s/Juan-Carlos "J.C." Planas
s/John "Q" Quinones
s/Curtis B. Richardson
s/Yolly Roberson
s/Timothy M. "Tim" Ryan
s/Ray Sansom
s/David Simmons
s/Dwight Stansel
s/Baxter G. Troutman
s/Leslie Waters

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 456.013, Florida Statutes, is amended to read:

456.013 Department; general licensing provisions.—

(2) Before the issuance of any license, the department shall charge an initial license fee as determined by the applicable board or, if *there is* no ~~such~~ board ~~exists~~, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. The license shall consist of a wallet-size identification card and a wall card measuring 6½ inches by 5 inches. ~~In addition to the two-part license, the department, at the time of initial licensure, shall issue a wall certificate suitable for conspicuous display, which shall be no smaller than 8½ inches by 14 inches.~~ The licensee shall surrender to the department the wallet-size identification card *and*~~,~~ the wall card~~, and the wall certificate, if one has been issued by the department,~~ if the licensee's license *is issued in error or* is revoked.

Section 2. Paragraph (c) of subsection (1) and subsection (2) of section 456.017, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

456.017 Examinations.—

(1)

(c)~~1.~~ The board, or the department when there is no board, shall approve by rule the use of one or more national examinations *that* ~~which~~ the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules.

1. Providers of examinations seeking certification ~~by the department~~ shall pay the actual costs incurred by the department in making a determination regarding the certification. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by a board, or the depart-

ment when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.

2. ~~The board, or the department when there is no board, shall approve and begin administering a national examination no later than December 31, 2001.~~ Neither the board nor the department may administer a state-developed written examination *if a national examination has been certified by the department* ~~after December 31, 2001, notwithstanding any other provision of law~~. The examination may be administered electronically if adequate security measures are used, as determined by rule of the department.

3. The board, or the department when there is no board, may administer a state-developed practical or clinical examination, as required by the applicable practice act, if all costs of development, purchase, validation, administration, review, and defense are paid by the examination candidate prior to the administration of the examination. If a national practical or clinical examination is available and certified by the department pursuant to this section, the board, or the department when there is no board, may administer the national examination.

4. It is the intent of the Legislature to reduce the costs associated with state examinations and to encourage the use of national examinations whenever possible.

(2) For each examination developed by the department or a contracted vendor, the board, or the department when there is no board, shall adopt rules providing for reexamination of any applicants who failed an examination developed by the department or a contracted vendor. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which the applicant failed to achieve a passing grade, if the applicant successfully passes that portion within a reasonable time, as determined by rule of the board, or the department when there is no board, of passing the other portion. Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of the applicant's examination grades. Notwithstanding any other provisions, only candidates who fail an examination *with a score that is* ~~by~~ less than 10 percent *below the minimum score required to pass the examination* shall be entitled to challenge the validity of the examination at hearing.

(7) The department may post examination scores electronically on the Internet in lieu of mailing the scores to each applicant. The electronic posting of the examination scores meets the requirements of chapter 120 if the department also posts along with the examination scores a notification of the rights set forth in chapter 120. The date of receipt for purposes of chapter 120 is the date the examination scores are posted electronically. The department shall also notify the applicant when scores are posted electronically of the availability of post-examination review, if applicable.

Section 3. Subsections (1), (2), (4), (10), (11), (12), and (13) of section 456.036, Florida Statutes, are amended to read:

456.036 Licenses; active and inactive status; delinquency.—

(1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession *with an inactive status license, a retired status license, or a delinquent* ~~without an active status~~ license is in violation of this section and s. 456.072, and the board, or the department if there is no board, may impose discipline on the licensee.

(2) Each board, or the department if there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active*,* ~~or~~ inactive*, or retired* status.

(4) Notwithstanding any other provision of law to the contrary, a licensee may change licensure status at any time.

(a) Active status licensees choosing inactive status at the time of license renewal must pay the inactive status renewal fee, and, if applicable, the delinquency fee and the fee to change licensure status. Active status licensees choosing inactive status at any other time than at the time of license renewal must pay the fee to change licensure status.

(b) An active status licensee or an inactive status licensee who chooses retired status at the time of license renewal must pay the retired-status fee, which may not exceed $50 as established by rule of the board or the department if there is no board. An active status licensee or inactive status licensee who chooses retired status at any time other than at the time of license renewal must pay the retired-status fee plus a change-of-status fee.

(c)~~(b)~~ An inactive status licensee may change to active status at any time, if the licensee meets all requirements for active status. Inactive status licensees choosing active status at the time of license renewal must pay the active status renewal fee, any applicable reactivation fees as set by the board, or the department if there is no board, and, if applicable, the delinquency fee and the fee to change licensure status. Inactive status licensees choosing active status at any other time than at the time of license renewal must pay the difference between the inactive status renewal fee and the active status renewal fee, if any exists, any applicable reactivation fees as set by the board, or the department if there is no board, and the fee to change licensure status.

(10) Each board, or the department if there is no board, may by rule impose reasonable conditions, including full reexamination to assess current competency, in order to ensure that a licensee who has been on retired status for more than 5 years, or a licensee from another state who has not been in active practice within the past 5 years, and who applies for active status is able to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Requirements for reactivation of a license may differ depending on the length of time a licensee has been retired.

(11)~~(10)~~ Before reactivation, an inactive status licensee or a delinquent licensee who was inactive prior to becoming delinquent must meet the same continuing education requirements, if any, imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent.

(12) Before the license of a retired status licensee is reactivated, the licensee must meet the same requirements for continuing education, if any, and pay any renewal fees imposed on an active status licensee for all biennial licensure periods during which the licensee was on retired status.

(13)~~(11)~~ The status or a change in status of a licensee does not alter in any way the right of the board, or of the department if there is no board, to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, *retired,* or delinquent.

(14)~~(12)~~ This section does not apply to a business establishment registered, permitted, or licensed by the department to do business.

(15)~~(13)~~ The board, or the department when there is no board, may adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.

Section 4. Present subsection (5) of section 464.201, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

464.201 Definitions.—As used in this part, the term:

(5) "Practice of a certified nursing assistant" means providing care and assisting persons with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, postmortem care, patient socialization and reality orientation, end-of-life care, cardiopulmonary resuscitation and emergency care, residents' or patients' rights, documentation of nursing-assistant services, and other tasks that a certified nurse assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by a registered nurse. This subsection does not restrict the ability of any person who is otherwise trained and educated from performing such tasks.

Section 5. Section 464.202, Florida Statutes, is amended to read:

464.202 Duties and powers of the board.—The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by board rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The board shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants *and specifying the scope of practice authorized and the level of supervision required for the practice of certified nursing assistants* ~~to enforce this part~~. The board may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall pay all reasonable costs and expenses incurred by the board in evaluating the provider's application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

Section 6. Subsections (5) and (7) of section 464.203, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

464.203 Certified nursing assistants; certification requirement.—

(5) Certification as a nursing assistant, in accordance with this part, *may be renewed* ~~continues in effect~~ until such time as the nursing assistant allows a period of 24 consecutive months to pass during which period the nursing assistant fails to perform any nursing-related services for monetary compensation. When a nursing assistant fails to perform any nursing-related services for monetary compensation for a period of 24 consecutive months, the nursing assistant must complete a new training and competency evaluation program or a new competency evaluation program.

(7) A certified nursing assistant shall complete *12* ~~18~~ hours of inservice training during each calendar year. The certified nursing assistant shall be responsible for maintaining documentation demonstrating compliance with these provisions. The Council on Certified Nursing Assistants, in accordance with s. 464.2085(2)(b), shall propose rules to implement this subsection.

(8) The department shall renew a certificate upon receipt of the renewal application and imposition of a fee of not less than $20 and not more than $50 biennially. The department shall adopt rules establishing a procedure for the biennial renewal of certificates. Any certificate that is not renewed by July 1, 2006, is void.

Section 7. Subsection (1) of section 456.041, Florida Statutes, as amended by Committee Substitute for Senate Bill 940 enacted in the 2005 Regular Session of the Legislature, is amended to read:

456.041 Practitioner profile; creation.—

(1)(a) The Department of Health shall compile the information submitted pursuant to s. 456.039 into a practitioner profile of the applicant submitting the information, except that the Department of Health shall develop a format to compile uniformly any information submitted under s. 456.039(4)(b). Beginning July 1, 2001, the Department of Health may compile the information submitted pursuant to s. 456.0391 into a practitioner profile of the applicant submitting the information.

(b) Beginning July 1, 2005, the department shall verify the information submitted by the applicant under s. 456.039 concerning disciplinary history and medical malpractice claims at the time of initial licensure and license renewal using the National Practitioner Data Bank. The physician profiles shall reflect the disciplinary action and medical malpractice claims as reported by the National Practitioner Data Bank*, and shall include information relating to liability and disciplinary actions obtained as a result of a search of the National Practitioner Data Bank*.

(c) Within 30 calendar days after receiving an update of information required for the practitioner's profile, the department shall update the practitioner's profile in accordance with the requirements of subsection (7).

Section 8. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Health; amending s. 456.013, F.S.; eliminating a requirement that the department issue wall certificates; amending s. 456.017, F.S.; prohibiting the use of a state-developed examination if a national examination has been certified by the department; revising the criteria under which an applicant may challenge the validity of an examination; authorizing the department to post examination scores on the Internet in lieu of mailing the scores to each applicant; amending s. 456.036, F.S.; providing for a retired-status license; providing a fee for changing to retired status at the time of license renewal; requiring an additional fee if retired status is chosen at any time other than at the time of license renewal; authorizing each board or the department to reexamine a licensee who has been retired or inactive for a specified period in order to assess the licensee's competency; amending s. 464.201, F.S.; defining the phrase "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules specifying the scope of practice and level of supervision required for certified nursing assistants; amending s. 464.203, F.S.; requiring the biennial renewal of certification as a nursing assistant; reducing the number of required hours of inservice training for certified nursing assistants; providing a fee for certification renewal; amending s. 456.041, F.S.; requiring that information relating to liability and disciplinary actions be included in the practitioner profile; providing an effective date.

On motion by Senator Saunders, the Conference Committee Report was adopted and **CS for SB 410** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 424

The Honorable Tom Lee May 4, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 424, same being:

An act relating to Collective Bargaining/Employees; provides for resolution of certain collective bargaining issues at impasse between State of Florida and certified bargaining units of state employees.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton
Chair
s/Dave Aronberg
s/Michael S. "Mike" Bennett
s/Charlie Clary
s/Victor D. Crist
s/Paula Dockery
s/Rudy Garcia
s/Dennis L. Jones
s/Ron Klein
s/Evelyn J. Lynn
s/Lesley "Les" Miller, Jr.
s/Ken Pruitt
s/Burt L. Saunders
s/Gary Siplin
s/J. Alex Villalobos
s/Frederica S. Wilson
s/Nancy Argenziano
s/JD Alexander
s/Carey Baker
s/Larcenia J. Bullard
s/Lee Constantine
s/M. Mandy Dawson
s/Mike Fasano
s/Anthony C. "Tony" Hill, Sr.
s/James E. "Jim" King, Jr.
s/Alfred "Al" Lawson, Jr.
s/Gwen Margolis
s/Durell Peaden, Jr.
s/Nan Rich
s/Jim Sebesta
s/Rod Smith
s/Daniel Webster
s/Stephen R. Wise

Managers on the part of the Senate

s/Joe Negron
Vice Chair
s/Rafael "Ralph" Arza
s/Loranne Ausley
s/Dennis K. Baxley
s/Dorothy Bendross-Mindingall
s/Kimberly Berfield
s/Ellyn Setnor Bogdanoff
s/Donald D. "Don" Brown
s/Dean Cannon
s/Donna Clarke
s/Don Davis
s/Greg Evers
s/Anitere Flores
s/Anne M. "Annie" Gannon
s/Andy Gardiner
s/Hugh H. Gibson III
s/Ron L. Greenstein
s/Alan D. Hays
s/Arthenia L. Joyner
s/Will S. Kendrick
Dick Kravitz
s/Marcelo Llorente
s/Mark Mahon
s/David J. Mealor
s/Mitch Needelman
s/Joe H. Pickens
s/L. Ralph Poppell
s/Ron Reagan
s/David Rivera
s/Marco Rubio
s/Franklin Sands
s/John P. "Jack" Seiler
s/Eleanor Sobel
s/A. Trey Traviesa
s/Shelley Vana
s/Sandra "Sandy" Adams
s/Thad Altman
s/Frank Attkisson
s/Gustavo A. Barreiro
s/Aaron P. Bean
s/Anna Holliday "Holly" Benson
s/Gus Michael Bilirakis
s/Marsha L. "Marty" Bowen
s/Frederick C. "Fred" Brummer
s/Jennifer "JC" Carroll
s/Joyce Cusack
s/Mike Davis
s/Frank Farkas
s/Bill Galvano
s/Rene Garcia
s/Dan Gelber
s/J. Dudley Goodlette
s/Adam Hasner
s/Edward L. "Ed" Jennings, Jr.
s/Charlie Justice
s/Jeffrey D. "Jeff" Kottkamp
s/Kenneth W. "Ken" Littlefield
s/Richard A. Machek
s/Stan Mayfield
s/Dave Murzin
s/Pat Patterson
s/Juan-Carlos "J.C." Planas
s/John "Q" Quinones
s/Curtis B. Richardson
s/Yolly Roberson
s/Timothy M. "Tim" Ryan
s/Ray Sansom
s/David Simmons
s/Dwight Stansel
s/Baxter G. Troutman
s/Leslie Waters

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) Collective bargaining issues at impasse between the Florida Lottery and the Federation of Public Employees for the Lottery Administrative and Support Unit employees shall be resolved as follows:*

(a) All collective bargaining issues at impasse regarding Article 9 "Union Dues Deductions," Article 11 "Work Week," and Article 19 "Holidays" shall be resolved pursuant to the state's last offer dated February 4, 2005.

(b) All mandatory collective bargaining issues at impasse regarding Article 14 "Seniority" shall be resolved pursuant to the state's last offer dated February 4, 2005, for the period July 1, 2005, through May 31, 2006. Beginning June 1, 2006, the issues shall be resolved by reverting to the status quo under the language of the current collective bargaining agreement.

(2) All mandatory collective bargaining issues at impasse between the State of Florida and the International Union of Police Associations for Law Enforcement Bargaining Unit employees regarding Article 5 "Employee Representation," Article 14 "Performance Review," Article 18 "Hours of Work, Leave, Job-connected Disability," and Article 24 "On-call assignment - Call back - Court Appearance" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(3) All mandatory collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists for Selected Exempt Service Physicians Unit employees shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(4) All mandatory collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association for the Special Agents Bargaining Unit employees regarding Article 7 "Internal Investigations and Disciplinary Actions," Article 16 "Employment Outside State Government," Article 17 "Department Vehicles," Article 18 "Leave," and Article 23 "Workday, Workweek, and Overtime" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(5) All mandatory collective bargaining issues at impasse between the State of Florida and AFSCME, Council 79, Master Contract Units, for career service employees regarding Article 6 "Grievance Procedure," Article 7 "Discipline and Discharge," Article 8 "Workforce Reduction and Privatization," Article 9 "Reassignment, Transfer, Change in Duty Station," Article 10 "Promotion," Article 12 "Personnel Records," Article 14 "Performance Review," Article 18 "Leaves of Absence, Hours of Work, and Disability," Article 20 "Training," Article 21 "Out of Title Work," Article 22 "Disability Leave," and Article 23 "Hours of Work/Overtime" shall be resolved pursuant to the state's last offer.

(6) All mandatory collective bargaining issues at impasse between the State of Florida and the Florida State Fire Service Association regarding Article 23 "Hours of Work and Overtime" shall be resolved pursuant to the state's last offer.

(7) All mandatory collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists for Selected Exempt Service Supervisory Nonprofessional Unit employees regarding Article 7 "Employee Standards of Conduct" shall be resolved pursuant to the state's last offer.

(8) All mandatory collective bargaining issues at impasse between the State of Florida and the State Employees Attorneys Guild shall be resolved pursuant to the state's last offer dated February 1, 2005.

(9) All other mandatory collective bargaining issues at impasse for the 2005-2006 fiscal year which are not addressed by this act or the General Appropriations Act for the 2005-2006 fiscal year shall be resolved consistent with the personnel rules in effect on May 2, 2005, and by otherwise maintaining the status quo under the language of the current collective bargaining agreements.

Section 2. *(1) For the period January 1, 2006, through December 31, 2006, the Department of Management Services shall establish within the State Group Insurance Program a State Group Health Insurance Standard Plan, a State Group Health Insurance High Deductible Health Plan, a state-contracted Health Maintenance Organization Standard Plan, and a state-contracted Health Maintenance Organization High Deductible Health Plan. The state-contracted Health Maintenance High Deductible Health Plan may be offered by each of the health maintenance organizations under contract with the Department of Management Services for the 2006 plan year.*

(2) The State Group Health Insurance High Deductible Plan and the state-contracted Health Maintenance Organization High Deductible Plan shall include a health savings account feature. Such plans and accounts shall be administered in accordance with the requirements and

limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. The benefit attributes offered under the State Group Health Insurance High Deductible Plan and the state-contracted Health Maintenance Organization High Deductible Plan shall be as determined in the General Appropriations Act.

(3)(a) For the period January 1, 2006, through June 30, 2006, a COBRA participant participating in a high deductible plan shall pay $325.88 per month for single coverage and $710.82 for family coverage.

(b) For the period January 1, 2006, through June 30, 2006, an "early retiree" participant participating in a high deductible plan shall pay $319.48 per month for single coverage and $696.88 for family coverage.

Section 3. Paragraph (i) is added to subsection (5) of section 110.123, Florida Statutes, and subsection (12) is added to that section, to read:

110.123 State group insurance program.—

(5) DEPARTMENT POWERS AND DUTIES.—The department is responsible for the administration of the state group insurance program. The department shall initiate and supervise the program as established by this section and shall adopt such rules as are necessary to perform its responsibilities. To implement this program, the department shall, with prior approval by the Legislature:

(i) Contract with a single custodian to provide services necessary to implement and administer the health savings accounts authorized in subsection (12).

Final decisions concerning enrollment, the existence of coverage, or covered benefits under the state group insurance program shall not be delegated or deemed to have been delegated by the department.

(12) HEALTH SAVINGS ACCOUNTS.—The department is authorized to establish health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature and conforming to the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

(a)1. A member participating in this health insurance plan option shall be eligible to receive an employer contribution into the employee's health savings account from the State Employees Health Insurance Trust Fund in an amount to be determined by the Legislature. A member is not eligible for an employer contribution upon termination of employment. For the 2005-2006 fiscal year, the state's monthly contribution for employees having individual coverage shall be $41.66 and the monthly contribution for employees having family coverage shall be $83.33.

2. A member participating in this health insurance plan option shall be eligible to deposit the member's own funds into a health savings account.

(b) The monthly premiums paid by the employer for a member participating in this health insurance plan option shall include an amount equal to the monthly employer contribution authorized by the Legislature for that fiscal year.

(c) The health savings accounts shall be administered in accordance with the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

Section 4. Subsection (7) of section 110.12315, Florida Statutes, is amended to read:

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

(7) Under the state employees' prescription drug program copayments must be made as follows:

(a) Effective January 1, 2004*, through December 31, 2005*:

1. For generic drug with card . . . . . $10.

2. For preferred brand name drug with card . . . . . $25.

3. For nonpreferred brand name drug with card . . . . . $40.

4. For generic mail order drug . . . . . $20.

5. For preferred brand name mail order drug . . . . . $50.

6. For nonpreferred brand name *mail order* drug . . . . . $80.

(b) Effective January 1, 2006, through December 31, 2006, for the State Group Health Insurance Standard Plan:

1. For generic drug with card . . . . . $10.

2. For preferred brand name drug with card . . . . . $25.

3. For nonpreferred brand name drug with card . . . . . $40.

4. For generic mail order drug . . . . . $20.

5. For preferred brand name mail order drug . . . . . $50.

6. For nonpreferred brand name mail order drug . . . . . $80.

(c) Effective January 1, 2006, through December 31, 2006, for the State Group Health Insurance High Deductible Plan:

1. Retail coinsurance for generic drug with card . . . . . 30%.

2. Retail coinsurance for preferred brand name drug with card . . . . . 30%.

3. Retail coinsurance for nonpreferred brand name drug with card . . . . . 50%.

4. Mail order coinsurance for generic drug . . . . . 30%.

5. Mail order coinsurance for preferred brand name drug . . . 30%.

6. Mail order coinsurance for nonpreferred brand name drug . . . . . 50%.

(d)~~(b)~~ The Department of Management Services shall create a preferred brand name drug list to be used in the administration of the state employees' prescription drug program.

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to employee benefits; providing for resolving various collective bargaining issues that are at impasse between the State of Florida and the respective employee unit; requiring the Department of Management Services to establish certain insurance plans within the state group insurance program; requiring that certain high deductible plans include a health savings account; providing for the benefit attributes to be determined under the General Appropriations Act; specifying the monthly payment amounts for certain types of coverage; amending s. 110.123, F.S., relating to the state group insurance program; authorizing the department to establish health savings accounts for full-time and part-time state employees; providing for employer contributions into an employee's health savings account from the State Employees Health Insurance Trust Fund; amending s. 110.12315, F.S.; providing additional copayment amounts under the state employees' prescription drug program; providing an effective date.

On motion by Senator Carlton, the Conference Committee Report was adopted and **CS for SB 424** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—36

Alexander	Atwater	Bullard
Argenziano	Baker	Campbell
Aronberg	Bennett	Carlton

Clary	Jones	Rich
Constantine	King	Saunders
Dawson	Klein	Sebesta
Diaz de la Portilla	Lynn	Siplin
Dockery	Margolis	Smith
Fasano	Miller	Villalobos
Garcia	Peaden	Webster
Geller	Posey	Wilson
Haridopolos	Pruitt	Wise

Nays—3

Crist	Hill	Lawson

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1494, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1494—A bill to be entitled An act relating to information technology management; providing legislative intent that each state agency use a governance process and structure for managing its information technology operations and investments in order to ensure alignment with the business needs and policy requirements of the agency; providing definitions; providing a governance process for information technology which includes management of the agency's information technology portfolio along with project management; specifying the purpose of information technology portfolio management; requiring each agency to submit its information technology portfolio as part of its legislative budget request; requiring that agencies implement and administer a project management methodology; requiring that each agency implement a management process; amending s. 20.22, F.S.; renaming an office within the Department of Management Services; repealing s. 110.205(2)(e) and (w), F.S., relating to personnel of the State Technology Office; repealing s. 186.022, F.S., relating to information technology strategic plans; repealing s. 216.292(1)(c), F.S., relating to transfer of positions or appropriations for fiscal year 2001-2002; amending s. 282.0041, F.S.; revising definitions; repealing s. 282.005, F.S., relating to legislative findings and intent concerning information technology; creating s. 282.0055, F.S.; prohibiting the Department of Management Services and the Florida Technology Council from taking certain actions with respect to the information technology personnel of cabinet officers; amending s. 282.102, F.S.; eliminating the State Technology Office and transferring responsibilities of the office to the Department of Management Services; revising various responsibilities relating to information technology; amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S.; transferring responsibilities relating to the SUNCOM Network from the State Technology Office to the Department of Management Services; amending ss. 282.1095 and 282.111, F.S.; transferring responsibilities relating to various law enforcement radio systems from the office to the department; amending s. 282.20, F.S.; revising the duties of the Technology Resource Center; amending s. 282.21, F.S.; transferring authorization to collect fees for provision of remote electronic access services from the office to the department; amending s. 282.22, F.S.; transferring responsibilities relating to production, dissemination, and ownership of various materials or products from the office to the department; repealing s. 282.23, F.S., relating to the State Strategic Information Technology Alliance; creating s. 282.3025, F.S.; creating the Florida Technology Council within the Department of Management Services; providing for the State Technology Officer to head the council; requiring that the council develop a statewide information technology strategic plan, in consultation with the Agency Chief Information Officers Council; providing requirements for the plan; requiring that the council assist state agencies in implementing the information technology portfolio management process; requiring the council to provide status reports to the Administration Commission; amending s. 282.3031, F.S.; deleting provisions assigning responsibility for information resources management to the State Technology Office; repealing s. 282.3055, F.S., relating to personnel of the State Technology Office; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; revising certain duties of the Agency Chief Information Officers Council; specifying an additional responsibility; amending s. 282.318, F.S.; transferring various responsibilities relating to security of data and information technology resources from the State Technology Office to each agency head or the Department of Management Services; repealing s. 282.322(2), F.S., relating to information technology projects identified as high-risk; amending s. 287.042, F.S.; transferring responsibilities from the State Technology Office to the Department of Management Services; deleting provisions requiring consultation between the department and the office; repealing s. 287.057(24), F.S., relating to strategic information technology alliances; amending s. 445.049, F.S.; transferring responsibilities relating to the Digital Divide Council from the State Technology Office to the Department of Management Services or the secretary of the department; providing an appropriation and authorizing positions; requiring that certain notice with respect to budget actions be given to the Legislative Budget Commission; providing an effective date.

House Amendment 1 (314307)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 282.0051, Florida Statutes, is created to read:

282.0051 Information technology management.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that the state needs an information technology architecture to support the business needs of individual agencies while optimizing the state's collective use of information technology through integration, coordination, consolidation, and sharing. It is the intent of the Legislature that:

(a) The state shall make governmental information and services more accessible to citizens by developing a statewide internet portal presence, a state e-mail system, and state security protocols.

(b) Each state agency shall develop and implement information technology in the best interest of the state by whatever means are cost effective and efficient, are nonvendor specific systems, and maximize use of shared data and resources.

(c) Agency information technology investments must be governed responsibly, consistent with fiscal and substantive policies established by the Legislature, and aligned with business needs.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Agency information technology investment management" means an analytical decisionmaking process that is used to systematically prioritize, select, and manage information technology investments for the agency.

(b) "Information technology investment" means the cost associated with agency resources, hardware, software, or contracted services that are required to provide information technology services and to initiate approved information technology projects.

(c) "Information technology portfolio" means the aggregate list of information technology investments aligned with agency business needs.

(d) "Information technology services" means the strategic and nonstrategic information technology services used to enable agency business processes and as further defined in the legislative budget instructions developed pursuant to s. 216.023.

(e) "Information technology services catalog" means a report defining and describing each information technology service.

(f) "Project management" means a set of disciplines required for planning, organizing, managing, implementing, and controlling organizational and fiscal resources in order to complete information technology projects.

(g) "Service level agreement" means a written agreement between a service provider and the agency which describes each service to be provided and documents the required service objectives and service levels for

a service. Service providers include external providers, internal providers, and other agency providers.

(3) AGENCY INFORMATION TECHNOLOGY INVESTMENT MANAGEMENT PROCESS.—The agency information technology investment management process shall be used as the primary tool to support the information technology investment decisions of each agency. The agency shall adopt the model portfolio management process developed pursuant to s. 282.3025(2)(d) and may adjust the model to meet agency-specific organizational needs subject to the approval of the Agency Chief Information Officers Council.

(a) The investment management process shall:

1. Be administered by the agency head and include executive managers from across the agency's program areas.

2. Define initiatives using a comprehensive, uniform format.

3. Evaluate initiatives using an objective framework.

4. Prioritize initiatives and match initiatives to resources.

5. Manage the portfolio and the process proactively.

(b) Agency-approved initiatives which become information technology projects are subject to the requirements of subsection (4). New initiatives requiring funding shall be submitted in the agency's legislative budget request pursuant to s. 216.023.

(c) The agency shall prepare an information technology portfolio in a format prescribed in the legislative budget instructions pursuant to s. 216.023. The portfolio shall include, but need not be limited to:

1. A summary statement of the agency's mission, goals, and objectives for information technology which are supported through the agency's information technology portfolio.

2. Identification of projects and resources required to meet the objectives of the portfolio.

3. The agency information technology services catalog with services linked to business processes or business needs.

4. Implementation schedules estimating the time and funding required to implement information technology projects.

5. Funding needed to implement information technology services identified in the information technology services catalog.

(d) The agency shall submit its information technology portfolio as part of its legislative budget request in the manner and form prescribed in the legislative budget request instructions as provided in s. 216.023.

(4) INFORMATION TECHNOLOGY PROJECT MANAGEMENT.—

(a) Each agency shall implement the project management methodology developed pursuant to s. 282.3025(2)(c). The agency may make adjustment based on their specific organizational needs and subject to the approval of the Agency Chief Information Officers Council.

(b) Information technology projects shall be administered according to the following requirements:

1. Projects that refresh desktop units or infrastructure equipment with new technology that is similar to the technology currently in use are exempt from the project planning and reporting requirements in this section unless otherwise specified in the General Appropriations Act.

2. For projects with a total cost ranging from $500,000 to $1,999,999, the agency must appoint a project manager to ensure that needed project planning and management requirements are fulfilled.

3. For projects with a total cost ranging from $500,000 to $2 million which involve routine hardware or software upgrades for a single agency, the agency must appoint a project manager to timely deploy and implement the upgrade. Should the project be considered high-risk, the project manager shall ensure that needed project planning and management requirements are fulfilled.

4. For projects with a total cost ranging from $2 million to $10 million, the agency must appoint a project manager to ensure that needed project planning and management requirements are fulfilled. For projects in this range which are determined to impact the general public or which affect an agency's organizational structure, business processes, or service delivery model, the agency must appoint a dedicated project manager and project management team to ensure that all project planning and management requirements are fulfilled.

5. For any project with a total cost greater than $10 million, the agency must appoint a dedicated project manager and project management team to ensure that all project planning and management requirements are fulfilled.

Section 2. Section 20.22, Florida Statutes, is amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(1) The head of the Department of Management Services is the Secretary of Management Services, who shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor.

(2) The following divisions and programs within the Department of Management Services are established:

(a) Facilities Program.

(b) ~~State~~ Technology *Program* ~~Office~~.

(c) Workforce Program.

(d)1. Support Program.

2. Federal Property Assistance Program.

(e) Administration Program.

(f) Division of Administrative Hearings.

(g) Division of Retirement.

(h) Division of State Group Insurance.

(i) Florida Technology Council.

~~(3) The State Technology Office shall operate and manage the Technology Resource Center.~~

(3)~~(4)~~ The duties of the Chief Labor Negotiator shall be determined by the Secretary of Management Services, and must include, but need not be limited to, the representation of the Governor as the public employer in collective bargaining negotiations pursuant to the provisions of chapter 447.

Section 3. *Section 186.022, Florida Statutes, is repealed.*

Section 4. Section 216.0446, Florida Statutes, is amended to read:

216.0446 Review of information resources management needs.—

(1) There is created within the Legislature the Technology Review Workgroup. The workgroup ~~and the State Technology Office~~shall ~~independently~~ review and make recommendations with respect to the portion of agencies' long-range program plans which pertains to information *technology* ~~resources management~~ needs and with respect to agencies' legislative budget requests for information technology and related resources. The Technology Review Workgroup shall report such recommendations, together with the findings and conclusions on which such recommendations are based, to the Legislative Budget Commission. ~~The State Technology Office shall report such recommendations, together with the findings and conclusions on which such recommendations are based, to the Executive Office of the Governor and to the chairs of the legislative appropriations committees.~~

(2) In addition to its primary duty specified in subsection (1), the Technology Review Workgroup shall have powers and duties that include, but are not limited to, the following:

(a) To evaluate the information resource management needs identified in the agency long-range program plans for consistency with the *Statewide Information Technology Strategic Plan* ~~State Annual Report on Enterprise Resource Planning and Management~~ and statewide policies recommended by the State Technology Office, and make recommendations to the Legislative Budget Commission.

(b) To review and make recommendations to the Legislative Budget Commission on proposed budget amendments and agency transfers associated with information technology initiatives or projects that involve more than one agency, that have an outcome that impacts another agency, that exceed $500,000 in total cost over a 1-year period, or that are requested by the Legislative Budget Commission to be reviewed.

Section 5. *Pursuant to section 216.351, Florida Statutes, paragraph (c) of subsection (1) of section 216.292, Florida Statutes, is repealed.*

Section 6. Section 282.0041, Florida Statutes, is amended to read:

282.0041 Definitions.—For the purposes of this part, the term:

(1) "Agency" means those entities described in s. 216.011(1)(qq).

~~(2) "Agency Annual Enterprise Resource Planning and Management Report" means the report prepared by each agency chief information officer as required by s. 282.3063.~~

(2)~~(3)~~ "Agency chief information officer" means the person appointed by the *agency head* ~~State Technology Office~~ to coordinate and manage the information technology policies and activities applicable to that agency.

(3)~~(4)~~ "Agency Chief Information Officers Council" means the council created in s. 282.315 to facilitate the sharing and coordination of information technology issues and initiatives among the agencies.

(4) "Department" means the Department of Management Services.

(5) "Florida Technology Council" or "council" means the organization created in s. 282.3025.

(6)~~(7)~~ "Information technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.

(7)~~(5)~~ "*Information technology* ~~Enterprise resources management~~ infrastructure" means the hardware, software, networks, data, human resources, policies, standards, facilities, maintenance, and related materials and services that are required to support the business processes of an agency or state enterprise.

(8)~~(6)~~ "*Information technology* ~~Enterprise resource~~ planning and management" means the planning, budgeting, acquiring, developing, organizing, directing, training, control, and related services associated with government information technology. The term encompasses information and related resources, as well as the controls associated with their acquisition, development, dissemination, and use.

(9)~~(8)~~ "Project" means an undertaking directed at the *implementation* ~~accomplishment~~ of *information technology to achieve* a strategic objective ~~relating to enterprise resources management~~ or a specific appropriated program.

~~(9) "State Annual Report on Enterprise Resource Planning and Management" means the report prepared by the State Technology Office as defined in s. 282.102.~~

(10) "Standards" means the *generally accepted definitions for information technology which promotes the* use of current *and*~~, open, nonproprietary, or~~ non-vendor-specific technologies.

~~(11) "State Technology Office" or "office" means the office created in s. 282.102.~~

~~(12) "Total cost" means all costs associated with information technology projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology to state universities to be used in instruction or research does not include fair market value.~~

Section 7. *Section 282.005, Florida Statutes, is repealed.*

Section 8. Section 282.0055, Florida Statutes, is created to read:

282.0055 Limitation with respect to cabinet personnel.—The Florida Technology Council and the department may not take action affecting the supervision, control, management, or coordination of information technology and information technology personnel that any cabinet officer listed in s. 4, Art. IV of the State Constitution deems necessary for the exercise of his or her statutory or constitutional duties.

Section 9. Section 282.102, Florida Statutes, is amended to read:

282.102 ~~Creation of the State Technology Office;~~ Powers and duties *of the department*.~~—There is created a State Technology Office within~~ The *powers and duties of the department include* ~~Department of Management Services. The office shall be a separate budget entity, and shall be headed by a Chief Information Officer who is appointed by the Governor and is in the Senior Management Service. The Chief Information Officer shall be an agency head for all purposes. The Department of Management Services shall provide administrative support and service to the office to the extent requested by the Chief Information Officer. The office may adopt policies and procedures regarding personnel, procurement, and transactions for State Technology Office personnel. The office shall have the following powers, duties, and functions~~:

(1) To publish electronically the portfolio of services available from the *department* ~~office~~, including pricing information; the policies and procedures of the *department* ~~office~~ governing usage of available services; and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years.

~~(2) To adopt rules implementing policies and procedures providing best practices to be followed by agencies in acquiring, using, upgrading, modifying, replacing, or disposing of information technology.~~

~~(3) To perform, in consultation with an agency, the enterprise resource planning and management for the agency.~~

(2)~~(4)~~ To advise and render aid to state agencies and political subdivisions of the state as to systems or methods to be used for organizing and meeting *communications* ~~information technology~~ requirements efficiently and effectively.

~~(5) To integrate the information technology systems and services of state agencies.~~

(3)~~(6)~~ To adopt technical standards for the state *communications* ~~information technology~~ system which will assure the interconnection of computer networks and information systems of agencies.

(4)~~(7)~~ To assume management responsibility for any *consolidated communications system* ~~integrated information technology system~~ or service when determined *jointly* by the *department and the agency* ~~office~~ to be economically efficient or performance-effective.

(5)~~(8)~~ To enter into agreements ~~related to information technology~~ with state agencies and political subdivisions of the state *for services provided herein*.

(6)~~(9)~~ To use and acquire, with agency concurrence, *communications facilities* ~~information technology~~ now owned or operated by any agency.

(7)~~(10)~~ To purchase from or contract with information technology providers for *communications facilities and services* ~~information technology~~ , including private line services.

(8)~~(11)~~ To apply for, receive, and hold, and to assist agencies in applying for, receiving, or holding, such authorizations, patents, copyrights, trademarks, service marks, licenses, and allocations or channels and frequencies to carry out the purposes of this part.

(9)~~(12)~~ To purchase, lease, or otherwise acquire and to hold, sell, transfer, license, or otherwise dispose of real, personal, and intellectual

property, including, but not limited to, patents, trademarks, copyrights, and service marks.

(10)~~(13)~~ To cooperate with any federal, state, or local emergency management agency in providing for emergency communications services.

(11)~~(14)~~ To delegate, as necessary, to state agencies the authority to purchase, lease, or otherwise acquire and to use *communications equipment, facilities, and services* ~~information technology~~ or, as necessary, to control and approve the purchase, lease, or acquisition and the use of all *communications equipment, services, and facilities* ~~information technology~~ , including, but not limited to, communications services provided as part of any other total system to be used by the state or any of its agencies.

(12)~~(15)~~ To acquire ownership, possession, custody, and control of existing communications equipment and facilities, including all right, title, interest, and equity therein, as necessary, to carry out the purposes of this part. However, the provisions of this subsection shall in no way affect the rights, title, interest, or equity in any such equipment or facilities owned by, or leased to, the state or any state agency by any telecommunications company.

(13)~~(16)~~ To adopt rules pursuant to ss. 120.536(1) and 120.54 relating to information technology ~~and~~ to administer the provisions of this part.

(14)~~(17)~~ To provide a means whereby political subdivisions of the state may use state information technology systems upon such terms and under such conditions as the *department* ~~office~~ may establish.

(15)~~(18)~~ To apply for and accept federal funds for any of the purposes of this part as well as gifts and donations from individuals, foundations, and private organizations.

(16)~~(19)~~ To monitor issues relating to communications facilities and services before the Florida Public Service Commission and, when necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commission.

(17)~~(20)~~ Unless delegated to the agencies ~~by the Chief Information Officer~~, to manage and control, but not intercept or interpret, communications within the SUNCOM Network by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how communications are transmitted within the SUNCOM Network.

(c) Controlling the routing of communications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for access to the SUNCOM Network.

(e) Ensuring orderly and reliable communications services in accordance with the service level agreements executed with state agencies.

(18)~~(21)~~ To plan, design, and conduct experiments for information technology services, equipment, and technologies, and to implement enhancements in the state information technology system when in the public interest and cost-effective. Funding for such experiments shall be derived from SUNCOM Network service revenues and shall not exceed 2 percent of the annual budget for the SUNCOM Network for any fiscal year or as provided in the General Appropriations Act. New services offered as a result of this subsection shall not affect existing rates for facilities or services.

(19)~~(22)~~ To enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, and nondiscriminatory basis, property and other structures under *department* ~~office~~ control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or other structures available. The *department* ~~office~~ may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for the placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The *department* ~~office~~ and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the *department* ~~office~~ by the wireless provider or telecommunications company. All such fees collected by the *department* ~~office~~ shall be deposited directly into the Law Enforcement Radio Operating Trust Fund, and may be used by the *department* ~~office~~ to construct, maintain, or support the system.

(20)~~(23)~~ To provide an integrated electronic system for deploying government products, services, and information to individuals and businesses *which reflects cost-effective deployment strategies in keeping with industry standards and practices and includes protections and security of private information as well as maintenance of public records*.

~~(a) The integrated electronic system shall reflect cost-effective deployment strategies in keeping with industry standards and practices, including protections and security of private information as well as maintenance of public records.~~

~~(b) The office shall provide a method for assessing fiscal accountability for the integrated electronic system and shall establish the organizational structure required to implement this system.~~

~~(24) To provide administrative support to the Agency Chief Information Officers Council and other workgroups created by the Chief Information Officer.~~

~~(25) To facilitate state information technology education and training for senior management and other agency staff.~~

~~(26) To prepare, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information resources management, when requested.~~

~~(27) To prepare, publish, and disseminate the State Annual Report on Enterprise Resource Planning and Management under s. 282.310.~~

~~(28) To study and make a recommendation to the Governor and Legislature on the feasibility of implementing online voting in this state.~~

~~(29) To facilitate the development of a network access point in this state, as needed.~~

~~(30) To designate a State Chief Privacy Officer who shall be responsible for the continual review of policies, laws, rules, and practices of state agencies which may affect the privacy concerns of state residents.~~

Section 10. Section 282.103, Florida Statutes, is amended to read:

282.103 SUNCOM Network; exemptions from the required use.—

(1) There is created within the *Department of Management Services* ~~State Technology Office~~ the SUNCOM Network which shall be developed to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, state universities, and nonprofit corporations pursuant to ss. 282.101-282.111. The SUNCOM Network shall be developed to transmit all types of communications signals, including, but not limited to, voice, data, video, image, and radio. State agencies shall cooperate and assist in the development and joint use of communications systems and services.

(2) The *department* ~~State Technology Office~~ shall design, engineer, implement, manage, and operate through state ownership, commercial leasing, or some combination thereof, the facilities and equipment providing SUNCOM Network services, and shall develop a system of equitable billings and charges for communication services.

(3) All state agencies and state universities are required to use the SUNCOM Network for agency and state university communications services ~~as the services become available~~; however, no agency or university is relieved of responsibility for maintaining communications services necessary for effective management of its programs and functions. If a SUNCOM Network service does not meet the communications requirements of an agency or university, the agency or university shall notify the *department* ~~State Technology Office~~ in writing and detail the

requirements for that communications service. If the *department* ~~office~~ is unable to meet an agency's or university's requirements by enhancing SUNCOM Network service, the *department* ~~office~~ may grant the agency or university an exemption from the required use of specified SUNCOM Network services.

Section 11. Section 282.104, Florida Statutes, is amended to read:

282.104 Use of state SUNCOM Network by municipalities.—Any municipality may request the *department* ~~State Technology Office~~ to provide any or all of the SUNCOM Network's portfolio of communications services upon such terms and under such conditions as the *department* ~~office~~ may establish. The requesting municipality shall pay its share of installation and recurring costs according to the published rates for SUNCOM Network services and as invoiced by the *department* ~~office~~. Such municipality shall also pay for any requested modifications to existing SUNCOM Network services, if any charges apply.

Section 12. Section 282.105, Florida Statutes, is amended to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(1) The *department* ~~State Technology Office~~ shall provide a means whereby private nonprofit corporations under contract with state agencies or political subdivisions of the state may use the state SUNCOM Network, subject to the limitations in this section. In order to qualify to use the state SUNCOM Network, a nonprofit corporation shall:

(a) Expend the majority of its total direct revenues for the provision of contractual services to the state, a municipality, or a political subdivision of the state; and

(b) Receive only a small portion of its total revenues from any source other than a state agency, a municipality, or a political subdivision of the state during the period of time SUNCOM Network services are requested.

(2) Each nonprofit corporation seeking authorization to use the state SUNCOM Network pursuant to this section shall provide to the *department* ~~office~~, upon request, proof of compliance with subsection (1).

(3) Nonprofit corporations established pursuant to general law and an association of municipal governments which is wholly owned by the municipalities shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the *department* ~~office~~.

(4) Institutions qualified to participate in the William L. Boyd, IV, Florida Resident Access Grant Program pursuant to s. 1009.89 shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the *department* ~~office~~. Such entities shall not be required to satisfy the other criteria of this section.

(5) Private, nonprofit elementary and secondary schools shall be eligible for rates and services on the same basis as public schools, providing these nonpublic schools do not have an endowment in excess of $50 million.

Section 13. Section 282.106, Florida Statutes, is amended to read:

282.106 Use of SUNCOM Network by libraries.—The *department* ~~State Technology Office~~ may provide SUNCOM Network services to any library in the state, including libraries in public schools, community colleges, state universities, and nonprofit private postsecondary educational institutions, and libraries owned and operated by municipalities and political subdivisions.

Section 14. Section 282.1065, Florida Statutes, is created to read:

282.1065 Use of SUNCOM Network by hospitals.—The department may provide SUNCOM Network services to hospitals or other facilities licensed under chapter 395 and their state associations who currently contract with or provide services on behalf of state or local governments.

Section 15. Section 282.107, Florida Statutes, is amended to read:

282.107 SUNCOM Network; criteria for usage.—

(1) The *department* ~~State Technology Office~~ shall periodically review the qualifications of subscribers using the state SUNCOM Network and shall terminate services provided to any facility not qualified pursuant to ss. 282.101-282.111 or rules adopted hereunder. In the event of nonpayment of invoices by subscribers whose SUNCOM Network invoices are paid from sources other than legislative appropriations, such nonpayment represents good and sufficient reason to terminate service.

(2) The *department* ~~State Technology Office~~ shall adopt rules setting forth its procedures for withdrawing and restoring authorization to use the state SUNCOM Network. Such rules shall provide a minimum of 30 days' notice to affected parties prior to termination of voice communications service.

(3) Nothing in this section shall be construed to limit or restrict the ability of the Florida Public Service Commission to set jurisdictional tariffs of telecommunications companies.

Section 16. Section 282.1095, Florida Statutes, is amended to read:

282.1095 State agency law enforcement radio system and interoperability network.—

(1) The *department* ~~State Technology Office~~ may acquire and implement a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through mutual aid channels. The Joint Task Force on State Agency Law Enforcement Communications is established in the *department* ~~State Technology Office~~ to advise the *department* ~~office~~ of member-agency needs for the planning, designing, and establishment of the joint system. The State Agency Law Enforcement Radio System Trust Fund is established in the *department* ~~State Technology Office~~. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 328.72.

(2)(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of eight members, as follows:

1. A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who shall be appointed by the secretary of the department.

2. A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.

3. A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.

4. A representative of the Fish and Wildlife Conservation Commission who shall be appointed by the executive director of the commission.

5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.

6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.

7. A representative of the Division of State Fire Marshal of the Department of Financial Services who shall be appointed by the State Fire Marshal.

8. A representative of the Department of Transportation who shall be appointed by the secretary of the department.

(b) Each appointed member of the joint task force shall serve at the pleasure of the appointing official. Any vacancy on the joint task force shall be filled in the same manner as the original appointment. Any joint task force member may, upon notification to the chair prior to the beginning of any scheduled meeting, appoint an alternative to represent the member on the task force and vote on task force business in his or her absence.

(c) The joint task force shall elect a chair from among its members to serve a 1-year term. A vacancy in the chair of the joint task force must be filled for the remainder of the unexpired term by an election of the joint task force members.

(d) The joint task force shall meet as necessary, but at least quarterly, at the call of the chair and at the time and place designated by him or her.

(e) The per diem and travel expenses incurred by a member of the joint task force in attending its meetings and in attending to its affairs shall be paid pursuant to s. 112.061, from funds budgeted to the state agency that the member represents.

(f) The *department* ~~State Technology Office~~ is hereby authorized to rent or lease space on any tower under its control. The *department* ~~office~~ may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the *department* ~~office~~ for each site, when it is determined to be practicable and feasible to make space available. The *department* ~~office~~ may refuse to lease space on any tower at any site. All moneys collected by the *department* ~~office~~ for such rents, leases, and subleases shall be deposited directly into the Law Enforcement Radio Operating Trust Fund and may be used by the *department* ~~office~~ to construct, maintain, or support the system.

(g) The *department* ~~State Technology Office~~ is hereby authorized to rent, lease, or sublease ground space on lands acquired by the *department* ~~office~~ for the construction of privately owned or publicly owned towers. The *department* ~~office~~ may, as a part of such rental, lease, or sublease agreement, require space on said tower or towers for antennae as may be necessary for the construction and operation of the state agency law enforcement radio system or any other state need. The positions necessary for the *department* ~~office~~ to accomplish its duties under this paragraph and paragraph (f) shall be established in the General Appropriations Act and shall be funded by the Law Enforcement Radio Operating Trust Fund or other revenue sources.

(h) The *department* ~~State Technology Office~~ may make the mutual aid channels in the statewide radio communications system available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security. The *department* ~~office~~ shall exercise its powers and duties, as specified in this chapter, to plan, manage, and administer the mutual aid channels. The *department* ~~office~~ shall, in implementing such powers and duties, act in consultation and conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, and shall manage and administer the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.

(3) Upon appropriation, moneys in the trust fund may be used by the *department* ~~office~~ to acquire by competitive procurement the equipment; software; and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund collected as a result of the surcharges set forth in ss. 320.0802 and 328.72 shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the *department* ~~office~~ to provide for payment of the recurring maintenance costs of the system.

(4)(a) The *department* ~~office~~ shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, establish policies, procedures, and standards which shall be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(b) The joint task force, in consultation with the *department* ~~office~~, shall have the authority to permit other state agencies to use the communications system, under terms and conditions established by the joint task force.

(5) The *department* ~~office~~ shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

(6)(a) The *department* ~~State Technology Office~~ may create and implement an interoperability network to enable interoperability between various radio communications technologies and to serve federal agencies, state agencies, and agencies of political subdivisions of the state for the purpose of public safety and domestic security. The *department* ~~office~~ shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, exercise its powers and duties pursuant to this chapter to plan, manage, and administer the interoperability network. The *department* ~~office~~ may:

1. Enter into mutual aid agreements among federal agencies, state agencies, and political subdivisions of the state for the use of the interoperability network.

2. Establish the cost of maintenance and operation of the interoperability network and charge subscribing federal and local law enforcement agencies for access and use of the network. The *department* ~~State Technology Office~~ may not charge state law enforcement agencies identified in paragraph (2)(a) to use the network.

3. In consultation with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, amend and enhance the statewide radio communications system as necessary to implement the interoperability network.

(b) The *department* ~~State Technology Office~~, in consultation with the Joint Task Force on State Agency Law Enforcement Communications, and in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, shall establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of the interoperability network.

Section 17. Section 282.111, Florida Statutes, is amended to read:

282.111 Statewide system of regional law enforcement communications.—

(1) It is the intent and purpose of the Legislature that a statewide system of regional law enforcement communications be developed whereby maximum efficiency in the use of existing radio channels is achieved in order to deal more effectively with the apprehension of criminals and the prevention of crime generally. To this end, all law enforcement agencies within the state are directed to provide the *department* ~~State Technology Office~~ with any information the *department* ~~office~~ requests for the purpose of implementing the provisions of subsection (2).

(2) The *department* ~~State Technology Office~~ is hereby authorized and directed to develop and maintain a statewide system of regional law enforcement communications. In formulating such a system, the *department* ~~office~~ shall divide the state into appropriate regions and shall develop a program which shall include, but not be limited to, the following provisions:

(a) The communications requirements for each county and municipality comprising the region.

(b) An interagency communications provision which shall depict the communication interfaces between municipal, county, and state law enforcement entities which operate within the region.

(c) Frequency allocation and use provision which shall include, on an entity basis, each assigned and planned radio channel and the type of operation, simplex, duplex, or half-duplex, on each channel.

(3) The *department* ~~office~~ shall adopt any necessary rules and regulations for implementing and coordinating the statewide system of regional law enforcement communications.

(4) The *secretary of the Department of Management Services* ~~Chief Information Officer of the State Technology Office~~ or his or her designee is designated as the director of the statewide system of regional law enforcement communications and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with other interested state agencies and local law enforcement agencies.

(5) No law enforcement communications system shall be established or present system expanded without the prior approval of the *department* ~~State Technology Office~~.

(6) Within the limits of its capability, the Department of Law Enforcement is encouraged to lend assistance to the *department* ~~State Technology Office~~ in the development of the statewide system of regional law enforcement communications proposed by this section.

Section 18. Section 282.20, Florida Statutes, is amended to read:

282.20 Technology Resource Center.—

(1)(a) The *Department of Management Services* ~~State Technology Office~~ shall operate and manage the Technology Resource Center.

(b) For the purposes of this section, the term:

1. "Information-system utility" means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services.

2. "Customer" means a state agency or other entity which is authorized to utilize the SUNCOM Network pursuant to this part.

(2) The Technology Resource Center shall:

(a) Serve the *department* ~~office~~ and other customers as an information-system utility.

(b) Cooperate with customers to offer, develop, and support a wide range of services and applications needed by users of the Technology Resource Center.

(c) Cooperate with the Florida Legal Resource Center of the Department of Legal Affairs and other state agencies to develop and provide access to repositories of legal information throughout the state.

(d) Cooperate with the *department* ~~office~~ to facilitate interdepartmental networking and integration of network services for its customers.

(e) Assist customers in testing and evaluating new and emerging technologies that could be used to meet the needs of the state.

(3) The *department* ~~office~~ may contract with customers to provide any combination of services necessary for agencies to fulfill their responsibilities and to serve their users.

(4) The Technology Resource Center may plan, design, establish pilot projects for, and conduct experiments with information technology resources, and may implement enhancements in services when such implementation is cost-effective. Funding for experiments and pilot projects shall be derived from service revenues and may not exceed 5 percent of the service revenues for the Technology Resource Center for any single fiscal year. Any experiment, pilot project, plan, or design must be approved by the *secretary of the department* ~~Chief Information Officer~~.

(5) Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend funds in the reserve account of the Technology Enterprise Operating Trust Fund for enhancements to center operations or for information technology resources. Any expenditure of reserve account funds must be approved by the *secretary of the department* ~~Chief Information Officer~~. Any funds remaining in the reserve account at the end of the fiscal year may be carried forward and spent as approved by the *secretary* ~~Chief Information Officer~~, provided that such approval conforms to any applicable provisions of chapter 216.

Section 19. Section 282.21, Florida Statutes, is amended to read:

282.21 ~~The State Technology Office's~~ Electronic access services *of the department*.—The *department* ~~State Technology Office~~ may collect fees for providing remote electronic access pursuant to s. 119.07(2). The fees may be imposed on individual transactions or as a fixed subscription for a designated period of time. All fees collected under this section shall be deposited in the appropriate trust fund of the program or activity that made the remote electronic access available.

Section 20. Section 282.22, Florida Statutes, is amended to read:

282.22 ~~State Technology Office;~~ Production, dissemination, and ownership of materials and products.—

(1) It is the intent of the Legislature that when materials, products, information, and services are acquired or developed by or under the direction of the *department* ~~State Technology Office~~, through research and development or other efforts, including those subject to copyright, patent, or trademark, they shall be made available for use by state and local government entities at the earliest practicable date and in the most economical and efficient manner possible and consistent with chapter 119.

(2) To accomplish this objective the *department may* ~~office is authorized to~~ publish or partner with private sector entities to produce or have produced materials and products and to make them readily available for appropriate use. The *department may* ~~office is authorized to~~ charge an amount or receive value-added services adequate to cover the essential cost of producing and disseminating such materials, information, services, or products and is authorized to sell services.

(3) *If* ~~In cases in which~~ the materials or products are of such nature, or the circumstances are such, that it is not practicable or feasible for the *department* ~~office~~ to produce or have produced materials and products so developed, it is authorized, after review and approval by the Executive Office of the Governor, to license, lease, assign, sell, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof, on a royalty basis, or for such other consideration as the *department deems* ~~office shall deem~~ proper and in the best interest of the state; the *department shall* ~~office is authorized and directed to~~ protect same against improper or unlawful use or infringement ~~and~~ to enforce the collection of any sums due for the manufacture or use thereof by any other party.

(4) All proceeds from the sale of such materials and products or other money collected pursuant to this section shall be deposited into the Grants and Donations Trust Fund of the *department* ~~office~~ and, when properly budgeted as approved by the Legislature and the Executive Office of the Governor, used to pay the cost of producing and disseminating materials and products to carry out the intent of this section.

Section 21. *Section 282.23, Florida Statutes, is repealed.*

Section 22. Section 282.3025, Florida Statutes, is created to read:

282.3025 Florida Technology Council; powers and duties.—

(1) There is created a Florida Technology Council within the Department of Management Services. The council shall be headed by a State Chief Information Officer who is appointed by the Governor. The Department of Management Services shall provide administrative support and services to the council.

(2) The council shall have the following powers, duties, and functions:

(a) Develop and submit by January 15, 2006, a Statewide Information Technology Strategic Plan consistent with the provisions of s. 282.0051(1), and in consultation with the Agency Chief Information Officers Council. The plan must include, but need not be limited to, a description and recommendations as to how the state can deploy information technology that:

1. Aligns state information technology resources and assets to achieve an enterprise perspective and focus state investments on initiatives that provide significant improvements in statewide service delivery and business operations.

2. Makes state governmental information and services more accessible to residents and the state's clients.

3. Improves governmental efficiency and cost-effectiveness.

4. Improves security and performance of the state's information technology infrastructure.

5. Makes recommendations for changes to the statutes which promote the findings of the report.

(b) Develop enterprise information technology policies, standards, guidelines, and procedures in consultation with and subject to the approval of the Agency Chief Information Officers Council and the department, and in consultation with the Technology Review Workgroup, relating to enterprise architecture, enterprise Internet portal, business continuity and disaster recovery, security, computing, networks, desktop equipment, and communications.

(c) Recommend, in consultation with the Agency Chief Information Officers Council and the Technology Review Workgroup, and subject to

the approval of the Agency Chief Information Officers Council, a project management methodology for use by the agencies to meet the provisions of s. 282.0051. The methodology shall be adopted by September 30, 2005, for distribution to the agencies.

(d) Develop, in consultation with the Agency Chief Information Officers Council and the Technology Review Workgroup, and subject to the approval of the Agency Chief Information Officers Council, a model agency information technology investment management process and an information technology investment portfolio. The model process shall be adopted by September 30, 2005, for distribution to the agencies.

(e) Review recommendations made by the Agency Chief Information Officers Council for improving information technology in agencies or the state and make recommendations to the Governor and the Legislature for consideration during legislative session.

(f) Review each agency information technology investment portfolio and make recommendations to the Governor and the Legislature regarding opportunities consistent with s. 282.0051(1).

(g) Prepare, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information technology, when requested.

(3) The Florida Technology Council may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of this section.

Section 23. Section 282.3031, Florida Statutes, is amended to read:

282.3031 Assignment of information *technology planning and* ~~resources~~ management responsibilities.—For purposes of ss. *282.3032-282.322* ~~282.303-282.322~~, to ensure the best management of state information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information *technology planning and* ~~resources~~ management are assigned to the university boards of trustees for the development and implementation of planning, management, rulemaking, standards, and guidelines for the state universities; to the community college boards of trustees for establishing and developing rules for the community colleges; to the Supreme Court for the judicial branch; to each state attorney and public defender; and to the *agency head* ~~State Technology Office~~ for the agencies within the executive branch of state government.

Section 24. *Section 282.3032, Florida Statutes, is repealed.*

Section 25. Section 282.3055, Florida Statutes, is amended to read:

282.3055 Agency chief information officer; appointment; duties.—

(1)(a) To assist the *agency head* ~~State Technology Officer~~ in carrying out *information technology* ~~the enterprise resource~~ planning and management responsibilities, the *agency head* ~~Chief Information Officer~~ may appoint or contract for an agency chief information officer. This position may be full time or part time.

(b) The agency chief information officer must, at a minimum, have knowledge and experience in both management and information technology resources.

(2) The duties of the agency chief information officer include, but are not limited to:

(a) Coordinating and facilitating agency *information technology* ~~enterprise resource~~ planning and management projects and initiatives.

(b) Preparing *the* ~~an~~ agency ~~annual~~ *information technology investment portfolio* ~~report on enterprise resource planning and management~~ pursuant to *the provisions of s. 282.0051* ~~s. 282.3063~~.

(c) Developing and implementing agency *information technology* ~~enterprise resource~~ planning and management policies, procedures, *guidelines,* and standards *consistent with statewide policies, procedures, guidelines, and standards*~~, including specific policies and procedures for review and approval of the agency's purchases of information technology resources in accordance with the office's policies and procedures~~.

(d) Advising agency senior management as to the *information technology* ~~enterprise resource~~ planning and management *and the information technology investment* needs of the agency ~~for inclusion in planning documents required by law~~.

(e) Staffing and supporting an agency information technology investment management process.

~~(e) Assisting in the development and prioritization of the enterprise resource planning and management schedule of the agency's legislative budget request.~~

Section 26. *Section 282.3063, Florida Statutes, is repealed.*

Section 27. *Section 282.310, Florida Statutes, is repealed.*

Section 28. Section 282.315, Florida Statutes, is amended to read:

282.315 Agency Chief Information Officers Council; creation.—The Legislature finds that enhancing communication, consensus building, coordination, and facilitation of statewide enterprise *information technology* ~~resource~~ planning and management issues *are* ~~is~~ essential to improving state management of such resources.

(1) There is created an Agency Chief Information Officers Council to:

(a) Enhance communication among the agency chief information officers *and the Florida Technology Council* ~~by sharing enterprise resource planning and management experiences and exchanging ideas~~.

(b) *Identify and recommend* ~~Facilitate the sharing of~~ best practices that are characteristic of highly successful technology organizations, as well as exemplary information technology applications of state agencies*, and assist the Florida Technology Council in the development of policies, standards, guidelines, and procedures for use by all state agencies*.

(c) Identify efficiency opportunities among state agencies *to fulfill the guidelines in s. 282.3032 and make recommendations for action to the Florida Technology Council*.

(d) Serve as an educational forum for enterprise *information technology* ~~resource~~ planning and management issues.

(e) *Identify* ~~Assist the State Technology Office in identifying~~ critical statewide issues and, when appropriate, make recommendations *to the Florida Technology Council* for solving *information technology* ~~enterprise resource planning and management~~ deficiencies.

(2) Members of the council shall include the agency chief information officers, including the chief information officers of the agencies and governmental entities enumerated in s. 282.3031, except that there shall be one chief information officer selected by the state attorneys and one chief information officer selected by the public defenders. The chairs, or their designees, of the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall represent their respective organizations on the *Agency* Chief Information Officers Council as voting members. *The council shall appoint a chair, a vice chair, and a secretary from its members to serve a 1-year term each. The council shall establish procedures to govern council business.*

(3) The *Florida Technology Council* ~~State Technology Office~~ shall provide administrative support to the council.

Section 29. Section 282.318, Florida Statutes, is amended to read:

282.318 Security of data and information technology resources.—

(1) This section may be cited as the "Security of Data and Information Technology *Infrastructure* ~~Resources~~ Act."

(2)(a) ~~The State Technology Office, in consultation with~~ Each agency head~~,~~ is responsible and accountable for assuring an adequate level of security for all data and information technology *infrastructure* ~~resources~~ of each agency and, to carry out this responsibility, shall, at a minimum:

1. Designate an information security manager who shall administer the security program of each agency for its data and information technology resources.

2. Conduct, and periodically update, a comprehensive risk analysis to determine the security threats to the data and information technology *infrastructure* ~~resources~~ of each agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

3. Develop, and periodically update, written internal policies and procedures to assure the security of the data and information technology *infrastructure* ~~resources~~ of each agency. The internal policies and procedures which, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology *infrastructure* ~~resources~~ are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

4. Implement appropriate cost-effective safeguards to reduce, eliminate, or recover from the identified risks to the data and information technology *infrastructure* ~~resources~~ of each agency.

5. Ensure that periodic internal audits and evaluations of each security program for the data and information technology *infrastructure* ~~resources~~ of the agency are conducted. The results of such internal audits and evaluations are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

6. Include appropriate security requirements, as determined by the *agency* ~~State Technology Office~~, in consultation with *the Department of Law Enforcement* ~~each agency head~~, in the written specifications for the solicitation of information technology resources.

(b) In those instances in which the *department* ~~State Technology Office~~ develops state contracts for use by state agencies, the *department* ~~office~~ shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology *infrastructure* ~~resources~~.

Section 30. Section 282.322, Florida Statutes, is amended to read:

282.322 Special monitoring process for designated information resources management projects.—

~~(1)~~ For each information resources management project which is designated for special monitoring in the General Appropriations Act, with a proviso requiring a contract with a project monitor, the Technology Review Workgroup established pursuant to s. 216.0446, in consultation with each affected agency, shall be responsible for contracting with the project monitor. Upon contract award, funds equal to the contract amount shall be transferred to the Technology Review Workgroup upon request and subsequent approval of a budget amendment pursuant to s. 216.292. With the concurrence of the Legislative Auditing Committee, the office of the Auditor General shall be the project monitor for other projects designated for special monitoring. However, nothing in this section precludes the Auditor General from conducting such monitoring on any project designated for special monitoring. In addition to monitoring and reporting on significant communications between a contracting agency and the appropriate federal authorities, the project monitoring process shall consist of evaluating each major stage of the designated project to determine whether the deliverables have been satisfied and to assess the level of risks associated with proceeding to the next stage of the project. The major stages of each designated project shall be determined based on the agency's information systems development methodology. Within 20 days after an agency has completed a major stage of its designated project or at least 90 days, the project monitor shall issue a written report, including the findings and recommendations for correcting deficiencies, to the agency head, for review and comment. Within 20 days after receipt of the project monitor's report, the agency head shall submit a written statement of explanation or rebuttal concerning the findings and recommendations of the project monitor, including any corrective action to be taken by the agency. The project monitor shall include the agency's statement in its final report, which shall be forwarded, within 7 days after receipt of the agency's statement, to the agency head, the inspector general's office of the agency, the Executive Office of the Governor, the appropriations committees of the Legislature, the Joint Legislative Auditing Committee, the Technology Review Workgroup, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability. The Auditor General shall also receive a copy of the project monitor's report for those projects in which the Auditor General is not the project monitor.

~~(2) The Enterprise Project Management Office of the State Technology Office shall report any information technology projects the office identifies as high-risk to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriations committees. Within the limits of current appropriations, the Enterprise Project Management Office shall monitor and report on such high-risk information technology projects, and assess the levels of risks associated with proceeding to the next stage of the project.~~

Section 31. Paragraph (a) of subsection (3), subsections (4), (5), (7), (9), (10), and (12), and paragraph (a) of subsection (13) of section 365.171, Florida Statutes, are amended to read:

365.171 Emergency telephone number "911."—

(3) DEFINITIONS.—As used in this section:

(a) "*Department* ~~Office~~" means the *Department of Management Services* ~~State Technology Office~~.

(4) STATE PLAN.—The *department* ~~office~~ shall develop a statewide emergency telephone number "911" system plan. The plan shall provide for:

(a) The establishment of the public agency emergency telephone communications requirements for each entity of local government in the state.

(b) A system to meet specific local government requirements. Such system shall include law enforcement, firefighting, and emergency medical services and may include other emergency services such as poison control, suicide prevention, and emergency management services.

(c) Identification of the mutual aid agreements necessary to obtain an effective "911" system.

(d) A funding provision which shall identify the cost necessary to implement the "911" system.

(e) A firm implementation schedule which shall include the installation of the "911" system in a local community within 24 months after the designated agency of the local government gives a firm order to the telephone utility for a "911" system.

The *department* ~~office~~ shall be responsible for the implementation and coordination of such plan. The *department* ~~office~~ shall adopt any necessary rules and schedules related to public agencies for implementing and coordinating such plan, pursuant to chapter 120. The public agency designated in the plan shall order such system within 6 months after publication date of the plan if the public agency is in receipt of funds appropriated by the Legislature for the implementation and maintenance of the "911" system. Any jurisdiction which has utilized local funding as of July 1, 1976, to begin the implementation of the state plan as set forth in this section shall be eligible for at least a partial reimbursement of its direct cost when, and if, state funds are available for such reimbursement.

(5) SYSTEM DIRECTOR.—The *secretary* ~~director~~ of the *department* ~~office~~ or his or her designee is designated as the director of the statewide emergency telephone number "911" system and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with state, county, local, and private agencies. The *secretary* ~~director~~ is authorized to employ not less than five persons, three of whom will be at the professional level, one at the secretarial level, and one to fill a fiscal position, for the purpose of carrying out the provisions of this section. The *secretary* ~~director~~ in implementing the system shall consult, cooperate, and coordinate with local law enforcement agencies.

(7) TELEPHONE INDUSTRY COORDINATION.—The *department* ~~office~~ shall coordinate with the Florida Public Service Commission which shall encourage the Florida telephone industry to activate facility modification plans for a timely "911" implementation.

(9) SYSTEM APPROVAL.—No emergency telephone number "911" system shall be established and no present system shall be expanded without prior approval of the *department* ~~office~~.

(10) COMPLIANCE.—All public agencies shall assist the *department* ~~office~~ in their efforts to carry out the intent of this section, and such agencies shall comply with the developed plan.

(12) FEDERAL ASSISTANCE.—The secretary of the *department* ~~office~~ or his or her designee may apply for and accept federal funding assistance in the development and implementation of a statewide emergency telephone number "911" system.

(13) "911" FEE.—

(a) Following approval by referendum as set forth in paragraph (b), or following approval by a majority vote of its board of county commissioners, a county may impose a "911" fee to be paid by the local exchange subscribers within its boundaries served by the "911" service. Proceeds from the "911" fee shall be used only for "911" expenditures as set forth in subparagraph 6. The manner of imposing and collecting said payment shall be as follows:

1. At the request of the county subscribing to "911" service, the telephone company shall, insofar as is practicable, bill the "911" fee to the local exchange subscribers served by the "911" service, on an individual access line basis, at a rate not to exceed 50 cents per month per line (up to a maximum of 25 access lines per account bill rendered). However, the fee may not be assessed on any pay telephone in this state. A county collecting the fee for the first time may collect the fee for no longer than 36 months without initiating the acquisition of its "911" equipment.

2. Fees collected by the telephone company pursuant to subparagraph 1. shall be returned to the county, less the costs of administration retained pursuant to paragraph (c). The county shall provide a minimum of 90 days' written notice to the telephone company prior to the collection of any "911" fees.

3. Any county that currently has an operational "911" system or that is actively pursuing the implementation of a "911" system shall establish a fund to be used exclusively for receipt and expenditure of "911" fee revenues collected pursuant to this section. All fees placed in said fund, and any interest accrued thereupon, shall be used solely for "911" costs described in subparagraph 6. The money collected and interest earned in this fund shall be appropriated for "911" purposes by the county commissioners and incorporated into the annual county budget. Such fund shall be included within the financial audit performed in accordance with s. 218.39. A report of the audit shall be forwarded to the *department* ~~office~~ within 60 days of its completion. A county may carry forward on an annual basis unspent moneys in the fund for expenditures allowed by this section, or it may reduce its fee. However, in no event shall a county carry forward more than 10 percent of the "911" fee billed for the prior year. The amount of moneys carried forward each year may be accumulated in order to allow for capital improvements described in this subsection. The carryover shall be documented by resolution of the board of county commissioners expressing the purpose of the carryover or by an adopted capital improvement program identifying projected expansion or replacement expenditures for "911" equipment and service features, or both. In no event shall the "911" fee carryover surplus moneys be used for any purpose other than for the "911" equipment, service features, and installation charges authorized in subparagraph 6. Nothing in this section shall prohibit a county from using other sources of revenue for improvements, replacements, or expansions of its "911" system. A county may increase its fee for purposes authorized in this section. However, in no case shall the fee exceed 50 cents per month per line. All current "911" fees shall be reported to the *department* ~~office~~ within 30 days of the start of each county's fiscal period. Any fee adjustment made by a county shall be reported to the *department* ~~office~~. A county shall give the telephone company a 90-day written notice of such fee adjustment.

4. The telephone company shall have no obligation to take any legal action to enforce collection of the "911" fee. The telephone company shall provide quarterly to the county a list of the names, addresses, and telephone numbers of any and all subscribers who have identified to the telephone company their refusal to pay the "911" fee.

5. The county subscribing to "911" service shall remain liable to the telephone company for any "911" service, equipment, operation, or maintenance charge owed by the county to the telephone company.

~~As used in this paragraph, "telephone company" means an exchange telephone service provider of "911" service or equipment to any county within its certificated area.~~

6. It is the intent of the Legislature that the "911" fee authorized by this section to be imposed by counties will not necessarily provide the total funding required for establishing or providing the "911" service. For purposes of this section, "911" service includes the functions of database management, call taking, location verification, and call transfer. The following costs directly attributable to the establishment and/or provision of "911" service are eligible for expenditure of moneys derived from imposition of the "911" fee authorized by this section: the acquisition, implementation, and maintenance of Public Safety Answering Point (PSAP) equipment and "911" service features, as defined in the Florida Public Service Commission's lawfully approved "911" and related tariffs and/or the acquisition, installation, and maintenance of other "911" equipment, including call answering equipment, call transfer equipment, ANI controllers, ALI controllers, ANI displays, ALI displays, station instruments, "911" telecommunications systems, teleprinters, logging recorders, instant playback recorders, telephone devices for the deaf (TDD) used in the "911" system, PSAP backup power systems, consoles, automatic call distributors, and interfaces (hardware and software) for computer-aided dispatch (CAD) systems; salary and associated expenses for "911" call takers for that portion of their time spent taking and transferring "911" calls; salary and associated expenses for a county to employ a full-time equivalent "911" coordinator position and a full-time equivalent staff assistant position per county for the portion of their time spent administrating the "911" system; training costs for PSAP call takers in the proper methods and techniques used in taking and transferring "911" calls; expenses required to develop and maintain all information (ALI and ANI databases and other information source repositories) necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the "911" call-taking and transferring function; and, in a county defined in s. 125.011(1), such expenses related to a nonemergency "311" system, or similar nonemergency system, which improves the overall efficiency of an existing "911" system or reduces "911" emergency response time for a 2-year pilot project that ends June 30, 2003. However, no wireless telephone service provider shall be required to participate in this pilot project or to otherwise implement a nonemergency "311" system or similar nonemergency system. The "911" fee revenues shall not be used to pay for any item not listed, including, but not limited to, any capital or operational costs for emergency responses which occur after the call transfer to the responding public safety entity and the costs for constructing buildings, leasing buildings, maintaining buildings, or renovating buildings, except for those building modifications necessary to maintain the security and environmental integrity of the PSAP and "911" equipment rooms.

7. It is the goal of the Legislature that enhanced "911" service be available throughout the state. Expenditure by counties of the "911" fees authorized by this section should support this goal to the greatest extent feasible within the context of local service needs and fiscal capability. Nothing in this section shall be construed to prohibit two or more counties from establishing a combined emergency "911" telephone service by interlocal agreement and utilizing the "911" fees authorized by this section for such combined "911" service.

As used in this paragraph, "telephone company" means an exchange telephone service provider of "911" service or equipment to any county within its certificated area.

Section 32. Paragraph (d) of subsection (2), paragraph (f) of subsection (3), subsection (4), paragraph (a) of subsection (5), and paragraphs (c) and (d) of subsection (6) of section 365.172, Florida Statutes, are amended to read:

365.172 Wireless emergency telephone number "E911."—

(2) FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.—The Legislature finds and declares that:

(d) The revenues generated by the E911 fee imposed under this section are required to fund the efforts of the counties, the Wireless 911 Board under the *Department of Management Services* ~~State Technology Office~~, and commercial mobile radio service providers to improve the public health, safety, and welfare and serve a public purpose by providing emergency telephone assistance through wireless communications.

(3) DEFINITIONS.—As used in this section and ss. 365.173 and 365.174, the term:

(f) "*Department* ~~Office~~" means the *Department of Management Services* ~~State Technology Office~~.

(4) POWERS AND DUTIES OF THE *DEPARTMENT* ~~OFFICE~~.—The *department* ~~office~~ shall oversee the administration of the fee imposed on subscribers of statewide E911 service under subsection (8).

(5) THE WIRELESS 911 BOARD.—

(a) The Wireless 911 Board is established to administer, with oversight by the *department* ~~office~~, the fee imposed under subsection (8), including receiving revenues derived from the fee; distributing portions of such revenues to providers, counties, and the *department* ~~office~~; accounting for receipts, distributions, and income derived by the funds maintained in the fund; and providing annual reports to the Governor and the Legislature for submission by the *department* ~~office~~ on amounts collected and expended, the purposes for which expenditures have been made, and the status of wireless E911 service in this state. In order to advise and assist the *department* ~~office~~ in carrying out the purposes of this section, the board, which shall have the power of a body corporate, shall have the powers enumerated in subsection (6).

(6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

(c) By February 28 of each year, the board shall prepare a report for submission by the *department* ~~office~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives which reflects, for the immediately preceding calendar year, the quarterly and annual receipts and disbursements of moneys in the fund, the purposes for which disbursements of moneys from the fund have been made, and the availability and status of implementation of E911 service in this state.

(d) By February 28, 2001, the board shall undertake and complete a study for submission by the *department* ~~office~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives which addresses:

1. The total amount of E911 fee revenues collected by each provider, the total amount of expenses incurred by each provider to comply with the order, and the amount of moneys on deposit in the fund, all as of December 1, 2000.

2. Whether the amount of the E911 fee and the allocation percentages set forth in s. 365.173 should be adjusted to comply with the requirements of the order, and, if so, a recommended adjustment to the E911 fee.

3. Any other issues related to providing wireless E911 services.

Section 33. Subsections (2), (5), (6), and (9) of section 445.049, Florida Statutes, are amended to read:

445.049 Digital Divide Council.—

(2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is created in the *Department of Management Services* ~~State Technology Office~~. The council shall consist of:

(a) The *Secretary of Management Services or his or her designee* ~~chief information officer in the State Technology Office~~.

(b) The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor.

(c) The president of Workforce Florida, Inc.

(d) The director of the Agency for Workforce Innovation.

(e) The chair of itflorida.com, Inc.

(f) The Commissioner of Education.

(g) The chair of the Network Access Point of the Americas.

(h) A representative of the information technology industry in this state appointed by the Speaker of the House of Representatives.

(i) A representative of the information technology industry in this state appointed by the President of the Senate.

(j) Two members of the House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

(k) Two members of the Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

(5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF SUPPORT COSTS.—The *Department of Management Services* ~~State Technology Office~~ shall provide such administrative and technical support to the council as is reasonably necessary for the council to effectively and timely carry out its duties and responsibilities. All direct and indirect costs of providing such support and performing the other duties assigned to the *Department of Management Services* ~~State Technology Office~~ related to design and implementation of the programs authorized by this section may be paid from appropriations authorized to be used for such purposes.

(6) POWERS AND DUTIES OF COUNCIL.—The council, through the *Department of Management Services* ~~State Technology Office~~, is authorized and empowered to facilitate the design and implementation of programs that are aimed at achieving the objectives and goals stated in this section. The *Department of Management Services* ~~State Technology Office~~ shall present and demonstrate to the council the design characteristics and functional elements of each program proposed to be implemented to achieve the objectives and goals stated in this section and each such program shall be reviewed and approved by the council before being implemented. Such programs shall initially be implemented as pilot programs in a minimum of six different areas of the state to develop model programs that are likely to be successful if implemented throughout the state. The areas of the state where the pilot programs are implemented shall be selected by the council with the objectives of testing the merits of the programs in each geographic region of the state and providing equal exposure of the programs to urban and rural communities alike. Implementation of all such pilot and model programs shall be administered by and through the local workforce development boards and each such board shall coordinate and confirm the ready availability and timely delivery of all elements of such programs to ensure the highest probability of such programs achieving their intended results.

(9) ANNUAL REPORT.—By March 1 *each year*, ~~2002,~~ the council, through the *Department of Management Services* ~~State Technology Office~~, shall report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate the results of the council's monitoring, reviewing, and evaluating such programs since their inception and the council's recommendations as to whether such programs should be continued and expanded to achieve the objectives and goals stated in this section.

Section 34. *For fiscal year 2005-2006, 16 positions are authorized and $2.0 million are appropriated from recurring General Revenue to the Florida Technology Council in the Department of Management Services to provide for personnel and other expenses necessary to implement the provisions of this act. The Executive Office of the Governor shall place these positions and funds in reserve until such time as the Department of Management Services submits an expenditure plan for approval to the Executive Office of the Governor, the House Fiscal Council, and the Senate Ways and Means Committee, pursuant to the provisions of s. 216.177, Florida Statutes.*

Section 35. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to information technology management; creating s. 282.0051, F.S.; providing legislative findings and intent; providing definitions; providing each agency use an information technology investment management process to support investment decisions; requiring each agency to submit its information technology portfolio as part of its legislative budget request; requiring that agencies

implement and administer a project management methodology; providing requirements for project administration; amending s. 20.22, F.S.; establishing the Technology Program in the Department of Management Services; creating the Florida Technology Council; removing duty of the State Technology Office to operate and manage the Technology Resource Center; repealing s. 186.022, F.S., relating to Information technology strategic plans; amending s. 216.0446, F.S.; revising duties of the legislative Technology Review Workgroup to remove participation of the State Technology Office; conforming reference to a report; repealing s. 216.292(1)(c), F.S., relating to provisions authorizing transfer of positions and appropriations in fiscal year 2001-2002 for the purpose of consolidating information technology resources; amending s. 282.0041, F.S.; revising definitions for purposes of information resources management; defining the terms "department" and "Florida Technology Council"; deleting the Agency Annual Enterprise Resource Planning and Management Report; deleting the State Annual Report on Enterprise Resource Planning and Management; providing for appointment of an agency chief information officer by the agency head; repealing s. 282.005, F.S., relating to Legislative findings and intent; creating s. 282.0055, F.S.; limiting actions by the Florida Technology Council and the department which affect a Cabinet officer; amending s. 282.102, F.S.; removing provisions for the creation, powers, and duties of the State Technology Office; removing provisions for a Chief Information Officer and a State Chief Privacy Officer; removing provisions relating to information technology and enterprise resource management; providing powers, duties, and functions of the Department of Management Services for operating the statewide communications system; transferring powers and duties relating to communications systems from the State Technology Office to the Department of Management Services; authorizing the department to adopt rules; authorizing the department to set a fee for placement of certain telecommunications facilities on state property; creating s. 282.1065, F.S.; authorizing the department to provide SUNCOM services to hospitals or other facilities licensed under ch. 395, F.S.; amending ss. 282.103, 282.104, 282.105, 282.106, 282.107, 282.1095, and 282.111, F.S., relating to the SUNCOM Network, the state agency law enforcement radio system and interoperability network, and the statewide system of regional law enforcement communications to conform references to changes made by the act; amending s. 282.20, F.S.; providing for operation and management of the Technology Resource Center by the Department of Management Services; amending s. 282.21, F.S.; authorizing the department to collect fees for providing remote electronic access; removing provisions for collection of such fees by the State Technology Office; amending s. 282.22, F.S.; providing for dissemination of materials, products, information, and services acquired or developed by or under the direction of the department; removing reference to the State Technology Office with respect to such materials, products, information, and services; repealing s. 282.23, F.S., relating to establishment of a State Strategic Information Technology Alliance for the acquisition and use of information technology and related material; creating s. 282.3025, F.S.; providing for creation, powers, and duties of the Florida Technology Council within the Department of Management Services; providing for a State Chief Information Officer appointed by the Governor; providing for development of a Statewide Information Technology Strategic Plan, enterprise information technology policies, standards, guidelines, and procedures, a model agency information technology investment management process and an information technology investment portfolio, and memoranda on recommended guidelines and best practices for information technology; providing for review and recommendations to the Governor and the Legislature regarding agency information technology projects and plans; providing for preparation of state reports and memoranda; providing rulemaking authority; amending s. 282.3031, F.S.; deleting assignment of certain information technology functions to the State Technology Office; conforming terminology; repealing s. 282.3032, F.S., relating to guiding principles for development and implementation of information systems; amending s. 282.3055, F.S.; providing for appointment of the agency chief information officer by the agency head; providing for staffing and supporting of an agency information technology investment board; conforming terminology; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; revising duties of the Agency Chief Information Officers Council; providing for the council to assist the Florida Technology Council for certain purposes, identify opportunities to meet specified information technology guidelines, and make certain recommendations to the Florida Technology Council; providing for the appointment and terms of officers; amending s. 282.318, F.S.; changing the popular name; removing responsibility of the State Technology Office; providing that each agency head is responsible and accountable for ensuring an adequate level of security for data and information; providing for certain security requirements to be determined by the department; conforming terminology; amending s. 282.322, F.S., removing a procedure to monitor certain information resources management projects; amending ss. 365.171 and 365.172, F.S., relating to statewide emergency telephone number systems; designating duties of the State Technology Office as duties of the Department of Management Services; conforming requirements with respect thereto; amending s. 445.049, F.S., relating to the Digital Divide Council; designating duties of the State Technology Office as duties of the Department of Management Services; providing an appropriation and authorizing positions; requiring certain notice with respect to budget actions; providing an effective date.

On motion by Senator Argenziano, the Senate concurred in the House amendment.

CS for CS for SB 1494 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed HB 989 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

House Amendment 1 (924653) to Senate Amendment 1 (634986) (with title amendment)—On page 1, between lines 16 and 17, insert:

Section 1. Section 327.803, Florida Statutes, is amended to read:

327.803 Boating Advisory Council.—

(1) The Boating Advisory Council is created within the Fish and Wildlife Conservation Commission and shall be composed of *18* ~~17~~ members. The members include:

(a) One representative from the Fish and Wildlife Conservation Commission, who shall serve as the chair of the council.

(b) One representative each from the Department of Environmental Protection, the United States Coast Guard Auxiliary, the United States Power Squadron, and the inland navigation districts.

(c) One representative of manatee protection interests, one representative of the marine industries, *one representative* ~~two representatives~~ of water-related environmental groups, *one representative of canoe or kayak enthusiasts,* one representative of marine manufacturers, one representative of commercial vessel owners or operators, one representative of *marine special events* ~~sport boat racing~~, one representative actively involved and working full-time in the scuba diving industry who has experience in recreational boating, *one representative of either the commercial fishing industry or the commercial shellfishing industry,* and two representatives of the boating public, each of whom shall be nominated by the executive director of the Fish and Wildlife Conservation

Commission and appointed by the Governor to serve staggered *3-year* ~~2-year~~ terms. *Members appointed by the Governor may serve no more than two full consecutive terms.*

(d) One member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives.

(e) One member of the Senate, who shall be appointed by the President of the Senate.

(2) The council shall meet at the call of the chair, at the request of a majority of its membership, or at such times as may be prescribed by rule.

(3) The purpose of the council is to make recommendations to the Fish and Wildlife Conservation Commission and the Department of Community Affairs regarding issues affecting the boating community, including, but not limited to, issues related to:

(a) Boating and diving safety education.

(b) Boating-related facilities, including marinas and boat testing facilities.

(c) Boat usage.

(d) Boat access.

(e) Working waterfronts.

(4) Members of the council shall serve without compensation *but are entitled to reimbursement of expenses as provided in s. 112.061.*

(5) A vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Members whose terms have expired may continue to serve until replaced or reappointed.

(6) Members of the council may be removed for cause.

Section 2. Paragraphs (d) and (e) of subsection (2) of section 370.06, Florida Statutes, are amended to read:

370.06 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

(d) A saltwater products license may be issued in the name of an individual or a valid *commercial vessel* ~~boat~~ registration number. *However, a firm or corporation may only receive a license issued to a valid commercial vessel registration number. A saltwater products license may not be transferred by the licenseholder to another individual, firm, or corporation.* ~~Such license is not transferable.~~ A decal shall be issued with each saltwater products license issued to a valid *commercial vessel* ~~boat~~ registration number. The saltwater products license decal shall be the same color as the vessel registration decal issued each year pursuant to s. 328.48(5) and shall indicate the period of time such license is valid. The saltwater products license decal shall be placed beside the vessel registration decal and, in the case of an undocumented vessel, shall be placed so that the vessel registration decal lies between the *commercial* vessel registration number and the saltwater products license decal. Any saltwater products license decal for a previous year shall be removed from a vessel operating on the waters of the state.

(e) *The annual fee for a saltwater products license is:*

1. For a license issued in the name of an individual which authorizes only that individual to engage in commercial fishing activities from the shore or a vessel: a resident must pay $50; a nonresident must pay $200; or an alien must pay $300.

2. For a license issued in the name of an individual which authorizes that named individual to engage in commercial fishing activities from the shore or a vessel and also authorizes each person who is fishing with the named individual aboard a vessel to engage in such activities: a resident must pay $150; a nonresident must pay $600; or an alien must pay $900.

3. For a license issued to a valid commercial vessel registration number which authorizes each person aboard such registered vessel to engage in commercial fishing activities: a resident, or a resident firm or corporation, must pay $100; a nonresident, or a nonresident firm or corporation, must pay $400; or an alien, or an alien firm or corporation, must pay $600. For purposes of this subparagraph, a resident firm or corporation means a firm or corporation formed under the laws of this state; a nonresident firm or corporation means a firm or corporation formed under the laws of any state other than Florida; and an alien firm or corporation means a firm or corporation organized under any laws other than laws of the United States, any United States territory or possession, or any state of the United States. ~~A resident shall pay an annual license fee of $50 for a saltwater products license issued in the name of an individual or $100 for a saltwater products license issued to a valid boat registration number. A nonresident shall pay an annual license fee of $200 for a saltwater products license issued in the name of an individual or $400 for a saltwater products license issued to a valid boat registration number. An alien shall pay an annual license fee of $300 for a saltwater products license issued in the name of an individual or $600 for a saltwater products license issued to a valid boat registration number.~~

Section 3. Paragraph (b) of subsection (1) of section 370.13, Florida Statutes, is amended to read:

370.13 Stone crab; regulation.—

(1) FEES AND EQUITABLE RENT.—

(b) Certificate fees.—

1. For each trap certificate issued by the commission under the requirements of the stone crab trap limitation program established by commission rule, there is an annual fee of $.50 per certificate. Replacement tags for lost or damaged tags cost $.50 each, except that tags lost in the event of a major natural disaster declared as an emergency disaster by the Governor shall be replaced for the cost of the tag as incurred by the commission.

2. *The fee for transferring trap certificates is $1 per certificate transferred, except that the fee for eligible crew members is 50 cents per certificate transferred.* ~~Except for transfers to~~ Eligible crew members *shall be* ~~as~~ determined according to criteria established by rule of the commission~~, the fee for transferring certificates is $2 per certificate transferred to be paid by the purchaser of the certificate or certificates. The transfer fee for eligible crew members is $1 per certificate.~~ Payment must be made by money order or cashier's check, submitted with the certificate transfer form developed by the commission.

3. In addition to the transfer fee, a surcharge of *$1* ~~$2~~ per certificate transferred, or 25 percent of the actual value of the transferred certificate, whichever is greater, will be assessed the first time a certificate is transferred outside the original holder's immediate family.

4. Transfer fees and surcharges only apply to the actual number of certificates received by the purchaser. A transfer of a certificate is not effective until the commission receives a notarized copy of the bill of sale as proof of the actual value of the transferred certificate or certificates, which must also be submitted with the transfer form and payment.

5. A transfer fee will not be assessed or required when the transfer is within a family as a result of the death or disability of the certificate owner. A surcharge will not be assessed for any transfer within an individual's immediate family.

6. The fees and surcharge amounts in this paragraph apply in the 2005-2006 license year and subsequent years.

Section 4. *Section 372.674, Florida Statutes, is repealed.*

Section 5. Paragraph (d) of subsection (2) of section 372.672, Florida Statutes, is amended to read:

372.672 Florida Panther Research and Management Trust Fund.—

(2) Money from the fund shall be spent only for the following purposes:

~~(d) To fund and administer education programs authorized in s. 372.674.~~

And the title is amended as follows:

On page 2, lines 24 and 25, remove said lines and insert:

An act relating to regulating natural resources; amending s. 327.803, F.S.; revising the membership of the Boating Advisory Council; increasing the terms of office of members appointed by the Governor and limiting the number of consecutive terms they may serve; adding issues upon which the council makes recommendations to the commission and the Department of Community Affairs; authorizing reimbursement of expenses for members of the council; providing for the filling of vacancies; providing for members of the council to be removed for cause; amending s. 370.06, F.S.; providing for receipt of a saltwater products license issued by the commission to a firm or corporation; revising a provision barring transfer of a saltwater products license; revising a provision regarding the annual fee that an individual, firm, or corporation must pay for a license; providing for an increase in annual saltwater products license fees; providing definitions; amending s. 370.13, F.S.; reducing stone crab trap certificate transfer fees; reducing surcharge fees; repealing s. 372.674, F.S., relating to environmental education and the Advisory Council on Environmental Education; amending s. 372.672, F.S., relating to the Florida Panther Research and Management Trust Fund, to conform; amending s. 373.118, F.S.;

House Amendment 2 (913859) to Senate Amendment 1 (634986) (with directory and title amendments)—On page 1, lines 17 through 20, remove said lines and insert:

Section 1. Subsection (5) is added to section 373.118, Florida Statutes, to read:

373.118 General permits; delegation.—

(5) The department shall adopt by rule one or more

And the title is amended as follows:

On page 2, line 25, remove all of said line and insert:

boat ramps; amending s. 373.118, F.S.;

On motion by Senator Bennett, the Senate concurred in the House amendments to the Senate amendment.

HB 989 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 370, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 370—A bill to be entitled An act relating to procedures for the satisfaction of debts; amending s. 55.141, F.S.; revising provisions relating to satisfaction of judgments and decrees; eliminating the authority of judges to act under these provisions when there is no clerk of court; revising requirements of the clerk when accepting payment for satisfaction of a judgment and executing and recording a satisfaction of judgment; providing a sample form to be used by a clerk when recording a satisfaction of judgment; revising provisions relating to notification of satisfaction of judgment to a judgment holder; amending s. 55.202, F.S.; revising procedures for acquiring a judgment lien; authorizing the court to file a judgment lien certificate before a judgment becomes final under certain circumstances; providing that an improperly filed certificate is of no effect; amending s. 55.204, F.S.; revising provisions relating to the continuation of judgment liens; revising provisions requiring the Department of State to maintain certain files and information; amending s. 55.205, F.S.; deleting a provision authorizing certain creditors to bring certain actions against the property of a debtor; amending ss. 55.602, 55.603, 55.604, 55.605, and 55.606, F.S.; revising provisions relating to foreign judgments to apply only to out-of-country foreign judgments; amending s. 56.21, F.S.; revising requirements for notices of a levy and execution sale; amending s. 56.27, F.S.; clarifying provisions relating to payment of money received under execution; amending s. 56.29, F.S.; revising requirements regarding supplementary proceedings for unsatisfied judgments; amending s. 77.03, F.S.; deleting the provision that a garnishing creditor must believe that execution would be unavailing; amending s. 77.04, F.S.; specifying a time period for a garnishee to serve an answer to a writ; amending s. 77.041, F.S.; increasing the time period during which a garnishing creditor may object to the debtor's claim of exemption and request a hearing; amending s. 77.07, F.S.; providing for automatic dissolution of a writ and discharge of a garnishee of liability under certain circumstances; granting a plaintiff the right to extend a writ for a certain time period; providing procedures; amending s. 222.01, F.S.; revising provisions relating to the designation of homestead property by the owner prior to levy to include foreign judgments; amending s. 319.27, F.S.; correcting a cross-reference; amending s. 679.1021, F.S.; redefining the term "lien creditor"; amending s. 701.02, F.S.; providing that chapters 670-680 of the Uniform Commercial Code govern the attachment and perfection of a security interest in a mortgage upon real property and in a promissory note or other right to payment or performance secured by that mortgage; providing that the assignment of such a mortgage need not be recorded under s. 701.02, F.S., in order for a security interest in the mortgage to attach or be perfected under the Uniform Commercial Code; providing that a creditor or subsequent purchaser of real property or of any interest therein may rely on a full or partial release, discharge, consent, joinder, subordination, satisfaction, or assignment of a mortgage upon the property which was made by the mortgagee of record, without regard to the filing of certain Uniform Commercial Code financing statements; providing that the filing of such a financing statement does not constitute notice for the purposes of s. 701.02, F.S.; defining the term "mortgagee of record"; providing effective dates.

House Amendment 1 (683879)(with title amendment)—On page 30, between lines 9 and 10, insert:

Section 21. Subsection (2) of section 817.801, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

817.801 Definitions.—As used in this part:

(2) "Debt management services" means services provided to a debtor by a credit counseling organization for a fee to:

(a) Effect the adjustment, compromise, *negotiation, settlement,* or discharge of any unsecured account, note, or other indebtedness of the debtor; or

(b) Receive from the debtor and disburse to a creditor any money or other thing of value.

(5) "Creditor contribution" means any sum that a creditor agrees to contribute to a credit counseling agency, whether directly or by setoff to amounts otherwise payable to the creditor on behalf of debtors. However, a creditor contribution may not reduce any sums to be credited to the account of a debtor making a payment to the credit counseling agency for further payment to the creditor.

Section 22. Section 817.802, Florida Statutes, is amended to read:

817.802 Unlawful fees and costs.—

(1) It is unlawful for any person, while engaging in debt management services or credit counseling services, to charge or accept from a debtor *residing in this state*, directly or indirectly, a fee or contribution greater than $50 for the initial setup or initial consultation. Subsequently, the person may not charge or accept a fee or contribution from

a debtor *residing in this state* greater than $120 per year for additional consultations or, alternatively, if debt management services as defined in s. 817.801(2)(b) are provided, the person may charge the greater of *12* ~~7.5~~ percent of the amount paid monthly by the debtor to the person or *$25* ~~$35~~ per month*, not to exceed a total of $50 per month*.

(2) ~~No provision of~~ This section *does not prohibit* ~~prohibits~~ any person, while engaging in debt management or credit counseling services, from imposing upon and receiving from a debtor a reasonable and separate charge or fee for insufficient funds transactions.

Section 23. Paragraph (a) of subsection (1) of section 817.804, Florida Statutes, is amended to read:

817.804 Requirements; disclosure and financial reporting.—

(1) Any person engaged in debt management services or credit counseling services shall:

(a) Obtain from a certified public accountant licensed under s. 473.308 an annual audit *that shall include* ~~of~~ all accounts of such person in which the funds of debtors are deposited and from which payments are made to creditors on behalf of debtors.

Section 24. Section 817.805, Florida Statutes, is amended to read:

817.805 Disbursement of funds.—Any person engaged in debt management or credit counseling services shall disburse to the appropriate creditors all funds received from a debtor, less any fees permitted by s. 817.802 *and any creditor contributions*, within 30 days after receipt of such funds. Further, any person engaged in such services shall maintain a separate trust account for the receipt of any funds from *debtors* ~~each debtor~~ and the disbursement of such funds on behalf of such *debtors* ~~debtor~~.

And the title is amended as follows:

On page 3, line 19, after the semicolon, insert:

amending s. 817.801, F.S.; revising the definition of debt management services; defining the term "creditor contribution"; amending s. 817.802, F.S.; revising the amount of fees or contributions that a debt manager or credit counselor may charge to certain debtors; amending s. 817.804, F.S.; revising an audit requirement for debt managers and credit counselors; amending s. 817.805, F.S.; excluding creditor contributions from certain funds disbursement requirements for debt managers and credit counselors;

On motion by Senator Campbell, the Senate refused to concur in the House amendment to **CS for CS for SB 370** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 484, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 484—A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; prescribing conditions applicable to requests by nursing home residents or their representatives for bed placement that is not in compliance with building codes; amending s. 400.461, F.S.; revising the purpose of part IV of ch. 400, F.S., to include the licensure of nurse registries; amending s. 400.462, F.S.; revising definitions; defining the terms "admission," " advanced registered nurse practitioner," "direct employee," and " physician assistant" for purposes of part IV of ch. 400, F.S.; amending s. 400.464, F.S., relating to licensure of home health agencies; revising the licensure period; revising and providing additional administrative fines; increasing penalties; amending s. 400.471, F.S.; revising requirements for license application by a home health agency; authorizing the Agency for Health Care Administration to revoke a license under certain circumstances; authorizing administrative fines; amending s. 400.487, F.S.; revising requirements for home health agency service agreements and treatment orders; amending s. 400.491, F.S., relating to clinical records; revising the ownership of patient records generated by a home health agency; changing the timeframe for a home health agency to retain patient records; providing for the disposition of patient records when a home health agency ceases business; deleting a requirement for a service provision plan pertaining to nonskilled care; deleting requirements for maintaining such records; amending s. 400.494, F.S.; providing for the continued confidentiality of patient information in compliance with federal law; providing for disclosure in accordance with certain specified state laws; deleting a requirement for written consent of the patient or the patient's guardian for disclosure of confidential patient information; amending s. 400.506, F.S.; revising requirements governing nurse registries; increasing license fee; increasing the period of licensure; authorizing administrative penalties; providing criminal penalties and sanctions; revising certain requirements pertaining to health care professionals that provide services on behalf of a nurse registry; amending s. 400.512, F.S., relating to employment screening; revising the date in which an annual affidavit must be signed which verifies that certain personnel of a home health agency, a nurse registry, or homemaker service have been screened; amending s. 400.515, F.S.; providing additional circumstances under which the agency may petition for an injunction; providing an effective date.

House Amendment 1 (410947)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 400.461, Florida Statutes, is amended to read:

400.461 Short title; purpose.—

(2) The purpose of this part is to provide for the licensure of every home health agency *and nurse registry* and to provide for the development, establishment, and enforcement of basic standards that will ensure the safe and adequate care of persons receiving health services in their own homes.

Section 2. Section 400.462, Florida Statutes, is amended to read:

400.462 Definitions.—As used in this part, the term:

(1) "Administrator" means a direct employee*, as defined in subsection (9)* ~~of the home health agency or a related organization, or of a management company that has a contract to manage the home health agency, to whom the governing body has delegated the responsibility for day-to-day administration of the home health agency~~. The administrator must be a licensed physician, physician assistant, or registered nurse licensed to practice in this state or an individual having at least 1 year of supervisory or administrative experience in home health care or in a facility licensed under chapter 395 or under part II or part III of this chapter. An administrator may manage a maximum of five licensed home health agencies located within one agency service district or within an immediately contiguous county. If the home health agency is licensed under this chapter and is part of a retirement community that provides multiple levels of care, an employee of the retirement community may administer the home health agency and up to a maximum of four entities licensed under this chapter that are owned, operated, or managed by the same corporate entity. An administrator shall designate, in writing, for each licensed entity, a qualified alternate administrator to serve during absences.

(2) "Admission" means a decision by the home health agency, during or after an evaluation visit to the patient's home, that there is reasonable expectation that the patient's medical, nursing, and social needs for skilled care can be adequately met by the agency in the patient's place of residence. Admission includes completion of an agreement with the patient or the patient's legal representative to provide home health services as required in s. 400.487(1).

(3) "Advanced registered nurse practitioner" means a person licensed in this state to practice professional nursing and certified in advanced or specialized nursing practice, as defined in s. 464.003.

(4)~~(2)~~ "Agency" means the Agency for Health Care Administration.

(5)~~(3)~~ "Certified nursing assistant" means any person who has been issued a certificate under part II of chapter 464. The licensed home health agency or licensed nurse registry shall ensure that the certified nursing assistant employed by or under contract with the home health agency or licensed nurse registry is adequately trained to perform the tasks of a home health aide in the home setting.

(6)~~(4)~~ "Client" means an elderly, handicapped, or convalescent individual who receives ~~personal care services,~~companion services~~,~~ or homemaker services in the individual's home or place of residence.

(7)~~(5)~~ "Companion" or "sitter" means a person who *spends time with or* cares for an elderly, handicapped, or convalescent individual and accompanies such individual on trips and outings and may prepare and serve meals to such individual. A companion may not provide hands-on personal care to a client.

(8)~~(6)~~ "Department" means the Department of Children and Family Services.

(9) "Direct employee" means an employee for whom one of the following entities pays withholding taxes: a home health agency; a management company that has a contract to manage the home health agency on a day-to-day basis; or an employee leasing company that has a contract with the home health agency to handle the payroll and payroll taxes for the home health agency.

(10)~~(7)~~ "Director of nursing" means a registered nurse *who is a* ~~and~~ direct employee*, as defined in subsection (9),* of the agency *and* ~~or related business entity~~ who is a graduate of an approved school of nursing and is licensed in this state; who has at least 1 year of supervisory experience as a registered nurse ~~in a licensed home health agency, a facility licensed under chapter 395, or a facility licensed under part II or part III of this chapter~~; and who is responsible for overseeing the professional nursing and home health aid delivery of services of the agency. *A director of nursing* ~~An employee~~ may be the director ~~of nursing~~ of a maximum of five licensed home health agencies operated by a related business entity and located within one agency service district or within an immediately contiguous county. If the home health agency is licensed under this chapter and is part of a retirement community that provides multiple levels of care, an employee of the retirement community may serve as the director of nursing of the home health agency and of up to four entities licensed under this chapter which are owned, operated, or managed by the same corporate entity. ~~A director of nursing shall designate, in writing, for each licensed entity, a qualified alternate registered nurse to serve during the absence of the director of nursing.~~

(11)~~(8)~~ "Home health agency" means an organization that provides home health services and staffing services.

(12)~~(9)~~ "Home health agency personnel" means persons who are employed by or under contract with a home health agency and enter the home or place of residence of patients at any time in the course of their employment or contract.

(13)~~(10)~~ "Home health services" means health and medical services and medical supplies furnished by an organization to an individual in the individual's home or place of residence. The term includes organizations that provide one or more of the following:

(a) Nursing care.

(b) Physical, occupational, respiratory, or speech therapy.

(c) Home health aide services.

(d) Dietetics and nutrition practice and nutrition counseling.

(e) Medical supplies, restricted to drugs and biologicals prescribed by a physician.

(14)~~(11)~~ "Home health aide" means a person *who is trained or qualified, as provided by rule, and* who provides hands-on personal care, performs simple procedures as an extension of therapy or nursing services, assists in ambulation or exercises, or assists in administering medications as permitted in rule and for which the person has received training established by the agency under s. 400.497(1). *The licensed home health agency or licensed nurse registry shall ensure that the home health aide employed by or under contract with the home health agency or licensed nurse registry is adequately trained to perform the tasks of a home health aide in the home setting.*

(15)~~(12)~~ "Homemaker" means a person who performs household chores that include housekeeping, meal planning and preparation, shopping assistance, and routine household activities for an elderly, handicapped, or convalescent individual. A homemaker may not provide hands-on personal care to a client.

(16)~~(13)~~ "Home infusion therapy provider" means an organization that employs, contracts with, or refers a licensed professional who has received advanced training and experience in intravenous infusion therapy and who administers infusion therapy to a patient in the patient's home or place of residence.

(17)~~(14)~~ "Home infusion therapy" means the administration of intravenous pharmacological or nutritional products to a patient in his or her home.

(18)~~(15)~~ "Nurse registry" means any person that procures, offers, promises, or attempts to secure health-care-related contracts for registered nurses, licensed practical nurses, certified nursing assistants, home health aides, companions, or homemakers, who are compensated by fees as independent contractors, including, but not limited to, contracts for the provision of services to patients and contracts to provide private duty or staffing services to health care facilities licensed under chapter 395 or this chapter or other business entities.

(19)~~(16)~~ "Organization" means a corporation, government or governmental subdivision or agency, partnership or association, or any other legal or commercial entity, any of which involve more than one health care professional discipline*;* ~~or~~ a health care professional and a home health aide or certified nursing assistant*; more than one home health aide; more than one certified nursing assistant; or a home health aide and a certified nursing assistant*. The term does not include an entity that provides services using only volunteers or only individuals related by blood or marriage to the patient or client.

(20)~~(17)~~ "Patient" means any person who receives home health services in his or her home or place of residence.

(21)~~(18)~~ "Personal care" means assistance to a patient in the activities of daily living, such as dressing, bathing, eating, or personal hygiene, and assistance in physical transfer, ambulation, and in administering medications as permitted by rule.

(22)~~(19)~~ "Physician" means a person licensed under chapter 458, chapter 459, chapter 460, or chapter 461.

(23) "Physician assistant" means a person who is a graduate of an approved program or its equivalent, or meets standards approved by the boards, and is licensed to perform medical services delegated by the supervising physician, as defined in s. 458.347 or s. 459.022.

(24)~~(20)~~ "Skilled care" means nursing services or therapeutic services *required by law to be* delivered by a health care professional who is licensed under part I of chapter 464; part I, part III, or part V of chapter 468; or chapter 486 and who is employed by or under contract with a licensed home health agency or is referred by a licensed nurse registry.

(25)~~(21)~~ "Staffing services" means services provided to a health care facility or other business entity on a temporary basis by licensed health care personnel *and by*~~, including~~ certified nursing assistants and home heath aides who are employed by, or work under the auspices of, a licensed home health agency or who are registered with a licensed nurse registry. *Staffing services may be provided anywhere within the state.*

Section 3. Subsections (1) and (4) of section 400.464, Florida Statutes, are amended to read:

400.464 Home health agencies to be licensed; expiration of license; exemptions; unlawful acts; penalties.—

(1) Any home health agency must be licensed by the agency to operate in this state. A license issued to a home health agency, unless sooner suspended or revoked, expires *2 years* ~~1 year~~ after its date of issuance.

(4)(a) An organization may not provide, offer, or advertise home health services to the public unless the organization has a valid license or is specifically exempted under this part. An organization that offers or advertises to the public any service for which licensure or registration is required under this part must include in the advertisement the license number or *registration* ~~regulation~~ number issued to the organization by the agency. The agency shall assess a fine of not less than $100 to any licensee or registrant who fails to include the license or registration number when submitting the advertisement for publication, broadcast, or printing. *The fine for a second or subsequent offense is $500.* The

holder of a license issued under this part may not advertise or indicate to the public that it holds a home health agency or nurse registry license other than the one it has been issued.

(b) The operation or maintenance of an unlicensed home health agency or the performance of any home health services in violation of this part is declared a nuisance, inimical to the public health, welfare, and safety. The agency or any state attorney may, in addition to other remedies provided in this part, bring an action for an injunction to restrain such violation, or to enjoin the future operation or maintenance of the home health agency or the provision of home health services in violation of this part, until compliance with this part or the rules adopted under this part has been demonstrated to the satisfaction of the agency.

(c)~~(b)~~ A person who violates paragraph (a) is subject to an injunctive proceeding under s. 400.515. A violation of paragraph (a) is a deceptive and unfair trade practice and constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act *under part II of chapter 501.*

(d)~~(c)~~ A person who violates the provisions of paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Each day of continuing violation constitutes a separate offense.

(e) Any person who owns, operates, or maintains an unlicensed home health agency and who, within 10 working days after receiving notification from the agency, fails to cease operation and apply for a license under this part commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day of continued operation is a separate offense.

(f) Any home health agency that fails to cease operation after agency notification may be fined $500 for each day of noncompliance.

Section 4. Section 400.471, Florida Statutes, is amended to read:

400.471 Application for license; fee; provisional license; temporary permit.—

(1) Application for an initial license or for renewal of an existing license must be made under oath to the agency on forms furnished by it and must be accompanied by the appropriate license fee as provided in subsection *(10)* ~~(8)~~. The agency must take final action on an initial licensure application within 60 days after receipt of all required documentation.

(2) The *initial* applicant must file with the application satisfactory proof that the home health agency is in compliance with this part and applicable rules, including:

(a) A listing of services to be provided, either directly by the applicant or through contractual arrangements with existing providers.~~;~~

(b) The number and discipline of professional staff to be employed.~~; and~~

(c) Proof of financial ability to operate.

(d) Completion of questions concerning volume data on the renewal application as determined by rule.

(3) An applicant for initial licensure must demonstrate financial ability to operate by submitting a balance sheet and income and expense statement for the first 2 years of operation which provide evidence of having sufficient assets, credit, and projected revenues to cover liabilities and expenses. The applicant shall have demonstrated financial ability to operate if the applicant's assets, credit, and projected revenues meet or exceed projected liabilities and expenses. All documents required under this subsection must be prepared in accordance with generally accepted accounting principles~~,~~ and *must be compiled* ~~the financial statement must be signed~~ by a certified public accountant.

(4) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening of the applicant, in accordance with the level 2 standards for screening set forth in chapter 435. As used in this subsection, the term "applicant" means the administrator, or a similarly titled person who is responsible for the day-to-day operation of the licensed home health agency, and the financial officer, or similarly titled individual who is responsible for the financial operation of the licensed home health agency.

(b) The agency may require background screening for a member of the board of directors of the licensee or an officer or an individual owning 5 percent or more of the licensee if the agency reasonably suspects that such individual has been convicted of an offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of paragraph (a). Proof of compliance with background screening which has been submitted within the previous 5 years to fulfill the requirements of the Financial Services Commission and the Office of Insurance Regulation pursuant to chapter 651 as part of an application for a certificate of authority to operate a continuing care retirement community is acceptable in fulfillment of the Department of Law Enforcement and Federal Bureau of Investigation background check.

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard license may be granted to the licensee upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(e) Each applicant must submit to the agency, with its application, a description and explanation of any exclusions, permanent suspensions, or terminations of the licensee or potential licensee from the Medicare or Medicaid programs. Proof of compliance with the requirements for disclosure of ownership and control interest under the Medicaid or Medicare programs may be accepted in lieu of this submission.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A license may not be granted to an applicant if the applicant, administrator, or financial officer has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

(h) The agency may deny or revoke licensure if the applicant~~:~~

~~1. Has falsely represented a material fact in the application required by paragraph (e) or paragraph (f), or has omitted any material fact from the application required by paragraph (e) or paragraph (f); or~~

~~2.~~ has been or is currently excluded, suspended, terminated from, or has involuntarily withdrawn from participation in ~~this state's Medicaid~~

~~program, or the Medicaid program of any other state, or from participation in the Medicare program or~~ any ~~other~~ governmental or private health care or health insurance program.

(i) An application for license renewal must contain the information required under paragraphs (e) and (f).

(5) The agency may deny or revoke licensure if the applicant has falsely represented a material fact, or has omitted any material fact, from the application required by this section.

(6)~~(5)~~ The home health agency must also obtain and maintain the following insurance *coverage* ~~coverages~~ in an amount of not less than $250,000 per claim, and the home health agency must submit proof of coverage with an initial application for licensure and with each ~~annual~~ application for license renewal:

(a) Malpractice insurance as defined in s. 624.605(1)(k)*.;*

(b) Liability insurance as defined in s. 624.605(1)(b).

(7)~~(6)~~ *Sixty* ~~Ninety~~ days before the expiration date, an application for renewal must be submitted to the agency under oath on forms furnished by it, and a license must be renewed if the applicant has met the requirements established under this part and applicable rules. The home health agency must file with the application satisfactory proof that it is in compliance with this part and applicable rules. If there is evidence of financial instability, the home health agency must submit satisfactory proof of its financial ability to comply with the requirements of this part. *The agency shall impose an administrative fine of $50 per day for each day the home health agency fails to file an application within the timeframe specified in this subsection. Each day of continuing violation is a separate violation; however, the aggregate of such fines may not exceed $500.*

(8)~~(7)~~ When transferring the ownership of a home health agency, the transferee must submit an application for a license at least 60 days before the effective date of the transfer. *If the application is filed late, an administrative fine shall be imposed in the amount of $50 per day. Each day of continuing violation is a separate violation; however, the aggregate of such fines may not exceed $500.* If the home health agency is being leased, a copy of the lease agreement must be filed with the application.

(9) The agency shall accept, in lieu of its own periodic licensure survey, submission of the survey of an accrediting organization that is recognized by the agency if the accreditation of the licensed home health agency is not provisional and if the licensed home health agency authorizes release of, and the agency receives the report of, the accrediting organization.

(10)~~(8)~~ The license fee and ~~annual~~ renewal fee required of a home health agency are nonrefundable. The agency shall set the *license* fees in an amount that is sufficient to cover its costs in carrying out its responsibilities under this part, but not to exceed *$2,000* ~~$1,000~~. However, state, county, or municipal governments applying for licenses under this part are exempt from the payment of license fees. All fees collected under this part must be deposited in the Health Care Trust Fund for the administration of this part.

(11)~~(9)~~ The license must be displayed in a conspicuous place in the administrative office of the home health agency and is valid only while in the possession of the person to which it is issued. The license may not be sold, assigned, or otherwise transferred, voluntarily or involuntarily, and is valid only for the home health agency and location for which originally issued.

(12)~~(10)~~ A home health agency against whom a revocation or suspension proceeding is pending at the time of license renewal may be issued a provisional license effective until final disposition by the agency of such proceedings. If judicial relief is sought from the final disposition, the court that has jurisdiction may issue a temporary permit for the duration of the judicial proceeding.

(13)~~(11)~~ The agency may not issue a license designated as certified to a home health agency that fails to satisfy the requirements of a Medicare certification survey from the agency.

(14)~~(12)~~ The agency may not issue a license to a home health agency that has any unpaid fines assessed under this part.

Section 5. Section 400.487, Florida Statutes, is amended to read:

400.487 Home health service agreements; physician's*, physician assistant's, and advanced registered nurse practitioner's* treatment orders; patient assessment; establishment and review of plan of care; provision of services; orders not to resuscitate.—

(1) Services provided by a home health agency must be covered by an agreement between the home health agency and the patient or the patient's legal representative specifying the home health services to be provided, the rates or charges for services paid with private funds, and the *sources* ~~method~~ of payment*, which may include Medicare, Medicaid, private insurance, personal funds, or a combination thereof.* A home health agency providing skilled care must make an assessment of the patient's needs within 48 hours after the start of services.

(2) When required by the provisions of chapter 464; part I, part III, or part V of chapter 468; or chapter 486, the attending physician*, physician assistant, or advanced registered nurse practitioner, acting within his or her respective scope of practice, shall* ~~for a patient who is to receive skilled care must~~ establish treatment orders *for a patient who is to receive skilled care*. The treatment orders must be signed by the physician*, physician assistant, or advanced registered nurse practitioner before a claim for payment for the skilled services is submitted by the home health agency. If the claim is submitted to a managed care organization, the treatment orders must be signed within the time allowed under the provider agreement. The treatment orders shall* ~~within 30 days after the start of care and must~~ be reviewed, as frequently as the patient's illness requires, by the physician*, physician assistant, or advanced registered nurse practitioner* in consultation with *the* home health agency ~~personnel that provide services to the patient~~.

(3) A home health agency shall arrange for supervisory visits by a registered nurse to the home of a patient receiving home health aide services in accordance with the patient's direction*,* ~~and~~ approval*, and agreement to pay the charge for the visits*.

(4) Each patient has the right to be informed of and to participate in the planning of his or her care. Each patient must be provided, upon request, a copy of the plan of care established and maintained for that patient by the home health agency.

(5) When nursing services are ordered, the home health agency to which a patient has been admitted for care must provide the initial admission visit, all service evaluation visits, and the discharge visit by *a direct employee* ~~qualified personnel who are on the payroll of, and to whom an IRS payroll form W-2 will be issued by, the home health agency~~. Services provided by others under contractual arrangements to a home health agency must be monitored and managed by the admitting home health agency. The admitting home health agency is fully responsible for ensuring that all care provided through its employees or contract staff is delivered in accordance with this part and applicable rules.

(6) The skilled care services provided by a home health agency, directly or under contract, must be supervised and coordinated in accordance with the plan of care.

(7) Home health agency personnel may withhold or withdraw cardiopulmonary resuscitation if presented with an order not to resuscitate executed pursuant to s. 401.45. The agency shall adopt rules providing for the implementation of such orders. Home health personnel and agencies shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation pursuant to such an order and rules adopted by the agency.

Section 6. Subsection (1) of section 400.491, Florida Statutes, is amended to read:

400.491 Clinical records.—

(1) The home health agency must maintain for each patient who receives skilled care a clinical record that includes pertinent past and current medical, nursing, social and other therapeutic information, the treatment orders, and other such information as is necessary for the safe and adequate care of the patient. When home health services are terminated, the record must show the date and reason for termination. Such records are considered patient records under *s. 400.494* ~~s. 456.057,~~ and must be maintained by the home health agency for *6*~~5~~ years following

termination of services. If a patient transfers to another home health agency, a copy of his or her record must be provided to the other home health agency upon request.

Section 7. Section 400.494, Florida Statutes, is amended to read:

400.494 Information about patients confidential.—

~~(1)~~ Information about patients received by persons employed by, or providing services to, a home health agency or received by the licensing agency through reports or inspection shall be confidential and exempt from the provisions of s. 119.07(1) and shall *only* ~~not~~ be disclosed to any person*,* other than the patient*, as permitted under the provisions of 45 C.F.R. ss. 160.102, 160.103, and 164, subpart A, commonly referred to as the HIPAA Privacy Regulation; except that clinical records described in ss. 381.004, 384.29, 385.202, 392.65, 394.4615, 395.404, 397.501, and 760.40 shall be disclosed as authorized in those sections* ~~without the written consent of that patient or the patient's guardian~~.

~~(2) This section does not apply to information lawfully requested by the Medicaid Fraud Control Unit of the Department of Legal Affairs.~~

Section 8. Subsections (3), (5), (7), (8), (10), (13), (14), and (17) of section 400.506, Florida Statutes, are amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(3) Application for license must be made to the Agency for Health Care Administration on forms furnished by it and must be accompanied by the appropriate licensure fee, as established by rule and not to exceed the cost of regulation under this part. The licensure fee for nurse registries may not exceed *$2,000* ~~$1,000~~ and must be deposited in the Health Care Trust Fund.

(5) A license issued for the operation of a nurse registry, unless sooner suspended or revoked, expires *2 years* ~~1 year~~ after its date of issuance. Sixty days before the expiration date, an application for renewal must be submitted to the Agency for Health Care Administration on forms furnished by it. The Agency for Health Care Administration shall renew the license if the applicant has met the requirements of this section and applicable rules. A nurse registry against which a revocation or suspension proceeding is pending at the time of license renewal may be issued a conditional license effective until final disposition by the Agency for Health Care Administration of such proceedings. If judicial relief is sought from the final disposition, the court having jurisdiction may issue a conditional license for the duration of the judicial proceeding.

(7) A person that *provides,* offers*,* or advertises to the public ~~that it provides~~ any service for which licensure is required under this section must include in such advertisement the license number issued to it by the Agency for Health Care Administration. *The agency shall assess a fine of not less than $100 against any licensee who fails to include the license number when submitting the advertisement for publication, broadcast, or printing. The fine for a second or subsequent offense is $500.*

(8)*(a)* It is unlawful for a person to *provide,* offer*,* or advertise to the public services as defined by rule without obtaining a valid license from the Agency for Health Care Administration. It is unlawful for any holder of a license to advertise or hold out to the public that he or she holds a license for other than that for which he or she actually holds a license. A person who violates this subsection is subject to injunctive proceedings under s. 400.515.

(b) A person who violates the provisions of paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day of continuing violation is a separate offense.

(c) Any person who owns, operates, or maintains an unlicensed nurse registry and who, within 10 working days after receiving notification from the agency, fails to cease operation and apply for a license under this part commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day of continued operation is a separate offense.

(d) If a nurse registry fails to cease operation after agency notification, the agency may impose a fine of $500 for each day of noncompliance.

(10)(a) A nurse registry may refer for contract in private residences registered nurses and licensed practical nurses registered and licensed under part I of chapter 464, certified nursing assistants certified under part II of chapter 464, home health aides who present documented proof of successful completion of the training required by rule of the agency, and companions or homemakers for the purposes of providing those services authorized under s. 400.509(1). Each person referred by a nurse registry must provide current documentation that he or she is free from communicable diseases.

(b) A certified nursing assistant or home health aide may be referred for a contract to provide care to a patient in his or her home only if that patient is under a physician's care. A certified nursing assistant or home health aide referred for contract in a private residence shall be limited to assisting a patient with bathing, dressing, toileting, grooming, eating, physical transfer, and those normal daily routines the patient could perform for himself or herself were he or she physically capable. A certified nursing assistant or home health aide may not provide medical or other health care services that require specialized training and that may be performed only by licensed health care professionals. The nurse registry shall obtain the name and address of the attending physician and send written notification to the physician within 48 hours after a contract is concluded that a certified nursing assistant or home health aide will be providing care for that patient.

(c) *When a certified nursing assistant or home health aide is referred to a patient's home by a nurse registry, the nurse registry shall advise the patient, the patient's family, or any other person acting on behalf of the patient at the time the contract for services is made that registered nurses are available to make visits to the patient's home for an additional cost.* ~~A registered nurse shall make monthly visits to the patient's home to assess the patient's condition and quality of care being provided by the certified nursing assistant or home health aide.~~ Any condition which*,* in the professional judgment of the *certified nursing assistant or home health aide,* ~~nurse~~ requires further medical attention shall be reported to the *registered nurse or* attending physician and the nurse registry. *A record of the nurse's visit* ~~The assessment~~ shall become a part of the patient's file with the nurse registry and may be reviewed by the agency during their survey procedure.

(13) Each nurse registry must comply with the procedures set forth in s. 400.512 for maintaining records of the *work* ~~employment~~ history of all persons referred for contract and is subject to the standards and conditions set forth in that section. However, an initial screening may not be required for persons who have been continuously registered with the nurse registry since *October 1, 2000* ~~September 30, 1990~~.

(14) The nurse registry must maintain the application on file, and that file must be open to the inspection of the Agency for Health Care Administration. The nurse registry must maintain on file the name and address of the *patient or* client to whom ~~the nurse or other~~ nurse registry personnel *are referred* ~~is sent~~ for contract and the amount of the fee received by the nurse registry. A nurse registry must maintain the file that includes the application and other applicable documentation for 3 years after the date of the last file entry of *patient-related or* client-related information.

(17) All persons referred for contract in private residences by a nurse registry must comply with the following requirements for a plan of treatment:

(a) When, in accordance with the privileges and restrictions imposed upon a nurse under part I of chapter 464, the delivery of care to a patient is under the direction or supervision of a physician or when a physician is responsible for the medical care of the patient, a medical plan of treatment must be established for each patient receiving care or treatment provided by a licensed nurse in the home. The original medical plan of treatment must be timely signed by the physician*, physician assistant, or advanced registered nurse practitioner, acting within his or her respective scope of practice,* and reviewed ~~by him or her~~ in consultation with the licensed nurse at least every 2 months. Any additional order or change in orders must be obtained from the physician*, physician assistant, or advanced registered nurse practitioner* and reduced to writing and timely signed by the physician*, physician assistant, or advanced registered nurse practitioner*. The delivery of care under a medical plan of treatment must be substantiated by the appropriate nursing notes or documentation made by the nurse in compliance with nursing practices established under part I of chapter 464.

(b) Whenever a medical plan of treatment is established for a patient, the initial medical plan of treatment, any amendment to the plan, additional order or change in orders, and copy of nursing notes must be filed in the office of the nurse registry.

Section 9. Subsection (2) of section 400.512, Florida Statutes, is amended to read:

400.512 Screening of home health agency personnel; nurse registry personnel; and companions and homemakers.—The agency shall require employment or contractor screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home health agency personnel; persons referred for employment by nurse registries; and persons employed by companion or homemaker services registered under s. 400.509.

(2) The administrator of each home health agency, the managing employee of each nurse registry, and the managing employee of each companion or homemaker service registered under s. 400.509 must sign an affidavit annually, under penalty of perjury, stating that all personnel hired *or*~~,~~ contracted with~~,~~or registered on or after *October 1, 2000* ~~October 1, 1994~~, who enter the home of a patient or client in their service capacity have been screened ~~and that its remaining personnel have worked for the home health agency or registrant continuously since before October 1, 1994~~.

Section 10. Section 400.515, Florida Statutes, is amended to read:

400.515 Injunction proceedings.—*In addition to the other powers provided under this chapter, the agency may institute injunction proceedings in a court of competent jurisdiction to restrain or prevent the establishment or operation of a home health agency or nurse registry that does not have a license or that is in violation of any provision of this part or any rule adopted pursuant to this part.* The agency ~~for Health Care Administration~~ may *also* institute injunction proceedings in a court of competent jurisdiction when violation of this part or of applicable rules constitutes an emergency affecting the immediate health and safety of a patient or client.

Section 11. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to health care; amending s. 400.461, F.S.; revising the purpose of part IV of ch. 400, F.S., to include the licensure of nurse registries; amending s. 400.462, F.S.; revising definitions; defining the terms "admission," "advanced registered nurse practitioner," "direct employee," and "physician assistant" for purposes of part IV of ch. 400, F.S.; amending s. 400.464, F.S., relating to licensure of home health agencies; revising the licensure period; revising and providing additional administrative, civil, and criminal penalties, sanctions, and fines; amending s. 400.471, F.S.; revising requirements for license application by a home health agency; authorizing the Agency for Health Care Administration to revoke a license under certain circumstances; authorizing administrative fines; amending s. 400.487, F.S.; revising requirements for home health agency service agreements and treatment orders; amending s. 400.491, F.S., relating to clinical records; changing the timeframe for a home health agency to retain patient records; changing a reference; amending s. 400.494, F.S.; providing for the continued confidentiality of patient information in compliance with federal law; providing for disclosure in accordance with certain specified state laws; deleting a requirement for written consent of the patient or the patient's guardian for disclosure of confidential patient information; deleting an exemption provided for the Medicaid Fraud Control Unit of the Department of Legal Affairs; amending s. 400.506, F.S.; revising requirements governing nurse registries; increasing license fee; increasing the period of licensure; authorizing administrative penalties; revising criminal penalties and sanctions; revising certain requirements pertaining to health care professionals that provide services on behalf of a nurse registry; amending s. 400.512, F.S., relating to employment screening; revising the date on which an annual affidavit must be signed which verifies that certain personnel of a home health agency, a nurse registry, or homemaker service have been screened; amending s. 400.515, F.S.; providing additional circumstances under which the agency may petition for an injunction; providing an effective date.

Senator Peaden moved the following amendments which were adopted:

Senate Amendment 1 (775626) (with title amendment) to House Amendment 1 (410947)—On page 20, lines 529-543, delete those lines and insert:

(1) Information about patients received by persons employed by, or providing services to, a home health agency or received by the licensing agency through reports or inspection shall be confidential and exempt from the provisions of s. 119.07(1) and shall *only* ~~not~~ be disclosed to any person*,* other than the patient*, as permitted under the provisions of 45 C.F.R. ss. 160.102, 160.103, and 164, subpart A, commonly referred to as the HIPAA Privacy Regulation; except that clinical records described in ss. 381.004, 384.29, 385.202, 392.65, 394.4615, 395.404, 397.501, and 760.40 shall be disclosed as authorized in those sections* ~~without the written consent of that patient or the patient's guardian~~.

(2) This section does not apply to information lawfully requested by the Medicaid Fraud Control Unit of the Department of Legal Affairs.

And the title is amended as follows:

On page 28, lines 751-753, delete those lines and insert: confidential patient information; amending s. 400.506, F.S.;

Senate Amendment 2 (320432) to House Amendment 1 (410947)—Lines 636-638, delete those lines and insert: of the nurse requires further medical attention shall be reported to the attending physician and the nurse registry.

On motion by Senator Peaden, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

CS for SB 484 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed HB 1813 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

House Amendment 1 (898813) to Senate Amendment 1 (552744) (with title amendment)—On page 20, line 14, through page 23, line 17, remove all of said lines, and insert:

Section 16. Effective July 1, 2005, paragraph (ccc) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representa-

tive or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(ccc) Advertising materials distributed by mail in an envelope.—Likewise exempt are materials consisting exclusively of advertising that are distributed by mail in an envelope, such as individual coupons or other individual cards, sheets, or pages of printed advertising, for ten or more persons, that are distributed free of charge on a monthly, bimonthly, or other regular basis.

Section 17. Paragraph (a) of subsection (2) of section 212.12, Florida Statutes, is amended, present paragraph (e) of that subsection is redesignated as paragraph (f), present paragraph (f) of that subsection is redesignated as paragraph (g) and amended, and a new paragraph (e) is added to that subsection, to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(2)

(a) When any person required hereunder to make any return or to pay any tax or fee imposed by this chapter either fails to timely file such return or fails to pay the tax or fee shown due on the return within the time required hereunder, in addition to all other penalties provided herein and by the laws of this state in respect to such taxes or fees, a specific penalty shall be added to the tax or fee in the amount of 10 percent of either the tax or fee shown on the return that is not timely filed or any tax or fee not paid timely. The penalty may not be less than $50 for failure to timely file a tax return required by s. 212.11(1) or timely pay the tax or fee shown due on the return except as provided in s. 213.21*(11)*~~(10)~~. If a person fails to timely file a return required by s. 212.11(1) and to timely pay the tax or fee shown due on the return, only one penalty of 10 percent, which may not be less than $50, shall be imposed.

(e) A person who willfully attempts in any manner to evade any tax, surcharge, or fee imposed under this chapter or the payment thereof is, in addition to any other penalties provided by law, liable for a specific penalty in the amount of 100 percent of the tax, surcharge, or fee and commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(g)~~(f)~~ *A dealer who files* ~~Dealers filing~~ a consolidated return pursuant to s. 212.11(1)(e) *is* ~~shall be~~ subject to the penalty established in paragraph *(f)* ~~(e)~~ unless the dealer has paid the required estimated tax for his or her consolidated return as a whole without regard to each location. If the dealer fails to pay the required estimated tax for his or her consolidated return as a whole, each filing location shall stand on its own with respect to calculating penalties pursuant to paragraph *(f)* ~~(e)~~ .

Section 18. Paragraph (l) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(l) Information relative to chapter 212 *and the Bill of Lading Program* to the Office of Agriculture Law Enforcement of the Department of Agriculture and Consumer Services in the conduct of *its official duties* ~~the Bill of Lading Program~~. ~~This information is limited to the business name and whether the business is in compliance with chapter 212.~~

Section 19. Paragraph (b) of subsection (5) of section 212.13, Florida Statutes, is amended to read:

212.13 Records required to be kept; power to inspect; audit procedure.—

(5)

(b) Such written notification shall contain:

1. The approximate date on which the auditor is scheduled to begin the audit.

2. A reminder that all of the records, receipts, invoices, resale certificates, and related documentation of the taxpayer must be made available to the auditor.

3. A notification of the availability of having the audit conducted pursuant to s. 213.285 by a qualified practitioner instead of the department.

4.~~3.~~ Any other requests or suggestions the department may deem necessary.

Section 20. Subsection (8) of section 213.21, Florida Statutes, is amended, subsection (9) of said section is renumbered as subsection (10), subsection (10) of said section is renumbered as subsection (11) and amended, and a new subsection (9) is added to said section, to read:

213.21 Informal conferences; compromises.—

(8) In order to determine whether certified audits are an effective tool in the overall state tax collection effort, the executive director of the department or the executive director's designee shall settle or compromise penalty liabilities of taxpayers who participate in the certified audits project *before the department issues a notice of intent to audit*. As further incentive for participating in the program *before the department issues a notice of intent to audit*, the department shall abate the first $25,000 of any interest liability and 25 percent of any interest due in excess of the first $25,000. A settlement or compromise of penalties or interest pursuant to this subsection shall not be subject to the provisions of paragraph (3)(a), except for the requirement relating to confidentiality of records. The department may consider an additional compromise of tax or interest pursuant to the provisions of paragraph (3)(a). This subsection does not apply to any liability related to taxes collected but not remitted to the department.

(9) For taxpayers that participate in the certified audit program after a written notification of intent to audit has been issued by the department, the department shall only compromise penalty based upon reasonable cause pursuant to s. 213.21 and shall abate the first $10,000 of any interest liability and 10 percent of any interest due in excess of the first $10,000.

(11)~~(10)~~(a) ~~Effective July 1, 2003,~~ Notwithstanding any other provision of law and solely for the purpose of administering the *taxes* ~~tax~~ imposed by *ss. 125.0104 and 125.0108 and* chapter 212, *except s. 212.0606,* under the circumstances set forth in this subsection, the department shall settle or compromise a taxpayer's liability for penalty without requiring the taxpayer to submit a written request for compromise or settlement.

(b) For taxpayers who file returns and remit tax on a monthly basis:

1. Any penalty related to a noncompliant filing event shall be settled or compromised if the taxpayer has:

a. No noncompliant filing event in the immediately preceding 12-month period and no unresolved ~~chapter 212~~ liability *under s. 125.0104, s. 125.0108, or chapter 212* resulting from a noncompliant filing event; or

b. One noncompliant filing event in the immediately preceding 12-month period, resolution of the current noncompliant filing event through payment of tax and interest and the filing of a return within 30 days after notification by the department, and no unresolved ~~chapter 212~~ liability *under s. 125.0104, s. 125.0108, or chapter 212* resulting from a noncompliant filing event.

2. If a taxpayer has two or more noncompliant filing events in the immediately preceding 12-month period, the taxpayer shall be liable, absent a showing by the taxpayer that the noncompliant filing event was

due to extraordinary circumstances, for the penalties provided in *s. 125.0104 or s. 125.0108 and* s. 212.12, including loss of collection allowance, and shall be reported to a credit bureau.

(c) For taxpayers who file returns and remit tax on a quarterly basis, any penalty related to a noncompliant filing event shall be settled or compromised if the taxpayer has no noncompliant filing event in the immediately preceding 12-month period and no unresolved ~~chapter 212~~ liability *under s. 125.0104, s. 125.0108, or chapter 212* resulting from a noncompliant filing event.

(d) For purposes of this subsection:

1. "Noncompliant filing event" means a failure to timely file a complete and accurate return required under *s. 125.0104, s. 125.0108, or* chapter 212 or a failure to timely pay the amount of tax reported on a return required by *s. 125.0104, s. 125.0108, or* chapter 212.

2. "Extraordinary circumstances" means the occurrence of events beyond the control of the taxpayer, such as, but not limited to, the death of the taxpayer, acts of war or terrorism, natural disasters, fire, or other casualty, or the nonfeasance or misfeasance of the taxpayer's employees or representatives responsible for compliance with *s. 125.0104, s. 125.0108, or* ~~the provisions of~~ chapter 212. With respect to the acts of an employee or representative, the taxpayer must show that the principals of the business lacked actual knowledge of the noncompliance and that the noncompliance was resolved within 30 days after actual knowledge.

Section 21. *The amendment to s. 213.21(10), Florida Statutes, made by this act, shall operate retroactively to July 1, 2003.*

Section 22. Paragraph (d) of subsection (1), paragraph (b) of subsection (2), paragraphs (b) and (c) of subsection (4), and subsection (7) of section 213.285, Florida Statutes, are amended to read:

213.285 Certified audits.—

(1) As used in this section, the term:

(d) "Qualified practitioner" means a certified public accountant who is licensed to practice in Florida and who has completed the certification program. *For certified audits entered into after the department issues a notice of intent to audit, a qualified practitioner cannot have performed accounting, auditing, management consulting, or tax services for the taxpayer or person that is a subsidiary, parent, sister, or other affiliate of the taxpayer during the 60-month period immediately preceding the written notice of intent to conduct an audit. Furthermore, for certified audits entered into after the department issues a notice of intent to audit, the qualified practitioner may not perform accounting, auditing, management consulting, or tax services for any taxpayer or person that is a subsidiary, parent, sister, or other affiliate of the taxpayer for a period of 36 months after the department's approval of the certified audit report.*

(2)

(b)*1.* As an incentive for taxpayers to incur the costs of a certified audit, the department shall compromise penalties and abate interest due on any tax liabilities revealed by a certified audit as provided in s. 213.21. This authority to compromise penalties or abate interest shall not apply to any liability for taxes that were collected by the participating taxpayer but that were not remitted to the department.

2. If the taxpayer's request to participate in the certified audit program is submitted after the taxpayer has been issued a written notice of intent to conduct an audit, the department shall compromise penalties on any tax liabilities revealed by a certified audit as provided in s. 213.21. This authority to compromise penalties shall not apply to any liability for taxes that were collected by the participating taxpayer but that were not remitted to the department.

(4)

(b)*1.* If the taxpayer has not been issued a written notice of intent to conduct an audit, the taxpayer shall be a participating taxpayer and the department shall so advise the qualified practitioner in writing within 10 days after receipt of the engagement notice. However, the department may exclude a taxpayer from a certified audit or may limit the taxes or periods subject to the certified audit on the basis that the department has previously conducted an audit, that it is in the process of conducting an investigation or other examination of the taxpayer's records, or for just cause determined solely by the department.

2. If the taxpayer has been issued a written notice of intent to conduct an audit and the department has not begun its field audit work, the taxpayer may be a participating taxpayer, and the department shall so advise the qualified practitioner in writing within 10 days after receipt of the engagement notice. An engagement notice must be submitted within 45 days after the written notice of intent to conduct an audit.

(c)*1.* Notice of the qualification of a taxpayer for a certified audit shall toll the statute of limitations provided in s. 95.091 with respect to the taxpayer for the tax and periods covered by the engagement.

2. If the taxpayer's request to participate in the certified audit program is submitted after the taxpayer has been issued a written notice of intent to conduct an audit, the written notice of intent to conduct an audit issued by the department shall toll the statute of limitations provided in s.95.091.

(7) To implement the certified audits project, the department shall have authority to adopt rules relating to:

(a) The availability of the certification program required for participation in the project;

(b) The requirements and basis for establishing just cause for approval or rejection of participation by taxpayers;

(c) The requirements and basis for establishing just cause for suspension, rejection, or cancellation of the department's certification of a qualified practitioner.

(d)~~(c)~~ Procedures for assessment, collection, and payment of liabilities or refund of overpayments and provisions for taxpayers to obtain informal and formal review of certified audit results;

(e)~~(d)~~ The nature, frequency, and basis for the department's review of certified audits conducted by qualified practitioners, including the requirements for documentation, work-paper retention and access, and reporting; and

(f)~~(e)~~ Requirements for conducting certified audits and for review of agreed-upon procedures.

(g) Requirements to prevent the qualified practitioner who conducted the certified audit after the department issued a notice of intent to audit from representing the taxpayer in the informal conference procedures provided in s. 213.21.

And the title is amended as follows:

On page 49, lines 15-18, remove all of said lines, and insert:

amending s. 212.08, F.S.; exempting certain advertising materials distributed by mail in an envelope; amending s. 212.13, F.S.; specifying an additional audit notification notice requirement; amending s. 213.21, F.S.; clarifying application of certain certified audit program procedures; providing limitations on department authorization to compromise penalties and abate interest for certain taxpayers; specifying which taxes qualify for the automatic penalty compromise or settlement of liability; providing for retroactivity; amending s. 213.285, F.S.; revising provisions relating to certified audits; revising a definition, department authority to compromise penalties, participation by a taxpayer in certain audits, statutes of limitation, and department authority to adopt rules for the certified audits project; amending s.

On motion by Senator Atwater, the Senate refused to concur in the House amendment to the Senate amendment to **HB 1813** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1322, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1322—A bill to be entitled An act relating to the Public Service Commission; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; specifying that the Governor has no planning or budgetary authority with respect to the commission; specifying that the Governor and the Department of Management Services have no authority over the commission's employees; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide a nominee for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; prohibiting a commissioner from soliciting any thing of value, either directly or indirectly, from any public utility, its affiliate, or any party; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; amending s. 120.80, F.S.; requiring that the commission refer certain matters affecting the substantial interest of a utility to the Division of Administrative Hearings so that an administrative judge may be assigned to conduct a hearing and enter a recommended order; providing an effective date.

House Amendment 1 (506825)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *Committee on Public Service Commission Oversight; creation; membership; powers and duties.—*

(1) There is created a standing joint committee of the Legislature, designated the Committee on Public Service Commission Oversight, and composed of twelve members appointed as follows: six members of the Senate appointed by the President of the Senate, two of whom must be members of the minority party; and six members of the House of Representatives appointed by the Speaker of the House of Representatives, two of whom must be members of the minority party. The terms of members shall be for 2 years and shall run from the organization of one Legislature to the organization of the next Legislature. The President shall appoint the chair of the committee in even-numbered years and the vice chair in odd-numbered years, and the Speaker of the House of Representatives shall appoint the chair of the committee in odd-numbered years and the vice chair in even-numbered years, from among the committee membership. Vacancies shall be filled in the same manner as the original appointment. Members shall serve without additional compensation, but shall be reimbursed for expenses.

(2) The committee shall be governed by joint rules of the Senate and the House of Representatives which shall remain in effect until repealed or amended by concurrent resolution.

(3) The committee shall:

(a) Recommend to the Governor nominees to fill a vacancy on the Public Service Commission, as provided by general law; and

(b) Appoint a Public Counsel as provided by general law.

(4) The committee is authorized to file a complaint with the Commission on Ethics alleging a violation of chapter 350, Florida Statutes, by a commissioner, former commissioner, former commission employee, or member of the Public Service Commission Nominating Council.

(5) The committee will not have a permanent staff, but the President of the Senate and the Speaker of the House of Representatives shall select staff members from among existing legislative staff, when and as needed.

Section 2. Section 350.001, Florida Statutes, is amended to read:

350.001 Legislative intent.—The Florida Public Service Commission has been and shall continue to be an arm of the legislative branch of government. *The Public Service Commission shall perform its duties independently.* It is the desire of the Legislature that the Governor participate in the appointment process of commissioners to the Public Service Commission. The Legislature accordingly delegates to the Governor a limited authority with respect to the Public Service Commission by authorizing him or her to participate in the selection of members only ~~from the list provided by the Florida Public Service Commission Nominating Council~~ in the manner prescribed by s. 350.031.

Section 3. Section 350.031, Florida Statutes, is amended to read:

350.031 Florida Public Service Commission Nominating Council.—

(1) There is created a Florida Public Service Commission Nominating Council consisting of nine members. At least one member of the council must be 60 years of age or older. Three members, including one member of the House of Representatives, shall be appointed by and serve at the pleasure of the Speaker of the House of Representatives; three members, including one member of the Senate, shall be appointed by and serve at the pleasure of the President of the Senate; and three members shall be selected and appointed by a majority vote of the other six members of the council. All terms shall be for 4 years except those members of the House and Senate, who shall serve 2-year terms concurrent with the 2-year elected terms of House members. Vacancies on the council shall be filled for the unexpired portion of the term in the same manner as original appointments to the council. A member may not be reappointed to the council, except for a member of the House of Representatives or the Senate who may be appointed to two 2-year terms or a person who is appointed to fill the remaining portion of an unexpired term.

(2)(a) No member or spouse shall be the holder of the stocks or bonds of any company, other than through ownership of shares in a mutual fund, regulated by the commission, or any affiliated company of any company regulated by the commission, or be an agent or employee of, or have any interest in, any company regulated by the commission or any affiliated company of any company regulated by the commission, or in any firm which represents in any capacity either companies which are regulated by the commission or affiliates of companies regulated by the commission. As a condition of appointment to the council, each appointee shall affirm to the Speaker and the President his or her qualification by the following certification: "I hereby certify that I am not a stockholder, other than through ownership of shares in a mutual fund, in any company regulated by the commission or in any affiliate of a company regulated by the commission, nor in any way, directly or indirectly, in the employment of, or engaged in the management of any company regulated by the commission or any affiliate of a company regulated by the commission, or in any firm which represents in any capacity either companies which are regulated by the commission or affiliates of companies regulated by the commission."

This certification is made as condition to appointment to the Florida Public Service Commission Nominating Council.

(b) A member of the council may be removed by the Speaker of the House of Representatives and the President of the Senate upon a finding by the Speaker and the President that the council member has violated any provision of this subsection or for other good cause.

(c) If a member of the council does not meet the requirements of this subsection, the President of the Senate or the Speaker of the House of Representatives, as appropriate, shall appoint a legislative replacement.

(3) A majority of the membership of the council may conduct any business before the council. All meetings and proceedings of the council shall be staffed by the Office of Legislative Services and shall be subject to the provisions of ss. 119.07 and 286.011. Members of the council are entitled to receive per diem and travel expenses as provided in s. 112.061, which shall be funded by the Florida Public Service Regulatory Trust Fund. Applicants invited for interviews before the council may, in the discretion of the council, receive per diem and travel expenses as provided in s. 112.061, which shall be funded by the Florida Public Service Regulatory Trust Fund. The council shall establish policies and procedures to govern the process by which applicants are nominated.

(4) The council may spend a nominal amount, not to exceed $10,000, to advertise a vacancy on the council, which shall be funded by the Florida Public Service Regulatory Trust Fund.

(5)~~(4)~~ A person may not be nominated to the *Committee on Public Service Commission Oversight* ~~Governor~~ until the council has determined that the person is competent and knowledgeable in one or more fields, which shall include, but not be limited to: public affairs, law, economics, accounting, engineering, finance, natural resource conservation, energy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the above-stated fields. Recommendations of the council shall be nonpartisan.

(6)~~(5)~~ It is the responsibility of the council to nominate to the *Committee on Public Service Commission Oversight* ~~Governor not fewer than~~ *six* ~~three~~ persons for each vacancy occurring on the Public Service Commission. The council shall submit the recommendations to the *committee* ~~Governor~~ by *August 1* ~~October 1~~ of those years in which the terms are to begin the following January, or within 60 days after a vacancy occurs for any reason other than the expiration of the term.

(7)~~(6)~~ The *Committee on Public Service Commission Oversight* ~~Governor~~ shall *select from the list of nominees provided by the nominating council three or more nominees for recommendation to the Governor for appointment to the commission. The recommendations must be provided to the Governor within 45 days after receipt of the list of nominees. The Governor shall* fill a vacancy occurring on the Public Service Commission by appointment of one of the applicants nominated by the *committee* ~~council~~ only after a background investigation of such applicant has been conducted by the Florida Department of Law Enforcement. If the Governor has not made an appointment *within 30 days after the receipt of the recommendation* ~~by December 1 to fill a vacancy for a term to begin the following January~~, ~~then~~ the *committee* ~~council~~, by majority vote, shall appoint*, within 30 days after the expiration of the Governor's time to make an appointment,* ~~by December 31~~ one person from the applicants previously nominated to the Governor to fill the vacancy. ~~If the Governor has not made the appointment to fill a vacancy occurring for any reason other than the expiration of the term by the 60th day following receipt of the nominations of the council, the council by majority vote shall appoint within 30 days thereafter one person from the applicants previously nominated to the Governor to fill the vacancy.~~

(8)~~(7)~~ Each appointment to the Public Service Commission shall be subject to confirmation by the Senate *during the next regular session after the vacancy occurs*. If the Senate refuses to confirm or rejects the Governor's appointment, the council shall initiate, in accordance with this section, the nominating process within 30 days.

Section 4. Subsection (2) of section 350.041, Florida Statutes, is amended to read:

350.041 Commissioners; standards of conduct.—

(2) STANDARDS OF CONDUCT.—

(a) A commissioner may not accept anything from any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, from any public utility regulated by the commission, or from any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission. *A commissioner may attend conferences and associated meals and events that are generally available to all conference participants without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any public utility regulated by the commission and that are limited to commissioners only, committee members, or speakers if the commissioner is a member of a committee of the association of regulatory agencies that organized the conference or is a speaker at the conference. It is not a violation of this paragraph for a commissioner to attend a conference for which conference participants who are employed by a utility regulated by the commission have paid a higher conference registration fee than the commissioner, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a utility regulated by the commission. If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person giving or providing the prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.*

(b) A commissioner may not accept any form of employment with or engage in any business activity with any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, any public utility regulated by the commission, or any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission.

(c) A commissioner may not have any financial interest, other than shares in a mutual fund, in any public utility regulated by the commission, in any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, or in any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission. If a commissioner acquires any financial interest prohibited by this section during his or her term of office as a result of events or actions beyond the commissioner's control, he or she shall immediately sell such financial interest or place such financial interest in a blind trust at a financial institution. A commissioner may not attempt to influence, or exercise any control over, decisions regarding the blind trust.

(d) A commissioner may not accept anything from a party in a proceeding currently pending before the commission. *If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person giving or providing the prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.*

(e) A commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

(f) A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

(g) A commissioner may not conduct himself or herself in an unprofessional manner at any time during the performance of his or her official duties.

(h) A commissioner must avoid impropriety in all of his or her activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

(i) A commissioner may not directly or indirectly, through staff or other means, solicit any thing of value from any public utility regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

Section 5. Subsection (7) of section 350.042, Florida Statutes, is amended to read:

350.042 Ex parte communications.—

(7)(a) It shall be the duty of the Commission on Ethics to receive and investigate sworn complaints of violations of this section pursuant to the procedures contained in ss. 112.322-112.3241.

(b) If the Commission on Ethics finds that there has been a violation of this section by a public service commissioner, it shall provide the Governor and the Florida Public Service Commission Nominating Council with a report of its findings and recommendations. The Governor is

authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to part III of chapter 112.

(c) If a commissioner fails or refuses to pay the Commission on Ethics any civil penalties assessed pursuant to the provisions of this section, the Commission on Ethics may bring an action in any circuit court to enforce such penalty.

(d) If, during the course of an investigation by the Commission on Ethics into an alleged violation of this section, allegations are made as to the identity of the person who participated in the ex parte communication, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person participated in the ex parte communication, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.

Section 6. Subsection (1) of section 350.061, Florida Statutes, is amended to read:

350.061 Public Counsel; appointment; oath; restrictions on Public Counsel and his or her employees.—

(1) The *Committee on Public Service Commission Oversight* ~~Joint Legislative Auditing Committee~~ shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission. The Public Counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the ~~Joint Legislative Auditing~~ Committee *on Public Service Commission Oversight*, subject to *biennial* ~~annual~~ reconfirmation by the committee. *The Public Counsel shall perform his or her duties independently.* Vacancies in the office shall be filled in the same manner as the original appointment.

Section 7. Subsection (2) of section 350.0614, Florida Statutes, is amended to read:

350.0614 Public Counsel; compensation and expenses.—

(2) The Legislature ~~hereby~~ declares and determines that the Public Counsel is under the legislative branch of government within the intention of the legislation as expressed in chapter 216, and no power shall be in the Executive Office of the Governor or its successor to release or withhold funds appropriated to it, but the same shall be available for expenditure as provided by law and the rules or decisions of the ~~Joint Auditing~~ Committee *on Public Service Commission Oversight*.

Section 8. *Communications services offered by governmental entities.—*

(1) As used in this section, the term:

(a) "Advanced service" means high-speed-Internet-access-service capability in excess of 200 kilobits per second in the upstream or the downstream direction, including any service application provided over the high-speed-access service or any information service as defined in 47 U.S.C. s. 153(20).

(b) "Cable service" has the same meaning as in 47 U.S.C. s. 522(6).

(c) "Communications services" includes any "advanced service," "cable service," or "telecommunications service" and shall be construed in the broadest sense.

(d) "Enterprise fund" means a separate fund to account for the operation of communications services by a local government, established and maintained in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board.

(e) "Governmental entity" means any political subdivision as defined in section 1.01, Florida Statutes, including any county, municipality, special district, school district, utility authority or other authority or any instrumentality, agency, unit or department thereof. The term does not include an independent special district created before 1970 which has been granted express legislative authority to provide a communications service and which does not sell a communications service outside its district boundaries.

(f) "Provide," "providing," "provision," or "provisioning" means offering or supplying a communications service for a fee or other consideration to a person, including any portion of the public or private provider, but does not include service by an entity to itself or to any governmental law enforcement agency or governmental emergency services entity.

(g) "Subscriber" means a person who receives a communications service.

(h) "Telecommunications services" means the transmission of signs, signals, writing, images, sounds, messages, data, or other information of the user's choosing, by wire, radio, light waves, or other electromagnetic means, without change in the form or content of the information as sent and received by the user and regardless of the facilities used, including, without limitation, wireless facilities.

(2)(a) A governmental entity that proposes to provide a communications service shall hold no less than two public hearings, which shall be held not less than 30 days apart. At least 30 days before the first of the two public hearings, the governmental entity must give notice of the hearing in the predominant newspaper of general circulation in the area considered for service. At least 40 days before the first public hearing, the governmental entity must electronically provide notice to the Department of Revenue and the Public Service Commission, which shall post the notice on the department's and the commission's website to be available to the public. The Department of Revenue shall also send the notice by United States Postal Service to the known addresses for all dealers of communications services registered with the department under chapter 202, Florida Statutes, or provide an electronic notification, if the means are available, within 10 days after receiving the notice. The notice must include the time and place of the hearings and must state that the purpose of the hearings is to consider whether the governmental entity will provide communications services. The notice must include, at a minimum, the geographic areas proposed to be served by the governmental entity and the services, if any, which the governmental entity believes are not currently being adequately provided. The notice must also state that any dealer who wishes to do so may appear and be heard at the public hearings.

(b) At a public hearing required by this subsection, a governmental entity must, at a minimum, consider:

1. Whether the service that is proposed to be provided is currently being offered in the community and, if so, whether the service is generally available throughout the community.

2. Whether a similar service is currently being offered in the community and, if so, whether the service is generally available throughout the community.

3. If the same or similar service is not currently offered, whether any other service provider proposes to offer the same or a similar service and, if so, what assurances that service provider is willing or able to offer regarding the same or similar service.

4. The capital investment required by the government entity to provide the communications service, the estimated realistic cost of operation and maintenance and, using a full cost-accounting method, the estimated realistic revenues and expenses of providing the service and the proposed method of financing.

5. The private and public costs and benefits of providing the service by a private entity or a governmental entity, including the affect on existing and future jobs, actual economic development prospects, tax-base growth, education, and public health.

(c) At one or more of the public hearings under this subsection, the governmental entity must make available to the public a written business plan for the proposed communications service venture containing, at a minimum:

1. The projected number of subscribers to be served by the venture.

2. The geographic area to be served by the venture.

3. The types of communications services to be provided.

4. A plan to ensure that revenues exceed operating expenses and payment of principal and interest on debt within 4 years.

5. Estimated capital and operational costs and revenues for the first 4 years.

6. Projected network modernization and technological upgrade plans, including estimated costs.

(d) After making specific findings regarding the factors in paragraphs (b) and (c), the governmental entity may authorize providing a communications service by a majority recorded vote and by resolution, ordinance, or other formal means of adoption.

(e) The governing body of a governmental entity may issue one or more bonds to finance the capital costs for facilities to provide a communications service. However:

1. A governmental entity may only pledge revenues in support of the issuance of any bond to finance providing a communications service:

a. Within the county in which the governmental entity is located;

b. Within an area in which the governmental entity provides electric service outside its home county under an electric service territorial agreement approved by the Public Service Commission before the effective date of this act; or

c. If the governmental entity is a municipality or special district, within its corporate limits or in an area in which the municipality or special district provides water, wastewater, electric, or natural gas service, or within an urban service area designated in a comprehensive plan, whichever is larger, unless the municipality or special district obtains the consent by formal action of the governmental entity within the boundaries of which the municipality or special district proposes to provide service. For consent to be effective, any governmental entity from which consent is sought shall be located within the county in which the governmental entity is located or that county.

2. Revenue bonds issued in order to finance providing a communications service are not subject to the approval of the electors if the revenue bonds mature within 15 years. Revenue bonds issued to finance providing a communications service that does not mature within 15 years must be approved by the electors. The election must be conducted as specified in chapter 100, Florida Statutes.

(f) A governmental entity providing a communications service may not price any service below the cost of providing the service by subsidizing the communications service with moneys from rates paid by subscribers of a noncommunications services utility or from any other revenues. The cost standard for determining cross-subsidization is whether the total revenue from the service is less than the total long-run incremental cost of the service. Total long-run incremental cost means service-specific volume and nonvolume-sensitive costs.

(g) A governmental entity providing a communications service must comply with the requirements of section 218.32, Florida Statutes, and shall keep separate and accurate books and records, maintained in accordance with generally accepted accounting principles, of a governmental entity's communication service, and they shall be made available for any audits of the books and records conducted under applicable law. To facilitate equitable distribution of indirect costs, a local government shall develop and follow a cost-allocation plan, which is a procedure for allocating direct and indirect costs and which is generally developed in accordance with OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Government, published by the United States Office of Management and Budget.

(h) The governmental entity shall establish an enterprise fund to account for its operation of communications services.

(i) The governmental entity shall adopt separate operating and capital budgets for its communications services.

(j) A governmental entity may not use its powers of eminent domain under chapter 73, Florida Statutes, solely or primarily for the purpose of providing a communications service.

(k) The governmental entity shall conduct an annual review at a formal public meeting to consider the progress the governmental entity is making toward reaching its business plan goals and objectives for providing communication services. At the public meeting the governmental entity shall review the related revenues, operating expenses, and payment of interest on debt.

(l) If, after 4 years following the initiation of the provision of communications services by a governmental entity or 4 years after the effective date of this act, whichever is later, revenues do not exceed operating expenses and payment of principal and interest on the debt for a governmental entity's provision of communications services, no later than 60 days following the end of the 4-year period a governmental entity shall hold a public hearing at which the governmental entity shall do at least one of the following:

1. Approve a plan to cease providing communications services;

2. Approve a plan to dispose of the system the governmental entity is using to provide communications services and, accordingly, to cease providing communications services;

3. Approve a plan to create a partnership with a private entity in order to achieve operations in which revenues exceed operating expenses and payment of principal and interest on debt; or

4. Approve the continuing provision of communications services by a majority vote of the governing body of the governing authority.

(3)(a) A governmental entity that provides a cable service shall comply with the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq., the regulations issued by the Federal Communications Commission under the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq., and all applicable state and federal rules and regulations, including, but not limited to, section 166.046, Florida Statutes, and those provisions of chapters 202, 212, and 337, Florida Statutes, which apply to a provider of the services.

(b) A governmental entity that provides a telecommunications service or advanced service must comply, if applicable, with chapter 364, Florida Statutes, and rules adopted by the Public Service Commission; chapter 166, Florida Statutes; and all applicable state and federal rules and regulations, including, but not limited to, those provisions of chapters 202, 212, and 337, Florida Statutes, which apply to a provider of the services.

(c) A governmental entity may not exercise its power or authority in any area, including zoning or land use regulation, to require any person, including residents of a particular development, to use or subscribe to any communication service of a governmental entity.

(d) A governmental entity shall apply its ordinances, rules, and policies, and exercise any authority under state or federal laws, including, but not limited to, those relating to the following subjects and without discrimination as to itself when providing a communications service or to any private provider of communications services:

1. Access to public rights-of-way; and

2. Permitting, access to, use of, and payment for use of governmental entity-owned poles. The governmental entity is subject to the same terms, conditions, and fees, if any, for access to government-owned poles which the governmental entity applies to a private provider for access.

(4)(a) If a governmental entity was providing, as of April 1, 2005, advanced services, cable services, or telecommunications services, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), or paragraph (2)(k) in order to continue to provide advanced services, cable services, or telecommunications services, respectively, but it must comply with and be subject to all other provisions of this section.

(b) If a governmental entity, as of April 1, 2005, had issued debt pledging revenues from an advanced service, cable service, or telecommunications service, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), or paragraph (2)(k) in order to provide advanced services, cable services, or telecommunications services, respectively, but it must comply with and be subject to all other provisions of this section.

(c) If a governmental entity, as of April 1, 2005, has purchased equipment specifically for the provisioning of advanced service, cable service,

or telecommunication service, and, as of May 6, 2005, has a population of less than 7500, and has authorized by formal action the providing of an advanced service, cable service, or telecommunication service, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), or paragraph (2)(k) in order to provide advanced service, cable service, or telecommunication service, respectively, but it must comply with and be subject to all other provisions of this section.

This subsection does not relieve a governmental entity from complying with subsection (5).

(5) Notwithstanding section 542.235, Florida Statutes, or any other law, a governmental entity that provides a communications service is subject to the same prohibitions applicable to private providers under sections 542.18 and 542.19, Florida Statutes, as it relates to providing a communications service. Nothing in this section confers state action immunity, or any other antitrust immunity or exemption, on any governmental entity providing communications services.

(6) To ensure the safe and secure transportation of passengers and freight through an airport facility, as defined in section 159.27(17), Florida Statutes, an airport authority or other governmental entity that provides or is proposing to provide communications services only within the boundaries of its airport layout plan, as defined in section 333.01(6), Florida Statutes, to subscribers which are integral and essential to the safe and secure transportation of passengers and freight through the airport facility, is exempt from this section. An airport authority or other governmental entity that provides or is proposing to provide shared-tenant service under section 364.339, Florida Statutes, but not dial tone enabling subscribers to complete calls outside the airport layout plan, to one or more subscribers within its airport layout plan which are not integral and essential to the safe and secure transportation of passengers and freight through the airport facility is exempt from this section. An airport authority or other governmental entity that provides or is proposing to provide communications services to one or more subscribers within its airport layout plan which are not integral and essential to the safe and secure transportation of passengers and freight through the airport facility, or to one or more subscribers outside its airport layout plan, is not exempt from this section. By way of example and not limitation, the integral, essential subscribers may include airlines and emergency service entities, and the nonintegral, nonessential subscribers may include retail shops, restaurants, hotels, or rental car companies.

(7) This section does not alter or affect any provision in the charter, code, or other governing authority of a governmental entity that impose additional or different requirements on provision of communications service by a governmental entity. Any such provisions shall apply in addition to the applicable provisions in this section.

Section 9. Section 364.01, Florida Statutes, is amended to read:

364.01 Powers of commission, legislative intent.—

(1) The Florida Public Service Commission shall exercise over and in relation to telecommunications companies the powers conferred by this chapter.

(2) It is the legislative intent to give exclusive jurisdiction in all matters set forth in this chapter to the Florida Public Service Commission in regulating telecommunications companies, and such preemption shall supersede any local or special act or municipal charter where any conflict of authority may exist. However, the provisions of this chapter shall not affect the authority and powers granted in s. 166.231(9) or s. 337.401.

(3) *Communications activities that are not regulated by the Florida Public Service Commission, including, but not limited to, VoIP, wireless, and broadband, are subject to this state's generally applicable business regulation and deceptive trade practices and consumer protection laws, as enforced by the appropriate state authority or through actions in the judicial system. This chapter does not limit the availability to any party of any remedy or defense under state or federal antitrust laws.* The Legislature finds that the competitive provision of telecommunications services, including local exchange telecommunications service, is in the public interest and will provide customers with freedom of choice, encourage the introduction of new telecommunications service, encourage technological innovation, and encourage investment in telecommunications infrastructure. The Legislature further finds that the transition from the monopoly provision of local exchange service to the competitive provision thereof will require appropriate regulatory oversight to protect consumers and provide for the development of fair and effective competition, but nothing in this chapter shall limit the availability to any party of any remedy under state or federal antitrust laws. The Legislature further finds that changes in regulations allowing increased competition in telecommunications services could provide the occasion for increases in the telecommunications workforce; therefore, it is in the public interest that competition in telecommunications services lead to a situation that enhances the high-technological skills and the economic status of the telecommunications workforce. The Legislature further finds that the provision of voice-over-Internet protocol (VOIP) free of unnecessary regulation, regardless of the provider, is in the public interest.

(4) The commission shall exercise its exclusive jurisdiction in order to:

(a) Protect the public health, safety, and welfare by ensuring that basic local telecommunications services are available to all consumers in the state at reasonable and affordable prices.

(b) Encourage competition through flexible regulatory treatment among providers of telecommunications services in order to ensure the availability of the widest possible range of consumer choice in the provision of all telecommunications services.

(c) Protect the public health, safety, and welfare by ensuring that monopoly services provided by telecommunications companies continue to be subject to effective price, rate, and service regulation.

(d) Promote competition by encouraging *innovation and investment in* ~~new entrants into~~ telecommunications markets and by allowing a transitional period in which new *and emerging technologies* ~~entrants~~ are subject to a *reduced* ~~lesser~~ level of regulatory oversight ~~than local exchange telecommunications companies~~.

(e) Encourage all providers of telecommunications services to introduce new or experimental telecommunications services free of unnecessary regulatory restraints.

(f) Eliminate any rules *or* ~~and/or~~ regulations which will delay or impair the transition to competition.

(g) Ensure that all providers of telecommunications services are treated fairly, by preventing anticompetitive behavior and eliminating unnecessary regulatory restraint.

(h) Recognize the continuing emergence of a competitive telecommunications environment through the flexible regulatory treatment of competitive telecommunications services, where appropriate, if doing so does not reduce the availability of adequate basic local telecommunications service to all citizens of the state at reasonable and affordable prices, if competitive telecommunications services are not subsidized by monopoly telecommunications services, and if all monopoly services are available to all competitors on a nondiscriminatory basis.

(i) Continue its historical role as a surrogate for competition for monopoly services provided by local exchange telecommunications companies.

Section 10. Section 364.011, Florida Statutes, is created to read:

364.011 Exemptions from commission jurisdiction.—The following services are exempt from oversight by the commission, except to the extent delineated in this chapter or specifically authorized by federal law:

(1) Intrastate interexchange telecommunications services.

(2) Broadband services, regardless of the provider, platform, or protocol.

(3) VoIP.

(4) Wireless telecommunications, including commercial mobile radio service providers.

Section 11. Section 364.012, Florida Statutes, is created to read:

364.012 Consistency with federal law.—

(1) In order to promote commission coordination with federal policymakers and regulatory agencies, the commission shall maintain continuous liaisons with appropriate federal agencies whose policy decisions and rulemaking authority affect those telecommunications companies over which the commission has jurisdiction. The commission is encouraged to participate in the proceedings of federal agencies in cases in which the state's consumers may be affected and to convey the commission's policy positions and information requirements in order to achieve greater efficiency in regulation.

(2) This chapter does not limit or modify the duties of a local exchange carrier to provide unbundled access to network elements or the commission's authority to arbitrate and enforce interconnection agreements to the extent that those elements are required under 47 U.S.C. ss. 251 and 252, and under any regulations issued by the Federal Communications Commission at rates determined in accordance with the standards established by the Federal Communications Commission pursuant to 47 C.F.R. ss. 51.503-51.513, inclusive of any successor regulation or successor forbearance of regulation.

Section 12. Section 364.013, Florida Statutes, is created to read:

364.013 Emerging and advanced services.—Broadband service and the provision of voice-over-Internet-protocol (VoIP) shall be free of state regulation, except as delineated in this chapter or as specifically authorized by federal law, regardless of the provider, platform, or protocol.

Section 13. Section 364.02, Florida Statutes, is amended to read:

364.02 Definitions.—As used in this chapter:

(1) "Basic local telecommunications service" means voice-grade, flat-rate residential, and flat-rate single-line business local exchange services which provide dial tone, local usage necessary to place unlimited calls within a local exchange area, dual tone multifrequency dialing, and access to the following: emergency services such as "911," all locally available interexchange companies, directory assistance, operator services, relay services, and an alphabetical directory listing. For a local exchange telecommunications company, *the* ~~such~~ term shall include any extended area service routes, and extended calling service in existence or ordered by the commission on or before July 1, 1995.

(2) "Broadband service" means any service that consists of or includes the offering of the capability to transmit or receive information at a rate that is not less than 200 kilobits per second and either:

(a) Is used to provide access to the Internet; or

(b) Provides computer processing, information storage, information content, or protocol conversion in combination with the service.

The definition of broadband service does not include any intrastate telecommunications services that have been tariffed with the commission on or before January 1, 2005.

(3)~~(2)~~ "Commercial mobile radio service provider" means a commercial mobile radio service provider as defined by and pursuant to 47 U.S.C. ss. 153(n) and 332(d).

(4)~~(3)~~ "Commission" means the Florida Public Service Commission.

(5)~~(4)~~ "Competitive local exchange telecommunications company" means any company certificated by the commission to provide local exchange telecommunications services in this state on or after July 1, 1995.

(6)~~(5)~~ "Corporation" includes a corporation, company, association, or joint stock association.

(7)~~(6)~~ "Intrastate interexchange telecommunications company" means any entity that provides intrastate interexchange telecommunications services.

(8)~~(7)~~ "Local exchange telecommunications company" means any company certificated by the commission to provide local exchange telecommunications service in this state on or before June 30, 1995.

(9)~~(8)~~ "Monopoly service" means a telecommunications service for which there is no effective competition, either in fact or by operation of law.

(10)~~(9)~~ "Nonbasic service" means any telecommunications service provided by a local exchange telecommunications company other than a basic local telecommunications service, a local interconnection arrangement described in s. 364.16, or a network access service described in s. 364.163.

(11)~~(10)~~ "Operator service" includes, but is not limited to, billing or completion of third-party, person-to-person, collect, or calling card or credit card calls through the use of a live operator or automated equipment.

(12)~~(11)~~ "Operator service provider" means a person who furnishes operator service through a call aggregator.

(13)~~(12)~~ "Service" is to be construed in its broadest and most inclusive sense. The term "service" does not include *broadband service or* voice-over-Internet protocol service for purposes of regulation by the commission. Nothing herein shall affect the rights and obligations of any entity related to the payment of switched network access rates or other intercarrier compensation, if any, related to voice-over-Internet protocol service. *Notwithstanding s. 364.013, and the exemption of services pursuant to this subsection, the commission may arbitrate, enforce, or approve interconnection agreements, and resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or any other applicable federal law or regulation. With respect to the services exempted in this subsection, regardless of the technology, the duties of a local exchange telecommunications company are only those that the company is obligated to extend or provide under applicable federal law and regulations.*

(14)~~(13)~~ "Telecommunications company" includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political subdivision in the state, offering two-way telecommunications service to the public for hire within this state by the use of a telecommunications facility. The term "telecommunications company" does not include:

(a) An entity which provides a telecommunications facility exclusively to a certificated telecommunications company;

(b) An entity which provides a telecommunications facility exclusively to a company which is excluded from the definition of a telecommunications company under this subsection;

(c) A commercial mobile radio service provider;

(d) A facsimile transmission service;

(e) A private computer data network company not offering service to the public for hire;

(f) A cable television company providing cable service as defined in 47 U.S.C. s. 522; or

(g) An intrastate interexchange telecommunications company.

However, each commercial mobile radio service provider and each intrastate interexchange telecommunications company shall continue to be liable for any taxes imposed *under* ~~pursuant to~~ chapters 202, 203, and 212 and any fees assessed *under* ~~pursuant to~~ ss. 364.025 and 364.336. Each intrastate interexchange telecommunications company shall continue to be subject to ss. 364.04, 364.10(3)(a) and (d), 364.163, 364.285, 364.501, 364.603, and 364.604, shall provide the commission with such current information as the commission deems necessary to contact and communicate with the company, shall continue to pay intrastate switched network access rates or other intercarrier compensation to the local exchange telecommunications company or the competitive local exchange telecommunications company for the origination and termination of interexchange telecommunications service, and shall reduce its intrastate long distance toll rates in accordance with s. 364.163(2).

(15)~~(14)~~ "Telecommunications facility" includes real estate, easements, apparatus, property, and routes used and operated to provide two-way telecommunications service to the public for hire within this state.

(16) "VoIP" means the voice-over-Internet protocol as that term is defined in federal law.

Section 14. Section 364.0361, Florida Statutes, is amended to read:

364.0361 Local government authority; nondiscriminatory exercise.—A local government shall treat each telecommunications company in a nondiscriminatory manner when exercising its authority to grant franchises to a telecommunications company or to otherwise establish conditions or compensation for the use of rights-of-way or other public property by a telecommunications company. A local government may not directly or indirectly regulate the terms and conditions, including, but not limited to, the operating systems, qualifications, services, service quality, service territory, and prices, applicable to or in connection with the provision of any *voice-over-Internet protocol, regardless of the platform, provider, or protocol,* broadband or information service. This section does not relieve a provider from any obligations under s. 166.046 or s. 337.401.

Section 15. Section 364.10, Florida Statutes, is amended to read:

364.10 Undue advantage to person or locality prohibited; Lifeline service.—

(1) A telecommunications company may not make or give any undue or unreasonable preference or advantage to any person or locality or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(2)*(a)* The prohibitions of subsection (1) notwithstanding, *an eligible telecommunications carrier* ~~a telecommunications company serving as carrier of last resort~~ shall provide a Lifeline Assistance Plan to qualified residential subscribers, as defined in a commission-approved tariff *or price list,* and a preferential rate to eligible facilities as provided for in part II. *For the purposes of this section, the term "eligible telecommunications carrier" means a telecommunications company, as defined by s. 364.02, which is designated as an eligible telecommunications carrier by the commission pursuant to 47 C.F.R. s. 54.201.*

(b) An eligible telecommunications carrier shall offer a consumer who applies for or receives Lifeline service the option of blocking all toll calls or, if technically capable, placing a limit on the number of toll calls a consumer can make. The eligible telecommunications carrier may not charge the consumer an administrative charge or other additional fee for blocking the service.

(c) An eligible telecommunications carrier may not collect a service deposit in order to initiate Lifeline service if the qualifying low-income consumer voluntarily elects toll blocking or toll limitation. If the qualifying low-income consumer elects not to place toll blocking on the line, an eligible telecommunications carrier may charge a service deposit.

(d) An eligible telecommunications carrier may not charge Lifeline subscribers a monthly number-portability charge.

(e)1. An eligible telecommunications carrier must notify a Lifeline subscriber of impending termination of Lifeline service if the company has a reasonable basis for believing that the subscriber no longer qualifies. Notification of pending termination must be in the form of a letter that is separate from the subscriber's bill.

2. An eligible telecommunications carrier shall allow a subscriber 60 days following the date of the pending termination letter to demonstrate continued eligibility. The subscriber must present proof of continued eligibility. An eligible telecommunications carrier may transfer a subscriber off of Lifeline service, pursuant to its tariff, if the subscriber fails to demonstrate continued eligibility.

3. The commission shall establish procedures for such notification and termination.

(f) An eligible telecommunications carrier shall timely credit a consumer's bill with the Lifeline Assistance credit as soon as practicable, but no later than 60 days following receipt of notice of eligibility from the Office of Public Counsel or proof of eligibility from the consumer.

(3)(a) Effective September 1, 2003, any local exchange telecommunications company authorized by the commission to reduce its switched network access rate pursuant to s. 364.164 shall have tariffed and shall provide Lifeline service to any otherwise eligible customer or potential customer who meets an income eligibility test at *135* ~~125~~ percent or less of the federal poverty income guidelines for Lifeline customers. Such a test for eligibility must augment, rather than replace, the eligibility standards established by federal law and based on participation in certain low-income assistance programs. Each intrastate interexchange telecommunications company shall, effective September 1, 2003, file a tariff providing at a minimum the intrastate interexchange telecommunications carrier's current Lifeline benefits and exemptions to Lifeline customers who meet the income eligibility test set forth in this subsection. The Office of Public Counsel shall certify and maintain claims submitted by a customer for eligibility under the income test authorized by this subsection.

(b) Each *eligible telecommunications carrier* ~~local exchange telecommunications company~~ subject to this subsection shall provide to each state and federal agency providing benefits to persons eligible for Lifeline service applications, brochures, pamphlets, or other materials that inform *the* ~~such~~ persons of their eligibility for Lifeline, and each state agency providing *the* ~~such~~ benefits shall furnish the materials to affected persons at the time they apply for benefits.

(c) Any local exchange telecommunications company customer receiving Lifeline benefits shall not be subject to any residential basic local telecommunications service rate increases authorized by s. 364.164 until the local exchange telecommunications company reaches parity as defined in s. 364.164(5) or until the customer no longer qualifies for the Lifeline benefits established by this section or s. 364.105, or unless otherwise determined by the commission upon petition by a local exchange telecommunications company.

(d) An eligible telecommunications carrier may not discontinue basic local exchange telephone service to a subscriber who receives Lifeline service because of nonpayment by the subscriber of charges for nonbasic services billed by the telecommunications company, including long-distance service. A subscriber who receives Lifeline service shall be required to pay all applicable basic local exchange service fees, including the subscriber line charge, E-911, telephone relay system charges, and applicable state and federal taxes.

(e) An eligible telecommunications carrier may not refuse to connect, reconnect, or provide Lifeline service because of unpaid toll charges or nonbasic charges other than basic local exchange service.

(f) An eligible telecommunications carrier may require that payment arrangements be made for outstanding debt associated with basic local exchange service, subscriber line charges, E-911, telephone relay system charges, and applicable state and federal taxes.

(g) An eligible telecommunications carrier may block a Lifeline service subscriber's access to all long-distance service, except for toll-free numbers, and may block the ability to accept collect calls when the subscriber owes an outstanding amount for long-distance service or amounts resulting from collect calls. However, the eligible telecommunications carrier may not impose a charge for blocking long-distance service. The eligible telecommunications carrier shall remove the block at the request of the subscriber without additional cost to the subscriber upon payment of the outstanding amount. An eligible telecommunications carrier may charge a service deposit before removing the block.

(h)~~(d)~~ By December 31, 2003, each state agency that provides benefits to persons eligible for Lifeline service shall undertake, in cooperation with the Department of Children and Family Services, *the Department of Education,* the commission, *the Office of Public Counsel,* and telecommunications companies providing Lifeline services, the development of procedures to promote Lifeline participation.

(i)~~(e)~~ The commission shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 each year on the number of customers who are subscribing to Lifeline service and the effectiveness of any procedures to promote participation.

(j) The commission shall adopt rules to administer this section.

Section 16. *Section 364.502, Florida Statutes, is repealed.*

Section 17. Subsection (1) of section 364.335, Florida Statutes, is amended to read:

364.335 Application for certificate.—

(1) Each applicant for a certificate shall:

(a) Provide all information required by rule or order of the commission, which may include a detailed inquiry into the ability of the appli-

cant to provide service, a detailed inquiry into the territory and facilities involved, and a detailed inquiry into the existence of service from other sources within geographical proximity to the territory applied for.

(b) File with the commission schedules showing all rates for service of every kind furnished by it and all rules and contracts relating to such service.

(c) File the application fee required by the commission in an amount not to exceed *$500* ~~$250~~. Such fees shall be deposited in accordance with s. 350.113.

(d) Submit an affidavit that the applicant has caused notice of its application to be given to such persons and in such manner as may be prescribed by commission rule.

Section 18. Section 364.336, Florida Statutes, is amended to read:

364.336 Regulatory assessment fees.—Notwithstanding any provisions of law to the contrary, each telecommunications company licensed or operating under this chapter, for any part of the preceding 6-month period, shall pay to the commission, within 30 days following the end of each 6-month period, a fee that may not exceed 0.25 percent annually of its gross operating revenues derived from intrastate business, except, for purposes of this section and the fee specified in s. 350.113(3), any amount paid to another telecommunications company for the use of any telecommunications network shall be deducted from the gross operating revenue for purposes of computing the fee due. *The commission shall by rule assess a minimum fee in an amount up to $1,000. The minimum amount may vary depending on the type of service provided by the telecommunications company, and shall, to the extent practicable, be related to the cost of regulating such type of company.* Differences, if any, between the amount paid in any 6-month period and the amount actually determined by the commission to be due shall, upon motion by the commission, be immediately paid or refunded. Fees under this section may not be less than $50 annually. Such fees shall be deposited in accordance with s. 350.113. The commission may by rule establish criteria for payment of the regulatory assessment fee on an annual basis rather than on a semiannual basis.

Section 19. Subsection (6) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(6) Governmental, municipal, or public purpose or function shall be deemed to be served or performed when the lessee under any leasehold interest created in property of the United States, the state or any of its political subdivisions, or any municipality, agency, special district, authority, or other public body corporate of the state is demonstrated to perform a function or serve a governmental purpose which could properly be performed or served by an appropriate governmental unit or which is demonstrated to perform a function or serve a purpose which would otherwise be a valid subject for the allocation of public funds. For purposes of the preceding sentence, an activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as an aviation area on an airport layout plan which has been approved by the Federal Aviation Administration and which real property is used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed base operation which provides goods and services to the general aviation public in the promotion of air commerce shall be deemed an activity which serves a governmental, municipal, or public purpose or function. Any activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as a public airport as defined in s. 332.004(14) by municipalities, agencies, special districts, authorities, or other public bodies corporate and public bodies politic of the state, a spaceport as defined in s. 331.303(19), or which is located in a deepwater port identified in s. 403.021(9)(b) and owned by one of the foregoing governmental units, subject to a leasehold or other possessory interest of a nongovernmental lessee that is deemed to perform an aviation, airport, aerospace, maritime, or port purpose or operation shall be deemed an activity that serves a governmental, municipal, or public purpose. The use by a lessee, licensee, or management company of real property or a portion thereof as a convention center, visitor center, sports facility with permanent seating, concert hall, arena, stadium, park, or beach is deemed a use that serves a governmental, municipal, or public purpose or function when access to the property is open to the general public with or without a charge for admission. If property deeded to a municipality by the United States is subject to a requirement that the Federal Government, through a schedule established by the Secretary of the Interior, determine that the property is being maintained for public historic preservation, park, or recreational purposes and if those conditions are not met the property will revert back to the Federal Government, then such property shall be deemed to serve a municipal or public purpose. The term "governmental purpose" also includes a direct use of property on federal lands in connection with the Federal Government's Space Exploration Program or spaceport activities as defined in s. 212.02(22). Real property and tangible personal property owned by the Federal Government or the Florida Space Authority and used for defense and space exploration purposes or which is put to a use in support thereof shall be deemed to perform an essential national governmental purpose and shall be exempt. "Owned by the lessee" as used in this chapter does not include personal property, buildings, or other real property improvements used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed based operation which provides goods and services to the general aviation public in the promotion of air commerce provided that the real property is designated as an aviation area on an airport layout plan approved by the Federal Aviation Administration. For purposes of determination of "ownership," buildings and other real property improvements which will revert to the airport authority or other governmental unit upon expiration of the term of the lease shall be deemed "owned" by the governmental unit and not the lessee. Providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in *s. 364.02(15)* ~~s.364.02(14)~~, and for which a certificate is required under chapter 364 does not constitute an exempt use for purposes of s. 196.199, unless the telecommunications services are provided by the operator of a public-use airport, as defined in s. 332.004, for the operator's provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, or unless the telecommunications services are provided by a public hospital. However, property that is being used to provide such telecommunications services on or before October 1, 1997, shall remain exempt, but such exemption expires October 1, 2004.

Section 20. Paragraph (b) of subsection (1) of section 199.183, Florida Statutes, is amended to read:

199.183 Taxpayers exempt from annual and nonrecurring taxes.—

(1) Intangible personal property owned by this state or any of its political subdivisions or municipalities shall be exempt from taxation under this chapter. This exemption does not apply to:

(b) Property related to the provision of two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in *s. 364.02(15)* ~~s. 364.02(14)~~, and for which a certificate is required under chapter 364, when *the* ~~such~~ service is provided by any county, municipality, or other political subdivision of the state. Any immunity of any political subdivision of the state or other entity of local government from taxation of the property used to provide telecommunication services that is taxed as a result of this paragraph is hereby waived. However, intangible personal property related to the provision of ~~such~~ telecommunications services provided by the operator of a public-use airport, as defined in s. 332.004, for the operator's provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, and intangible personal property related to the provision of ~~such~~ telecommunications services provided by a public hospital, are exempt from taxation under this chapter.

Section 21. Subsection (6) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also exempt from the tax imposed by this chapter sales made to the United States Government, a state, or any county, municipality, or political

subdivision of a state when payment is made directly to the dealer by the governmental entity. This exemption shall not inure to any transaction otherwise taxable under this chapter when payment is made by a government employee by any means, including, but not limited to, cash, check, or credit card when that employee is subsequently reimbursed by the governmental entity. This exemption does not include sales of tangible personal property made to contractors employed either directly or as agents of any such government or political subdivision thereof when such tangible personal property goes into or becomes a part of public works owned by such government or political subdivision. A determination whether a particular transaction is properly characterized as an exempt sale to a government entity or a taxable sale to a contractor shall be based on the substance of the transaction rather than the form in which the transaction is cast. The department shall adopt rules that give special consideration to factors that govern the status of the tangible personal property before its affixation to real property. In developing these rules, assumption of the risk of damage or loss is of paramount consideration in the determination. This exemption does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in the generation, transmission, or distribution of electrical energy by systems owned and operated by a political subdivision in this state for transmission or distribution expansion. Likewise exempt are charges for services rendered by radio and television stations, including line charges, talent fees, or license fees and charges for films, videotapes, and transcriptions used in producing radio or television broadcasts. The exemption provided in this subsection does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in *s. 364.02(15)* ~~s. 364.02(14)~~, and for which a certificate is required under chapter 364, which facility is owned and operated by any county, municipality, or other political subdivision of the state. Any immunity of any political subdivision of the state or other entity of local government from taxation of the property used to provide telecommunication services that is taxed as a result of this section is hereby waived. However, the exemption provided in this subsection includes transactions taxable under this chapter which are for use by the operator of a public-use airport, as defined in s. 332.004, in providing such telecommunications services for the airport or its tenants, concessionaires, or licensees, or which are for use by a public hospital for the provision of such telecommunications services.

Section 22. Subsection (8) of section 290.007, Florida Statutes, is amended to read:

290.007 State incentives available in enterprise zones.—The following incentives are provided by the state to encourage the revitalization of enterprise zones:

(8) Notwithstanding any law to the contrary, the Public Service Commission may allow public utilities and telecommunications companies to grant discounts of up to 50 percent on tariffed rates for services to small businesses located in an enterprise zone designated pursuant to s. 290.0065. Such discounts may be granted for a period not to exceed 5 years. For purposes of this subsection, the term "public utility" has the same meaning as in s. 366.02(1) and the term "telecommunications company" has the same meaning as in *s. 364.02(14)* ~~s. 364.02(13)~~.

Section 23. Subsection (3) of section 350.0605, Florida Statutes, is amended to read:

350.0605 Former commissioners and employees; representation of clients before commission.—

(3) For a period of 2 years following termination of service on the commission, a former member may not accept employment by or compensation from a business entity which, directly or indirectly, owns or controls a public utility regulated by the commission, from a public utility regulated by the commission, from a business entity which, directly or indirectly, is an affiliate or subsidiary of a public utility regulated by the commission or is an actual business competitor of a local exchange company or public utility regulated by the commission and is otherwise exempt from regulation by the commission under ss. *364.02(14)* ~~364.02(13)~~ and 366.02(1), or from a business entity or trade association that has been a party to a commission proceeding within the 2 years preceding the member's termination of service on the commission. This subsection applies only to members of the Florida Public Service Commission who are appointed or reappointed after May 10, 1993.

Section 24. Subsection (4) of section 364.602, Florida Statutes, is amended to read:

364.602 Definitions.—For purposes of this part:

(4) "Originating party" means any person, firm, corporation, or other entity, including a telecommunications company or a billing clearinghouse, that provides any telecommunications service or information service to a customer or bills a customer through a billing party, except the term "originating party" does not include any entity specifically exempted from the definition of "telecommunications company" as provided in *s. 364.02(14)* ~~s. 364.02(13)~~ .

Section 25. Subsection (5) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(5) Public utilities, including special gas districts as defined in chapter 189, telecommunications companies as defined in *s. 364.02(14)* ~~s. 364.02(13)~~, and natural gas transmission companies as defined in s. 368.103(4), on construction, maintenance, and development work performed by their employees, which work, including, but not limited to, work on bridges, roads, streets, highways, or railroads, is incidental to their business. The board shall define, by rule, the term "incidental to their business" for purposes of this subsection.

Section 26. *This act may not be construed to limit the rights of local government or the duties of providers of cable service to comply with any and all requirements of federal, state, or local law, including, but not limited to, 47 U.S.C. s.541, s. 166.046, and s. 337.401.*

Section 27. Subsection (4) of section 364.051, Florida Statutes, is amended to read:

364.051 Price regulation.—

(4)*(a)* Notwithstanding ~~the provisions of~~ subsection (2), any local exchange telecommunications company that believes circumstances have changed substantially to justify any increase in the rates for basic local telecommunications services may petition the commission for a rate increase, but the commission shall grant *the* ~~such~~ petition only after an opportunity for a hearing and a compelling showing of changed circumstances. The costs and expenses of any government program or project required in part II *may* ~~shall~~ not be recovered under this subsection unless *the* ~~such~~ costs and expenses are incurred in the absence of a bid and subject to carrier-of-last-resort obligations as provided for in part II. The commission shall act upon *the* ~~any such~~ petition within 120 days *after* ~~of~~ its filing.

(b) For purposes of this section, evidence of damage occurring to the lines, plants, or facilities of a local exchange telecommunications company that is subject to the carrier-of-last-resort obligations, which damage is the result of a tropical system occurring after June 1, 2005, and named by the National Hurricane Center, constitutes a compelling showing of changed circumstances.

1. A company may file a petition to recover its intrastate costs and expenses relating to repairing, restoring, or replacing the lines, plants, or facilities damaged by a named tropical system.

2. The commission shall verify the intrastate costs and expenses submitted by the company in support of its petition.

3. The company must show and the commission shall determine whether the intrastate costs and expenses are reasonable under the circumstances for the named tropical system.

4. A company having a storm-reserve fund may recover tropical-system-related costs and expenses from its customers only in excess of any amount available in the storm-reserve fund.

5. The commission may determine the amount of any increase that the company may charge its customers, but the charge per line item may not exceed 50 cents per month per customer line for a period of not more than 12 months.

6. The commission may order the company to add an equal line-item charge per access line to the billing statement of the company's retail basic local telecommunications service customers, its retail nonbasic telecommunications service customers, and, to the extent the commission determines appropriate, its wholesale loop unbundled network element customers. At the end of the collection period, the commission shall verify that the collected amount does not exceed the amount authorized by the order. If collections exceed the ordered amount, the commission shall order the company to refund the excess.

7. In order to qualify for filing a petition under this paragraph, a company with one million or more access lines, but fewer than three million access lines, must have tropical-system-related costs and expenses exceeding $1.5 million, and a company with three million or more access lines must have tropical-system-related costs and expenses of $5 million or more. A company with fewer than one million access lines is not required to meet a minimum damage threshold in order to qualify to file a petition under this paragraph.

8. A company may file only one petition for storm recovery in any 12-month period for the previous storm season, but the application may cover damages from more than one named tropical system.

This paragraph is not intended to adversely affect the commission's consideration of any petition for an increase in basic rates to recover costs related to storm damage which was filed before the effective date of this act.

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

Section 29. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to regulation of communications; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide nominees for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; prohibiting a commissioner from soliciting any thing of value, either directly or indirectly, from any public utility, its affiliate, or any party; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; providing definitions; providing for notice of public hearings to consider whether the local government will provide a communications service; requiring a governmental entity to take certain action before a communications service is provided; providing certain restrictions on revenue bonds to finance provisioning of communications services; requiring a local government to make available a written business plan; providing criteria for the business plan; setting pricing standards; providing for accounting and books and records; requiring the governmental entity to establish an enterprise fund; requiring the governmental entity to maintain separate operating and capital budgets; limiting the use of eminent-domain powers; requiring a governmental entity to hold a public hearing to consider certain factors if the business plan goals are not met; requiring compliance with certain federal and state laws; requiring local government to treat itself the same as it treats other providers of similar communications services; exempting certain governmental entities from specified provisions of the act; requiring a local government provider of communications services to follow the same prohibitions as other providers of the same services; providing an exemption for airports under certain conditions; recognizing preemption of a charter, code, or other governmental authority; providing for severability; repealing s. 364.502, F.S., which provides for regulation of video programming; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; redefining the term "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; transferring applicability from telecommunications companies serving as carriers of last resort to eligible telecommunications carriers; defining the term "eligible telecommunications carrier"; providing requirements for eligible telecommunications carriers; requiring the Public Service Commission to establish procedures for notification and termination of the Lifeline Assistance credit; providing criteria for connection, reconnection, and discontinuation of basic local telecommunications service for Lifeline Assistance subscribers; providing criteria for blocking access to long-distance service; adding the Department of Education and the Office of Public Counsel to those agencies that are directed to cooperate in developing procedures for promoting Lifeline participation; requiring the commission to adopt rules; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to $500 from $250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up to $1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; providing clarification of rights of local governments and duties of cable service providers to comply with certain laws and regulations; amending s. 364.051, F.S.; providing that damage to the equipment and facilities of a local exchange telecommunications as a result of a named tropical system constitutes a compelling showing of changed circumstances to justify a rate increase; allowing such companies to petition for recovery of such costs and expenses; requiring the Public Service Commission to verify the intrastate costs and expenses for repairing, restoring, or replacing damaged lines, plants, or facilities; requiring the commission to determine whether the intrastate costs and expenses are reasonable; requiring a company to exhaust any storm-reserve funds prior to recovery from customers; providing that the commission may authorize adding an equal line-item charge per access line for certain customers; providing for a rate cap and providing the maximum number of months the rate may be imposed; providing a 12-month limit for the application; allowing recovery for more than one storm within the limit; providing for severability; providing an effective date.

Senator Constantine moved the following amendments which were adopted:

Senate Amendment 1 (345828) to House Amendment 1 (506825)—On page 6, line 148, delete "*or more*"

Senate Amendment 2 (575642) to House Amendment 1 (506825)—On page 14, lines 359-360, delete those lines and insert: *entity to itself or to any other governmental entity.*

Senate Amendment 3 (083994) to House Amendment 1 (506825)—On page 23, lines 598-600, delete those lines and insert: *communications service. This section does not limit the availability to any party of any remedy or defense under state or federal anti-trust laws.*

Senate Amendment 4 (941016) (with title amendment) to House Amendment 1 (506825)—On page 25, between lines 634-635, insert:

Section 9. Paragraph (a) of subsection (3) and subsection (9) of section 202.19, Florida Statutes, are amended to read:

202.19 Authorization to impose local communications services tax.—

(3)(a) The tax authorized under this section includes *and is in lieu of* any fee or other consideration*, including, but not limited to, application fees, transfer fees, renewal fees, or claims for related costs,* to which the municipality or county is otherwise entitled for granting permission to dealers of communications services, including, but not limited to, providers of cable television services, as authorized in 47 U.S.C. s. 542, to use or occupy its roads or rights-of-way for the placement, construction, and maintenance of poles, wires, and other fixtures used in the provision of communications services.

(9) The revenues raised by any tax imposed under subsection (1) or s. 202.20(1)*, or distributed to a local government pursuant to s. 202.18,* may be used by a municipality or county for any public purpose, including, but not limited to, pledging such revenues for the repayment of current or future bonded indebtedness. Revenues raised by a tax imposed under subsection (5) shall be used for the same purposes as the underlying discretionary sales surtax imposed by the county or school board under s. 212.055.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 55, line 1456, after "programming", insert: amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; authorizing municipalities or counties to use certain revenues distributed to a local government for certain purposes;

On motion by Senator Constantine, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

CS for CS for SB 1322 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Alexander	Diaz de la Portilla	Posey
Aronberg	Dockery	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Lawson	Villalobos
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Crist	Miller	
Dawson	Peaden	

Nays—2

Argenziano	Fasano

Vote after roll call:

Yea—Hill

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendment(s) to HB 395 and requests the Senate to recede.

John B. Phelps, Clerk

HB 395—A bill to be entitled An act relating to recreational licenses and permits; amending s. 372.57, F.S.; providing for a military gold sportsman's license; providing for an annual fee; providing authorizations allowed under license; providing eligibility requirements; amending ss. 372.5712, 372.5715, and 372.573, F.S.; providing for uses of specified pro rata portions of revenue generated from the military gold sportsman's license; amending s. 372.661, F.S.; exempting patrons of licensed hunting preserves from the license and permit requirements of the military gold sportsman's license while hunting on the licensed preserve property; providing an effective date.

On motion by Senator Atwater, the Senate receded from **Senate Amendment 1 (144848)** to **HB 395**.

HB 395 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed HB 879 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

House Amendment 1 (636279) to Senate Amendment 1 (172566) (with title amendment)—On page 2, between lines 18 and 19, insert:

Section 5. Paragraph (a) of subsection (5) of section 411.01, Florida Statutes, as amended by chapter 2004-484, Laws of Florida, is amended to read:

411.01 School readiness programs; early learning coalitions.—

(5) CREATION OF EARLY LEARNING COALITIONS.—

(a) Early learning coalitions.—

1. The Agency for Workforce Innovation shall establish the minimum number of children to be served by each early learning coalition through the coalition's school readiness program. The Agency for Workforce Innovation may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every early learning coalition and must:

a. Permit 30 or fewer coalitions to be established; and

b. Require each coalition to serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months.

The Agency for Workforce Innovation shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. Each early learning coalition must comply with the merger procedures and shall be organized in accordance with this subparagraph by April 1, 2005. By June 30, 2005, each coalition must complete the transfer of powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the successor coalition, if applicable. *Notwithstanding the provisions of this subsection , the early learning coalition that includes Jefferson, Liberty, Madison, Wakulla, and Taylor counties currently in operation is established and authorized to continue operation as an independent coalition and shall not be counted toward the limit of 30 coalitions pursuant to this subsection.*

2. If an early learning coalition would serve fewer children than the minimum number established under subparagraph 1., the coalition must merge with another county to form a multicounty coalition. However, the Agency for Workforce Innovation may authorize an early learning coalition to serve fewer children than the minimum number established under subparagraph 1., if:

a. The coalition demonstrates to the Agency for Workforce Innovation that merging with another county or multicounty region contiguous to the coalition would cause an extreme hardship on the coalition;

b. The Agency for Workforce Innovation has determined during the most recent annual review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(l), that the coalition has substantially implemented its plan and substantially met the performance standards and outcome measures adopted by the agency; and

c. The coalition demonstrates to the Agency for Workforce Innovation the coalition's ability to effectively and efficiently implement the Voluntary Prekindergarten Education Program.

If an early learning coalition fails or refuses to merge as required by this subparagraph, the Agency for Workforce Innovation may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the coalition is reestablished through resubmission of a school readiness plan and approval by the agency.

3. Each early learning coalition shall be composed of at least 18 members but not more than 35 members. The Agency for Workforce Innovation shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to an early learning coalition. These standards must include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

4. The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as private-sector business members appointed by the coalition under subparagraph 6.

5. Each early learning coalition must include the following members:

a. A Department of Children and Family Services district administrator or his or her designee who is authorized to make decisions on behalf of the department.

b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district, who shall be a nonvoting member.

c. A regional workforce board executive director or his or her designee.

d. A county health department director or his or her designee.

e. A children's services council or juvenile welfare board chair or executive director, if applicable, who shall be a nonvoting member if the council or board is the fiscal agent of the coalition or if the council or board contracts with and receives funds from the coalition.

f. An agency head of a local licensing agency as defined in s. 402.302, where applicable.

g. A president of a community college or his or her designee.

h. One member appointed by a board of county commissioners.

i. A central agency administrator, where applicable, who shall be a nonvoting member.

j. A Head Start director, who shall be a nonvoting member.

k. A representative of private child care providers, including family day care homes, who shall be a nonvoting member.

l. A representative of faith-based child care providers, who shall be a nonvoting member.

m. A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act, who shall be a nonvoting member.

6. Including the members appointed by the Governor under subparagraph 4., more than one-third of the members of each early learning coalition must be private-sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the coalition's school readiness program. To meet this requirement an early learning coalition must appoint additional members from a list of nominees submitted to the coalition by a chamber of commerce or economic development council within the geographic region served by the coalition. The Agency for Workforce Innovation shall establish criteria for appointing private-sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program.

7. A majority of the voting membership of an early learning coalition constitutes a quorum required to conduct the business of the coalition.

8. A voting member of an early learning coalition may not appoint a designee to act in his or her place, except as otherwise provided in this paragraph. A voting member may send a representative to coalition meetings, but that representative does not have voting privileges. When a district administrator for the Department of Children and Family Services appoints a designee to an early learning coalition, the designee is the voting member of the coalition, and any individual attending in the designee's place, including the district administrator, does not have voting privileges.

9. Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists.

10. For purposes of tort liability, each member or employee of an early learning coalition shall be governed by s. 768.28.

11. An early learning coalition serving a multicounty region must include representation from each county.

12. Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

And the title is amended as follows:

On page 3, line 15, remove: all of said line and insert:

education and arts instructors; amending s. 411.01, F.S.; providing that specified counties continue to operate as an independent early learning coalition for certain purposes;

House Amendment 2 (023123) to Senate Amendment 1 (172566) (with title amendment)—On page 2, between lines 18 and 19, insert:

Section 5. Paragraphs (e) and (f) are added to subsection (2) of section 1006.20, Florida Statutes, to read:

1006.20 Athletics in public K-12 schools.—

(2) ADOPTION OF BYLAWS.—

(e) The organization shall adopt bylaws in consultation with the Florida School Boards Association and the Florida Association of District School Superintendents specifying that, in order to qualify for membership in the organization, a school must abide by district school board procedure or private school procedure that requires:

1. Instruction in physical education or health classes on the dangers of steroid use.

2. Instruction by head coaches to the members of their teams on the dangers of steroid use.

3. Inclusion of a prohibition against steroid use in the student code of conduct.

4. Inclusion of steroid effects in drug suspicion criteria.

(f) The organization shall adopt bylaws requiring adherence to the Florida Coaches Code of Ethics, including penalties for noncompliance. The Florida Coaches Code of Ethics shall be developed by October 1, 2005.

Section 6. *Not later than October 1, 2005, the Florida High School Athletic Association shall make recommendations to the Speaker of the House of Representatives and the President of the Senate for a pilot drug testing program to test for performance-enhancing drugs. The pilot program must involve statewide testing of a random sample of the student athletes in a selected sport.*

And the title is amended as follows:

On page 3, line 15, remove: all of said line and insert:

education and arts instructors; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to adopt bylaws relating to steroid use and the adherence to a coaches code of ethics; requiring development of such code; requiring the Florida High School Athletic Association to make recommendations for a pilot drug testing program to test for performance-enhancing drugs;

House Amendment 3 (824419) to Senate Amendment 1 (172566) (with title amendment)—On page 2, line(s) 19, insert:

Section 5. Paragraph (b) of subsection (2) of section 287.055, Florida Statutes, is amended, and paragraph (e) is added to subsection (4) of said section, to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(b) "Agency" means the state, a state agency, a municipality, a political subdivision, a school district, ~~or~~ a school board*, or a regional consortium service organization formed under s. 1001.451*. The term "agency" does not extend to a nongovernmental developer that contributes public facilities to a political subdivision under s. 380.06 or ss. 163.3220-163.3243.

(4) COMPETITIVE SELECTION.—

(e) A member of a regional consortium service organization, formed under s. 1001.451, may make purchases under contracts procured pursuant to this section.

Section 6. Section 1001.453, Florida Statutes, is amended to read:

1001.453 Direct-support organization; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) "~~District school board~~ Direct-support organization" means *a district school board direct-support organization or a regional consortium service organization direct-support* ~~an~~ organization that:

1. Is approved by the district school board *or regional consortium service organization board of directors*;

2. Is a Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State; and

3. Is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public kindergarten through 12th grade education and adult career and community education programs in this state.

(b) "Personal services" includes full-time or part-time personnel, as well as payroll processing.

(c) "Regional consortium service organization" means an organization formed under s. 1001.451.

(2) USE OF PROPERTY.—A district school board *or regional consortium service organization board of directors*:

(a) Is authorized to permit the use of property, facilities, and personal services of the district *or regional consortium service organization* by a direct-support organization, subject to the provisions of this section.

(b) Shall prescribe by rule conditions with which a ~~district school board~~ direct-support organization must comply in order to use property, facilities, or personal services of the district *or regional consortium service organization*. Adoption of such rules shall be coordinated with the Department of Education. The rules shall provide for budget and audit review and oversight by the district school board *or regional consortium service organization board of directors* and the department.

(c) Shall not permit the use of property, facilities, or personal services of a direct-support organization if such organization does not provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or national origin.

(3) BOARD OF DIRECTORS.—The board of directors of the ~~district school board~~ direct-support organization shall be approved by the district school board *or the regional consortium service organization board of directors*.

(4) ANNUAL AUDIT.—Each direct-support organization with more than $100,000 in expenditures or expenses shall provide for an annual ~~financial~~ audit of its *financial statements in order to express an opinion on the fairness with which the financial statements are presented in conformance with generally accepted accounting principles. The audit is* ~~accounts and records,~~ to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the Commissioner of Education. The annual audit report shall be submitted *to the Auditor General and the district school board or regional consortium service organization board of directors for review* within 9 months after the *end of the* fiscal *year or by the date established by* ~~year's end to~~ the district school board *or regional consortium service organization board of directors* and the Auditor General*, whichever is earlier*. The Commissioner of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability have the authority to require and receive from the organization or the district auditor *or regional consortium service organization auditor* any records relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors are confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of chapter 119.

Section 7. Section 1010.09, Florida Statutes, is amended to read:

1010.09 Direct-support organizations.—School district, *regional consortium service organization,* community college, and university direct-support organizations shall be organized and conducted under the provisions of ss. 1001.453, 1004.28, and 1004.70 and rules of the State Board of Education, as applicable.

Section 8. Section 1011.765, Florida Statutes, is amended to read:

1011.765 Florida Academic Improvement Trust Fund matching grants.—

(1) MATCHING GRANTS.—The Florida Academic Improvement Trust Fund shall be utilized to provide matching grants to the Florida School for the Deaf and the Blind Endowment Fund*,* ~~and to~~any public school district education foundation*, and any regional consortium service organization education foundation*that meets the requirements of this section and is recognized by the local school district as *a* ~~its~~ designated K-12 education foundation. *For purposes of this section, "regional consortium service organization" means an organization formed under s. 1001.451.*

(a) The State Board of Education shall adopt rules for the administration, submission, documentation, evaluation, and approval of requests for matching funds and for maintaining accountability for matching funds.

(b) Donations, state matching funds, or proceeds from endowments established pursuant to this section shall be used at the discretion of the

public school district education foundation*, the regional consortium service organization education foundation,* or the Florida School for the Deaf and the Blind for academic achievement within the school district*, school districts,* or school, and shall not be expended for the construction of facilities or for the support of interscholastic athletics. *A* ~~No~~ public school district education foundation*, a regional consortium service organization education foundation,*or the Florida School for the Deaf and the Blind shall *not*accept or purchase facilities for which the state will be asked for operating funds unless the Legislature has granted prior approval for such acquisition.

(2) ALLOCATION OF THE TRUST FUND.—Funds appropriated to the Florida Academic Improvement Trust Fund shall be allocated by the Department of Education in the following manner:

(a) For every year in which there is a legislative appropriation to the trust fund, an equal amount of the annual appropriation, to be determined by dividing the total legislative appropriation by the number of local education foundations *and regional consortium service organization education foundations,* as well as the Florida School for the Deaf and the Blind, must be reserved for each public school district education foundation*, each regional consortium service organization education foundation,* and the Florida School for the Deaf and the Blind Endowment Fund to provide each foundation and the Florida School for the Deaf and the Blind with an opportunity to receive and match appropriated funds. Trust funds that remain unmatched by contribution on April 1 of any year shall be made available for matching by any public school district education foundation*, by any regional consortium service organization education foundation,* and by the Florida School for the Deaf and the Blind which shall have an opportunity to apply for excess trust funds prior to the award of such funds.

(b) Matching grants shall be proportionately allocated from the trust fund on the basis of matching each $4 of state funds with $6 of private funds. To be eligible for matching, a minimum of $4,500 must be raised from private sources.

(c) Funds sufficient to provide the match shall be transferred from the state trust fund to the public school education foundation*, to the regional consortium service organization education foundation,* or to the Florida School for the Deaf and the Blind Endowment Fund upon notification that a proportionate amount has been received and deposited by the foundation or school into its own trust fund.

(d) If the total of the amounts to be distributed in any quarter pursuant to this subsection exceeds the amount of funds remaining from specific appropriations made for the implementation of this section, all grants shall be proportionately reduced so that the total of matching grants distributed does not exceed available appropriations.

(3) GRANT ADMINISTRATION.—

(a) Each public school district education foundation*, each regional consortium service organization education foundation,* and the Florida School for the Deaf and the Blind participating in the Florida Academic Improvement Trust Fund shall separately account for all funds received pursuant to this section, and may establish its own academic improvement trust fund as a depository for the private contributions, state matching funds, and earnings on investments of such funds. State matching funds shall be transferred to the public school district education foundation*, to the regional consortium service organization education foundation,* or to the Florida School for the Deaf and the Blind Endowment Fund upon notification that the foundation or school has received and deposited private contributions that meet the criteria for matching as provided in this section. The public school district education foundations*, the regional consortium service organization education foundations,* and the Florida School for the Deaf and the Blind are responsible for the maintenance, investment, and administration of their academic improvement trust funds.

(b) The public school district education foundations*, the regional consortium service organization education foundations,* and the Florida School for the Deaf and the Blind shall be responsible for soliciting and receiving contributions to be deposited and matched with grants for academic achievement within the school district*, school districts,* or school.

(c) Each public school district education foundation*, each regional consortium service organization education foundation,* and the Florida School for the Deaf and the Blind shall be responsible for proper expenditure of the funds received pursuant to this section.

And the title is amended as follows:

On page 3, line(s) 15, after the semicolon, insert:

amending s. 287.055, F.S.; including regional consortium service organizations under provisions relating to procurement and competitive selection of certain professional services; amending 1001.453, F.S.; revising definition of direct-support organization to include a regional consortium service organization direct-support organization; authorizing use of property and requiring rules; providing for approval of a board of directors and requiring audits; amending s. 1010.09, F.S.; conforming a provision relating to direct-support organizations; amending s. 1011.765, F.S.; providing that the Florida Academic Improvement Trust Fund shall be utilized to provide matching grants to regional consortium service organization education foundations;

House Amendment 4 (279229) to Senate Amendment 1 (172566) (with title amendment)—On page 2, line 19, insert:

Section 5. Subsections (6) and (7) are added to section 401.107, Florida Statutes, to read:

401.107 Definitions.—As used in this part, the term:

(6) "Youth athletic organization" means a private not-for-profit organization that promotes and provides organized athletic activities to youth.

(7) "Automated external defibrillator device" means a device as defined in s. 768.1325(2)(b).

Section 6. Section 401.111, Florida Statutes, is amended to read:

401.111 Emergency medical services grant program; authority.—The department is hereby authorized to make grants to local agencies*,* ~~and~~ emergency medical services organizations*, and youth athletic organizations* in accordance with any agreement entered into pursuant to this part. These grants shall be designed to assist *local* ~~said~~ agencies and *emergency medical services* organizations in providing emergency medical services, including emergency medical dispatch*, and to assist youth athletic organizations that work in conjunction with local emergency medical services organizations to expand the use of automated external defibrillator devices in the community*. The cost of administering this program shall be paid by the department from funds appropriated to it.

Section 7. Paragraphs (a) and (b) of subsection (2) of section 401.113, Florida Statutes, are amended to read:

401.113 Department; powers and duties.—

(2) The department shall annually dispense funds contained in the Emergency Medical Services Trust Fund as follows:

(a) Forty-five percent of such moneys must be divided among the counties according to the proportion of the combined amount deposited in the trust fund from the county. These funds may not be used to match grant funds as identified in paragraph (b). An individual board of county commissioners may distribute these funds to emergency medical service organizations *and youth athletic organizations* within the county, as it deems appropriate.

(b) Forty percent of such moneys must be used by the department for making matching grants to local agencies, municipalities, ~~and~~ emergency medical services organizations*, and youth athletic organizations* for the purpose of conducting research, increasing existing levels of emergency medical services, evaluation, community education, injury-prevention programs, and training in cardiopulmonary resuscitation and other lifesaving and first aid techniques.

1. At least 90 percent of these moneys must be made available on a cash matching basis. A grant made under this subparagraph must be contingent upon the recipient providing a cash sum equal to 25 percent of the total department-approved grant amount.

2. No more than 10 percent of these moneys must be made available to rural emergency medical services, and notwithstanding the restrictions specified in subsection (1), these moneys may be used for improve-

ment, expansion, or continuation of services provided. A grant made under this subparagraph must be contingent upon the recipient providing a cash sum equal to no more than 10 percent of the total department-approved grant amount.

The department shall develop procedures and standards for grant disbursement under this paragraph based on the need for emergency medical services, the requirements of the population to be served, and the objectives of the state emergency medical services plan.

Section 8. *The Department of Health shall implement an educational campaign to inform any person who acquires an automated external defibrillator device that his or her immunity from liability under s. 768.1325, Florida Statutes, for harm resulting from the use or attempted use of the device, does not apply if he or she fails to:*

(1) Properly maintain and test the device; or

(2) Provide appropriate training in the use of the device to his or her employee or agent when the employee or agent was the person who used the device on the victim, except as provided in s. 768.1325, Florida Statutes.

And the title is amended as follows:

On page 2, line 28, through page 3, line 15, remove: all of said lines and insert:

An act relating to public school educational instruction and youth fitness; requiring the Department of Education to evaluate the extent to which the Sunshine State Standards in the arts are being taught; requiring a report to the Governor and the Legislature; amending s. 1003.455, F.S.; requiring each school district to submit a copy of its wellness policy to the Department of Education; requiring the department to post each policy on its website; encouraging each school district to review its level of participation and evaluate the success of its wellness programs; encouraging school districts to solicit public input regarding their policies on nutritional offerings and wellness plans; requiring certain public high schools to have a defibrillator on the school grounds; encouraging public and private partnerships to cover the costs associated with the defibrillator; encouraging school boards to review research with regard to how physical movement can enhance learning in academic subjects; requiring certain content to be included in staff development of physical education and arts instructors; amending s. 401.107, F.S.; defining the terms "youth athletic organization" and "automated external defibrillator device"; amending s. 401.111, F.S.; providing for grants to local agencies, emergency medical services organizations, and youth athletic organizations to expand the use of automated external defibrillator devices; amending s. 401.113, F.S.; providing for disbursement of funds from the Emergency Medical Services Trust Fund; requiring the Department of Health to implement an educational campaign to inform the public about the lack of immunity from liability regarding the use of automated external defibrillator devices under certain conditions;

On motion by Senator Margolis, the Senate refused to concur in the House amendments to the Senate amendment to **HB 879** and the House was requested to recede. The action of the Senate was certified to the House.

BILLS ON THIRD READING, continued

Consideration of **HB 1325** was deferred.

SB 342—A bill to be entitled An act relating to jai alai; amending s. 550.002, F.S.; redefining the term "full schedule of live racing or games" for certain jai alai permitholders; amending s. 550.09511, F.S.; providing the amount of license fees and taxes for a jai alai permitholder that conducts fewer than a certain number of live performances in any calendar year; providing an effective date.

—as amended May 5 was read the third time by title.

MOTION

On motion by Senator Argenziano, the rules were waived to allow the following amendment to be considered:

Senator Argenziano moved the following amendment:

Amendment 1 (560374)(with title amendment)—On page 3, between lines 3 and 4, insert:

Section 3. Subsections (1), (4), (7), and (10) of section 550.334, Florida Statutes, are amended to read:

550.334 Quarter horse racing; substitutions.—

(1) Subject to all the applicable provisions of this chapter, any person who possesses the qualifications prescribed in this chapter may apply to the division for a permit to conduct quarter horse race meetings and racing under this chapter. The applicant must demonstrate that the location or locations where the permit will be used are available for such use and that she or he has the financial ability to satisfy the reasonably anticipated operational expenses of the first racing year following final issuance of the permit. If the racing facility is already built, the application must contain a statement, with reasonable supporting evidence, that the permit will be used for quarter horse racing within 1 year after the date on which it is granted; if the facility is not already built, the application must contain a statement, with reasonable supporting evidence, that substantial construction will be started within 1 year after the issuance of the permit. After receipt of an application, the division shall convene to consider and act upon permits applied for. The division shall disapprove an application if it fails to meet the requirements of this chapter. Upon each application filed and approved, a permit shall be issued setting forth the name of the applicant and a statement showing qualifications of the applicant to conduct racing under this chapter. If a favorable referendum on a pari-mutuel facility has not been held previously within the county, then, before a quarter horse permit may be issued by the division, a referendum ratified by a majority of the electors in the county is required on the question of allowing quarter horse races within that county~~; but if there is an extraordinary vote of the board of county commissioners of that county to allow quarter horse racing, the requirement for a referendum does not apply~~.

(4) *Section* ~~Sections~~ 550.054 *is*~~, 550.0651, and 550.175 are~~ inapplicable to quarter horse racing as permitted under this section. All other provisions of this chapter apply to, govern, and control such racing, and the same must be conducted in compliance therewith.

(7)(a) Any quarter horse racing permitholder operating under a valid permit issued by the division is authorized to substitute ~~other~~ races of other breeds of horses*, except thoroughbreds,* which are, respectively, registered with the American Paint Horse Association, Appaloosa Horse Club, Arabian Horse Registry of America, ~~Jockey Club,~~ Palomino Horse Breeders of America, or United States Trotting Association, for no more than 50 percent of the quarter horse races daily*, and may substitute races of thoroughbreds registered with the Jockey Club for no more than 50 percent of the quarter horse races daily with the written consent of all greyhound, harness, and thoroughbred permitholders whose pari-mutuel facilities are located within 50 air miles of such quarter horse racing permitholder's pari-mutuel facility*.

(b) Any permittee operating within an area of 50 air miles of a licensed thoroughbred track may not substitute thoroughbred races under this section while a thoroughbred horse race meet is in progress within that 50 miles. Any permittee operating within an area of 125 air miles of a licensed thoroughbred track may not substitute live thoroughbred races under this section while a thoroughbred permittee who pays taxes under s. 550.09515(2)(a) is conducting a thoroughbred meet within that 125 miles. These mileage restrictions do not apply to any permittee that holds a nonwagering permit issued pursuant to s. 550.505. ~~Races comprised of thoroughbred horses under this section registered with the Jockey Club may not be permitted during the period beginning September 1 and ending January 5 of each year in any county where there are one or more licensed dog tracks conducting race meets. This section does not affect the competitive award of matinee performances to jai alai frontons or dog tracks in opposition to races comprised of thoroughbred horses registered with the Jockey Club under this section.~~

(10) Intertrack wagering shall not be authorized for any quarter horse permitholder *without the written consent of all greyhound, harness, and thoroughbred permitholders whose pari-mutuel facilities are* located within 50 *air* miles of *such quarter horse permitholder's pari-mutuel facility* ~~an existing greyhound track unless such quarter horse permitholder has incurred a minimum capital expenditure of at least $7.5 million~~. ~~"Capital expenditure" means an expenditure, including an expenditure for a construction project undertaken by a quarter horse~~

~~permitholder as its own contractor, which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance; and includes the cost, in current value, of the studies, surveys, designs, plans, working drawings, specifications, refinancing costs, and other activities essential to the acquisition, improvement, expansion, or replacement of the plant and equipment.~~

Section 4. Paragraph (a) of subsection (5) and paragraph (a) of subsection (17) of section 849.086, Florida Statutes, are amended to read:

849.086 Cardrooms authorized.—

(5) LICENSE REQUIRED; APPLICATION; FEES.—No person may operate a cardroom in this state unless such person holds a valid cardroom license issued pursuant to this section.

(a) Only those persons holding a valid cardroom license issued by the division may operate a cardroom. A cardroom license may only be issued to a licensed pari-mutuel permitholder and an authorized cardroom may only be operated at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities. ~~Cardroom licenses are not transferable.~~

(17) CHANGE OF LOCATION; REFERENDUM.—

(a) Notwithstanding any provisions of this section, no cardroom gaming license issued under this section shall be transferred, or reissued when such reissuance is in the nature of a transfer, so as to permit or authorize a licensee to change the location of the cardroom except upon proof in such form as the division may prescribe that a referendum election has been held:

1. If the proposed new location is within the same county as the already licensed location, in the county where the licensee desires to conduct cardroom gaming and that a majority of the electors voting on the question in such election voted in favor of the transfer of such license. *However, the division shall transfer, without the requirement of a referendum election, the cardroom license of any permitholder that relocated its permit pursuant to s. 550.0555.*

2. If the proposed new location is not within the same county as the already licensed location, in the county where the licensee desires to conduct cardroom gaming and that a majority of the electors voting on that question in each such election voted in favor of the transfer of such license.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-12, delete those lines and insert: An act relating to pari-mutuel permitholders; amending s. 550.002, F.S.; redefining the term "full schedule of live racing or games" for certain jai alai permitholders; amending s. 550.09511, F.S.; providing for license fees and taxes for certain jai alai permitholders; assessing a fee for a jai alai permitholder that fails to apply for and be issued an annual license to conduct performances; providing for disposition of the fee by rule of the division; amending s. 550.334, F.S.; revising permitting and operational requirements for quarter horse permitholders; amending s. 849.086, F.S.; removing a prohibition on the transfer of cardroom licenses; providing for transfer of the cardroom license when a permit is relocated within a county under certain conditions; providing an effective date.

POINT OF ORDER

Senator Jones raised a point of order that pursuant to rule 7.1 **Amendment 1 (560374)** contained language of a bill not reported favorably by all committees of reference and was therefore out of order.

The President referred the point of order and the amendment to Senator Pruitt, Chair of the Committee on Rules and Calendar.

On motion by Senator Argenziano, further consideration of **SB 342** with pending **Amendment 1 (560374)** and pending point of order was deferred.

CS for CS for SB 486—A bill to be entitled An act relating to phosphate mine reclamation; amending s. 378.034, F.S.; deleting an obsolete provision relating to the use of reclamation funds; amending s. 378.035, F.S.; deleting an obsolete provision authorizing the Department of Environmental Protection to expend certain funds; amending s. 373.414, F.S.; requiring financial responsibility for wetlands mitigation; specifying the financial responsibility demonstration for permitted activities occurring over a period of 3 years or more of mining activities; extending the due date of the Peace River Basin study; providing an effective date.

—was read the third time by title.

Senators Dockery and Pruitt offered the following amendment which was moved by Senator Pruitt and adopted by two-thirds vote:

Amendment 1 (133260)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 290.00710, Florida Statutes, is created to read:

290.00710 Enterprise zone designation for the City of Lakeland.—The City of Lakeland may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone for an area within the City of Lakeland, which zone shall encompass an area up to 10 square miles. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055. Notwithstanding s. 290.0065, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 2. Section 290.0073, Florida Statutes, is created to read:

290.0073 Enterprise zone designation for Indian River County, the City of Vero Beach, and the City of Sebastian.—Indian River County, the City of Vero Beach, and the City of Sebastian may jointly apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing an area not to exceed 10 square miles. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 3. Section 290.0074, Florida Statutes, is created to read:

290.0074 Enterprise zone designation for Sumter County.—Sumter County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing an area not to exceed 10 square miles. The application must be submitted by December 31, 2005. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 4. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to enterprise zones; creating s. 290.00710, F.S.; authorizing the City of Lakeland to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; creating s. 290.0073, F.S.; authorizing Indian River County, the City of Vero Beach, and the City of Sebastian to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone in Indian River County; providing requirements with respect thereto; requiring the office to establish the initial effective date of the enterprise zone; creating s. 290.0074, F.S.; authorizing Sumter County to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an

effective date for the designated enterprise zone; providing an effective date.

On motion by Senator Pruitt, **CS for CS for SB 486** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Senate resumed consideration of—

SB 342—A bill to be entitled An act relating to jai alai; amending s. 550.002, F.S.; redefining the term "full schedule of live racing or games" for certain jai alai permitholders; amending s. 550.09511, F.S.; providing the amount of license fees and taxes for a jai alai permitholder that conducts fewer than a certain number of live performances in any calendar year; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (560374)** by Senator Argenziano and pending point of order by Senator Jones. The pending point of order was withdrawn.

POINT OF ORDER

Senator Haridopolos raised a point of order that pursuant to Rule 7.1 **Amendment 1 (560374)** was not germane to the bill.

The President referred the point of order and the amendment to Senator Pruitt, Chair of the Committee on Rules and Calendar.

On motion by Senator Argenziano, further consideration of **SB 342** with pending **Amendment 1 (560374)** and pending point of order was deferred.

RECESS

The President declared the Senate in recess at 1:48 p.m. to reconvene upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 6:59 p.m. A quorum present—40:

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Villalobos	Wilson	Wise
Webster		

MOTION

On motion by Senator Pruitt, the rules were waived and time of recess was extended until the order of business of the Florida Senate is complete.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2600

The Honorable Tom Lee May 4, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2600, same being:

> An act relating to appropriations; provides monies for annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay-buildings, and other improvements, and for other specified purposes of various agencies of State Government.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.
2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton	*s/Nancy Argenziano*
Chair	*s/JD Alexander*
s/Dave Aronberg	*s/Carey Baker*
s/Michael S. "Mike" Bennett	*s/Larcenia J. Bullard*
s/Charlie Clary	*s/Lee Constantine*
s/Victor D. Crist	*s/M. Mandy Dawson*
s/Paula Dockery	*s/Mike Fasano*
s/Rudy Garcia	*s/Anthony C. "Tony" Hill, Sr.*
s/Dennis L. Jones	*s/James E. "Jim" King, Jr.*
s/Ron Klein	*s/Alfred "Al" Lawson, Jr.*
s/Evelyn J. Lynn	*s/Gwen Margolis*
s/Lesley "Les" Miller, Jr.	*s/Durell Peaden, Jr.*
s/Ken Pruitt	*s/Nan Rich*
s/Burt L. Saunders	*s/Jim Sebesta*
s/Gary Siplin	*s/Rod Smith*
s/J. Alex Villalobos	*s/Daniel Webster*
s/Frederica S. Wilson	*s/Stephen R. Wise*

Managers on the part of the Senate

s/Joe Negron	*s/Sandra "Sandy" Adams*
Vice Chair	*s/Thad Altman*
s/Rafael "Ralph" Arza	*s/Frank Attkisson*
s/Loranne Ausley	*s/Gustavo A. Barreiro*
s/Dennis K. Baxley	*s/Aaron P. Bean*
s/Dorothy Bendross-Mindingall	*s/Anna Holliday "Holly" Benson*
s/Kimberly Berfield	*s/Gus Michael Bilirakis*
s/Ellyn Setnor Bogdanoff	*s/Marsha L. "Marty" Bowen*
s/Donald D. "Don" Brown	*s/Frederick C. "Fred" Brummer*
s/Dean Cannon	*s/Jennifer "JC" Carroll*
s/Donna Clarke	*s/Joyce Cusack*
s/Don Davis	*s/Mike Davis*
s/Greg Evers	*s/Frank Farkas*
s/Anitere Flores	*s/Bill Galvano*
s/Anne M. "Annie" Gannon	*s/Rene Garcia*
s/Andy Gardiner	*s/Dan Gelber*
s/Hugh H. Gibson III	*s/J. Dudley Goodlette*
s/Ron L. Greenstein	*s/Adam Hasner*
s/Alan D. Hays	*s/Edward L. "Ed" Jennings, Jr.*
s/Arthenia L. Joyner	*s/Charlie Justice*
s/Will S. Kendrick	*s/Jeffrey D. "Jeff" Kottkamp*
Dick Kravitz	*s/Kenneth W. "Ken" Littlefield*

s/Marcelo Llorente *s/Richard A. Machek*
s/Mark Mahon *s/Stan Mayfield*
s/David J. Mealor *s/Dave Murzin*
s/Mitch Needelman *s/Pat Patterson*
s/Joe H. Pickens *s/Juan-Carlos "J.C." Planas*
s/L. Ralph Poppell *s/John "Q" Quinones*
s/Ron Reagan *s/Curtis B. Richardson*
s/David Rivera *s/Yolly Roberson*
s/Marco Rubio *s/Timothy M. "Tim" Ryan*
s/Franklin Sands *s/Ray Sansom*
s/John P. "Jack" Seiler *s/David Simmons*
s/Eleanor Sobel *s/Dwight Stansel*
s/A. Trey Traviesa *s/Baxter G. Troutman*
s/Shelley Vana *s/Leslie Waters*

Managers on the part of the House of Representatives

Conference Committee Amendment 1—Delete everything before and after the enacting clause and insert:

A bill to be entitled

An act making appropriations; providing monies for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

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

The monies contained herein are appropriated from the named funds for the 2005-2006 fiscal year, except as otherwise provided herein, to the state agency indicated, as the amounts to be used to pay the salaries and other operational expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Florida Statutes.

Approved performance measures and standards for the 2005-2006 fiscal year are incorporated by reference in the act implementing the 2005-2006 General Appropriations Act. Such performance measures and standards are directly linked to the appropriations made herein, as required by the Government Performance and Accountability Act of 1994. State agencies are expected to revise their long-range program plans required under section 216.013, Florida Statutes, to be consistent with these performance measures and standards.

The expenditure for salaries made from appropriations provided in this act for Fiscal Year 2005-2006 by the judicial branch and each department or agency of the executive branch shall be limited by the sum of the approved salary rates specified for the budget entities in the respective branch, department or agency.

SECTION 1 - EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

The monies contained herein are appropriated from the Education Enhancement "Lottery" Trust Fund to the state agencies indicated.

EDUCATION, DEPARTMENT OF

Funds provided in Specific Appropriations 3 through 154A as Grants and Aids-Special Categories or as Grants and Aids-Aid to Local Governments may be advanced quarterly throughout the fiscal year based on projects, grants, contracts and allocation conference documents. Of the funds provided in Specific Appropriations 3, 4, 56, 61, 63 through 71, and 152 for student financial assistance, 60 percent shall be released at the beginning of the first quarter and the balance at the beginning of the third quarter.

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

1 FIXED CAPITAL OUTLAY
CLASSROOMS FIRST AND 1997 SCHOOL CAPITAL
OUTLAY BOND PROGRAMS - OPERATING FUNDS AND
DEBT SERVICE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 169,000,000

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The funds in Specific Appropriation 1 are for the cash and debt service requirements of the Classrooms First and 1997 School Capital Outlay Bond Programs established in chapter 97-384, Laws of Florida.

2 FIXED CAPITAL OUTLAY
DEBT SERVICE - CLASS SIZE REDUCTION
LOTTERY CAPITAL OUTLAY PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 43,902,077

TOTAL: PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY
FROM TRUST FUNDS 212,902,077

TOTAL ALL FUNDS 212,902,077

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

3 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA'S BRIGHT FUTURES
SCHOLARSHIP PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 311,772,580

Funds in Specific Appropriation 3 include $1,282,580 for an increase in the community college capital improvement fee, contingent upon SB 670 or similar legislation becoming law.

4 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 18,127,420

The funds in Specific Appropriation 4 and 67 are for the Florida Student Assistance Grant (FSAG) public full-time and part-time student grant program.

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM TRUST FUNDS 329,900,000

TOTAL ALL FUNDS 329,900,000

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

5 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 75,718,007

Funds in Specific Appropriations 5 and 74 are provided to implement the requirements of sections 1003.03 and 1011.685, Florida Statutes. The class size reduction allocation factor for grades pre-kindergarten to grade 3 shall be $539.94, for grades 4 to 8 shall be $515.45, and for grades 9 to 12 shall be $516.90. The class size reduction allocation shall be recalculated based on enrollment through the October 2005 FTE survey. If the total class size reduction allocation is greater than the appropriation in Specific Appropriations 5 and 74, funds shall be prorated to the level of the appropriation based on each district's calculated amount.

Funds in Specific Appropriations 5 and 74 shall be distributed to school districts that have provided sufficient information for the Commissioner of Education to set annual district class size reduction goals. The Commissioner of Education may withhold disbursement of these funds until a district is in compliance with reporting information required for class size reduction implementation.

6 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT LOTTERY AND
SCHOOL RECOGNITION PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 263,449,842

Funds provided in Specific Appropriation 6 are enhancement funds for school districts and shall be allocated as follows:

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(a) to provide financial awards pursuant to provisions of section 1008.36, Florida Statutes, relating to the Florida School Recognition Program. Funds for the Florida School Recognition Program shall be awarded by the Commissioner in the amount of $100 per student in each qualifying school, and

(b) funds remaining after the obligations in paragraph (a) have been fully met shall be allocated to all school districts by prorating the amount of the appropriation on each district's K-12 base funding. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2005, at least $10 per unweighted FTE student to be used at the discretion of the school advisory council pursuant to sections 24.121(5) and 1001.452, Florida Statutes. Council funds must be accounted for and are subject to being audited on a yearly basis.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP
FROM TRUST FUNDS 339,167,849

TOTAL ALL FUNDS 339,167,849

PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP

6A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 821,249

Funds provided in Specific Appropriation 6A are provided for an electronic web-based library pilot project for high schools. The pilots shall consist of school districts: large, medium, and small. All districts shall be provided information about this pilot project and shall be given the opportunity to indicate whether they wish to participate. From the districts expressing a desire to participate, the Department of Education shall make the final selection of the pilot districts. The department shall request providers of electronic online libraries for high school students to submit proposals for conducting the pilots which include, but are not limited, to full-text books and staff development activities for teachers utilizing the pilot. From the proposals received, representatives from the participating school districts and the department shall jointly agree which of the proposals are deemed to be most appropriate to be piloted in Florida's high schools. The pilot project shall be designed to include an independent assessment of the cost effectiveness of electronic online library services for high school student instruction. Representatives of the school districts and the department shall provide to the Governor and the Legislature, by December 31, 2006, a report containing a summary of the pilot project; conclusions about its impact on student instruction; recommendations for funding the web-based library; and guidance for any school district that may wish to consider providing its students access to online library services.

PROGRAM: WORKFORCE EDUCATION

7A AID TO LOCAL GOVERNMENTS
CRITICAL JOBS INITIATIVE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 4,706,750

From funds provided in Specific Appropriation 7A and 114, $6,000,000 shall be allocated to the SUCCEED, Florida - Career Paths program for secondary and postsecondary career education programs offered by public schools, school district operated career centers, or the Florida Virtual School to establish career and professional academies. Schools or career centers must enter into a partnership with one or more businesses, industries, industry economic development agencies, or postsecondary institutions to establish an academy. Academies must correlate directly with careers and industry certifications with high growth, high demand, and high pay. Academies must provide a rigorous and relevant standards-based academic curriculum through a career-based theme. The Department of Education shall establish application procedures, guidelines, accountability measures, and timelines for implementation of the program. A minimum of 50 percent of the funds shall be provided to programs in underserved communities. Underserved communities are those educational regions of the state which have

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below-average per capita public workforce education funding for the population aged 15 to 49. Funds must be used to establish career and professional academies or to redesign career education programs to meet the rigorous and relevant academic standards of a career and professional academy and not to supplant current funding. Programs receiving grants must submit periodic reports to the Department of Education documenting compliance with the performance measures established by the department.

The Commissioner of Education may request a budget amendment to realign funds provided for the SUCCEED, Florida programs in Specific Appropriations 7A, 7B, 114, 119, and 144B to reflect the results of the competitive awards authorized under the programs.

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: COMMUNITY COLLEGE PROGRAMS

7B AID TO LOCAL GOVERNMENTS
CRITICAL JOBS INITIATIVE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 5,700,000

A total of $10,000,000, comprised of $5,000,000 from funds provided in Specific Appropriation 7B and $5,000,000 from funds provided in Specific Appropriation 144B, shall be allocated to the SUCCEED, Florida - Crucial Professionals program to increase the capacity of nursing programs approved by the Board of Nursing at public and private postsecondary educational institutions to produce more nurses to enter the workforce in Florida. The Department of Education shall establish application procedures, guidelines, accountability measures, and timelines for implementation of the program and advise all Board of Nursing approved programs accordingly. Funds must be used to support new students and not to supplant current funding or students. Institutions applying for funds shall not reduce funding or the current level of enrollment in its existing program. Any such reduction will result in a pro rata reduction in funding. Programs receiving grants must submit periodic reports to the Department of Education documenting compliance with the performance measures established by the department.

The State Board of Education must review proposals, determine funding to be provided, and monitor compliance with accountability requirements. The State Board of Education shall coordinate its review of proposals with representatives of the Board of Governors and the Independent Colleges and Universities of Florida.

The Commissioner of Education may request a budget amendment to realign funds provided for the SUCCEED, Florida programs in Specific Appropriations 7A, 7B, 114, 119, and 144B to reflect the results of the competitive awards authorized under the programs.

From funds in Specific Appropriation 7B, $700,000 is provided for the Jobs for Florida's Future program allocated in Specific Appropriation 119.

8 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE
LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 101,100,000

Funds provided in Specific Appropriation 8 shall be allocated as follows:

Brevard Community College	3,911,249
Broward Community College	7,032,451
Central Florida Community College	1,840,779
Chipola College	909,158
Daytona Beach Community College	4,842,956
Edison College	2,347,523
Florida Community College at Jacksonville	7,963,028
Florida Keys Community College	683,463
Gulf Coast Community College	1,780,952
Hillsborough Community College	4,826,346
Indian River Community College	4,936,431

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Lake City Community College	1,212,747
Lake-Sumter Community College	892,261
Manatee Community College	2,081,958
Miami-Dade College	16,224,640
North Florida Community College	714,613
Okaloosa-Walton College	1,723,291
Palm Beach Community College	5,370,112
Pasco-Hernando Community College	1,641,107
Pensacola Junior College	3,598,715
Polk Community College	1,630,469
St. Johns River Community College	1,560,092
St. Petersburg Community College	5,695,869
Santa Fe Community College	3,811,916
Seminole Community College	3,401,338
South Florida Community College	1,419,860
Tallahassee Community College	2,838,310
Valencia Community College	6,208,366

TOTAL: PROGRAM: COMMUNITY COLLEGE PROGRAMS
FROM TRUST FUNDS 106,800,000

TOTAL ALL FUNDS 106,800,000

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

Funds in Specific Appropriations 10 through 14A shall be expended in accordance with operating budgets which must be approved by each university's board of trustees.

10 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EDUCATION AND GENERAL ACTIVITIES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 122,286,758

Funds in Specific Appropriation 10 shall be allocated as follows:

University of Florida	23,631,417
Florida State University	18,677,855
Florida A&M University	7,684,371
University of South Florida	18,061,327
University of South Florida, St. Petersburg	322,326
University of South Florida, Sarasota/Manatee	157,997
Florida Atlantic University	10,289,357
University of West Florida	4,099,992
University of Central Florida	16,870,221
Florida International University	14,116,547
University of North Florida	5,007,827
Florida Gulf Coast University	3,277,099
New College of Florida	90,422

11 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - IFAS (INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE)
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 8,720,592

12 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,698,719

13 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF FLORIDA HEALTH CENTER
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 4,490,799

14 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA STATE UNIVERSITY MEDICAL SCHOOL
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 3,132

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14A SPECIAL CATEGORIES
CHALLENGE GRANTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 6,500,000

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES
FROM TRUST FUNDS 144,700,000

TOTAL ALL FUNDS 144,700,000

TOTAL OF SECTION 1

FROM TRUST FUNDS 1138,997,925

TOTAL ALL FUNDS 1138,997,925

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

The monies contained herein are appropriated from the named funds to the Department of Education as the amounts to be used to pay salaries, other operational expenditures and fixed capital outlay.

EDUCATION, DEPARTMENT OF

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

The Legislature hereby finds and determines that the items and sums designated in Specific Appropriations 15 through 27 shall constitute authorized capital outlay projects within the meaning and as required by section 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the monies in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each project is the maximum sum to be expended for each specified phase of the project from funds accruing under section 9(a)(2), Article XII of the State Constitution. The scope of each project shall be planned so that the amounts specified shall not be exceeded, or any excess in costs shall be funded by sources other than this appropriation. Such excess costs may be funded from the Public Education Capital Outlay and Debt Service Trust Fund only as the result of fund transfers pursuant to section 216.292(5)(c), Florida Statutes. Each project shall be constructed on the site specified. If existing facilities and acquisition of new sites are a part of these projects, each such building and site must be certified to be free of contamination, asbestos, and other hazardous materials before the facility or site may be acquired. The provisions of section 216.301(3), Florida Statutes, shall apply to all capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the Fiscal Year 2005-2006 appropriation, and shall also apply to funds appropriated in Specific Appropriations 15 through 27.

The Governor's Office of Policy and Budget shall establish Fixed Capital Outlay budget authority within appropriate accounts to enable expenditure of funds appropriated for the state universities, the Florida School for the Deaf and the Blind, public school districts, community colleges, public broadcasting, and the Division of Blind Services.

15 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CAPITAL IMPROVEMENT FEE PROJECTS
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 103,722,927

Funds are provided in Specific Appropriation 15 for the following SUS Capital Improvement Fee Projects:

FAMU	Recreation Building Phase II	3,432,458
FAU	Wellness Center - Boca Raton	6,087,478
FAU	Student Activity Center - Davie	2,639,249
FAU	Outdoor Site Improvements - Davie	106,846
FAU	Digital Marquee - Davie	218,900
FAU	Built-In Technology - Davie	45,000
FAU	Student Indoor Meeting Area - Davie	6,150

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FAU	Joint-Use Child Care Center Improvements - Davie	10,000
FAU	Vending/Outdoor Student Area - Davie	17,011
FAU	Student Space Modification - Downtown	70,000
FAU	Recreation Fields and Area Improvements - MacArthur	104,942
FAU	Wellness Center Improvements - Treasure Coast	282,484
FGCU	Student Union Addition	2,677,353
FIU	Graham Center Conference Addition	6,713,527
FIU	Resident Student Dining Facility	3,050,000
FIU	Auxiliary Trust Fund Loan Repayment	2,800,000
FSU	Student Affairs Facility	8,135,938
FSU	Intramural Field Complex	8,135,938
FSU	Barron Building Remodeling	500,000
NEWC	Hamilton Center Roofing	310,000
NEWC	Student Facilities Repair, Renovation, Remodeling	41,780
UCF	Recreation Fields Loan Repayment	3,250,000
UCF	Alumni House	300,000
UCF	Career Resource Center	1,000,000
UCF	Recreation Fields Improvements	2,800,000
UCF	Recreation and Wellness Center Expansion	11,799,839
UCF	Student Union Expansion	1,498,000
UF	Campus Security Lighting	1,250,000
UF	Broward Courts Outdoor Recreation Complex	720,000
UF	Environmental Stewardship Improvements	500,000
UF	Band Shell Replacement	1,500,000
UF	Student Health Service Facility Expansion and Renovation	7,692,717
UF	Academic Technology Center Renovation	2,000,000
UNF	Student Union	5,206,467
USF	Marshall Center Enhancement Phase I - Tampa	13,063,536
USF	Multi-Purpose Student Center - St. Petersburg	1,247,942
USF	SGA Offices - Sarasota	375,014
USF	Student Resource Area - Sarasota	49,375
USF	Student Study and Seating Area - Sarasota	21,417
USF	Cyber Cafe - Sarasota	25,841
USF	Swimming Pool Renovation and Resurfacing - Sarasota	51,353
USF	Hamilton Center Repair and Renovation - Sarasota	25,841
USF	Child Care Joint-Use Facility - Lakeland	200,000
USF	Student Parking Area Lighting - Lakeland	104,869
UWF	Fieldhouse Building 54 Renovation - Phase I	679,238
UWF	Health, Leisure, and Sports Facility Rock Climbing Wall	156,500
UWF	Child Care Center	2,819,924

16 FIXED CAPITAL OUTLAY
VOCATIONAL-TECHNICAL FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 2,244,988

Funds are provided in Specific Appropriation 16 for the following projects:

Manatee County Technical Institute..... 2,244,988

17 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 228,100,000

Funds in Specific Appropriation 17 from the Public Education Capital Outlay and Debt Service Trust Fund shall be allocated in accordance with section 1013.64(1), Florida Statutes, as follows:

Public Schools..... 148,889,804
Community Colleges..... 19,429,057
State University System..... 32,081,139
Charter Schools..... 27,700,000

18 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 113,345,571

From the funds in Specific Appropriation 18, $3,341,169 shall be distributed to developmental research schools and allocated in accordance with section 1002.32(9)(e), Florida Statutes. The remaining funds shall be allocated to school districts and developmental research schools in accordance with section 1013.64(3), Florida Statutes.

19 FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM GENERAL REVENUE FUND 12,647,021
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 212,004,518

Funds in Specific Appropriation 19 are for the following projects:

BREVARD COMMUNITY COLLEGE
Gen ren/rem, Fac's 4 Cocoa and 5 & 6 Melbourne, site imprv.. 3,005,487
Rem/ren Tech Bldg Fac 17 - Cocoa..... 1,421,174
BROWARD COMMUNITY COLLEGE
Gen ren/rem, HVAC, fire alarm sys, ADA roofs, Bldgs 3-31, site improvements..... 3,507,518
Major ren/rem, fire alarms, failing HVAC, UG Utilities M complete..... 2,000,000
Rem/ren Classrooms/Labs in Bldgs 50 & 51 - North partial.... 3,510,009
Rem/ren Library Bldg 72 to Classrooms/Labs - South partial.. 1,015,049
Classrooms/Labs/Stu Svcs w/City - Town Ctr - Miramar complete (ce)..... 1,080,000
CENTRAL FLORIDA COMMUNITY COLLEGE
Gen ren/rem, HVAC, mech/elec, ADA, roofs, EMS, site improvements..... 978,474
CHIPOLA COLLEGE
Gen ren/rem telcom sys utilities, road, site improvements, Bldg 410..... 788,445
Performing Arts Building 600 Replacement..... 3,500,000
Rem/ren Bldg 100 Admin/Stu Svcs w/ addition..... 200,000
Adjacent land acquisition & road development - Main (spc)... 500,000
DAYTONA BEACH COMMUNITY COLLEGE
Gen ren/rem, underground utilities, site improvements, thermal storage fac..... 2,406,888
Hospitality Mgt Bldg w/local match - Main partial (spc)..... 1,005,321
EDISON COMMUNITY COLLEGE
Gen ren/rem, energy mgt, Bldgs system renewal, utilities, road, site improvements..... 1,316,815
Rem/ren Classrooms/Labs Bldgs - Lee & Collier partial..... 1,300,000
FLORIDA COMMUNITY COLLEGE at JACKSONVILLE
Classrooms/Labs/Commerce Education Ctr - Cecil Field partial (ce)..... 9,542,950
Gen ren/rem, ADA, HVAC, lights utilities, roofs, floors, site improvements..... 3,743,606
Rem/ren Stu Svcs & Bldgs A, B, C, D & F Clsrms/Labs - Kent..... 2,404,379
Rem/ren Bldgs A, B, C, D, E, & K Classrooms/Labs/Sup Svcs - North partial..... 4,716,495
Rem/ren Bldgs A, Mainstreet & URC - Downtown partial..... 3,446,377
Rem/ren New space - Deerwood partial..... 3,497,880
Land & facilities acquisition - Downtown & Deerwood (spc)... 1,000,000
FLORIDA KEYS COMMUNITY COLLEGE
Gen ren/rem, chiller Bldg, EMS, telecom, HVAC, dive lagoon, site imprv..... 471,478
GULF COAST COMMUNITY COLLEGE
Gen ren/rem, HVAC, Health Sci Labs, security sys, site improvements..... 1,132,424
Rem/ren Technology Building w/Tech Lab additions - Main partial..... 420,000
Adjacent land acquisition - Main (spc)..... 2,000,000
HILLSBOROUGH COMMUNITY COLLEGE
Gen ren/rem, HVAC, ADA, utilities, comm & security sys, site improvements..... 1,629,225
Rem/ren Admin Crim Jus, Arts Bldgs - Ybor City partial..... 3,644,000
Rem/ren Admin/Sci/Stu Svcs Bldgs - Plant City partial..... 3,054,218
Land & facilities acquisition - Collegewide (spc)..... 2,000,000
INDIAN RIVER COMMUNITY COLLEGE
Gen ren/rem, roofs, ADA, HVAC, utilities, alarms, site imprv 1,430,365
Rem/ren Clsrms/Labs Bldgs 1,3,5,6,10,12,18,20,22 - Main partial..... 5,150,000
Adj land acq - Main, Chastain (spc)..... 1,000,000
Public Services Bldg - Main partial (spc)..... 1,850,000

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LAKE CITY COMMUNITY COLLEGE
Gen ren/rem, HVAC, roofs, fire & sec sys, utilities, road, site improvements..... 997,392
Major ren/rem, failing HVAC, Underground Utilities partial.. 2,000,000
Rem/ren old Voc Bldgs 16 - 18 & 21 to Classrooms - Main partial..... 2,125,000
LAKE-SUMTER COMMUNITY COLLEGE
Gen ren/rem, ADA, HVAC, comm sys, roofs, site imprv..... 754,000
Rem/ren Admin & Liberal Arts Bldgs - Main..... 804,156
Rem/ren Math-Sci Bldg 5 & Corp Training Bldg - Main partial. 539,445
JOINT - Clsrms/Health/Sci Prototype Bldg - Consortia of Lake-Sumter (Fiscal Agent), Palm Beach (Scripps), St Johns River & South FL partial (spce)..... 32,000,000
MANATEE COMMUNITY COLLEGE
Gen ren/rem, utilities, water sys, HVAC, roofs soffits, ADA, site improvements..... 1,522,107
Rem/ren, Clsrms/Labs Graphic Technology/Arts Bldg 10-Main partial..... 2,908,406
MIAMI-DADE COLLEGE
Environmental (Env) Science (Sci)/Criminal Justice (CJ) Science Lab Facility Bldg Phase (Ph) II w/chiller, cooling tower & new utilities lines - N partial (ce)..... 1,376,646
Gen ren/rem - Collegewide..... 7,200,022
Major ren/rem, Fac's 15 & 40 Restart Swim Complex health/ safety issues and Law Enforcement Training partial..... 1,500,000
Major ren/rem, Life-Safety Handrails replace Collegewide & Fire Marshal Corrections partial..... 3,000,000
Rem/ren Clsrms/Labs/Multimedia/Sup Svcs - Wolfson partial... 5,166,298
Prototype Clsrm Bldg w/local Match - Collegewide partial (spc)..... 2,000,000
Adj land & facilities acquisition - Collegewide partial (spc)..... 2,848,604
Land & facilities acquisition w/remodeling - West partial (spc)..... 4,000,000
Land & Fire House acq w/Rem/ren/demolition - Wolfson (spc).. 3,800,000
NORTH FLORIDA COMMUNITY COLLEGE
Sci Labs Replacement/Environmental condition partial (ce)... 3,350,586
Gen ren/rem, HVAC, site imp, roofing, handicap access, ADA.. 443,997
Rem/ren old Sci Bldg & Annex to Dev Ed/Math & Inst Tech partial..... 362,810
Land & Facilities acq w/demolition, driving & firing ranges (spc)..... 350,000
OKALOOSA-WALTON COLLEGE
Gen ren/rem, utilities, energy mgt, parking, site imprv safety, elec..... 1,770,248
Rem/ren Science Bldg 40 w/IAQ repair - Main partial..... 1,014,608
PALM BEACH COMMUNITY COLLEGE
Gen ren/rem, EMS, roofs, parking utilities, HVAC,lights, rds 2,879,196
Rem/ren Clsrms/Labs, Bus, Stu Svcs, Admin Bldgs - South..... 1,466,821
Sci Bldg Ph II Scripps Sup Facility - Palm Bch Gardens partial (spc)..... 1,500,000
PASCO-HERNANDO COMMUNITY COLLEGE
Clsrms/Labs/Univ Cen w/Library addition complete (ce)..... 2,543,953
Gen ren/rem, Bldg 2 E, roofs, utilities, fire safety, HVAC, ADA..... 643,364
Rem/ren Gymnasium to Classrooms - North partial..... 2,343,651
Clsrms/Labs/Sup Svcs - Spring Hill partial (spc)..... 1,612,275
Clsrms/Labs/Sup Svcs - Wesley Chapel Center partial (spc)... 496,548
PENSACOLA JUNIOR COLLEGE
Gen ren/rem, indoor a/c, HVAC, LCR Bldg, roofs, site imprv, lights..... 2,306,953
Rem/ren Library w/addition - Main partial..... 550,000
POLK COMMUNITY COLLEGE
Gen ren/rem, roofs, comm sys, ADA, chiller, HVAC, EMS..... 1,163,673
Rem/ren old Jt-Use Voc Labs to Sci Labs - Lakeland partial.. 307,687
ST. JOHNS RIVER COMMUNITY COLLEGE
Gen ren/rem, HVAC, roofs, ADA, fire & sec sys, utilities, site improvements..... 792,408
Rem/ren Tech Bldg Clsrms w/Arts Bldg Sup addition - Main.... 501,000
ST. PETERSBURG COLLEGE
Gen ren/rem, roofs, HVAC, ADA, firing range, site imprv..... 3,598,514
Rem/ren Library to Stu Svcs w/addition - SP/G partial..... 350,000
Rem/ren Clsrms/Labs/Inst. Supp/Site Dev Ph II - Downtown partial..... 3,800,000

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Rem/ren Clsrms/Labs Olympia Annex w/match - Tarpon partial.. 2,000,000
Remodel Annex..... 4,666,400
Library Clsrms w/match - Seminole complete (pce)..... 830,492
Adj land & facilities acq - Collegewide partial (spc)..... 1,804,954
SANTE FE COMMUNITY COLLEGE
WF/Nursing/Health Science Bldg - Main partial (ce)..... 7,372,579
Gen ren/rem, Bldg B, drainage, panels, HVAC, utilities sys, roofs..... 1,966,220
SEMINOLE COMMUNITY COLLEGE
WF/Clsrms, Tech Labs Bldg w/land - I-4 SP Ctr complete (ce). 2,815,817
Gen ren/rem, EMS, road, driving pad, utilities, comm sys, parking, site dev..... 2,301,236
Rem/ren Voc Ed Bldg I & Fac Offices E - Main partial..... 309,852
Rem/ren Bldg K Voc Labs to Teaching Labs - Main partial..... 1,110,459
SOUTH FLORIDA COMMUNITY COLLEGE
Gen ren/rem, roofing, utilities, drainage, ADA, site imprv.. 643,077
TALLAHASSEE COMMUNITY COLLEGE
Gen ren/rem, roofs infrastructure, utilities, comm sys, HVAC, ADA..... 1,202,853
Rem/ren Law Enforcement Admin Bldg - CJ Academy..... 1,757,477
Adjacent land acquisition(spc)..... 750,000
VALENCIA COMMUNITY COLLEGE
Gen ren/rem, parking, elev, clsrms/labs int finish, telecom system..... 2,170,963
Rem/ren Gymnasium to Classrooms w/addition - West..... 250,000
Land acquisition - Southwest Campus partial (spc)..... 2,500,000
Allied Health Bldg 10 - West Partial (spc)..... 1,840,215

20 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM GENERAL REVENUE FUND 28,491,039
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 219,441,004

Funds in Specific Appropriation 20 are for the following projects:

FL A&M UNIVERSITY
School of Journalism (E)..... 1,200,000
Campus Elec Upgrades, Technology, Infrastructure (P,C,E).... 7,702,280
Developmental Research School (C,E)..... 5,085,684
Multi-Purpose Center Teaching Gymnasium (C,E)..... 14,457,738
University Commons Renovation Planning (P)..... 1,164,500
FL ATLANTIC UNIVERSITY
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)..... 4,100,000
FAU/Scripps Joint Use Facility-Jupiter (P,C,E)..... 2,000,000
Expansion/Remodel Computer Center #22 (C)..... 7,864,300
Center for Marine Science and Biology Planning (P)..... 2,000,000
FL GULF COAST UNIVERSITY
Roads/Parking/Infrastructure/Mitigation (P,C,E)..... 5,000,000
Classrooms/Offices/Labs Academic 6 (P)..... 705,000
FL INTERNATIONAL UNIVERSITY
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)..... 5,000,000
Molecular Biology, UP (P,C)..... 8,418,634
Social Science (International Studies), UP (P,C)..... 13,466,710
FL STATE UNIVERSITY
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)..... 6,100,000
Life Sciences Teaching & Research Center (C)..... 14,200,000
Building Envelope Improvements - Phase II (C)..... 2,350,000
Panama City Campus Academic Building (C, E)..... 17,750,000
PCC Administrative Services Center (C, E)..... 2,525,000
NEW COLLEGE
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)..... 2,443,372
Land Purchase (S)..... 1,000,000
UNIVERSITY OF CENTRAL FL
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)..... 4,000,000
Bio-Medical Science Center (P,C)..... 10,031,048
Psychology Building Equipment (E)..... 1,500,000
UNIVERSITY OF FL
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)..... 6,901,000
Multidisciplinary Nanosystems Facility (C,E)..... 22,733,300
Health Science Center Emergency Power (P,C,E)..... 3,000,000
Life Sciences Research Facility (P,C,E)..... 17,968,612
Indian River REC Repairs, Renovations, and Reconstruction (P,C,E)..... 4,989,396

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UNIVERSITY OF NORTH FL
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)..... 2,880,862
Education Building (P,C)..... 12,000,000
Allied Health Facility - Building #46 (C,E)..... 5,076,500
UNIVERSITY OF SOUTH FL
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)..... 8,000,000
Sarasota/Manatee Utilities & Infrastructure (P,C,E)..... 1,500,000
USF St. Pete. Utilities/Infrastructure(P,C,E)..... 825,000
USF St. Pete. Science & Tech GenAca Fac (P)..... 2,574,416
Tampa Biotech Research Park Acquisition (P,C.E)..... 7,000,000
Visual and Performing Arts Teaching Facility (P)..... 1,000,000
Lakeland Campus Phase I (P,C)..... 3,700,000
HMS Building Remodeling (P,C,E)..... 1,887,143
UNIVERSITY OF WEST FL
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)..... 4,250,000
Archeology Institute Facility (P)..... 225,000
Science and Technology, Phase I (P)..... 1,356,548

21 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 54,970,000

Funds in Specific Appropriation 21 shall be allocated in accordance with section 1013.64(2), Florida Statutes, for the following projects:

Hardee - New K-8 School (complete)..... 17,250,000
Levy - New Bronson 6-12 School (complete)..... 8,450,000
Gadsden- New 6-12 School West (complete)..... 10,050,000
Franklin - New K-12 School (partial)..... 13,150,000
Suwannee - New K-5 School (partial)..... 6,070,000

22 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 27,000,000
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 756,520,000
FROM SCHOOL DISTRICT AND COMMUNITY
COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT
SERVICE TRUST FUND 100,000,000

23 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SCHOOL DISTRICT AND
COMMUNITY COLLEGE
FROM SCHOOL DISTRICT AND COMMUNITY
COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT
SERVICE TRUST FUND 30,000,000

23A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - COMMUNITY COLLEGES
FACILITIES MATCHING PROGRAM
FROM GENERAL REVENUE FUND 25,701,377

Funds provided in Specific Appropriation 23A shall be allocated to the Board of Trustees of the named community college as matching funds for the Community College Facilities Matching Grant Program as follows:

BREVARD
King Cntr Auditorium Renovations-Melbourne..... 645,000
BROWARD
Automotive Technology Facility - Miramar..... 200,000
Aviation Institute - South..... 49,995
Buehler Planetarium - Central..... 415,450
Teaching Auditorium/Performing Arts Center - South..... 25,000
CENTRAL FL
Student Svcs Bldg Remodel/Renovate w/addition..... 75,000
DAYTONA BEACH
Advance Technology Cntr Equipment Enhancement..... 104,062
Construct Corporate and Cultural Training Center..... 5,800,000
FL COMMUNITY COLLEGE @ JACKSONVILLE
Critical Care Training Nursing Lab Equipment..... 150,000
FL KEYS
Tennessee Williams Theatre Renovations..... 150,630

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HILLSBOROUGH
Multipurpose Facility Furnishings - Plant City..... 250,000
INDIAN RIVER
Technology Bldg Enhanced Infrastructure and Equipment..... 500,000
Construct and Equip Technology Clsroom/Labs-Mueller Campus.. 1,000,000
Joint -Use Library-Mueller Campus/Vero Bch..... 4,300,000
Remodel/ren Admin/Clsrm Bldg-Chastain Cntr/Stuart..... 500,000
MIAMI-DADE
Land and Facilities Acquisition - Collegewide..... 9,500,000
NORTH FLORIDA
Construct Health Education Lab Suite - Madison..... 100,000
ST. PETERSBURG
Renovate, Construct and Equip Orthotics & Prosthetics Bldg.. 573,800
Construct Clsrooms/Service Facility-Seminole Campus..... 100,000
Rem/Ren Classrooms/Labs-Phase II-Downtown Cntr..... 1,012,440
SEMINOLE
Public Safety and Driving Track Complex - Geneva..... 250,000

24 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND -
CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 10,403,700

Funds are provided in Specific Appropriation 24 for the following projects:

Campus Safety and Code Compliance..... 184,800
Building Maintenance..... 1,086,100
Campuswide Systems Maintenance..... 1,326,300
Major Renovations & New Construction..... 7,800,000
Master Plan Update..... 6,500

25 FIXED CAPITAL OUTLAY
DIVISION OF BLIND SERVICES - CAPITAL
PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 2,550,000

Funds are provided in Specific Appropriation 25 for the following project:

New Construction, Repairs & Renovations - Daytona Bch..... 2,550,000
Rehab Cntr

26 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 1,340,219

Funds are provided in Specific Appropriation 26 for the following project:

WMFE-TV/FM Orlando - Planning & Construction..... 175,500
WUSF-TV/FM Tampa - Construction..... 158,211
WKGC-FM - Planning..... 12,700
WXEL-TV/FM Palm Beach - Construction..... 431,808
WEDU-TV Tampa - Construction..... 173,000
WMNF-FM Tampa - Equipment..... 250,000
WJCT-TV/FM Jacksonville - Planning and Construction..... 139,000

26A FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM FACILITY
ENHANCEMENT CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 14,142,393

Funds provided in Specific Appropriation 26A shall be allocated to the Board of Trustees of the named university as matching funds for the Courtelis Facilities Matching Grant Program as follows:

FL GULF COAST UNIV
Engineering (P,C,E)..... 5,000,000
FL INTERNATIONAL UNIV

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Art Museum (C,E)	1,062,056
College of Law (C,E)	164,725
Hospitality Management (C,E)	200,000
Graduate School of Business (C,E)	1,890,500
FL STATE UNIV	
Cntr for Advanced Power System Laboratory (E)	35,000
School of Music Laboratory (P,C,E)	350,000
UNIV OF CENTRAL FL	
Engineering III Enhancement (P,C,E)	114,501
Academic Performance Center (C)	54,960
Alumni Center-John & Martha Hitt Library (P,C,E)	93,050
Psychology Building (P,C,E)	10,000
UNIV OF FL	
Proton Beam Phase III (P,C,E)	1,218,127
Randell Research Center Phase II (P,C,E)	148,103
Citrus Pathology Laboratory Phase II (P,C,E)	100,000
Fifield Hall Reading Room /Library (P,C,E)	110,000
McGuire Hall Phase II (P,C,E)	100,000
Whitney Marine Laboratory (P,C,E)	485,009
Law School Library Phase IV (P,C,E)	103,647
Construction Yard Rinker Hall (P,C,E)	300,000
UNIV OF NORTH FL	
Fine Arts Building (E)	60,898
Science & Engineering Building (E)	460,062
Multi-Purpose Education (E)	8,993
Carpenter Library (E)	2,000
UNIV OF SOUTH FL	
College of Business, Tampa (P,C,E)	25,937
Academic Facility Sarasota-Manatee (C,E)	2,044,825

27 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CONCURRENCY
REQUIREMENTS
FROM STATE UNIVERSITY SYSTEM CONCURRENCY
TRUST FUND 5,400,000

TOTAL: PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 80,981,830
FROM TRUST FUNDS 1867,042,927

TOTAL ALL FUNDS 1948,024,757

VOCATIONAL REHABILITATION

APPROVED SALARY RATE 32,742,455

29 SALARIES AND BENEFITS POSITIONS 1,013.50
FROM GENERAL REVENUE FUND 8,530,434
FROM FEDERAL REHABILITATION TRUST FUND . . 32,073,632
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 3,787,052

For funds in Specific Appropriations 29 through 39A for the Vocational Rehabilitation Program, the Department of Education is the designated state agency for purposes of compliance with the Federal Rehabilitation Act of 1973, as amended.

If the department identifies additional resources that may be used to maximize federal matching funds for the Vocational Rehabilitation Program, the department shall submit a budget amendment prior to the expenditure of the funds, in accordance with the provisions of chapter 216, Florida Statutes.

30 OTHER PERSONAL SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 819,103
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 123,132

31 EXPENSES
FROM FEDERAL REHABILITATION TRUST FUND . . 11,503,357
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 915,345

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32 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULTS WITH DISABILITIES
FUNDS
FROM GENERAL REVENUE FUND 18,508,431

Funds provided in Specific Appropriation 32 shall be distributed to community colleges and school districts for programs serving adults with disabilities. Programs that were funded in Fiscal Year 2004-2005 will be eligible for continuation funding if the program has made satisfactory progress and the application reflects effective use of resources as defined by the Department of Education. The department has the authority to redistribute any funds due to unsatisfactory progress, ineffective use of resources, or discontinued programs.

From the funds in Specific Appropriation 32, provided that satisfactory progress was made during the 2004-2005 fiscal year, $17,124,144 is provided for school district adult handicapped programs and shall be allocated as follows:

Alachua	49,151
Baker	215,827
Bay	192,895
Bradford	70,029
Brevard	600,685
Broward	1,827,855
Charlotte	69,553
Citrus	150,171
Collier	51,787
Columbia	51,621
De Soto	321,324
Escambia	293,265
Flagler	1,063,077
Gadsden	539,678
Gulf	42,236
Hardee	59,821
Hernando	100,541
Hillsborough	569,106
Jackson	2,021,934
Jefferson	76,408
Lake	35,555
Leon	1,141,675
Martin	409,403
Miami-Dade	2,232,136
Monroe	103,677
Orange	554,555
Osceola	43,756
Palm Beach	1,508,606
Pasco	18,617
Pinellas	742,591
Polk	324,559
St. Johns	135,385
Santa Rosa	49,104
Sarasota	868,659
Sumter	17,228
Suwannee	94,786
Taylor	93,710
Union	103,224
Wakulla	45,579
Washington	234,375

From the funds provided in Specific Appropriation 32, provided that satisfactory progress was made during the 2004-2005 fiscal year, $1,384,287 is provided for community college adult handicapped programs and shall be allocated as follows:

Central Florida Community College	39,105
Daytona Beach Community College	333,273
Florida Community College at Jacksonville	288,168
Indian River Community College	152,600
Pensacola Community College	42,236
St. Johns River Community College	50,682
Santa Fe Community College	83,064
Seminole Community College	73,209
South Florida Community College	276,405
Tallahassee Community College	45,545

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32A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA ENDOWMENT
FOUNDATION FOR VOCATIONAL REHABILITATION
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 32A are provided to expand the ABLE Trust High School/High Tech Program in ten additional sites serving 200 disabled students for the purpose of training them for high tech jobs.

33 OPERATING CAPITAL OUTLAY
FROM FEDERAL REHABILITATION TRUST FUND . . 480,986
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 49,601

34 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 519,446
FROM FEDERAL REHABILITATION TRUST FUND . . 5,124,245
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 3,213,708

35 SPECIAL CATEGORIES
INDEPENDENT LIVING SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 4,596,504

36 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 24,087,899
FROM FEDERAL REHABILITATION TRUST FUND . . 86,597,035

From the funds in Specific Appropriation 36, $800,000 in general revenue funding from the base allocation for the Centers for Independent Living shall be used as match for the Basic Support Program. Funding from Social Security reimbursements (program income), in an amount of up to $3,755,868, shall be allocated to the Centers for Independent Living, providing that the Social Security reimbursements are available.

37 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FEDERAL REHABILITATION TRUST FUND . . 616,855
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 55,011

38 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 360,335
FROM FEDERAL REHABILITATION TRUST FUND . . 1,310
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 29,566

39 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM GENERAL REVENUE FUND 216,845
FROM FEDERAL REHABILITATION TRUST FUND . . 765,876
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 515,903

39A DATA PROCESSING SERVICES
EDUCATION TECHNOLOGY AND INFORMATION
SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 248,000

TOTAL: VOCATIONAL REHABILITATION
FROM GENERAL REVENUE FUND 52,723,390
FROM TRUST FUNDS 151,516,221

TOTAL POSITIONS 1,013.50
TOTAL ALL FUNDS 204,239,611

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BLIND SERVICES, DIVISION OF

APPROVED SALARY RATE 9,337,225

40 SALARIES AND BENEFITS POSITIONS 306.00
FROM GENERAL REVENUE FUND 3,789,185
FROM FEDERAL REHABILITATION TRUST FUND . . 8,321,700

41 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 87,591
FROM FEDERAL REHABILITATION TRUST FUND . . 95,354
FROM GRANTS AND DONATIONS TRUST FUND . . . 105,047

42 EXPENSES
FROM GENERAL REVENUE FUND 395,951
FROM FEDERAL REHABILITATION TRUST FUND . . 2,299,577
FROM GRANTS AND DONATIONS TRUST FUND . . . 45,000

43 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY REHABILITATION
FACILITIES
FROM GENERAL REVENUE FUND 818,498
FROM FEDERAL REHABILITATION TRUST FUND . . 4,281,584
FROM GRANTS AND DONATIONS TRUST FUND . . . 240,623

44 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 58,590
FROM FEDERAL REHABILITATION TRUST FUND . . 235,198

45 FOOD PRODUCTS
FROM FEDERAL REHABILITATION TRUST FUND . . 200,000

46 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL REHABILITATION TRUST FUND . . 100,000

47 SPECIAL CATEGORIES
GRANTS AND AIDS - CLIENT SERVICES
FROM GENERAL REVENUE FUND 7,537,602
FROM FEDERAL REHABILITATION TRUST FUND . . 11,279,226
FROM GRANTS AND DONATIONS TRUST FUND . . . 763,277

Specific Appropriation 47 includes $937,600 from the General Revenue Fund for the Blind Babies Program.

48 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 25,822
FROM FEDERAL REHABILITATION TRUST FUND . . 76,048

49 SPECIAL CATEGORIES
LIBRARY SERVICES
FROM GENERAL REVENUE FUND 50,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000

50 SPECIAL CATEGORIES
VENDING STANDS - EQUIPMENT AND SUPPLIES
FROM FEDERAL REHABILITATION TRUST FUND . . 1,100,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 895,000

51 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 40,238
FROM FEDERAL REHABILITATION TRUST FUND . . 77,878

53 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 123,280
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,000

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54 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 4,162
FROM FEDERAL REHABILITATION TRUST FUND . . 115,838

54A DATA PROCESSING SERVICES
EDUCATION TECHNOLOGY AND INFORMATION SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 150,576

TOTAL: BLIND SERVICES, DIVISION OF
FROM GENERAL REVENUE FUND 12,807,639
FROM TRUST FUNDS 31,605,206

TOTAL POSITIONS 306.00
TOTAL ALL FUNDS 44,412,845

PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES

55 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY
FROM GENERAL REVENUE FUND 2,900,000

56 SPECIAL CATEGORIES
ABLE GRANTS (ACCESS TO BETTER LEARNING AND EDUCATION)
FROM GENERAL REVENUE FUND 3,600,000

Funds in Specific Appropriation 56 are provided to support 3,115 students at $1,155.69 per student and shall be administered pursuant to section 1009.891, Florida Statutes. The Office of Student Financial Assistance may prorate the award and provide a lesser amount in the second term in the event more than 3,115 students are deemed to be eligible.

57 SPECIAL CATEGORIES
HISTORICALLY BLACK PRIVATE COLLEGES
FROM GENERAL REVENUE FUND 11,000,000

Funds in Specific Appropriation 57 shall be allocated as follows:

Bethune Cookman College..... 4,098,034
Edward Waters College..... 3,185,332
Florida Memorial College..... 3,548,592
Library Resources..... 168,042

Each college president shall submit a proposed expenditure plan to the Department of Education prior to the release of these funds.

Funds in Specific Appropriation 57 for Library Resources shall be used for the purchase of books and other related library materials, such as audio and media resources, pursuant to section 1006.59, Florida Statutes. Funds shall be allocated equally to Florida Memorial College, Bethune-Cookman College, and Edward Waters College. Funds shall not be expended on promotional materials or on staff development. Each college shall provide an exact accounting of expenditures to the Department of Education.

58 SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 11,226,657

The funds in Specific Appropriation 58 shall be allocated as follows:

Cancer Research..... 1,875,200
PhD Program in Biomedical Science..... 1,076,200
College of Medicine..... 8,275,257

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Funds provided for the University of Miami, College of Medicine are for 500 attending Florida residents.

58A SPECIAL CATEGORIES
GRANTS AND AIDS - ACCELERATED BACHELORS IN NURSING PROGRAM AT THE UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 500,000

59 SPECIAL CATEGORIES
ACADEMIC PROGRAM CONTRACTS
FROM GENERAL REVENUE FUND 1,052,768

Funds in Specific Appropriation 59 shall be allocated by the Department of Education to the following private colleges and universities:

University of Miami.....591,370
Florida Institute of Technology.....207,172
Barry University.....162,858
Nova/Southeastern University.....91,368

These funds shall be allocated for the following programs:

University of Miami: Rosenstiel Marine Science and no less than $349,897 for the BS and MFA in Motion Pictures.

Florida Institute of Technology: $207,172 for BS Engineering and Science Education.

Barry University: BS Nursing, MSW Social Work.

Nova/Southeastern University: MS in Speech Pathology.

Each university president shall submit a proposed expenditure plan to the Department of Education, for each program, prior to the release of these funds. The Department of Education shall review each plan for compliance and shall identify corrective actions to be taken by an institution not meeting the prescribed standards.

60 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL DIABETES CENTER - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 596,094

61 SPECIAL CATEGORIES
FLORIDA RESIDENT ACCESS GRANT
FROM GENERAL REVENUE FUND 93,990,150

Funds in Specific Appropriation 61 shall be used for tuition assistance for qualified Florida residents. Funds are provided to support 32,979 students at $2,850 per student. The Office of Student Financial Assistance may prorate the award and provide a lesser amount in the second term payment in the event more than 32,979 students are deemed to be Florida residents.

62 SPECIAL CATEGORIES
NOVA SOUTHEASTERN UNIVERSITY - HEALTH PROGRAMS
FROM GENERAL REVENUE FUND 5,990,750

From funds provided in Specific Appropriation 62, $5,065,750 is to support Florida residents enrolled in the Osteopathic Medicine, Optometry, and Pharmacy programs. The university shall submit student enrollment information, by program. The amount of $125,000 is to support rural and unmet needs in these programs, and $800,000 is provided for the Nova Southeastern Nursing School.

62A SPECIAL CATEGORIES
LECOM / FLORIDA - HEALTH PROGRAMS
FROM GENERAL REVENUE FUND 325,111

Funds provided in Specific Appropriation 62A shall be used to support Florida residents in student rotation in public health units that are

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enrolled in the Florida branch of the Lake Erie College of Osteopathic Medicine. The college shall submit enrollment information for Florida residents to the Department of Education, prior to January 1, 2006.

TOTAL: PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES
FROM GENERAL REVENUE FUND 131,181,530

TOTAL ALL FUNDS 131,181,530

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

63 SPECIAL CATEGORIES
PREPAID TUITION SCHOLARSHIPS
FROM GENERAL REVENUE FUND 5,200,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 400,000
FROM STUDENT LOAN OPERATING TRUST FUND . . 375,000

64 SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY TEACHER SCHOLARSHIP PROGRAM
FROM GENERAL REVENUE FUND 2,109,600

65 SPECIAL CATEGORIES
ETHICS IN BUSINESS SCHOLARSHIPS
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 500,000

66 FINANCIAL ASSISTANCE PAYMENTS
MARY MCCLEOD BETHUNE SCHOLARSHIP
FROM GENERAL REVENUE FUND 235,328
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 444,000

67 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM GENERAL REVENUE FUND 66,998,300
FROM STUDENT LOAN OPERATING TRUST FUND . . 17,025,000

The funds in Specific Appropriations 4 and 67 are provided in the amounts specified for each scholarship and grant program listed below.

Florida Student Assistance Grant - Public Full & Part Time.	79,303,560
Florida Student Assistance Grant - Private.....	12,618,522
Florida Student Assistance Grant - Postsecondary.....	6,935,900
Children of Deceased/Disabled Veterans.....	383,250
Florida Work Experience.....	1,069,922
Critical Teacher Shortage Program.....	1,739,566
Rosewood Family Scholarships.....	100,000

From the funds provided in Specific Appropriations 4 and 67, the maximum grant to any student from the Florida Public, Private, and Postsecondary Assistance Grant Programs shall be $1,672.

68 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM GENERAL REVENUE FUND 100,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 196,000

69 FINANCIAL ASSISTANCE PAYMENTS
TRANSFER TO THE FLORIDA EDUCATION FUND
FROM GENERAL REVENUE FUND 1,260,000

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM GENERAL REVENUE FUND 75,903,228
FROM TRUST FUNDS 18,940,000

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TOTAL ALL FUNDS 94,843,228

PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL

70 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM EDUCATIONAL AIDS TRUST FUND 2,563,089

71 FINANCIAL ASSISTANCE PAYMENTS
ROBERT C. BYRD HONORS SCHOLARSHIP
FROM EDUCATIONAL AIDS TRUST FUND 2,145,000

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL
FROM TRUST FUNDS 4,708,089

TOTAL ALL FUNDS 4,708,089

EARLY LEARNING

PREKINDERGARTEN EDUCATION

72 SPECIAL CATEGORIES
TRANSFER VOLUNTARY PREKINDERGARTEN FUNDS TO AGENCY FOR WORKFORCE INNOVATION
FROM GENERAL REVENUE FUND 387,137,762

Funds in Specific Appropriation 72 are provided to implement the Voluntary Prekindergarten Education Program as provided in chapter 2004-484, Laws of Florida.

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

The calculations of the Florida Education Finance Program (FEFP) for the 2005-2006 fiscal year are incorporated by reference in the act implementing the 2005-2006 General Appropriations Act. The calculations are the basis for the appropriations made in the General Appropriations Act.

73 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM
FROM GENERAL REVENUE FUND 6651,330,138
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 72,186,968

Funds provided in Specific Appropriation 73 shall be allocated using a base student allocation of $3,742.42 for the FEFP.

From the funds in Specific Appropriation 73, charter schools shall be provided an allocation pursuant to section 1002.33(17), Florida Statutes. However, for those charter schools that were in operation prior to July 1, 1999, funds per student shall be no less than they received in Fiscal Year 1998-1999.

From the funds provided in Specific Appropriation 73, all juvenile justice students in juvenile justice educational programs shall receive no less than the funds per student in Fiscal Year 1998-1999.

A minimum guaranteed level of funding shall be calculated to provide each school district a 1.0 percent increase per unweighted full-time equivalent student over the amount per unweighted full-time equivalent student funded in the 2004-2005 FEFP. The calculation of this minimum funding shall compare total state and local formula and categorical funds, discretionary lottery, and actual discretionary local revenue for 2004-2005 with total state and local formula and categorical funds, discretionary lottery, and maximum potential discretionary local revenue for 2005-2006 and shall include the additional funds required for the increased Florida Retirement System contribution. Funds for the School Recognition Program shall not be included in the calculation of the Minimum Guarantee.

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The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of section 1011.62(2), Florida Statutes.

From the funds provided in Specific Appropriation 73, $35,000,000 is provided for the Sparsity Supplement as defined in section 1011.62(6), Florida Statutes, for school districts of 20,000 and fewer FTE in 2005-2006. Distribution of Sparsity Supplement funds provided for the Flagler County School District is contingent upon the construction of the new high school being totally completed, officially accepted for occupancy, and having an enrollment of high school students large enough to support a fully functioning high school instructional program not later than the opening day of school for the 2005-2006 school year. The Department of Education shall visit the district and verify that the school meets all requirements to be designated as an operating high school center for the 2005-2006 school year. If these requirements are not met, the Sparsity funds provided for the Flagler County School District in this appropriation shall be reallocated to the other Sparsity-eligible districts at the time of the third calculation of the FEFP.

Total required local effort for 2005-2006 shall be $6,262,823,920. The total amount shall include adjustments made for the calculation required in sections 1011.62(4)(a) and (c), Florida Statutes. The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of section 1011.71(1), Florida Statutes, by district school boards in 2005-2006 shall be:

1) 0.51 mills, and

2) An additional levy, not to exceed 0.25 mills, that will raise an amount not to exceed $100 per full-time equivalent student (FTE).

District school boards that levy the entire additional 0.25 mills and raise less than $100 per K-12 FTE shall receive, from the funds provided in Specific Appropriation 73, an amount that, combined with funds raised by the 0.25 mills, will provide $100 per K-12 FTE. To be eligible for state funds provided in this paragraph, a district must levy the full 0.25 mills and the full 0.51 mills.

In addition, if a school board's 0.51 mill levy provides funds per unweighted FTE that are less than $200, the school district shall receive an amount from the funds provided in Specific Appropriation 73, which, when added to the funds generated by the district's 0.51 mill levy, is equivalent to $200.

Funds provided in Specific Appropriation 73 are based upon program cost factors for 2005-2006 as follows:

1. Basic Programs
   A. K-3 Basic.....1.018
   B. 4-8 Basic.....1.000
   C. 9-12 Basic.....1.113

2. Programs for Exceptional Students
   A. Support Level 4.....3.818
   B. Support Level 5.....5.190

3. English for Speakers of Other
   Languages 1.318

4. Programs for Grades 9-12
   Career Education.....1.193

From the funds in Specific Appropriation 73, $1,030,409,927 is provided to school districts as an Exceptional Student Education (ESE) Guaranteed Allocation to provide educational programs and services for exceptional students. The ESE Guaranteed Allocation funds are provided in addition to the funds for each exceptional student in the per FTE student calculation. Each district's ESE Guaranteed Allocation for the 2005-2006 appropriation shall not be recalculated during the school year. School districts that have provided educational services in 2004-2005 for exceptional students who are residents of other districts

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shall not discontinue providing such services without the prior approval of the Department of Education. Expenditure requirements for the ESE Guaranteed Allocation shall be as prescribed in section 1010.20 (3), Florida Statutes, for programs for exceptional students.

From the funds provided in Specific Appropriation 73, the value of 43.35 weighted FTE students is provided to supplement the funding for severely handicapped students served in ESE programs 254 and 255 when a school district has less than 10,000 FTE student enrollment and less than 3 FTE eligible students per program. The Commissioner of Education shall allocate the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the amount of funds received in the district's FEFP allocations for the students being served. The supplemental value shall not exceed 3 FTE.

A student in cooperative education or other types of programs incorporating on-the-job training shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership, as provided in section 1011.61, Florida Statutes, for funding pursuant to section 1011.62, Florida Statutes.

From the funds in Specific Appropriation 73, $75,350,000 is provided for Safe Schools activities and shall be allocated as follows: $50,000 shall be distributed to each district, and the remaining balance shall be allocated as follows: two-thirds based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district's share of the state's total unweighted student enrollment. Safe Schools activities include: (1) after school programs for middle school students; (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies; (3) alternative school programs for adjudicated youth; and (4) other improvements to make the school a safe place to learn. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized Safe Schools activity.

From the funds in Specific Appropriation 73, $670,341,490 is for Supplemental Academic Instruction to be provided throughout the school year pursuant to section 1011.62(1)(f), Florida Statutes. First priority for use of these funds shall be the provision of supplemental intensive instruction, consistent with the Sunshine State Standards, including summer school and intensive English immersion instruction, for students in grades 3 and 10 who scored FCAT Level I. Each district's Supplemental Academic Instruction allocation for the 2005-2006 appropriation shall not be recalculated during the school year.

From the funds in Specific Appropriation 73, $89,000,000 is provided for a K-12 comprehensive, district-wide system of research-based reading instruction. The amount of $50,000 shall be allocated to each district and the remaining balance shall be allocated based on each district's proportion of the state total K-12 base funding. By July 1, 2005, districts shall submit a plan in a format prescribed by the Department of Education's Just Read, Florida! Office. Upon approval of a district's plan by the Just Read, Florida! Office, the department shall release the district's allocation of these funds.

Districts may charge a fee for grades K-12 voluntary, non-credit summer school enrollment in basic program courses. The amount of any student's fee shall be based on the student's ability to pay and the student's financial need as determined by district school board policy.

No funds are provided in Specific Appropriation 73 for charter school FTE student enrollment for on-line instruction received by students principally in their own homes. However, charter schools may serve students who are temporarily homebound or who receive a portion of their instruction on-line.

Funds in Specific Appropriation 73 for dual enrollment instruction of public school students provided at the Daytona Beach Advanced Technology Center shall be provided in an amount equal to the hours of instruction which would be necessary to earn the FTE and the funding for an equivalent course if it were taught in the school district.

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74 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM GENERAL REVENUE FUND 1448,367,054
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 4,313,032

Funds in Specific Appropriations 5 and 74 are provided to implement the requirements of section 1003.03 and section 1011.685, Florida Statutes. The class size reduction allocation factor for grades pre-kindergarten to grade 3 shall be $539.94, for grades 4 to 8 shall be $515.45, and for grades 9 to 12 shall be $516.90. The class size reduction allocation shall be recalculated based on enrollment through the October 2005 FTE survey. If the total class size reduction allocation is greater than the appropriation in Specific Appropriations 5 and 74, funds shall be prorated to the level of the appropriation based on each district's calculated amount.

Funds in Specific Appropriation 74 shall be distributed to school districts that have provided sufficient information for the Commissioner of Education to set annual district class size reduction goals. The Commissioner of Education may withhold disbursement of these funds until a district is in compliance with reporting information required for class size reduction implementation.

75 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 247,999,489

From the funds provided in Specific Appropriation 75, the growth allocation per FTE shall be $331.29 for Fiscal Year 2005-2006.

From the funds provided in Specific Appropriation 75, school districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in section 1011.62(1)(i), Florida Statutes.

From the funds provided in Specific Appropriation 75, $15,000,000 is provided for Library Media Materials, and $4,100,000 is provided for purchase of science lab materials and supplies.

76 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 49,914,766

Funds provided in Specific Appropriation 76 shall be allocated by prorating the total on each district's share of the state total K-12 FTE.

77 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 451,431,961

Funds provided in Specific Appropriation 77 shall be used to transport students as provided in section 1011.68, Florida Statutes.

78 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TEACHER TRAINING
FROM GENERAL REVENUE FUND 18,000,000

Funds provided in Specific Appropriation 78 are for in-service training of instructional personnel.

Funds provided in Specific Appropriation 78 shall be prorated among all districts based on each district's proportion of the state total unweighted full-time equivalent student enrollment.

79 AID TO LOCAL GOVERNMENTS
FLORIDA TEACHERS LEAD PROGRAM
FROM GENERAL REVENUE FUND 17,877,200

Funds provided in Specific Appropriation 79 shall be given to teachers pursuant to section 1012.71, Florida Statutes, and shall not be recalculated during the school year.

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TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP
FROM GENERAL REVENUE FUND 8884,920,608
FROM TRUST FUNDS 76,500,000

TOTAL ALL FUNDS 8961,420,608

PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP

79A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT COST
DIFFERENTIAL (DCD) TRANSITION SUPPLEMENT
FROM GENERAL REVENUE FUND 22,700,000

Non-recurring funds provided in Specific Appropriation 79A shall be allocated as follows:

Bay	125,464
Broward	4,477,252
Charlotte	361,305
Citrus	177,086
Columbia	69,041
Miami-Dade	13,005,362
DeSoto	63,144
Dixie	88,264
Escambia	118,374
Flagler	287,606
Franklin	15,364
Gilchrist	6,109
Glades	2,819
Gulf	98,927
Hamilton	59,357
Highlands	194,748
Holmes	153,507
Jackson	67,296
Lafayette	17,770
Manatee	156,362
Martin	127,214
Monroe	406,466
Okaloosa	6,272
Okeechobee	51,283
Palm Beach	379,284
Pinellas	232,446
Sarasota	25,215
Sumter	23,093
Suwannee	120,669
Taylor	48,520
Volusia	1,489,920
Walton	94,036
Washington	123,704
Washington Special	9,501
FAU Lab School	1,452
FSU Lab School (Broward)	12,820
Florida Virtual School	2,948

80 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 3,078,240

The funds provided in Specific Appropriation 80 shall be allocated as follows:

Instructional Materials for Partially Sighted Pupils	200,000
Sunlink Uniform Library Database	878,240
Learning Through Listening	1,000,000
Panhandle Area Educational Consortium (PAEC) for Distance Learning Teacher Training	1,000,000

81 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXCELLENT TEACHING
FROM GENERAL REVENUE FUND 60,053,702
FROM EXCELLENT TEACHING PROGRAM TRUST FUND 15,349,688
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 8,200,000

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82 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 3,507

83 SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO PUBLIC SCHOOLS
FOR READING PROGRAMS
FROM GENERAL REVENUE FUND 10,000,000
FROM EDUCATIONAL AIDS TRUST FUND 58,043,873

The funds in Specific Appropriation 83 are provided to continue "Just Read, Florida" to achieve Florida's reading goal for all students to be reading on grade level or higher by 2012.

84 SPECIAL CATEGORIES
EDUCATION INNOVATION INITIATIVES
FROM GENERAL REVENUE FUND 7,605,269

Funds in Specific Appropriation 84 are provided for the A+ Plus Initiative and are contingent on CS for CS for Senate Bill 2480 or similar legislation becoming law.

85 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE TO LOW
PERFORMING SCHOOLS
FROM GENERAL REVENUE FUND 7,125,480

Funds in Specific Appropriation 85 shall be used to contract for the operation of the Florida Partnership for Minority and Underrepresented Student Achievement and to achieve the partnership's mission as provided in section 1007.35, Florida Statutes.

86 SPECIAL CATEGORIES
GRANTS AND AIDS - MENTORING/STUDENT
ASSISTANCE INITIATIVES
FROM GENERAL REVENUE FUND 16,730,000

Funds provided in Specific Appropriation 86 shall be allocated as follows:

Take Stock in Children	4,460,000
Governor's Mentoring Initiative	875,000
Partnership to Advance School Success (PASS)	920,000
Big Brothers, Big Sisters	2,200,000
Boys and Girls Clubs	2,300,000
Learning for Life	2,000,000
Communities in Schools	1,000,000
Girl Scouts of Florida	700,000
Black Male Explorers	500,000
Best Buddies	875,000
Junior Achievement	500,000
Positive Leaders	300,000
Miami Museum of Science Youth Mentoring Program	100,000

87 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATION PARTNERSHIPS
FROM GENERAL REVENUE FUND 6,000,000

Funds in Specific Appropriation 87 are provided for Education Partnerships. A school district may apply for funding for an educational program to serve disruptive and low performing students in grades 6-12. Programs funded must provide proof of educational progress, as assessed by the FCAT, in reading and mathematics demonstrated in existing programs with similar student populations. The program may operate in a separate school facility provided by the education provider. Any provider of this program must have at least five years successfully serving this student population. The district school board may contract with a nonprofit or for-profit entity to operate the program including the provision of personnel, supplies, equipment and/or facilities.

The Department of Education shall allocate $5,000,000 to programs that serve a minimum of 300 or more students (large programs). Existing programs in their second or third year of implementation shall be funded prior to the awarding of additional grants. Up to three large programs may be provided up to $75,000 for one year of program planning.

The Department of Education shall allocate $1,000,000 to programs that serve a minimum of 75 or more students (small programs) in districts with fewer than 20,000 full time equivalent students. Up to three small programs may be provided up to $50,000 for one year of program planning. Any funds not obligated to small district programs may be transferred to the large school district program allocation on or after January 1, 2006.

School districts are eligible to receive program grants for a total of three fiscal years, subject to legislative appropriations. For districts that received initial grants in Fiscal Year 2004-05, but did not implement a program, the Department of Education shall make a corresponding reduction of the amount of program funds for Fiscal Year 2005-06 and these districts shall be considered in their first year of implementation. For Fiscal Year 2005-06, grants shall be limited to no more than $1,750 per student in the first year of implementation of the program, no more than $1,500 per student in year two, and no more than $1,250 per student in year three. The Department of Education shall notify school districts of the amount of the grant awards by November 15, 2005.

87A SPECIAL CATEGORIES
INNOVATIVE READING PILOT PROGRAMS
FROM GENERAL REVENUE FUND 2,500,000

The funds provided in Specific Appropriation 87A shall be allocated as follows:

Innovative Reading Pilot	1,500,000
LEP Student Reading Pilot Program	1,000,000

The Innovative Reading Pilot Program shall use internet delivered technology to teach reading to children in kindergarten through third grade. The program shall be developed using scientifically-based reading research and have the ability to explicitly and systematically differentiate instruction in the key areas of phonemic awareness, phonics, vocabulary, comprehension, and fluency. The program shall have tiered skill teaching cycles. Each cycle shall include teaching skills and skill practices that incorporate reading connected text in decodable books that cumulatively review previously taught skills. The program shall have the ability to assess students prior to each cycle to determine each child's skill level and the skills to be acquired within the upcoming cycle. The program must provide real-time student assessment reports which are accessible to the teachers via the internet. The program shall be provided at a cost not to exceed $95 per child per year exclusive of professional development training, and shall be implemented by grants administered by the Department of Education in schools in at least one small district, one medium district, and one large district.

The LEP Student Reading Pilot Program shall use internet delivered technology to teach reading to Limited English Proficiency (LEP) students in grades four through ten. The pilot program must be interactive, self-paced, and contain multimedia and multicultural content. It must be adaptable for students at various levels of English proficiency. It must be available to students 24 hours a day and be accessible via the internet. It must be designed to align with the Florida Sunshine State Standards for reading and literature. It must be designed to utilize literature from various genres to provide the vocabulary and background necessary for LEP students' success in other subjects. The pilot program must provide teachers with on-line assessment tools to monitor daily and weekly individual student and class performance in vocabulary and reading comprehension. It must also provide teachers with on-line and printable lesson plans. The program shall be provided at a cost not to exceed $70 per child per year including professional development training, and shall be implemented by grants administered by the Department of Education in schools in at least one small district, one medium district, and one large district.

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88 SPECIAL CATEGORIES
KINDERGARTEN THROUGH GRADE EIGHT VIRTUAL EDUCATION
FROM GENERAL REVENUE FUND 4,800,000

From the funds in Specific Appropriation 88, the Department of Education shall provide for the continuation of two pilot K-8 virtual schools. The pilot K-8 virtual schools shall be funded with grants of up to $4,800 per student. Eligibility is limited to students who: (1) were previously in either of the two pilot K-8 virtual schools; (2) were enrolled and in attendance at a Florida public school in the October and February FTE enrollment surveys during the prior school year; (3) are eligible to enter kindergarten or first grade; or (4) are siblings of students who were previously enrolled in either of the K-8 virtual schools. The K-8 virtual schools are authorized to enroll students throughout the year.

Eligible pilot K-8 virtual schools shall be created as independent public schools that use on-line and distance learning technology in order to deliver instruction to full-time students in kindergarten and grades 1 through 8. To be eligible to participate in the pilot program, a K-8 virtual school must: (1) conform all curriculum and course content to the Sunshine State Standards; (2) administer the Florida Comprehensive Assessment Test (FCAT) or, for those students in grades that are not required to take the FCAT, local assessments and the K-3 state-approved assessment for reading adopted by "Just Read, Florida"; and (3) employ on-line teachers who are certified in Florida.

89 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM
FROM GENERAL REVENUE FUND 3,199,990

90 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 3,039,494

Funds provided in Specific Appropriation 90 shall be allocated to the Multidisciplinary Educational Services Centers as follows:

University of Florida	633,344
University of Miami	596,381
Florida State University	594,558
University of South Florida	621,637
University of Florida Health Science Center at Jacksonville.	593,574

Each center shall provide a report to the Department of Education by September 1, 2005, for the 2004-2005 fiscal year that shall include the following: 1) the number of children served, 2) the number of parents served, 3) the number of persons participating in in-service education activities, 4) the number of districts served, and 5) specific services provided.

92 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND 1,128,445

93 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL DISTRICT MATCHING GRANTS PROGRAM
FROM GENERAL REVENUE FUND 2,000,000

Funds in Specific Appropriation 93 are provided as challenge grants to public school district education foundations for programs that serve low-performing students. The amount of each grant shall be equal to the private contribution made to a qualifying public school district education foundation. In-kind contributions shall not be considered for matching purposes. Before any funds provided in Specific Appropriation 93 may be released to any public school district education foundation, the public school district foundation must certify to the Commissioner of Education that private cash has actually been received by the public school district education foundation seeking state matching funds. The Consortium of Florida Education Foundations shall be the fiscal agent for this program. Administrative costs for the program shall not exceed five percent.

94 SPECIAL CATEGORIES
EDUCATOR PROFESSIONAL LIABILITY INSURANCE
FROM GENERAL REVENUE FUND 1,330,000

Funds in Specific Appropriation 94 are provided for Educator Professional Liability Insurance. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study of the insurance program since its inception in the 2001-2002 fiscal year. The study shall include the number and amount of claims, any potential limitations of the coverage, any duplication of claims filed against school boards, and the benefit to educators and administrators.

95 SPECIAL CATEGORIES
TEACHER AND SCHOOL ADMINISTRATOR DEATH BENEFITS
FROM GENERAL REVENUE FUND 165,000

96 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND 5,218,000

Funds provided in Specific Appropriation 96 shall be allocated as follows:

University of South Florida/Florida Mental Health Institute.	966,666
University of Florida (College of Medicine)	736,666
University of Central Florida	726,666
University of Miami (Department of Pediatrics) including $182,000 for activities in Broward County through Nova Southeastern University	834,670
Florida Atlantic University	400,000
University of Florida (Jacksonville)	736,666
Florida State University (College of Communications)	816,666

Summaries of achievements for the prior fiscal year shall be submitted to the Department of Education by September 1, 2005.

97 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL EDUCATION CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND 1,700,000

From the funds provided in Specific Appropriation 97, each regional consortium service organization is eligible to receive, through the Department of Education, an incentive grant of $50,000 for each school district and each eligible member to be used for the delivery of services within the participating school districts.

98 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND 667,951
FROM EDUCATIONAL AIDS TRUST FUND 134,559,389

Funds provided in Specific Appropriation 98 from the General Revenue Fund shall be allocated as follows:

Florida Association of District School Superintendents Training	290,400
Florida School Boards Association Training	290,400
Principal of the Year	35,000
Teacher of the Year	39,208
School Related Personnel of the Year	12,943

99 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL ENHANCEMENTS
FROM GENERAL REVENUE FUND 10,427,634

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Funds in Specific Appropriation 99 shall be allocated as follows:

Instructional Materials Management	105,634
State Science Fair	60,000
Academic Tourney	100,000
Arts for a Complete Education	300,000
Florida Holocaust Museum	560,000
Florida State Alliance of YMCAs	1,500,000
Orange County YMCA Project FYT	325,000
Bay High Magnet Programs	100,000
Putnam County - Crescent City Junior-Senior High Emergency Preparation Program	450,000
Florida Aquarium Teacher Program	250,000
Prekindergarten Demonstration Pilot Project	850,000
Sunshine State Scholars Program	50,000
Seminole High School Reading Initiative	250,000
Mathematics and Science Commission	230,000
Holocaust Memorial	50,000
Holocaust Teacher Training and Resources	150,000
Science Comes to Life at Metro Zoo	547,000
Embry-Riddle Engineering/Physics Career Launch	300,000
Florida Space Authority Student Launch Program	200,000
Project Child	500,000
Rio Grande Charter School	125,000
SeaTrek Distance Learning	275,000
WPPB-TV BECON Educational Programming	250,000
FCAT Recovery Program	400,000
Miami Beach After School Programs	100,000
Pre-K Digital Academy	50,000
Creating Opportunities that Result in Excellence (CORE)	200,000
School Safety/Emergency Preparedness System	500,000
Florida Council on Economic Education	500,000
Monroe District Schools Special Academic Incentive Grant	1,000,000
Youth Build Outreach	50,000
Russell Reading Room	100,000

Funds provided in Specific Appropriation 99 for a School Safety/Emergency Preparedness System are for pilot implementation of an immediate response information system in one or more school districts. The system will serve to enhance the safety of school children in emergency situations, such as impending hurricane and severe weather, fire, bomb, homeland security and other critical school safety events. The system must be real-time and multi-lingual with the ability to notify parents of emergency and non-emergency situations in at least ten different languages through email, telephone, PDAs, and other communications devices. To allow for early implementation, all funds shall be under contract no later than September 15, 2005.

100 SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM GENERAL REVENUE FUND 2,643,604
FROM EDUCATIONAL AIDS TRUST FUND 2,333,354

101 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND
FROM GENERAL REVENUE FUND 36,630,047
FROM EDUCATIONAL AIDS TRUST FUND 2,400,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,665,648

From the funds in Specific Appropriation 101, $579,000 is provided to contract with the University of Florida for health, medical, pharmaceutical and dental screening services for students. The school shall develop a collaborative service agreement for medical services and shall maximize the recovery of all legally available funds from Medicaid and private insurance coverage. The school shall report to the Legislature by June 30, 2006, information describing the agreement, services provided, budget and expenditures, including the amounts and sources of all funding used for the collaborative medical program and any other student health services during the 2005-2006 fiscal year.

From the funds in Specific Appropriation 101, $150,000 is provided to the Florida School for the Deaf and Blind (FSDB) to develop an early reading intervention program for hearing impaired children that can be implemented in public schools. The project shall be based upon the knowledge gained from reading development in hearing impaired children obtained from the hearing impaired learning study conducted by the FSDB funded in Specific Appropriation 5C of chapter 2003-397, Laws of Florida.

101A SPECIAL CATEGORIES
GRANTS AND AIDS - 2004 HURRICANES - PASS THROUGH OF STATE AND FEDERAL FUNDS TO LOCAL GOVERNMENTS
FROM GENERAL REVENUE FUND 3,904,188

Funds in Specific Appropriation 101A are provided as non-recurring allocations for hurricane recovery to the following school districts:

Charlotte	1,965,019
De Soto	68,556
Escambia	743,825
Hardee	186,554
Indian River	71,766
Martin	236,935
Osceola	159,386
St. Lucie	278,388
Santa Rosa	193,759

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP
FROM GENERAL REVENUE FUND 212,650,551
FROM TRUST FUNDS 222,551,952

TOTAL ALL FUNDS 435,202,503

PROGRAM: FEDERAL GRANTS K/12 PROGRAM

102 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,099,420

103 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM EDUCATIONAL AIDS TRUST FUND 1411,312,755

104 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM FOOD AND NUTRITION SERVICES TRUST FUND 538,364,671

105 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM - STATE MATCH
FROM GENERAL REVENUE FUND 16,886,046

Funds provided in Specific Appropriation 105 for the School Breakfast Program shall be allocated as provided in section 1006.06, Florida Statutes.

TOTAL: PROGRAM: FEDERAL GRANTS K/12 PROGRAM
FROM GENERAL REVENUE FUND 16,886,046
FROM TRUST FUNDS 1953,776,846

TOTAL ALL FUNDS 1970,662,892

PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES

106 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 90,944

107 SPECIAL CATEGORIES
GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY
FROM GENERAL REVENUE FUND 2,714,290

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From the funds in Specific Appropriation 107, $500,000 is provided to the Northeast Florida Educational Consortium (NEFEC) for a web-based instructional program that meets the Sunshine State Standards. The cost of the web-based instructional program, including textbooks, cannot exceed $200 per student with a maximum of 5,000 students enrolled. The Department of Education must complete the award of the grant to NEFEC by September 1, 2005. This program may operate as a dropout recovery program for students who have been suspended or expelled from school or as a summer school program.

From the funds in Specific Appropriation 107, $500,000 is provided to the Northeast Florida Educational Consortium (NEFEC) to implement professional development activities in research based mathematics strategies in grades K-8. The content will be aligned to the achievement gaps identified in FCAT performance data. The Department of Education must complete the award of the grant by September 1, 2005.

From the funds in Specific Appropriation 107, $1,500,000 is provided for Online Support of the Sunshine State Standards/FCAT Explorer.

108 SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND 198,315

109 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION
RESOURCE NETWORK
FROM GENERAL REVENUE FUND 5,649,779
FROM EDUCATIONAL AIDS TRUST FUND 7,850,221

The funds provided in Specific Appropriation 109 shall be used to continue the Florida Information Resource Network (FIRN) and shall be used for no other purpose.

110 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 11,176,611

The funds provided in Specific Appropriation 110 shall be allocated as follows:

Statewide Governmental and Cultural Affairs Programming.....	609,207
Florida Channel Closed Captioning.....	438,250
Florida Channel Year Round Coverage.....	1,600,000
Public Television and Radio Stations.....	8,529,154

From the funds provided in Specific Appropriation 110, "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "The Florida Channel".

Funds provided in Specific Appropriation 110 for public television and radio stations shall be allocated in the amount of $557,675 each for public television stations and $106,614 each for public radio stations recommended by the Commissioner of Education. In approving the transfer of any public broadcasting entity, the State Board of Education shall give priority consideration to in-state public postsecondary institutions.

111 SPECIAL CATEGORIES
FETPIP/WORKFORCE DEVELOPMENT MANAGEMENT
INFORMATION SYSTEMS
FROM GENERAL REVENUE FUND 190,000

112 SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES
FOR THE BLIND
FROM GENERAL REVENUE FUND 407,914

TOTAL: PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES
FROM GENERAL REVENUE FUND 20,427,853
FROM TRUST FUNDS 7,850,221

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TOTAL ALL FUNDS 28,278,074

PROGRAM: WORKFORCE EDUCATION

113 AID TO LOCAL GOVERNMENTS
PERFORMANCE BASED INCENTIVES
FROM GENERAL REVENUE FUND 5,000,000

The funds provided in Specific Appropriation 113 shall be allocated as follows:

Alachua.....	18,880
Baker.....	2,949
Bay.....	51,920
Bradford.....	13,657
Brevard.....	45,669
Broward.....	660,150
Calhoun.....	1,186
Charlotte.....	49,909
Citrus.....	52,308
Clay.....	16,147
Collier.....	76,637
Columbia.....	6,400
Miami-Dade.....	1,141,303
De Soto.....	9,329
Dixie.....	2,569
Duval.....	0
Escambia.....	59,625
Flagler.....	29,186
Franklin.....	510
Gadsden.....	5,927
Gilchrist.....	0
Glades.....	326
Gulf.....	1,470
Hamilton.....	881
Hardee.....	1,887
Hendry.....	4,362
Hernando.....	10,220
Highlands.....	0
Hillsborough.....	512,996
Holmes.....	0
Indian River.....	17,939
Jackson.....	5,519
Jefferson.....	1,096
Lafayette.....	1,256
Lake.....	72,699
Lee.....	121,996
Leon.....	74,762
Levy.....	0
Liberty.....	1,761
Madison.....	0
Manatee.....	108,649
Marion.....	59,580
Martin.....	31,443
Monroe.....	6,142
Nassau.....	4,000
Okaloosa.....	28,399
Okeechobee.....	0
Orange.....	452,236
Osceola.....	60,752
Palm Beach.....	269,941
Pasco.....	56,572
Pinellas.....	395,291
Polk.....	129,821
Putnam.....	10,542
St. Johns.....	69,182
St. Lucie.....	0
Santa Rosa.....	25,062
Sarasota.....	97,073
Seminole.....	0
Sumter.....	3,392
Suwannee.....	24,902
Taylor.....	32,460
Union.....	2,223

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Volusia	0
Wakulla	8,237
Walton	3,625
Washington	46,938
Washington Special	107

114 AID TO LOCAL GOVERNMENTS
CRITICAL JOBS INITIATIVE
FROM GENERAL REVENUE FUND 1,293,250

Funds provided in Specific Appropriation 114 are allocated in Specific Appropriation 7A.

The Commissioner of Education may request a budget amendment to realign funds provided for the SUCCEED, Florida programs in Specific Appropriations 7A, 7B, 114, 119, and 144B to reflect the results of the competitive awards authorized under the programs.

115 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT BASIC EDUCATION
FEDERAL FLOW-THROUGH FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 41,552,472

116 AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM GENERAL REVENUE FUND 393,695,114

From the funds in Specific Appropriation 116, $393,695,114 is provided for school district workforce education programs as defined in section 1004.02 (26), Florida Statutes, and is allocated to school districts as follows:

Alachua	1,400,419
Baker	178,004
Bay	3,506,559
Bradford	925,150
Brevard	2,855,013
Broward	68,022,335
Calhoun	178,169
Charlotte	2,912,988
Citrus	2,722,660
Clay	684,792
Collier	7,080,372
Columbia	336,888
Miami-Dade	100,289,884
DeSoto	909,646
Dixie	61,770
Duval	0
Escambia	5,168,919
Flagler	2,651,705
Franklin	58,417
Gadsden	625,210
Gilchrist	3,405
Glades	7,447
Gulf	168,266
Hamilton	75,781
Hardee	294,832
Hendry	380,675
Hernando	511,196
Highlands	0
Hillsborough	31,672,767
Holmes	0
Indian River	841,758
Jackson	546,227
Jefferson	191,794
Lafayette	44,799
Lake	4,602,434
Lee	10,839,974
Leon	5,945,160
Levy	0
Liberty	19,314
Madison	0
Manatee	6,507,950
Marion	3,089,578

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Martin	2,252,883
Monroe	769,169
Nassau	157,238
Okaloosa	2,491,928
Okeechobee	0
Orange	34,751,549
Osceola	4,761,881
Palm Beach	15,443,391
Pasco	3,570,656
Pinellas	26,694,595
Polk	11,347,521
Putnam	415,560
Saint Johns	6,057,220
Saint Lucie	0
Santa Rosa	1,792,664
Sarasota	10,187,137
Seminole	0
Sumter	276,374
Suwannee	1,028,382
Taylor	1,415,960
Union	168,721
Volusia	0
Wakulla	287,667
Walton	98,388
Washington	3,401,289
Washington Special	12,684

School districts shall increase the established workforce education resident and non-resident tuition fees specified in section 1009.22, Florida Statutes, by 5 percent. Funds in Specific Appropriation 116 are provided for school district workforce education programs as defined in section 1004.02(26), Florida Statutes.

Pursuant to the provisions of section 1009.26 (1), Florida Statutes, school districts may grant fee waivers for programs funded through Workforce Development Education appropriations for up to 8 percent of the fee revenues that would otherwise be collected.

The funds provided in Specific Appropriation 116 are not to be used to support K-12 programs or the district K-12 administrative indirect costs. The Auditor General shall verify compliance with this requirement during scheduled audits of these institutions.

117 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 77,144,852

117A SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL
ENHANCEMENTS
FROM GENERAL REVENUE FUND 800,000

From the funds provided in Specific Appropriation 117A, $300,000 is for the SABER Nursing Program.

From the funds provided in Specific Appropriation 117A, $500,000 shall be used by the department to support school-to-career transition programs for high school students available through one or more non-profit statewide organizations in the food service industry. Such programs shall be designed to prepare students for progressive careers in the food service industry. In making its selection from among competitive sealed proposals, the department shall consider, among other factors, the provider's experience in representing the food service industry, the provider's experience in providing and supporting food service training for high school students, and the provider's ability to provide a statewide program with broad industry support and participation.

TOTAL: PROGRAM: WORKFORCE EDUCATION
FROM GENERAL REVENUE FUND 400,788,364
FROM TRUST FUNDS 118,697,324

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TOTAL ALL FUNDS 519,485,688

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: COMMUNITY COLLEGE PROGRAMS

118 AID TO LOCAL GOVERNMENTS
PERFORMANCE BASED INCENTIVES
FROM GENERAL REVENUE FUND 18,075,996

Funds in Specific Appropriation 118 are provided as performance incentive awards, and shall be distributed as follows:

Brevard Community College	813,103
Broward Community College	1,497,849
Central Florida Community College	289,943
Chipola College	128,553
Daytona Beach Community College	690,125
Edison Community College	445,205
Florida Community College at Jacksonville	1,243,115
Florida Keys Community College	49,812
Gulf Coast Community College	304,316
Hillsborough Community College	918,353
Indian River Community College	704,834
Lake City Community College	173,712
Lake-Sumter Community College	128,892
Manatee Community College	397,832
Miami Dade College	2,363,837
North Florida Community College	64,622
Okaloosa-Walton College	355,944
Palm Beach Community College	966,046
Pasco-Hernando Community College	396,463
Pensacola Community College	610,719
Polk Community College	309,051
St. Johns River Community College	227,373
St. Petersburg College	988,497
Santa Fe Community College	841,683
Seminole Community College	706,866
South Florida Community College	162,259
Tallahassee Community College	625,795
Valencia Community College	1,671,197

119 AID TO LOCAL GOVERNMENTS
CRITICAL JOBS INITIATIVE
FROM GENERAL REVENUE FUND 14,300,000

A total of $10,000,000, comprised of $9,300,000 from funds provided in Specific Appropriation 119 and $700,000 from funds provided in Specific Appropriation 7B, are provided as non-recurring capitalization grants to the named institutions to assist with the implementation of programs identified in the State Board of Education's Jobs for Florida's Future budget request. These funds shall be allocated as follows:

Brevard Community College	561,303
Broward Community College	362,749
Daytona Beach Community College	362,748
Edison Community College	561,303
Florida Community College at Jacksonville	561,303
Florida Keys Community College	444,158
Gulf Coast Community College	301,688
Hillsborough Community College	241,734
Indian River Community College	361,297
Lake-Sumter Community College	561,302
Manatee Community College	349,160
Miami Dade College	362,749
North Florida Community College	561,303
Okaloosa-Walton College	432,027
Palm Beach Community College	561,303
Pasco-Hernando Community College	143,095
Pensacola Junior College	538,851
Polk Community College	561,303
St. Johns River Community College	371,405
St. Petersburg College	362,749
Santa Fe Community College	362,749
Seminole Community College	561,302
South Florida Community College	362,749
Valencia Community College	149,670

From funds provided in Specific Appropriation 119, $5,000,000 shall be allocated to the SUCCEED, Florida - Crucial Professionals program to increase the capacity of teacher certification programs at public and private postsecondary educational institutions to produce more teachers to enter the workforce in Florida. The Department of Education shall establish application procedures, guidelines, accountability measures, and timelines for implementation of the program and advise all approved programs accordingly. Funds must be used to support new students and not to supplant current funding or students. Institutions applying for funds shall not reduce funding or the current level of enrollment in its existing program. Any such reduction will result in a pro rata reduction in funding. Programs receiving grants must submit periodic reports to the Department of Education documenting compliance with the performance measures established by the department.

The State Board of Education must review proposals, determine funding to be provided, and monitor compliance with accountability requirements. The State Board of Education shall coordinate its review of proposals with representatives of the Board of Governors and the Independent Colleges and Universities of Florida.

The Commissioner of Education may request a budget amendment to realign funds provided for the SUCCEED, Florida programs in Specific Appropriations 7A, 7B, 114, 119, and 144B to reflect the results of the competitive awards authorized under the programs.

120 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGES
PROGRAM FUND
FROM GENERAL REVENUE FUND 885,356,016

The sum of the technology fee and the average resident tuition specified in section 1009.23 (3), Florida Statutes, is hereby established for Fiscal Year 2005-2006 as follows:

Program	Amount Per Credit Hour
Advanced and Professional	$47.72
Postsecondary Vocational	$47.72
College Preparatory	$47.72
Educator Preparatory	$47.72

The sum of the technology fee and the average nonresident tuition specified in section 1009.23 (4), Florida Statutes, is hereby established for 2005-2006 as follows:

Program	Amount Per Credit Hour
Advanced & Professional	$143.22
Postsecondary Vocational	$143.22
College Preparatory	$143.22
Educator Preparatory	$143.22

Community college boards of trustees may increase established workforce education resident and non-resident tuition fees specified in section 1009.22, Florida Statutes, up to 5 percent.

The funds in Specific Appropriation 120 shall be allocated as follows:

Brevard Community College	34,132,673
Broward Community College	61,373,547
Central Florida Community College	17,631,370
Chipola College	7,941,221
Daytona Beach Community College	42,750,030
Edison Community College	20,474,187

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Florida Community College at Jacksonville	69,708,524
Florida Keys Community College	5,169,051
Gulf Coast Community College	15,540,806
Hillsborough Community College	42,107,579
Indian River Community College	38,712,909
Lake City Community College	10,577,185
Lake-Sumter Community College	7,786,123
Manatee Community College	18,660,382
Miami Dade College	141,267,130
North Florida Community College	5,362,196
Okaloosa-Walton College	15,038,033
Palm Beach Community College	46,857,021
Pasco-Hernando Community College	14,321,206
Pensacola Community College	31,409,882
Polk Community College	15,225,285
St. Johns River Community College	12,653,547
St. Petersburg College	49,719,531
Santa Fe Community College	30,891,259
Seminole Community College	29,671,752
South Florida Community College	12,389,829
Tallahassee Community College	25,775,812
Valencia Community College	54,185,130
College Center for Library Automation	8,022,816

No funds in Specific Appropriation 120 are provided for instruction of state or federal inmates.

Pursuant to the provisions of section 1009.26(1), Florida Statutes, community colleges may grant fee waivers for programs funded through Workforce Development Education appropriations for up to 8 percent of the fee revenues that would otherwise be collected.

In compliance with section 1011.84(1)(f), Florida Statutes, from the funds appropriated in Specific Appropriation 120, community colleges shall not report any full time equivalent (FTE) enrollment for the instruction of students funded in the state grant and aid program for Adults with Disabilities in Specific Appropriation 32.

From the funds provided for Miami Dade College, $150,000 is provided for a Physician Assistant Training Program.

120A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE
BACCALAUREATE PROGRAMS
FROM GENERAL REVENUE FUND 7,957,947

The funds provided in Specific Appropriation 120A shall be allocated to the following colleges:

Chipola College	662,440
Miami Dade College	721,056
Okaloosa-Walton College	338,902
St. Petersburg College	6,235,549

The maximum sum of the technology fee and the tuition for baccalaureate programs per credit hour is hereby established for 2005-06 as follows:

Resident Baccalaureate.....$ 60.84

Out of state fees for baccalaureate courses shall be no more than 85 percent of the cost of the tuition and out of state fees at the public university nearest the community college.

Prior to the disbursement of funds in Specific Appropriation 120A, colleges shall submit an operating budget for the expenditure of these funds as provided in section 1011.30, Florida Statutes.

The funds appropriated in Specific Appropriation 120A shall not be expended to support lower division courses and instruction. Lower division college credit courses in community colleges shall be funded and supported in the Community Colleges Program Fund.

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120B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROGRAM CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 37,736,481

Brevard Community College	154,644
Broward Community College	3,447,275
Central Florida Community College	2,464,476
Chipola College	491,346
Daytona Beach Community College	1,152,017
Edison Community College	2,460,089
Florida Community College at Jacksonville	921,221
Florida Keys Community College	83,713
Gulf Coast Community College	921,932
Hillsborough Community College	262,546
Indian River Community College	4,089,974
Lake City Community College	638,767
Lake-Sumter Community College	1,738,571
Manatee Community College	3,769,582
Miami Dade College	3,573,506
North Florida Community College	442,658
Okaloosa-Walton College	656,634
Palm Beach Community College	949,260
Pasco-Hernando Community College	604,621
Pensacola Community College	502,537
Polk Community College	1,316,306
St. Johns River Community College	491,009
St. Petersburg College	1,154,005
Santa Fe Community College	551,880
Seminole Community College	665,558
South Florida Community College	411,716
Tallahassee Community College	658,179
Valencia Community College	3,060,175
Foundation for Florida's Community Colleges	102,284

122 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 559,261

123 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTANCE LEARNING
FROM GENERAL REVENUE FUND 315,397

123A SPECIAL CATEGORIES
GRANTS AND AIDS - 2004 HURRICANES - PASS THROUGH OF STATE AND FEDERAL FUNDS TO LOCAL GOVERNMENTS
FROM GENERAL REVENUE FUND 7,842,848

Funds in Specific Appropriation 123A are provided as non-recurring allocations for hurricane recovery to the following colleges:

Brevard Community College	80,954
Daytona Beach Community College	302,719
Edison Community College	190,219
Indian River Community College	442,072
Okaloosa-Walton College	274,867
Pensacola Community College	439,219
Polk Community College	295,675
Seminole Community College	573,250
South Florida Community College	34,099

In addition, $5,209,774 is provided for partial reimbursement of the hurricane deductible of the community college risk management fund.

TOTAL: PROGRAM: COMMUNITY COLLEGE PROGRAMS
FROM GENERAL REVENUE FUND 972,143,946

TOTAL ALL FUNDS 972,143,946

STATE BOARD OF EDUCATION

APPROVED SALARY RATE 54,488,748

No funds provided or authorized in Specific Appropriations 1 through 154F shall be expended or obligated for costs associated with Sunshine

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Connections: The Teacher Tool (Department of Education ITN 2004-22) beyond existing staff and existing resources without prior legislative authorization.

Funds provided in Specific Appropriations 124 through 144A for the Working Capital Trust Fund shall be cost-recovered from funds used to pay data processing services rendered in accordance with section 216.272, Florida Statutes. The Working Capital Trust Fund shall support 104.0 FTE. The data processing services rendered shall be paid from funds provided in Specific Appropriation 144A. Any budget amendments made to the Working Capital Trust Fund may be correspondingly requested as appropriate in Specific Appropriation 144A. In addition, the Department of Education may, through the budget amendment process to the Executive Office of the Governor, transfer budget authority between trust funds as needed for the payment of data processing services from the Education Technology and Information Services category.

From the funds provided in Specific Appropriations 124 through 144A, the Commissioner of Education shall prepare and provide to the chair of the Senate Ways and Means Committee, the chair of the House Fiscal Council, and the Executive Office of the Governor on or before October 1, 2005, a report containing the following: the federal indirect cost rate(s) approved to be used for the 12 month period of the 2005-2006 fiscal year and the data on which the rate(s) was established; the estimated amount of funds the approved rate(s) will generate; the proposed expenditure plan for the amount generated; and the June 30, 2005 balance of all unexpended federal indirect cost funds.

Funds provided in Specific Appropriations 124 through 127, 144, and 144A for the State Board of Education are contingent upon the Department of Education continuing to provide support to the Board of Governors for services provided in Fiscal Year 2004-2005 that are not transferred to the Board of Governors within the funds provided in Specific Appropriations 154B through 154F. At a minimum, support services provided to the Board of Governors shall include accounting, printing, computer and internet support, personnel and human resources support, and support for accountability initiatives.

124	SALARIES AND BENEFITS POSITIONS	1,253.00	
	FROM GENERAL REVENUE FUND	23,852,713	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		3,243,182
	FROM EDUCATIONAL AIDS TRUST FUND		19,327,335
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		2,135,733
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		2,731,946
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		1,047,150
	FROM STUDENT LOAN OPERATING TRUST FUND . .		8,976,226
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		587,082
	FROM WORKING CAPITAL TRUST FUND		5,830,612
125	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,208,787	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		641,328
	FROM EDUCATIONAL AIDS TRUST FUND		1,683,490
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		146,832
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		136,850
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		196,134
	FROM STUDENT LOAN OPERATING TRUST FUND . .		596,540
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		104,988
	FROM WORKING CAPITAL TRUST FUND		54,299
126	EXPENSES		
	FROM GENERAL REVENUE FUND	6,373,305	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		1,272,241
	FROM EDUCATIONAL AIDS TRUST FUND		12,040,908
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		897,190
	FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		233,302
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		1,191,034
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		858,407
	FROM STUDENT LOAN OPERATING TRUST FUND . .		5,334,871
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		231,527
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		819,061
	FROM WORKING CAPITAL TRUST FUND		1,806,532

From the funds in Specific Appropriation 126, the Commissioner of Education is authorized to contract with a state university to implement the common course numbering system.

127	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	496,018	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		143,440
	FROM EDUCATIONAL AIDS TRUST FUND		968,928
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		15,000
	FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		80,000
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		82,438
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		16,375
	FROM STUDENT LOAN OPERATING TRUST FUND . .		696,496
	FROM WORKING CAPITAL TRUST FUND		47,921
128	SPECIAL CATEGORIES		
	ASSESSMENT AND EVALUATION		
	FROM GENERAL REVENUE FUND	45,368,400	
	FROM EDUCATIONAL AIDS TRUST FUND		19,472,464
	FROM EDUCATIONAL MEDIA AND TECHNOLOGY TRUST FUND		471,710
	FROM STUDENT LOAN OPERATING TRUST FUND . .		63,181
	FROM SOPHOMORE LEVEL TEST TRUST FUND . . .		148,162
	FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND		2,453,093

From funds provided in Specific Appropriation 128, $1,600,000 from the General Revenue Fund is for the statewide administration to all tenth grade students of the preliminary SAT or ACT college entrance examinations. Test results will provide each high school with a database of student assessment data to be used by guidance counselors to identify students who are ready or who need additional work to be prepared to enroll and be successful in advanced placement and other higher level college preparatory courses. Each school district shall choose either the PSAT or ACT. School districts shall submit documentation of the number of students taking examinations to the Commissioner of Education. The department shall pay the cost of the preliminary college entrance examinations directly to the providers.

Funds provided in Specific Appropriation 128 shall be used for the administration of statewide kindergarten screening as provided in section 1002.69, Florida Statutes as enacted by chapter 2004-484, Laws of Florida.

129	SPECIAL CATEGORIES		
	COMMISSION FOR INDEPENDENT EDUCATION		
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		952,000
131	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	506,166	
132	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	400,000	
	FROM STUDENT LOAN OPERATING TRUST FUND . .		11,800,038

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133 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHOICES PRODUCT SALES FROM EDUCATIONAL MEDIA AND TECHNOLOGY TRUST FUND		400,000
135 SPECIAL CATEGORIES		
TRANSFER TO GRANTS AND DONATIONS TRUST FUND FOR THE FLORIDA ACADEMIC COUNSELING AND TRACKING SYSTEM FOR STUDENTS (FACTS) FROM GENERAL REVENUE FUND	4,277,633	
136 SPECIAL CATEGORIES		
LITIGATION EXPENSES FROM GENERAL REVENUE FUND	23,029	
137 SPECIAL CATEGORIES		
EDUCATIONAL FACILITIES RESEARCH AND DEVELOPMENT PROJECTS FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		200,000
138 SPECIAL CATEGORIES		
PROVISION OF CONTRACTED SERVICES FROM GENERAL REVENUE FUND	375,000	
139 SPECIAL CATEGORIES		
STUDENT FINANCIAL ASSISTANCE MANAGEMENT INFORMATION SYSTEM FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		1,264,691
140 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	988,751	
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		62,724
FROM EDUCATIONAL AIDS TRUST FUND		179,076
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		31,082
FROM FOOD AND NUTRITION SERVICES TRUST FUND		17,149
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		20,041
FROM STUDENT LOAN OPERATING TRUST FUND . .		121,770
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		2,794
FROM WORKING CAPITAL TRUST FUND		63,198
142 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	220,341	
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		32,338
FROM EDUCATIONAL AIDS TRUST FUND		62,302
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		15,296
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		1,933
FROM FOOD AND NUTRITION SERVICES TRUST FUND		8,959
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		27,274
FROM STUDENT LOAN OPERATING TRUST FUND . .		34,972
FROM WORKING CAPITAL TRUST FUND		52,755
142A SPECIAL CATEGORIES		
CENTRALIZED TECHNOLOGY RESOURCES FROM WORKING CAPITAL TRUST FUND		650,900
142B SPECIAL CATEGORIES		
EDUCATION DATA WAREHOUSE FROM GENERAL REVENUE FUND	1,000,000	

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144 DATA PROCESSING SERVICES		
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM		
FROM GENERAL REVENUE FUND	802,266	
FROM EDUCATIONAL AIDS TRUST FUND		134,169
144A DATA PROCESSING SERVICES		
EDUCATION TECHNOLOGY AND INFORMATION SERVICES		
FROM GENERAL REVENUE FUND	3,518,230	
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		585,126
FROM EDUCATIONAL AIDS TRUST FUND		2,798,645
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		573,090
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		333,191
FROM FOOD AND NUTRITION SERVICES TRUST FUND		122,694
FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		27,309
FROM STUDENT LOAN OPERATING TRUST FUND . .		81,927
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		67,429
TOTAL: STATE BOARD OF EDUCATION		
FROM GENERAL REVENUE FUND	89,410,639	
FROM TRUST FUNDS		117,508,880
TOTAL POSITIONS	1,253.00	
TOTAL ALL FUNDS		206,919,519

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

Funds in Specific Appropriations 10 through 14A, 144B, and 146 through 151 are provided as grants and aids to support the operation of state universities. Funds provided to each university are contingent upon that university following the provisions of chapters 1000 through 1013, Florida Statutes, which relate to state universities. Any withholding of funds pursuant to this provision shall be subject to the approval of the Legislative Budget Commission.

State universities and state university direct support organizations shall not pledge or use any revenues provided in Specific Appropriations 10 through 14A, 144B, and 146 through 153 from state general revenue operating appropriations, state trust fund operating appropriations, or tuition for the financing of any fixed capital outlay project through any financing mechanism, including, but not limited to, revenue bonds, promissory notes, certificates of participation, lease-purchase agreements or any other form of indebtedness.

144B AID TO LOCAL GOVERNMENTS		
CRITICAL JOBS INITIATIVE FROM GENERAL REVENUE FUND	5,000,000	

Funds provided in Specific Appropriation 144B are allocated in Specific Appropriation 7B.

The Commissioner of Education may request a budget amendment to realign funds provided for the SUCCEED, Florida programs in Specific Appropriations 7A, 7B, 114, 119, and 144B to reflect the results of the competitive awards authorized under the programs.

145 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - MOFFITT CANCER CENTER AND RESEARCH INSTITUTE FROM GENERAL REVENUE FUND	13,440,335	

Funds in Specific Appropriation 145 are provided to continue funding to the H. Lee Moffitt Cancer Center and Research Institute. These funds may be used as state matching funds for Moffitt's participation in the Special Medicaid Payment program, which provides payments to hospitals

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providing enhanced services to low-income individuals. In the event that enhanced Medicaid funding is not implemented by the Agency for Health Care Administration, these funds shall remain appropriated to the H. Lee Moffitt Cancer Center and Research Institute to continue the original purpose of providing research in cancer center operations.

146 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EDUCATION AND GENERAL ACTIVITIES

FROM GENERAL REVENUE FUND	1616,026,592	
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		844,961,058
FROM PHOSPHATE RESEARCH TRUST FUND		6,646,722

The appropriations provided in Specific Appropriations 146, 148, 149, and 151 from the Education and General Student and Other Fees Trust Fund are the only budget authority provided in this act for the 2005-2006 fiscal year to the named universities to expend tuition and fees that are collected during the 2005-2006 fiscal year and carried forward from the prior fiscal year and that are appropriated into local accounts pursuant to section 1011.4106, Florida Statutes. The expenditure of tuition and fee revenues from local accounts by each university shall not exceed the authority provided by these specific appropriations, unless approved pursuant to the provisions of chapter 216, Florida Statutes. If a court of competent jurisdiction finds that the restriction above is invalid, the appropriation made by section 1011.4106, Florida Statutes, is hereby repealed for the 2005-2006 fiscal year and the moneys described in that section shall be deposited in the state treasury for expenditure only pursuant to appropriations made by law.

General revenue funds provided in Specific Appropriations 146, 148, 149, and 151 to each of the named universities are contingent upon each university complying with the tuition and fee policies established in the proviso language attached to Specific Appropriation 146, and with the tuition and fee policies for state universities included in Part II of chapter 1009, Florida Statutes. However, the funds appropriated to a specific university shall not be affected by the failure of another university to comply with this provision.

Funds in Specific Appropriations 10 through 14A, 144B, and 146 through 151 shall be expended in accordance with operating budgets which must be approved by each university's board of trustees.

Funds in Specific Appropriation 146 from the General Revenue Fund shall be allocated as follows:

University of Florida	331,933,069
Florida State University	256,584,636
Florida A&M University	98,984,269
University of South Florida	195,432,410
University of South Florida, St. Petersburg	25,563,742
University of South Florida, Sarasota/Manatee	10,211,197
Florida Atlantic University	133,613,904
University of West Florida	59,369,039
University of Central Florida	217,617,074
Florida International University	169,043,519
University of North Florida	67,818,538
Florida Gulf Coast University	37,906,613
New College of Florida	11,948,582

From funds provided in Specific Appropriation 146 to the University of West Florida, $500,000 from non-recurring general revenue is for the Institute of Human and Machine Cognition.

Funds in Specific Appropriation 146 from the Education and General Student and Other Fees Trust Fund shall be allocated as follows:

University of Florida	171,502,670
Florida State University	132,867,459
Florida A&M University	58,185,516
University of South Florida	98,873,813
University of South Florida, St. Petersburg	5,274,515

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University of South Florida, Sarasota/Manatee	1,884,719
Florida Atlantic University	68,775,509
University of West Florida	24,183,614
University of Central Florida	116,272,685
Florida International University	110,278,582
University of North Florida	33,641,796
Florida Gulf Coast University	18,804,368
New College of Florida	4,415,812

Funds provided in Specific Appropriation 146 shall not be used by the University of Central Florida to create, expand, further, or otherwise fund directly or indirectly any non-accredited graduate degree or certificate program associated with Project E or the Florida Interactive Entertainment Academy but may only be used on programs accredited by the Southern Association of Colleges and Schools.

From general revenue funds in Specific Appropriation 146 for the University of Central Florida, $150,000 is provided to increase funding for the UCF Campus at Daytona Beach Community College by at least $150,000 above the level of funding provided for Fiscal Year 2004-2005.

Funds in Specific Appropriation 146 from the Phosphate Research Trust Fund are provided for the University of South Florida.

Funds in Specific Appropriation 146 are based upon the following full-time equivalent (FTE) enrollment:

Lower Level	63,643
Upper Level	83,730
Graduate	31,379
Total	178,752

Funding for each university is based upon the following full-time equivalent (FTE) enrollment:

University of Florida;

Lower Level	11,394
Upper Level	13,465
Graduate	9,065
Total	33,924

Florida State University;

Lower Level	9,867
Upper Level	11,700
Graduate	4,890
Total	26,457

Florida Agricultural & Mechanical University;

Lower Level	4,235
Upper Level	3,604
Graduate	1,325
Total	9,164

University of South Florida;

Lower Level	8,764
Upper Level	11,490
Graduate	4,506
Total	24,760

Florida Atlantic University;

Lower Level	4,514
Upper Level	7,896
Graduate	2,140
Total	14,550

University of West Florida;

Lower Level	2,074
Upper Level	3,358
Graduate	646
Total	6,078

University of Central Florida;

Lower Level	9,616

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Upper Level	13,905
Graduate	3,803
Total	27,324
Florida International University;	
Lower Level	7,951
Upper Level	11,652
Graduate	3,539
Total	23,142
University of North Florida;	
Lower Level	3,391
Upper Level	4,433
Graduate	969
Total	8,793
Florida Gulf Coast University;	
Lower Level	1,656
Upper Level	1,783
Graduate	496
Total	3,935
New College;	
Lower Level	181
Upper Level	444
Total	625

From the funds provided in Specific Appropriations 146 and 148, each university may shift enrollment by level in a manner which is revenue neutral, but shall not increase the number of lower level FTEs. For planning and enrollment shifting purposes, the University of South Florida may combine lower, upper, and graduate FTE identified in Specific Appropriations 146 and 148.

The Chancellor of the Board of Governors shall submit a revised 5-year state university enrollment plan by lower, upper, graduate I and graduate II levels, by university, to the Florida Board of Governors by September 1, 2005. This revised 5-year enrollment plan must be developed with input from each state university. The State Board of Education shall include funding recommendations in its Fiscal Year 2006-2007 Legislative Budget Request to implement the revised 5-year state university enrollment plan.

The enrollment policy adopted by the Legislature does not limit the number of students admitted from out-of-state under the profile admissions policy; however, no state university may receive general revenue funding associated with the enrollment of out-of-state students admitted under this policy. For the purposes of implementing this policy, the Chancellor shall segregate these FTEs and not count them toward the 2005-2006 enrollment plan for the State University System.

The maximum resident undergraduate tuition per credit hour is hereby established for the 2005-2006 fiscal year as follows:

	2005 Summer Term	2005-2006 Fall/Spring Terms
Lower Level Coursework	$ 68.16	$ 71.57
Upper Level Coursework	$ 68.16	$ 71.57

Except as otherwise provided by law, each board of trustees shall set university tuition and fees for graduate, graduate professional, and nonresident students. Tuition and fees for graduate, graduate professional, and nonresident students may not exceed the average full-time tuition and fees for corresponding programs at public institutions that are members of the Association of American Universities. The annual percentage increase in tuition and fees established by each board of trustees pursuant to this paragraph for students enrolled prior to the fall of 2005 shall not exceed five percent.

Each university board of trustees is authorized to waive tuition and out-of-state fees for purposes which support and enhance the mission of the university. All fee waivers must be based on policies which are

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adopted by university boards of trustees. Each university shall report the purpose, number and value of all fee waivers granted annually in a format which shall be prescribed and reviewed by the Florida Board of Governors.

Funds provided in Specific Appropriation 146 for the University of Florida include no more than that amount which the State Board of Education and the City of Gainesville agree represents the cost of service for water provided by the city to the University of Florida. The amount charged shall reflect a cost-based rate only and shall be determined through a cost of service study completed annually by the city and reviewed by the university. The costs of any General Fund transfer to the City of Gainesville from Gainesville Regional Utilities or any profit to the city or utility shall be specifically excluded as costs allocable to the university. The cost-based rate shall include charges for only those water services actually provided by the city to the university and shall not include charges for services furnished by the university.

In order to provide New College and USF Sarasota/Manatee with sufficient up-front operating capital to support shared services functions and to eliminate the significant current accounting inefficiencies, a total of $5,000,000 from the funds in Specific Appropriation 146 shall be released in equal amounts to New College and USF/USF Sarasota-Manatee as part of the first cash distribution in the fiscal year. The remaining appropriated funds for these two institutions shall be distributed in accordance with normal release protocol, beginning with the first cash distribution in the fiscal year. New College and USF/USF Sarasota-Manatee are authorized to make lump sum budget transfers between the two institutions, as appropriate, to facilitate management of shared services.

147 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - IFAS (INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE)
FROM GENERAL REVENUE FUND 115,639,730

From the funds in Specific Appropriation 147 and any other funds available to the state university system, there shall be no expenditures made pursuant to the consent order, effective April 15, 1986, and amended on June 8, 1987, and as subsequently amended by the joint plan submitted by the Chancellor and the Secretary of the Department of Environmental Protection on October 1, 1993, between the Institute of Food and Agricultural Sciences and the Department of Environmental Protection; provided; however, that funds from the Water Quality Assurance Trust Fund provided specifically for site investigation and clean-up activities may continue to be spent for that purpose.

148 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER
FROM GENERAL REVENUE FUND 50,021,399
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 16,894,760

Funds in Specific Appropriation 148 are based upon the following total full-time equivalent enrollment:

Lower Level	52
Upper Level	333
Graduate	660
M.D.	422

149 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF FLORIDA HEALTH CENTER
FROM GENERAL REVENUE FUND 82,807,756
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 17,151,439

Funds in Specific Appropriation 149 are based upon the following total full-time equivalent enrollment:

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Dentistry	330
Veterinary Medicine	336
M.D.	474

151 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA STATE UNIVERSITY
MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 30,915,640
FROM EDUCATION AND GENERAL STUDENT AND
OTHER FEES TRUST FUND 5,116,194

Funds in Specific Appropriation 151 are based upon the following full-time equivalent enrollment:

M.D. 260

152 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT FINANCIAL
ASSISTANCE
FROM GENERAL REVENUE FUND 20,229,207

A minimum of 71 percent of the funds provided in Specific Appropriation 152 shall be allocated for need-based financial aid.

Funds in Specific Appropriation 152 shall be allocated as follows:

University of Florida	4,922,123
Florida State University	4,158,006
Florida A&M University	1,769,020
University of South Florida	2,411,988
Florida Atlantic University	1,132,259
University of West Florida	446,963
University of Central Florida	2,431,925
Florida International University	1,531,744
University of North Florida	568,227
Florida Gulf Coast University	277,849
New College of Florida	579,103

153 SPECIAL CATEGORIES
CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 44,692,260

Funds provided in Specific Appropriations 14A and 153 shall be allocated as follows:

University of Florida	26,392,398
Florida State University	2,496,102
Florida A&M University	774,140
University of South Florida	5,312,988
Florida Atlantic University	3,086,202
University of West Florida	270,039
University of Central Florida	4,095,310
Florida International University	1,540,002
University of North Florida	4,033,973
New College of Florida	204,321
Florida Gulf Coast University	2,631,921
Division of Colleges & Universities - Johnson Scholarship	354,864

Funds in Specific Appropriations 14A and 153 shall be fully released in the first quarter of the fiscal year.

154 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,092,350
FROM PHOSPHATE RESEARCH TRUST FUND 2,116

154A SPECIAL CATEGORIES
GRANTS AND AIDS - 2004 HURRICANES - PASS
THROUGH OF STATE AND FEDERAL FUNDS TO
LOCAL GOVERNMENTS
FROM GENERAL REVENUE FUND 900,000

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TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES
FROM GENERAL REVENUE FUND 1994,765,269
FROM TRUST FUNDS 890,772,289

TOTAL ALL FUNDS 2885,537,558

BOARD OF GOVERNORS

APPROVED SALARY RATE 3,487,025

154B SALARIES AND BENEFITS POSITIONS 62.00
FROM GENERAL REVENUE FUND 4,078,908
FROM DIVISION OF UNIVERSITIES FACILITY
CONSTRUCTION ADMINISTRATIVE TRUST FUND . 544,340

The positions included in Specific Appropriation 154B shall report to the Board of Governors.

154C OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 40,114
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 25,567

154D EXPENSES
FROM GENERAL REVENUE FUND 1,065,807
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 11,657
FROM DIVISION OF UNIVERSITIES FACILITY
CONSTRUCTION ADMINISTRATIVE TRUST FUND . 263,816
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 26,429

154E OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 51,236

154F SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 37,509
FROM DIVISION OF UNIVERSITIES FACILITY
CONSTRUCTION ADMINISTRATIVE TRUST FUND . 1,945

TOTAL: BOARD OF GOVERNORS
FROM GENERAL REVENUE FUND 5,273,574
FROM TRUST FUNDS 873,754

TOTAL POSITIONS 62.00
TOTAL ALL FUNDS 6,147,328

TOTAL OF SECTION 2 POSITIONS 2,634.50

FROM GENERAL REVENUE FUND 13338,002,229

FROM TRUST FUNDS 5462,343,709

TOTAL ALL FUNDS 18800,345,938

SECTION 3 - HUMAN SERVICES

The monies contained herein are appropriated from the named funds to the Agency for Health Care Administration, Department of Children and Family Services, Department of Elder Affairs, Department of Health, Agency for Persons with Disabilities, and the Department of Veterans' Affairs as the amounts to be used to pay salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGENCY FOR HEALTH CARE ADMINISTRATION

PROGRAM: ADMINISTRATION AND SUPPORT

APPROVED SALARY RATE 13,778,455

155 SALARIES AND BENEFITS POSITIONS 313.00
FROM GENERAL REVENUE FUND 3,759,098

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FROM HEALTH CARE TRUST FUND		10,303,972
FROM ADMINISTRATIVE TRUST FUND		3,195,937

156 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	173,917	
FROM HEALTH CARE TRUST FUND		430,857
FROM ADMINISTRATIVE TRUST FUND		369,181

157 EXPENSES

FROM GENERAL REVENUE FUND	2,037,455	
FROM HEALTH CARE TRUST FUND		4,635,971
FROM ADMINISTRATIVE TRUST FUND		1,414,900

From the funds in Specific Appropriation 157, $150,000 from the General Revenue Fund is provided to fund the Amelia Park Telemedicine Demonstration Project.

From the funds in Specific Appropriations 155, 157 and 158, $247,682 from the Health Care Trust Fund is provided for the document management system project.

158 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	229,961	
FROM HEALTH CARE TRUST FUND		226,342
FROM ADMINISTRATIVE TRUST FUND		537,352

159 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	27,215	
FROM HEALTH CARE TRUST FUND		156,597
FROM ADMINISTRATIVE TRUST FUND		22,679

160 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	13,567	
FROM HEALTH CARE TRUST FUND		63,156
FROM ADMINISTRATIVE TRUST FUND		19,895

161 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES

FROM HEALTH CARE TRUST FUND		390,603
FROM ADMINISTRATIVE TRUST FUND		23,840

TOTAL: PROGRAM: ADMINISTRATION AND SUPPORT

FROM GENERAL REVENUE FUND	6,241,213	
FROM TRUST FUNDS		21,791,282
TOTAL POSITIONS	313.00	
TOTAL ALL FUNDS		28,032,495

PROGRAM: HEALTH CARE SERVICES

CHILDREN'S SPECIAL HEALTH CARE

162 EXPENSES

FROM GENERAL REVENUE FUND	2,091,587	
FROM TOBACCO SETTLEMENT TRUST FUND		704,548
FROM MEDICAL CARE TRUST FUND		6,924,463

Funds in Specific Appropriations 162 through 166 are provided to operate the Florida KidCare Program. The Executive Office of the Governor may authorize movement of these resources between programs or agencies pursuant to chapter 216, Florida Statutes, based on projections from the Social Services Estimating Conference.

From the funds in Specific Appropriation 162, not more than $40,000 from the General Revenue Fund may be used to print information about the Florida KidCare Program for distribution to students on the first day of the 2005-06 school year.

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163 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION

FROM GENERAL REVENUE FUND	32,589,724	
FROM TOBACCO SETTLEMENT TRUST FUND		68,419,651
FROM MEDICAL CARE TRUST FUND		245,197,167

Funds in Specific Appropriations 163 and 164 are provided to contract with the Florida Healthy Kids Corporation to provide comprehensive health insurance coverage, including dental services, to Title XXI children eligible under the Florida KidCare Program and pursuant to section 624.91, Florida Statutes. The corporation shall use at least $7,000,000 from local funds and no more than $1,900,000 from corporate cash reserves to serve non-Title XXI eligible children. The corporation may also use funds in this appropriation category for administrative expenses to operate the program and related eligibility system enhancements.

164 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION DENTAL SERVICES

FROM GENERAL REVENUE FUND	15,304,541	
FROM MEDICAL CARE TRUST FUND		33,052,773

Funds in Specific Appropriation 164 are provided for Florida Healthy Kids Dental services to be paid a monthly premium of no more than $12 per member per month.

165 SPECIAL CATEGORIES
MEDIKIDS

FROM GENERAL REVENUE FUND	7,083,923	
FROM TOBACCO SETTLEMENT TRUST FUND		8,170,634
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,405,472
FROM MEDICAL CARE TRUST FUND		37,767,498

166 SPECIAL CATEGORIES
CHILDREN'S MEDICAL SERVICES NETWORK

FROM GENERAL REVENUE FUND	9,228,213	
FROM TOBACCO SETTLEMENT TRUST FUND		10,251,578
FROM GRANTS AND DONATIONS TRUST FUND . . .		878,485
FROM MEDICAL CARE TRUST FUND		48,228,903

TOTAL: CHILDREN'S SPECIAL HEALTH CARE

FROM GENERAL REVENUE FUND	66,297,988	
FROM TRUST FUNDS		465,001,172
TOTAL ALL FUNDS		531,299,160

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 28,688,691

167 SALARIES AND BENEFITS POSITIONS 724.50

FROM GENERAL REVENUE FUND	12,388,784	
FROM HEALTH CARE TRUST FUND		317,374
FROM ADMINISTRATIVE TRUST FUND		23,825,198

Any requests pursuant to chapter 216, Florida Statutes, by the Agency for Health Care Administration to increase budget authority to expand existing programs using increased federal reimbursement through Upper Payment Limit (UPL) provisions shall be contingent upon the availability of state match from existing state funds or local sources that do not increase the current requirement for state general revenue or tobacco settlement trust funds. The agency is authorized to seek federal Medicaid waivers as necessary to implement this provision.

168 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	1,515,006	
FROM HEALTH CARE TRUST FUND		237,668
FROM ADMINISTRATIVE TRUST FUND		22,882,320
FROM GRANTS AND DONATIONS TRUST FUND . . .		303,125

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169 EXPENSES

FROM GENERAL REVENUE FUND	15,933,719	
FROM HEALTH CARE TRUST FUND		21,946
FROM ADMINISTRATIVE TRUST FUND		48,489,519
FROM TOBACCO SETTLEMENT TRUST FUND		1,200,000
FROM GRANTS AND DONATIONS TRUST FUND		1,135,189

From the funds in Specific Appropriation 169, $1,700,000 from the General Revenue Fund and $1,700,000 from the Administrative Trust Fund are provided for the continuation of the Medicaid wireless handheld drug information database program. The agency may continue the contract for the program with the existing provider.

From the funds in Specific Appropriation 169, $128,000 from the General Revenue Fund and $128,000 from the Administrative Trust Fund are provided to conduct an assessment and feasibility study of using Florida's Medicaid Management Information System (FMMIS) to support the development of electronic medical records and provide guidance to the most effective way Florida Medicaid can interface with statewide efforts in developing electronic medical information.

From the funds in Specific Appropriation 169, $2,412,000 from the General Revenue Fund and $2,412,000 from the Administrative Trust Fund are provided for a demonstration project to reduce geriatric falls among community-based Medicaid beneficiaries at risk of falls and who reside in Broward and Miami-Dade counties.

From the funds in Specific Appropriation 169, $1,000,000 from the Tobacco Settlement Trust Fund and $1,000,000 from the Administrative Trust Fund are provided for a demonstration project to reduce geriatric falls among community-based Medicaid beneficiaries at risk of falls and who reside in Hillsborough, Palm Beach, Pasco, Pinellas and Polk counties.

From the funds in Specific Appropriation 169, $1,131,621 from the General Revenue Fund and $1,131,620 from the Administrative Trust Fund may be used by the agency to continue the existing contract for an independent estimate of the growth in Medicaid expenditures for Fiscal Years 2005-2006 and 2006-2007. This spending authority shall allow for an updated projection of Medicaid expenditures and a comparison of the initial projection to actual Medicaid expenditures using six months of actual claims.

From the funds in Specific Appropriation 169, $200,000 in non-recurring tobacco settlement funds are provided to the Health Planning Council of Southwest Florida for the purpose of an uninsured health care study in Charlotte, Collier and Lee counties. The appropriation is eligible for matching funds from a not-for-profit private foundation.

From the funds in Specific Appropriation 169, $101,929 from the General Revenue Fund is provided for JaxCare to provide services to uninsured, low-income individuals.

170 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	45,391	
FROM ADMINISTRATIVE TRUST FUND		221,266

172 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS

FROM GENERAL REVENUE FUND	77,684	
FROM ADMINISTRATIVE TRUST FUND		77,683

173 SPECIAL CATEGORIES
CONTRACT NURSING HOME AUDIT PROGRAM

FROM GENERAL REVENUE FUND	827,653	
FROM ADMINISTRATIVE TRUST FUND		1,129,095

174 SPECIAL CATEGORIES
MEDICAID FISCAL CONTRACT

FROM GENERAL REVENUE FUND	25,099,593	
FROM ADMINISTRATIVE TRUST FUND		64,408,234
FROM REFUGEE ASSISTANCE TRUST FUND		134,674

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175 SPECIAL CATEGORIES
MEDICAID PEER REVIEW

FROM GENERAL REVENUE FUND	950,000	
FROM ADMINISTRATIVE TRUST FUND		3,971,637

176 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	249,515	
FROM ADMINISTRATIVE TRUST FUND		249,517

177 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	48,550	
FROM HEALTH CARE TRUST FUND		2,256
FROM ADMINISTRATIVE TRUST FUND		223,032

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM GENERAL REVENUE FUND	57,135,895	
FROM TRUST FUNDS		168,829,733
TOTAL POSITIONS	724.50	
TOTAL ALL FUNDS		225,965,628

MEDICAID SERVICES TO INDIVIDUALS

178 SPECIAL CATEGORIES
CASE MANAGEMENT

FROM GENERAL REVENUE FUND	47,932,947	
FROM GRANTS AND DONATIONS TRUST FUND		1,850,000
FROM MEDICAL CARE TRUST FUND		60,670,759
FROM REFUGEE ASSISTANCE TRUST FUND		6,334

From the funds in Specific Appropriations 178-180, 183, 185, 188, 190, 192-194, 197, 199, 203-206, 210 and 212, $161,434,236 from the General Revenue Fund, $231,269,802 from the Medical Care Trust Fund and $641,522 from the Grants and Donations Trust Fund are provided to restore the Medically Needy Program, effective July 1, 2005.

Funds in Specific Appropriations 178-181, 183, 185, 188, 190, 192, 194, 196, 198-200, 203, 204a, 208, 212, and 225 reflect a reduction of $64,368,718 from the General Revenue Fund and $20,330,839 from the Medical Care Trust Fund as a result of the elimination of Medicaid covered services for Medicare eligible non-institutionalized individuals in the Medicaid Elderly and Disabled (MEDS AD) Program as a result of the implementation of Medicare Part D. The Agency for Health Care Administration is authorized to seek federal Medicaid waivers as necessary to implement this provision.

179 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN

FROM GENERAL REVENUE FUND	50,930,991	
FROM MEDICAL CARE TRUST FUND		95,844,335
FROM REFUGEE ASSISTANCE TRUST FUND		14,825

180 SPECIAL CATEGORIES
COMMUNITY MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	14,526,672	
FROM MEDICAL CARE TRUST FUND		23,717,746
FROM REFUGEE ASSISTANCE TRUST FUND		16,659

The agency is authorized to amend the Medicaid State Plan to include the following specialized substance abuse services: community based outpatient detoxification services, community based substance abuse intervention services, and comprehensive community support services for substance abuse.

The agency is authorized to work with the Department of Children and Family Services and Florida county governments to develop a local match program to fund these Medicaid specialized substance abuse services using local county tax funding. The public revenue funds required to match the Medicaid funds for these specialized substance abuse services

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are limited to those funds that are local public tax revenues and are made available to the state for this purpose. As required by Medicaid policy, participating counties shall make these services available to any qualified Florida Medicaid recipient regardless of county of residence. Payment for these services is contingent upon the local matching funds being provided by participating counties.

181 SPECIAL CATEGORIES
ADULT DENTAL SERVICES

FROM GENERAL REVENUE FUND	10,087,923	
FROM MEDICAL CARE TRUST FUND		14,450,932
FROM REFUGEE ASSISTANCE TRUST FUND		174,002

From the funds in Specific Appropriation 181, $8,449,143 from the General Revenue Fund, $12,103,383 from the Medical Care Trust Fund and $144,884 from the Refugee Assistance Trust Fund are provided to restore adult denture services, effective July 1, 2005.

182 SPECIAL CATEGORIES
DEVELOPMENTAL EVALUATION AND INTERVENTION/
PART C

FROM MEDICAL CARE TRUST FUND		4,347,628

Funds in Specific Appropriation 182 shall be contingent on the availability of state match being provided in Specific Appropriation 562.

183 SPECIAL CATEGORIES
EARLY AND PERIODIC SCREENING OF CHILDREN

FROM GENERAL REVENUE FUND	54,952,230	
FROM MEDICAL CARE TRUST FUND		78,781,919
FROM REFUGEE ASSISTANCE TRUST FUND		295,515

From the funds in Specific Appropriations 183, 185, 188, 190, 194, 196-198, 200, 202-204, 206, 208, 212, and 226, $24,590,495 from the General Revenue Fund, $35,603,220 from the Medical Care Trust Fund and $566,470 from the Grants and Donations Trust Fund are provided to restore Medicaid services for pregnant women with incomes between 150 and 185 percent of the federal poverty level, effective July 1, 2005.

By September 30, 2005, the agency shall issue an invitation to negotiate to contract for the delivery of comprehensive vision care services to Medicaid recipients under the age of 18 through a capitated, prepaid arrangement. As used in this paragraph, "vision care services" shall mean covered routine and medical/surgical vision care services available to Medicaid recipients.

Beginning July 1, 2005, the agency shall conduct an application process to obtain managed dental care providers for Medicaid recipients in Areas 9 and 10.

184 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL
ASSISTANCE PROGRAM

FROM GENERAL REVENUE FUND	1,220,185	
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,754,751
FROM MEDICAL CARE TRUST FUND		6,768,358

Funds in Specific Appropriation 184 are provided for a federally matched Rural Hospital Disproportionate Share program and a state-funded Rural Hospital Financial Assistance program as provided in section 409.9116, Florida Statutes.

185 SPECIAL CATEGORIES
FAMILY PLANNING

FROM GENERAL REVENUE FUND	804,381	
FROM MEDICAL CARE TRUST FUND		7,301,858
FROM REFUGEE ASSISTANCE TRUST FUND		21,992

187 SPECIAL CATEGORIES
HEALTHY START SERVICES

FROM MEDICAL CARE TRUST FUND		14,826,156

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188 SPECIAL CATEGORIES
HOME HEALTH SERVICES

FROM GENERAL REVENUE FUND	70,962,183	
FROM MEDICAL CARE TRUST FUND		101,660,709
FROM REFUGEE ASSISTANCE TRUST FUND		143,002

From the funds in Specific Appropriation 188, the agency may implement accreditation requirements for Durable Medical Equipment and Consumable Medical Supply providers.

189 SPECIAL CATEGORIES
HOSPICE SERVICES

FROM GENERAL REVENUE FUND	104,041,271	
FROM MEDICAL CARE TRUST FUND		148,858,932

Funds in Specific Appropriation 189 reflect a reduction of $3,433,746 from the General Revenue Fund and $5,098,834 from the Medical Care Trust Fund based on the effect on hospice rates as a result of modifying nursing home rates, effective July 1, 2005.

190 SPECIAL CATEGORIES
HOSPITAL INPATIENT SERVICES

FROM GENERAL REVENUE FUND	278,601,860	
FROM GRANTS AND DONATIONS TRUST FUND . . .		442,895,892
FROM MEDICAL CARE TRUST FUND		1760,040,428
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		506,420,000
FROM REFUGEE ASSISTANCE TRUST FUND		2,410,421

From the funds in Specific Appropriation 190, $19,526,110 from the Grants and Donations Trust Fund and $27,971,115 from the Medical Care Trust Fund are provided for special Medicaid payments to statutory teaching hospitals, family practice teaching hospitals, hospitals providing primary care to low-income individuals, hospitals operating as designated or provisional trauma centers, and rural hospitals. Statutory teaching hospitals that received a special Medicaid payment in State Fiscal Year 2003-2004 shall be paid $12,203,921 distributed in the same proportion as the State Fiscal Year 2003-2004 special Medicaid payments to statutory teaching hospitals. Family practice teaching hospitals shall be paid $2,330,882 distributed equally among the hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program in State Fiscal Year 2003-2004 shall be paid $12,203,921 distributed in the same proportion as the Primary Care DSH payments for State Fiscal Year 2003-2004. Hospitals designated as provisional trauma centers shall be paid $12,375,000. Of this amount, $5,355,000 shall be distributed equally among hospitals that are a Level I trauma center; $4,500,000 shall be distributed equally among hospitals that are either a Level II or pediatric trauma center; and $2,520,000 shall be distributed equally among hospitals that are both a Level II and pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH Program shall be paid $8,383,500 distributed in the same proportion as the DSH payments. In the event the agency obtains approval of a Medicaid outpatient upper payment limit program, the special Medicaid payments to rural hospitals in Specific Appropriation 190 will be made through the Medicaid outpatient upper payment limit program in Specific Appropriation 194. The payments will be distributed to the rural hospitals using the same methodology as described above or as agreed upon with the Centers for Medicare and Medicaid Services.

From the funds in Specific Appropriation 190, $870,240 from the Grants and Donations Trust Fund and $1,246,617 from the Medical Care Trust Fund are provided for special Medicaid payments to hospitals providing low-income individuals access to primary care clinics. Hospitals that participated in the Primary Care DSH Program in State Fiscal Year 2003-2004 and are currently receiving special Medicaid payments for primary care are not eligible to receive funds under this section. At a minimum, a hospital qualifying to receive funds under this section must provide financial support to a freestanding clinic in the hospital's local community that provides primary care to individuals free of charge and/or on a sliding fee schedule based on the patient's income.

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From the funds in Specific Appropriation 190, $822,200 from the Grants and Donations Trust Fund and $1,177,800 from the Medical Care Trust Fund are for special Medicaid payments to specialty pediatric facilities. To qualify for a special Medicaid payment under this section a hospital must be licensed as a children's specialty hospital and its combined Medicaid managed care and fee for service days as a percentage to total inpatient days equals or exceeds 30 percent. The agency shall use the 2003 Financial Hospital Uniform Reporting System (FHURS) data to determine the combined Medicaid managed care and fee-for-service days. The total special Medicaid payments made shall be distributed equally to the qualifying hospitals.

From the funds in Specific Appropriation 190, $10,862,174 from the Grants and Donations Trust Fund and $15,560,044 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equal or exceed 11 percent. For State Fiscal Year 2005-2006 hospitals that qualify under this provision will only receive 50 percent of the amount available based on eliminating the inpatient reimbursement ceilings, except any public hospital that meets the 11 percent threshold using the average of the 1999, 2000 and 2001 audited DSH data will receive 92 percent of the amount available based on eliminating the inpatient reimbursement ceilings. If the prescribed three years of audited DSH data is not available for the public hospital, the agency shall use the average of the 1999, 2000 and 2001 audited DSH data that is available for the public hospital. However, these hospitals may receive up to the full amount available provided there is an increase in the available public hospital upper payment limit balance as described in the proviso language below. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000, and 2001 that are available. Any hospital that met the 11 percent threshold in State Fiscal Year 2004-2005 and was also exempt from the inpatient reimbursement ceilings shall remain exempt from the inpatient reimbursement ceilings for State Fiscal Year 2005-2006, subject to the payment limitations imposed in this paragraph.

From the funds in Specific Appropriation 190, $589,536 from the Grants and Donation Trust Fund and $844,510 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2. For State Fiscal Year 2005-2006, hospitals that qualify under this provision will only receive 50 percent of the amount available based on eliminating the inpatient reimbursement ceilings. However, these hospitals may receive up to the full amount available provided there is an increase in the available public hospital upper payment limit balance as described in the proviso language below.

From the funds in Specific Appropriation 190, $21,516,884 from the Grants and Donations Trust Fund and $30,822,897 from the Medical Care Trust Fund are provided to eliminate the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are a designated or provisional trauma center on July 1, 2005 and any hospitals that become a designated or provisional trauma center during State Fiscal Year 2005-2006. For State Fiscal Year 2005-2006, hospitals that qualify under this provision will only receive 92 percent of the amount available based on eliminating the inpatient reimbursement ceilings. However, these hospitals may receive up to the full amount available provided there is an increase in the available public hospital upper payment limit balance as described in the proviso language below. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available.

From the funds in Specific Appropriation 190, $43,617,052 from the Grants and Donations Trust Fund and $62,481,348 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals

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that serve as a safety net in providing emergency, specialized pediatric trauma services and inpatient hospital care to low-income individuals. Of these funds, $250,000 is being provided for Lee Memorial to conduct a pilot project for efficient management of providing care to the uninsured and $250,000 is provided for an emergency room diversion pilot project at Naples Community Hospital. These amounts shall be paid to the following:

Jackson Memorial Hospital	3,322,365
University Medical Center - Shands	46,121,019
All Children's Hospital	6,637,413
Shands Teaching Hospital	7,703,253
Tampa General Hospital	18,914,451
Orlando Regional Medical Center	5,560,262
Lee Memorial Hospital/CMS	1,200,000
St. Mary's Hospital	291,706
Miami Children's Hospital	5,400,229
Broward General Medical Center	330,366
Tallahassee Memorial Healthcare	54,402
St. Joseph's Hospital	52,835
Florida Hospital	55,072
Baptist Hospital of Pensacola	450,000
Mt. Sinai Medical Center	9,072,075
Bayfront Medical Center	215,975
Sacred Heart Hospital	466,977
Naples Community Hospital	250,000

From the funds in Specific Appropriation 190, $212,749,890 from the Grants and Donation Trust Fund, and $304,763,830 from the Medical Care Trust Fund are provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.

Funds provided in Specific Appropriation 190 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. In the event the state share provided through grants and donations is not available to fund the above special Medicaid payments and removal of inpatient ceilings for hospitals, the Agency for Health Care Administration shall submit a revised hospital reimbursement plan to the Legislative Budget Commission for approval.

The agency may increase hospital reimbursement rates and/or special Medicaid payments based on updated audit reports contingent upon the state receiving the entire amount of local match anticipated in the Grants and Donations Trust Fund. Local matching funds are defined as public funds from state, counties, local governments, districts or taxing authorities or public entities subject to sovereign immunity, governed by a publicly elected body, and recognized as a public entity by the state.

From the funds in Specific Appropriation 190, $4,083,045 from the Grants and Donations Trust Fund and $5,848,955 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals. These payments shall be used to pay approved liver transplant facilities a global fee for providing transplant services to Medicaid recipients.

From the funds in Specific Appropriation 190, $88,966,122 from the Grants and Donations Trust Fund and $127,443,807 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation. For State Fiscal Year 2005-2006 hospitals that qualify under this provision will only receive 92 percent of the amount available based on eliminating the inpatient reimbursement ceilings. However, these hospitals may receive up to the full amount available provided there is an increase in the available public hospital upper payment limit balance as described in the proviso language below.

From the funds in Specific Appropriation 190, $20,594,860 from the Grants and Donations Trust Fund and $29,502,101 from the Medical Care

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Trust Fund are provided to restore the reductions in the inpatient payments to hospitals, resulting from the projected deficit in the available public hospital upper payment limit balance. The hospitals qualifying for the restoration of their rates are the hospitals that qualified as teaching, Community Health Education Program hospitals, specialty, Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation, trauma centers where their Medicaid days as a percentage to total hospital days equals or exceeds 7.3 percent, hospitals whose Medicaid and charity care days as a percentage to total adjusted hospital days equals or exceeds 11 percent and hospitals with a minimum of ten licensed level II Neonatal Intensive Care Units located in Trauma Services Area 2. The restoration of the inpatient rates is contingent on new cost report data providing for an increase in the amount of public hospital upper payment limit for State Fiscal Year 2005-2006. Any allowable growth in the public hospital upper payment limit balance will first be used to restore the loss in inpatient rates experienced by Jackson Memorial Hospital. Upon the loss by Jackson Memorial Hospital being restored any remaining growth in the public upper payment limit balance will be applied to the remaining hospitals in the same proportion as their rate reduction. The agency will work with the Disproportionate Share Council to determine the methodology to restore the inpatient rates.

From the funds in Specific Appropriation 190, $1,308,537 from the Grants and Donations Trust Fund and $1,874,477 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals. These payments may be used, in collaboration with the Department of Health, to provide funding for hospitals providing poison control programs.

From the funds in Specific Appropriation 190, up to $1,027,750 from the Grants and Donations Trust Fund and $1,472,250 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals providing services to low-income working uninsured residents in Miami-Dade County. The agency shall seek approval of this provision from the Centers for Medicare and Medicaid Services in a state plan amendment subsequent to receiving approval for the State Fiscal Year 2005-2006 Medicaid upper payment limit program.

From the funds in Specific Appropriation 190, $3,000,000 from the Grants and Donations Trust Fund and $4,297,495 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals. These payments may be used, in collaboration with the Department of Health, to provide funding for hospitals supporting primary care services in medically underserved areas.

The agency may make special Medicaid payments to hospitals in an accelerated manner that is more frequent than on a quarterly basis, subject to the availability of state, local and federal funds.

From the funds in Specific Appropriation 190, $49,255,799 from the Medical Care Trust Fund is provided to the Agency for Health Care Administration to fund services for children in the Statewide Inpatient Psychiatric program. The program shall be designed to permit limits on services, prior authorization of services, and selective provider enrollment. The program must also include monitoring and quality assurance, as well as discharge planning and continuing stay reviews, of all children admitted to the program. The funding is contingent upon the availability of state matching funds in the Department of Children and Family Services in Specific Appropriations 299 and 335.

From the funds in Specific Appropriation 190, the Agency for Health Care Administration, within existing resources, may contract with an integrative medical management provider to develop and implement a pilot integrated therapies program to improve the quality of care and cost-effectiveness of the MediPass disease management initiative. The disease management model may use the best practices of conventional and complementary and alternative medicine. The demonstration project shall be for three years from the date of implementation. The agency is authorized to seek federal Medicaid waivers and any state plan amendment necessary to implement this program. The agency shall report annually to

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the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council as to the cost-effectiveness of the pilot. The agency may expand the pilot based on favorable annual progress reports and federal approval.

From the funds in Specific Appropriation 190, the agency is authorized to test, on a pilot basis in one or more contiguous counties, a specialized, comprehensive obstetrical management program for high-risk pregnancies of Medicaid eligible women. The project may be designed to identify high-risk pregnancies of Medicaid eligible women, improve birth outcomes, and reduce costs associated with complicated pregnancies and pre-term births. The program may include the use of risk assessment, patient education, case management, home nursing visits, home uterine activity monitoring, telemedicine approaches, acuity-based clinical interventions for the management of pre-term labor, diabetes in pregnancy, pregnancy-induced hypertension, nausea and vomiting in pregnancy, and coagulation disorders, 24-hour telephone support, and patient management systems. The agency is authorized to seek federal Medicaid waivers as necessary to implement this program.

Funds in Specific Appropriation 190 reflect a cost savings of $41,281,450 from the General Revenue Fund, $59,155,584 from the Medical Care Trust Fund and $100,584 from the Refugee Assistance Trust Fund as a result of modifying the reimbursement methodology for inpatient hospital rates. The agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling, county ceiling target rate or rate for fixed costs to achieve the cost savings.

191 SPECIAL CATEGORIES
REGULAR DISPROPORTIONATE SHARE

FROM GRANTS AND DONATIONS TRUST FUND . . .		82,494,001
FROM MEDICAL CARE TRUST FUND		118,172,507

Funds in Specific Appropriation 191 shall be used for a Disproportionate Share Hospital Program as provided in section 409.911, Florida Statutes, and are contingent upon receipt of county contributions.

192 SPECIAL CATEGORIES
FREESTANDING DIALYSIS CENTERS

FROM GENERAL REVENUE FUND	6,798,805	
FROM MEDICAL CARE TRUST FUND		9,741,739
FROM REFUGEE ASSISTANCE TRUST FUND		11,829

Funds in Specific Appropriation 192 are for the inclusion of freestanding dialysis clinics in the Medicaid program.

From the funds in Specific Appropriation 192, $1,133,823 from the General Revenue Fund and $1,626,663 from the Medical Care Trust Fund are provided to increase payments from $85.00 per visit to $125.00 per visit for each dialysis treatment.

193 SPECIAL CATEGORIES
HOSPITAL INSURANCE BENEFITS

FROM GENERAL REVENUE FUND	59,037,949	
FROM MEDICAL CARE TRUST FUND		84,571,753

194 SPECIAL CATEGORIES
HOSPITAL OUTPATIENT SERVICES

FROM GENERAL REVENUE FUND	201,247,543	
FROM GRANTS AND DONATIONS TRUST FUND . . .		62,391,482
FROM MEDICAL CARE TRUST FUND		377,737,837
FROM REFUGEE ASSISTANCE TRUST FUND		1,220,187

From the funds in Specific Appropriation 194, $26,429,379 from the Grants and Donations Trust Fund and $37,860,037 from the Medical Care Trust Fund are provided to increase the outpatient cap for adults from $1,000 to $1,500 per year and to eliminate the outpatient reimbursement ceilings for teaching, specialty, Community Health Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as

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regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation.

From the funds in Specific Appropriation 194, $1,999,793 from the Grants and Donations Trust Fund and $2,864,699 from the Medical Care Trust Fund are provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. For State Fiscal Year 2005-2006 hospitals that qualify under this provision will only receive 50 percent of the amount available based on eliminating the outpatient reimbursement ceilings, except any public hospital that meets the 11 percent threshold using an average of the 1999, 2000 & 2001 audited DSH data that is available shall not receive a reduction in the amount of their payments as a result of eliminating the outpatient reimbursement ceilings. However, these hospitals may receive up to the full amount available provided there is an increase in the available public hospital upper payment limit balance as described in the proviso language below. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available. Any hospital that met the 11 percent threshold in State Fiscal Year 2004-2005 and was also exempt from the outpatient reimbursement ceilings shall remain exempt from the outpatient reimbursement ceilings for State Fiscal Year 2005-2006, subject to the payment limitations imposed in this paragraph.

From the funds in Specific Appropriation 194, $110,543 from the Grants and Donation Trust Fund and $158,352 from the Medical Care Trust Fund are provided to eliminate the outpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2. For State Fiscal Year 2005-2006, hospitals that qualify under this provision will only receive 50 percent of the amount available based on eliminating the outpatient reimbursement ceilings. However, these hospitals may receive up to the full amount available provided there is an increase in the available public hospital upper payment limit balance as described in the proviso language below.

From the funds in Specific Appropriation 194, $3,572,592 from the Grants and Donations Trust Fund and $5,117,731 from the Medical Care Trust Fund are provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2005 or become a designated or provisional trauma center during State Fiscal Year 2005-2006. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available.

From the funds in Specific Appropriation 194, $3,446,457 from the Grants and Donations Trust Fund and $4,937,043 from the Medical Care Trust Fund are available for special Medicaid payments to rural hospitals under a Medicaid outpatient upper payment limit program. These payments are contingent on the agency obtaining approval from the Centers for Medicare and Medicaid Services of a Medicaid outpatient upper payment limit program. If the Medicaid outpatient upper payment limit program is approved, these payments will replace the special Medicaid payments paid to rural hospitals provided in Specific Appropriation 190.

From the funds in Specific Appropriation 194, $3,220,352 from the Grants and Donations Trust Fund and $4,613,149 from the Medical Care Trust Fund are provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals. These payments are contingent on the agency obtaining approval from the Centers for Medicare and Medicaid Services of a Medicaid outpatient upper payment limit program.

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Funds provided for the elimination of hospital outpatient ceilings in Specific Appropriation 194 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. The agency shall submit a revised hospital outpatient reimbursement plan to the Legislative Budget Commission for approval if the state share is not available to fund the removal of hospital outpatient ceilings or if the Centers for Medicare and Medicaid Services does not approve amendments to the Medicaid Hospital Outpatient Reimbursement Plan to eliminate the reimbursement ceilings for certain hospitals.

From the funds in Specific Appropriation 194, $6,166,500 from the Grants and Donations Trust Fund and $8,833,500 from the Medical Care Trust Fund are appropriated so that the agency may amend its current rules and/or contracts regarding the billing of Medicaid outpatient clinic facility fees and physician services to allow for payments to public hospitals for the cost of providing health care services to Medicaid recipients, where the public hospital assumed the fiscal and operating responsibilities for one or more primary care centers previously operated by the Florida Department of Health or the local county government. Any payments made to public hospitals because of this change will be contingent on the state share being provided through grants and donations from counties, local governments, districts or taxing authorities.

From the funds in Specific Appropriation 194, $1,860,926 from the Grants and Donations Trust Fund and $2,665,774 from the Medical Care Trust Fund are provided to restore the reductions in the outpatient payments to hospitals, resulting from the projected deficit in the available public hospital upper payment limit balance. The hospitals qualifying for the restoration of their rates are the hospitals that qualified as hospitals whose Medicaid and charity care days as a percentage to total adjusted hospital days equals or exceeds 11 percent and hospitals with a minimum of ten licensed level II Neonatal Intensive Care Units located in Trauma Services Area 2. The restoration of the inpatient rates are contingent on new cost report data providing for an increase in the amount of public hospital upper payment limit for State Fiscal Year 2005-2006. Any allowable growth in the public hospital upper payment limit balance will first be used to restore the loss in outpatient rates experienced by Jackson Memorial Hospital. Upon the loss by Jackson Memorial Hospital being restored, any remaining growth in the public upper payment limit balance will be applied to the remaining hospitals in the same proportion as their rate reduction. The agency will work with the Disproportionate Share Council to determine the methodology to restore the outpatient rates.

Funds in Specific Appropriation 194 reflect a cost savings of $6,884,293 from the General Revenue Fund, $9,871,023 from the Medical Care Trust Fund and $41,491 from the Refugee Assistance Trust Fund as a result of modifying the reimbursement methodology for outpatient hospital rates. The agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling or county ceiling target rate to achieve the cost savings.

195	SPECIAL CATEGORIES RESPIRATORY THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	2,096,401	
	FROM MEDICAL CARE TRUST FUND		3,004,214
196	SPECIAL CATEGORIES NURSE PRACTITIONER SERVICES		
	FROM GENERAL REVENUE FUND	2,442,729	
	FROM MEDICAL CARE TRUST FUND		3,499,379
	FROM REFUGEE ASSISTANCE TRUST FUND		2,421
197	SPECIAL CATEGORIES BIRTHING CENTER SERVICES		
	FROM GENERAL REVENUE FUND	561,412	
	FROM MEDICAL CARE TRUST FUND		804,222
198	SPECIAL CATEGORIES OTHER LAB AND X-RAY SERVICES		

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FROM GENERAL REVENUE FUND	19,214,180	
FROM MEDICAL CARE TRUST FUND		27,526,731
FROM REFUGEE ASSISTANCE TRUST FUND		539,789

From the funds in Specific Appropriation 198, the Agency for Health Care Administration shall continue a program to assess HIV drug resistance for cost-effective management of anti-retroviral drug therapy.

From the funds in Specific Appropriation 198, the agency may either complete the currently pending procurement of clinical laboratory services for Medicaid recipients required in the Fiscal Years 2003-2004 and 2004-2005 General Appropriations Acts or issue a new competitive procurement under chapter 287, Florida Statutes, for the most cost-effective laboratory services. The contract shall be risked-based, with Medicaid payment to be made on a per eligible per month basis; such contract or contracts shall not be subject to any requirements of the Florida Insurance Code. The procurement may provide for services to be delivered on a statewide or regional basis and the agency may contract with one or more vendors. The procurement shall include a proposal for a web-based reporting system that transmits the results of all lab tests provided to Medicaid recipients to the agency or its contractor, in a manner to be determined by the agency. Pursuant to existing law, the agency is authorized to seek federal Medicaid waivers or exemptions, and to amend the state Medicaid plan as necessary to implement this program.

If because of litigation or for other reasons, the agency has been unable to enter into risked-based contracts with independent laboratories where Medicaid payment is made on a per eligible per month basis, the agency shall continue the 10 percent reduction in Medicaid fees from Fiscal Year 2004-2005 for all independent laboratory procedures. The agency shall require, as a condition of enrollment in the Medicaid program as an independent laboratory, that all enrolled laboratories provide the results of all lab tests provided to Medicaid beneficiaries to the agency or its contractor in a real-time, web-based format.

From the funds in Specific Appropriation 198, the agency is authorized to implement a utilization management program for outpatient diagnostic services.

199 SPECIAL CATEGORIES
PATIENT TRANSPORTATION

FROM GENERAL REVENUE FUND	47,107,754	
FROM MEDICAL CARE TRUST FUND		67,488,696
FROM REFUGEE ASSISTANCE TRUST FUND		72,706

200 SPECIAL CATEGORIES
PHYSICIAN ASSISTANT SERVICES

FROM GENERAL REVENUE FUND	985,163	
FROM MEDICAL CARE TRUST FUND		1,411,783
FROM REFUGEE ASSISTANCE TRUST FUND		13,404

201 SPECIAL CATEGORIES
PERSONAL CARE SERVICES

FROM GENERAL REVENUE FUND	9,649,580	
FROM MEDICAL CARE TRUST FUND		13,827,959

202 SPECIAL CATEGORIES
PHYSICAL REHABILITATION THERAPY

FROM GENERAL REVENUE FUND	6,799,817	
FROM MEDICAL CARE TRUST FUND		9,742,870
FROM REFUGEE ASSISTANCE TRUST FUND		1,182

From the funds in Specific Appropriation 202, the agency may contract for the utilization management review and management or capitate the payments for physical, speech, occupational, and respiratory therapies for eligible Medicaid recipients.

203 SPECIAL CATEGORIES
PHYSICIAN SERVICES

FROM GENERAL REVENUE FUND	209,742,779	
FROM TOBACCO SETTLEMENT TRUST FUND		82,567,697
FROM MEDICAL CARE TRUST FUND		462,881,007
FROM REFUGEE ASSISTANCE TRUST FUND		3,480,146

SECTION 3
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APPROPRIATION

From the funds in Specific Appropriation 203, the agency is authorized to continue the physician lock-in-program for recipients who participate in the pharmacy lock-in program.

204 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS

FROM GENERAL REVENUE FUND	562,112,536	
FROM GRANTS AND DONATIONS TRUST FUND . . .		504,813,013
FROM MEDICAL CARE TRUST FUND		804,656,851
FROM REFUGEE ASSISTANCE TRUST FUND		4,832,672

From the funds provided in Specific Appropriation 204, the agency may continue the no-cost contract for a prescription drug education demonstration project in Miami-Dade county. The demonstration project may focus on mental health patients and HIV/AIDS patients, and must include an educational component to train individuals on how to properly take prescribed drugs, potential side effects, and possible drug interactions. Each participating pharmacist must provide space to ensure reasonable patient privacy, must have received special training on the new practice model from the University of Florida College of Pharmacy, and must provide clinical data and performance data as required at no cost to the state. The project shall be evaluated for actual cost savings by the agency by January 1, 2006. If savings are documented, the agency shall retain 40 percent of actual savings, 40 percent of the savings shall be paid to participating pharmacists and 20 percent of the savings shall be paid to the University of Florida College of Pharmacy, Department of Pharmacy Practice.

From the funds in Specific Appropriation 204, the agency may continue the no-cost contract to improve the quality of care and cost-effectiveness of the Medicaid Program in coordination with the Department of Health Hepatitis Program. The pilot shall serve the currently served counties of Miami-Dade, Broward, Pinellas, Polk, Collier, Monroe, Lee, Seminole and Escambia. The agency shall issue the RFP prior to September 30, 2005. The contract resulting from the RFP shall, at a minimum, include performance requirements, reporting requirements, requirements for utilization of current National Institute of Health guidelines regarding diagnostics for the treatment of Hepatitis C, and requirements to demonstrate compliance with evidence-based medical practice guidelines. The successful bidder shall demonstrate clinical compliance capability greater than 90 percent, and evidence of a historical capacity to serve a population greater than five thousand Hepatitis C recipients in a fiscal year. A provider selected to participate in the pilot must guarantee the state a reimbursement level of average wholesale price minus 16.15 percent on the cost of pharmaceuticals.

From the funds in Specific Appropriation 204 the agency shall contract for the provision of a web-based, real-time prescription tracking and dispensing system. The contract shall, at a minimum, include performance requirements, reporting requirements, system update standards and requirements, interface requirements with the Medicaid fiscal agent and provisions for payment, which may include transaction fees, enrollment fees, and cost-sharing arrangements.

Funds in Specific Appropriation 204 reflect a reduction of $1,174,284 from the General Revenue Fund and $1,862,854 from the Medical Care Trust Fund as a result of state pool purchasing for prescription drugs. The agency is not required to enter a state purchasing pool, but is authorized to seek partnerships with other state Medicaid programs to achieve these savings, including possible entry in the National Medicaid Pooling Initiative.

Funds in Specific Appropriation 204 reflect a reduction of $90,000,000 from the General Revenue Fund, $128,978,102 from the Medical Care Trust Fund and $72,992,701 from the Grants and Donations Trust Fund as a result of modifications to the preferred drug list, which include cost-effective therapeutic options, step therapies, and prior authorization of drugs not on the preferred drug list.

Funds in Specific Appropriation 204 reflect a reduction of $371,177 from the General Revenue Fund and $866,080 from the Medical Care Trust Fund as a result of implementing recipient age related prior authorization requirements as necessary for certain drugs.

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Funds in Specific Appropriation 204 reflect a reduction of $1,991,779 from the General Revenue Fund and $2,853,221 from the Medical Care Trust Fund as a result of providing a 100-day supply of prescription drugs when most cost-effective.

Funds in Specific Appropriation 204 reflect a reduction of $1,644,400 from the General Revenue Fund and $2,355,600 from the Medical Care Trust Fund as a result of increasing the wireless handheld drug information database program.

204A	SPECIAL CATEGORIES MEDICARE PART D PAYMENT FROM GENERAL REVENUE FUND	197,138,041	
205	SPECIAL CATEGORIES PRIVATE DUTY NURSING SERVICES FROM GENERAL REVENUE FUND	54,679,435	
	FROM MEDICAL CARE TRUST FUND		78,334,545
206	SPECIAL CATEGORIES RURAL HEALTH SERVICES FROM GENERAL REVENUE FUND	25,847,796	
	FROM MEDICAL CARE TRUST FUND		37,043,439
	FROM REFUGEE ASSISTANCE TRUST FUND		71,085
207	SPECIAL CATEGORIES SPEECH THERAPY SERVICES FROM GENERAL REVENUE FUND	11,284,861	
	FROM MEDICAL CARE TRUST FUND		16,167,236
	FROM REFUGEE ASSISTANCE TRUST FUND		260
208	SPECIAL CATEGORIES MEDIPASS SERVICES FROM GENERAL REVENUE FUND	11,805,184	
	FROM MEDICAL CARE TRUST FUND		18,064,892
	FROM REFUGEE ASSISTANCE TRUST FUND		116,496
209	SPECIAL CATEGORIES GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER DISPROPORTIONATE SHARE FROM GENERAL REVENUE FUND	168,300	

From the funds in Specific Appropriation 209, $168,300 from the General Revenue Fund shall be provided to Lee Memorial Hospital for the Regional Perinatal Intensive Care Center (RPICC) Program. This payment is not a payment under the RPICC Disproportionate Share Hospital Program.

210	SPECIAL CATEGORIES SUPPLEMENTAL MEDICAL INSURANCE FROM GENERAL REVENUE FUND	318,544,375	
	FROM MEDICAL CARE TRUST FUND		420,466,520
211	SPECIAL CATEGORIES OCCUPATIONAL THERAPY SERVICES FROM GENERAL REVENUE FUND	8,296,036	
	FROM MEDICAL CARE TRUST FUND		11,885,883
	FROM REFUGEE ASSISTANCE TRUST FUND		1,763
212	SPECIAL CATEGORIES CLINIC SERVICES FROM GENERAL REVENUE FUND	37,724,058	
	FROM MEDICAL CARE TRUST FUND		54,050,833
	FROM REFUGEE ASSISTANCE TRUST FUND		1,721,025
213	SPECIAL CATEGORIES MEDICAID SCHOOL REFINANCING FROM MEDICAL CARE TRUST FUND		50,000,000
TOTAL:	MEDICAID SERVICES TO INDIVIDUALS FROM GENERAL REVENUE FUND	2427,345,377	
	FROM TRUST FUNDS		6691,705,207

SECTION 3
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APPROPRIATION

TOTAL ALL FUNDS 9119,050,584

MEDICAID LONG TERM CARE

214	SPECIAL CATEGORIES ASSISTIVE CARE SERVICES FROM MEDICAL CARE TRUST FUND		32,871,249

Funds in Specific Appropriation 214 are provided to implement Medicaid coverage for assistive care services and are contingent on the availability of state match being provided in Specific Appropriation 380.

215	SPECIAL CATEGORIES HOME AND COMMUNITY BASED SERVICES FROM GENERAL REVENUE FUND	12,534,162	
	FROM TOBACCO SETTLEMENT TRUST FUND		800,000
	FROM MEDICAL CARE TRUST FUND		803,622,567

Funds in Specific Appropriations 215 and 224 for the Developmental Services Waiver, the Aged and Disabled Waiver, the Project AIDS Care Waiver, and the Nursing Home Diversion Waiver may be used for reimbursement for services provided through agencies licensed pursuant to section 400.506, Florida Statutes.

Funds in Specific Appropriation 215 include $400,000 from the Tobacco Settlement Trust Fund and $573,236 from the Medical Care Trust Fund to provide funding for the new hospice-based PACE program to serve eligible residents in Martin County and contiguous counties that were approved by the 2004 Legislature to open in 2005.

Funds in Specific Appropriation 215 include $400,000 from the Tobacco Settlement Trust Fund and $573,236 from the Medical Care Trust Fund to provide funding for the new hospice-based PACE program to serve eligible residents in Lee County and contiguous counties that was approved by the 2004 Legislature to open in 2005.

Funds in Specific Appropriation 215, reflect a reduction of $2,220,784 from the General Revenue Fund and $3,181,269 from the Medical Care Trust Fund as a result of the consolidation and implementation of a utilization management program for home and community based waiver services.

216	SPECIAL CATEGORIES ASSISTED LIVING FACILITY WAIVER FROM MEDICAL CARE TRUST FUND		32,561,929
217	SPECIAL CATEGORIES INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - SUNLAND CENTER FROM MEDICAL CARE TRUST FUND		127,438,179
218	SPECIAL CATEGORIES INTERMEDIATE CARE FACILITIES/ DEVELOPMENTALLY DISABLED COMMUNITY FROM GENERAL REVENUE FUND	83,457,749	
	FROM MEDICAL CARE TRUST FUND		119,553,072

Funds in Specific Appropriation 218 reflect a cost savings of $2,038,450 from the General Revenue Fund and $2,920,076 from the Medical Care Trust Fund as a result of reducing ICF/DD rate increases. The agency shall implement a recurring methodology in the Title XIX Intermediate Care Facility for the Developmentally Disabled Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling, county ceiling target rate or rate for fixed costs to achieve the cost savings.

219	SPECIAL CATEGORIES NURSING HOME CARE FROM GENERAL REVENUE FUND	1030,871,955	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,981,032
	FROM MEDICAL CARE TRUST FUND		1493,803,755

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APPROPRIATION

From the funds in Specific Appropriation 219, $5,981,032 from the Grants and Donations Trust Fund and $8,567,818 from the Medical Care Trust Fund are provided for the purpose of maximizing federal revenues through the continuation of the Special Medicaid Payments Program for nursing home services using the Medicaid Upper Payment Limit (UPL) options for governmentally funded nursing homes. Any requests pursuant to chapter 216, Florida Statutes, by the Agency for Health Care Administration to increase budget authority to expand existing programs using increased federal reimbursement through Upper Payment Limit (UPL) provisions, shall be contingent upon the availability of state match from existing state funds or local sources that do not increase the current requirement for state general revenue funds. The agency is authorized to seek federal Medicaid waivers as necessary to implement this provision.

Funds in Specific Appropriation 219 reflect a reduction of $27,870,730 from the General Revenue Fund and $39,924,770 from the Medical Care Trust Fund as a result of delaying the nursing home staffing increase to 2.9 hours of direct care per resident per day until July 1, 2006.

The funds in Specific Appropriation 219 reflect a cost savings of $54,305,018 from the General Revenue Fund and $77,791,839 from the Medical Care Trust Fund as a result of modifying the reimbursement methodology for nursing home rates. The agency shall implement a recurring methodology in the Title XIX Long-Term Care Reimbursement Plan that may include, but is not limited to, the inflation factor, provider target, class ceiling, target rate class ceiling, new provider target, Medicaid Adjustment Rate, or any component of the Fair Rental Value System or property ceiling to effect this reduction in the reimbursement methodology for all components other than the direct patient care component. For the direct care component, the agency may reduce the class ceilings to help achieve the reduction.

Funds in Specific Appropriations 219 and 204 reflect a reduction of $31,757,505 from the General Revenue Fund and $45,492,570 from the Medical Care Trust Fund as a result of expanding the Nursing Home Diversion Program.

220	SPECIAL CATEGORIES STATE MENTAL HEALTH HOSPITAL PROGRAM FROM MEDICAL CARE TRUST FUND		8,698,489
221	SPECIAL CATEGORIES MENTAL HEALTH HOSPITAL DISPROPORTIONATE SHARE FROM MEDICAL CARE TRUST FUND		60,998,692
222	SPECIAL CATEGORIES T.B. HOSPITAL DISPROPORTIONATE SHARE FROM MEDICAL CARE TRUST FUND		2,444,444
223	SPECIAL CATEGORIES COMMUNITY SUPPORTED LIVING WAIVER FROM MEDICAL CARE TRUST FUND		28,543,900
224	SPECIAL CATEGORIES CAPITATED NURSING HOME DIVERSION WAIVER FROM GENERAL REVENUE FUND	86,324,264	
	FROM MEDICAL CARE TRUST FUND		123,659,353

From the funds in Specific Appropriation 224, $26,610,438 from the General Revenue Fund and $38,119,407 from the Medical Care Trust Fund are provided to expand the current Nursing Home Diversion Program by an additional 3,000 slots. The agency is authorized to seek the necessary federal waivers to implement this provision.

The Agency for Health Care Administration is authorized to transfer funds to the Assisted Living Facility Waiver in accordance with chapter 216, Florida Statutes, to transition the greatest number of appropriate eligible beneficiaries from skilled nursing facilities and to maximize the reduction in Medicaid nursing home occupancy.

SECTION 3
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APPROPRIATION

TOTAL: MEDICAID LONG TERM CARE		
FROM GENERAL REVENUE FUND	1213,188,130	
FROM TRUST FUNDS		2840,976,661
TOTAL ALL FUNDS		4054,164,791

MEDICAID PREPAID HEALTH PLANS

225	SPECIAL CATEGORIES PREPAID HEALTH PLANS--ELDERLY AND DISABLED		
	FROM GENERAL REVENUE FUND	359,729,513	
	FROM MEDICAL CARE TRUST FUND		515,236,833
226	SPECIAL CATEGORIES PREPAID HEALTH PLANS--FAMILIES		
	FROM GENERAL REVENUE FUND	412,532,258	
	FROM MEDICAL CARE TRUST FUND		591,200,409
	FROM REFUGEE ASSISTANCE TRUST FUND		7,121,110

Funds in Specific Appropriations 225 and 226 reflect a reduction of $30,545,512 from the General Revenue Fund, $44,167,500 from the Medical Care Trust Fund and $286,988 from the Refugee Assistant Trust Fund as a result of setting Medicaid HMO rates based on two infant groups.

Funds in Specific Appropriations 225 and 226 reflect a reduction of $46,470,408 from the General Revenue Fund, $66,608,848 from the Medical Care Trust Fund and $663,018 from the Refugee Assistance Trust Fund. Medicaid HMO rates shall be established on a per member per month basis at a level to achieve the reduction amounts.

TOTAL: MEDICAID PREPAID HEALTH PLANS		
FROM GENERAL REVENUE FUND	772,261,771	
FROM TRUST FUNDS		1113,558,352
TOTAL ALL FUNDS		1885,820,123

PROGRAM: HEALTH CARE REGULATION

HEALTH CARE REGULATION

APPROVED SALARY RATE 26,404,401

227	SALARIES AND BENEFITS POSITIONS 655.00		
	FROM GENERAL REVENUE FUND	1,694,173	
	FROM HEALTH CARE TRUST FUND		30,574,728
	FROM ADMINISTRATIVE TRUST FUND		1,137,268
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		73,913
228	OTHER PERSONAL SERVICES		
	FROM HEALTH CARE TRUST FUND		104,276
229	EXPENSES		
	FROM GENERAL REVENUE FUND	4,833,506	
	FROM HEALTH CARE TRUST FUND		8,380,027
	FROM ADMINISTRATIVE TRUST FUND		3,972,270
	FROM QUALITY OF LONG-TERM CARE FACILITY IMPROVEMENT TRUST FUND		1,000,000
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		300,945
230	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	24,511	
	FROM HEALTH CARE TRUST FUND		91,370
	FROM ADMINISTRATIVE TRUST FUND		6,173
231	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM HEALTH CARE TRUST FUND		858,123
232	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	625,000	

SECTION 3
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233	SPECIAL CATEGORIES EMERGENCY ALTERNATIVE PLACEMENT		
	FROM HEALTH CARE TRUST FUND		500,000
	FROM RESIDENT PROTECTION TRUST FUND . . .		776,720
234	SPECIAL CATEGORIES MEDICAID SURVEILLANCE		
	FROM HEALTH CARE TRUST FUND		111,820
235	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	13,748	
	FROM HEALTH CARE TRUST FUND		350,489
	FROM ADMINISTRATIVE TRUST FUND		13,748
236	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	10,176	
	FROM HEALTH CARE TRUST FUND		266,642
	FROM ADMINISTRATIVE TRUST FUND		12,392
237	DATA PROCESSING SERVICES STATE TECHNOLOGY OFFICE		
	FROM HEALTH CARE TRUST FUND		250,000
TOTAL: HEALTH CARE REGULATION			
	FROM GENERAL REVENUE FUND	7,201,114	
	FROM TRUST FUNDS		48,780,904
	TOTAL POSITIONS	655.00	
	TOTAL ALL FUNDS		55,982,018

CHILDREN AND FAMILIES, DEPARTMENT OF

Funds provided within the Department of Children and Family Services to carry out the requirements of the Temporary Assistance for Needy Families program (TANF) are contingent upon federal reauthorization or extension of the TANF program and award of the TANF Block Grant for federal Fiscal Year 2005-2006.

ADMINISTRATION

PROGRAM: EXECUTIVE LEADERSHIP

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 6,714,082

238	SALARIES AND BENEFITS POSITIONS	147.00	
	FROM GENERAL REVENUE FUND	6,622,106	
	FROM ADMINISTRATIVE TRUST FUND		406,980
	FROM FEDERAL GRANTS TRUST FUND		1,341,067
	FROM WELFARE TRANSITION TRUST FUND		155,789
239	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	32,202	
240	EXPENSES		
	FROM GENERAL REVENUE FUND	1,002,909	
	FROM ADMINISTRATIVE TRUST FUND		62,207
	FROM FEDERAL GRANTS TRUST FUND		235,368
	FROM WELFARE TRANSITION TRUST FUND		20,343
241	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,628	
	FROM ADMINISTRATIVE TRUST FUND		1,500
	FROM WELFARE TRANSITION TRUST FUND		333
242	SPECIAL CATEGORIES LAWTON CHILES ENDOWMENT FUND PROGRAMS		
	FROM TOBACCO SETTLEMENT TRUST FUND		25,000

SECTION 3
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243	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	267,779	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	7,926,624	
	FROM TRUST FUNDS		2,248,587
	TOTAL POSITIONS	147.00	
	TOTAL ALL FUNDS		10,175,211

PROGRAM: SUPPORT SERVICES

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 13,208,190

244	SALARIES AND BENEFITS POSITIONS	270.00	
	FROM WORKING CAPITAL TRUST FUND		16,448,980
245	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		769,272
246	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		4,616,483
247	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		74,011
248	SPECIAL CATEGORIES COMPUTER RELATED EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		64,896,604
249	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM WORKING CAPITAL TRUST FUND		92,347
TOTAL: INFORMATION TECHNOLOGY			
	FROM TRUST FUNDS		86,897,697
	TOTAL POSITIONS	270.00	
	TOTAL ALL FUNDS		86,897,697

ASSISTANT SECRETARY FOR ADMINISTRATION

APPROVED SALARY RATE 9,827,734

250	SALARIES AND BENEFITS POSITIONS	214.50	
	FROM GENERAL REVENUE FUND	11,751,559	
	FROM ADMINISTRATIVE TRUST FUND		458,976
	FROM FEDERAL GRANTS TRUST FUND		427,978
	FROM WELFARE TRANSITION TRUST FUND		146,394
251	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	399,679	
	FROM ADMINISTRATIVE TRUST FUND		30,000
	FROM FEDERAL GRANTS TRUST FUND		40,000
252	EXPENSES		
	FROM GENERAL REVENUE FUND	9,246,716	
	FROM ADMINISTRATIVE TRUST FUND		4,118,566
	FROM FEDERAL GRANTS TRUST FUND		9,178,855
	FROM WELFARE TRANSITION TRUST FUND		637,237
253	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	5,555	
	FROM ADMINISTRATIVE TRUST FUND		5,374
255	LUMP SUM FLORIDA ON-LINE RECIPIENT INTEGRATED DATA		

SECTION 3
SPECIFIC
APPROPRIATION

	ACCESS (FLORIDA) SYSTEM		
	FROM GENERAL REVENUE FUND	578,281	
	FROM ADMINISTRATIVE TRUST FUND		209,568
256	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	221,574	
	FROM ADMINISTRATIVE TRUST FUND		151,106
257	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	71,470	
258	SPECIAL CATEGORIES		
	STATE INSTITUTIONAL CLAIMS		
	FROM GENERAL REVENUE FUND	42,630	
259	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	4,044,714	
	FROM ADMINISTRATIVE TRUST FUND		4,508,393
260	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND	27,916,675	
	FROM ADMINISTRATIVE TRUST FUND		15,951,186
	FROM FEDERAL GRANTS TRUST FUND		8,119,576
	FROM WELFARE TRANSITION TRUST FUND		7,100,722
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		454,150
261	PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS		
	RELIEF/KIMBERLY GODWIN		
	FROM ADMINISTRATIVE TRUST FUND		760,000

TOTAL: ASSISTANT SECRETARY FOR ADMINISTRATION

FROM GENERAL REVENUE FUND	54,278,853	
FROM TRUST FUNDS		52,298,081
TOTAL POSITIONS	214.50	
TOTAL ALL FUNDS		106,576,934

DISTRICT ADMINISTRATION

APPROVED SALARY RATE 33,834,148

264	SALARIES AND BENEFITS POSITIONS	814.00	
	FROM GENERAL REVENUE FUND	18,130,355	
	FROM ADMINISTRATIVE TRUST FUND		27,542,374
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		606,770
265	EXPENSES		
	FROM GENERAL REVENUE FUND	4,092,974	
	FROM ADMINISTRATIVE TRUST FUND		1,388,954
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		93,246
266	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	4,791	
	FROM ADMINISTRATIVE TRUST FUND		125,242
267	SPECIAL CATEGORIES		
	FINGERPRINTING FOR DAY CARE EMPLOYEES		
	FROM GENERAL REVENUE FUND	135,513	
268	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,641,967	

SECTION 3
SPECIFIC
APPROPRIATION
TOTAL: DISTRICT ADMINISTRATION

FROM GENERAL REVENUE FUND	24,005,600	
FROM TRUST FUNDS		29,756,586
TOTAL POSITIONS	814.00	
TOTAL ALL FUNDS		53,762,186

SERVICES

PROGRAM: FAMILY SAFETY PROGRAM

CHILD CARE REGULATION AND INFORMATION

APPROVED SALARY RATE 4,212,637

269	SALARIES AND BENEFITS POSITIONS	109.50	
	FROM GENERAL REVENUE FUND	253,110	
	FROM FEDERAL GRANTS TRUST FUND		1,247,394
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,806,566
270	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	83,216	
	FROM FEDERAL GRANTS TRUST FUND		825,452
271	EXPENSES		
	FROM GENERAL REVENUE FUND	65,557	
	FROM FEDERAL GRANTS TRUST FUND		1,418,668
272	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD PROTECTION		
	FROM GENERAL REVENUE FUND	907,138	
	FROM FEDERAL GRANTS TRUST FUND		6,408,474
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		253,696
273	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	40,059	

TOTAL: CHILD CARE REGULATION AND INFORMATION

FROM GENERAL REVENUE FUND	1,349,080	
FROM TRUST FUNDS		13,960,250
TOTAL POSITIONS	109.50	
TOTAL ALL FUNDS		15,309,330

ADULT PROTECTION

APPROVED SALARY RATE 20,694,954

274	SALARIES AND BENEFITS POSITIONS	604.50	
	FROM GENERAL REVENUE FUND	17,467,177	
	FROM DOMESTIC VIOLENCE TRUST FUND		213,133
	FROM FEDERAL GRANTS TRUST FUND		4,892,383
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,795,666
275	EXPENSES		
	FROM GENERAL REVENUE FUND	2,341,973	
	FROM DOMESTIC VIOLENCE TRUST FUND		132,488
	FROM FEDERAL GRANTS TRUST FUND		999,140
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		513,484

From the funds in Specific Appropriation 275, the Department of Children and Family Services is authorized to provide a vehicle insurance allowance in an amount not to exceed $900 annually to child protective investigators, family services counselors, adult protective investigators, and adult services counselors who are required to use their personal vehicle full time to provide direct client services.

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276 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	1,768	
277 SPECIAL CATEGORIES		
HOME CARE FOR DISABLED ADULTS		
FROM GENERAL REVENUE FUND	2,219,860	
278 SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS		
FROM GENERAL REVENUE FUND	2,041,955	
279 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM OPERATIONS AND MAINTENANCE TRUST FUND		13,354
280 SPECIAL CATEGORIES		
GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM		
FROM GENERAL REVENUE FUND	1,335,000	
FROM DOMESTIC VIOLENCE TRUST FUND		8,130,466
FROM FEDERAL GRANTS TRUST FUND		9,751,998
FROM WELFARE TRANSITION TRUST FUND		7,750,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,000,000
281 SPECIAL CATEGORIES		
HOME AND COMMUNITY BASED SERVICES WAIVER		
FROM GENERAL REVENUE FUND	3,210,173	
FROM FEDERAL GRANTS TRUST FUND		5,091,918
282 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	415,634	
283 SPECIAL CATEGORIES		
TEMPORARY EMERGENCY SHELTER SERVICES		
FROM GENERAL REVENUE FUND	203,527	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		411,600
284 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
EMERGENCY SHELTER AND TRANSITIONAL HOUSING		
FROM GENERAL REVENUE FUND	500,000	
TOTAL: ADULT PROTECTION		
FROM GENERAL REVENUE FUND	29,737,067	
FROM TRUST FUNDS		43,695,630
TOTAL POSITIONS	604.50	
TOTAL ALL FUNDS		73,432,697
CHILD ABUSE PREVENTION AND INTERVENTION		
285 OTHER PERSONAL SERVICES		
FROM WELFARE TRANSITION TRUST FUND		83,999
286 EXPENSES		
FROM WELFARE TRANSITION TRUST FUND		25,915
287 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILD ABUSE PREVENTION AND INTERVENTION		
FROM GENERAL REVENUE FUND	16,400,000	
FROM TOBACCO SETTLEMENT TRUST FUND		1,794,625
FROM FEDERAL GRANTS TRUST FUND		7,480,693
FROM WELFARE TRANSITION TRUST FUND		18,129,328
288 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	665	

SECTION 3 SPECIFIC APPROPRIATION		
TOTAL: CHILD ABUSE PREVENTION AND INTERVENTION		
FROM GENERAL REVENUE FUND	16,400,665	
FROM TRUST FUNDS		27,514,560
TOTAL ALL FUNDS		43,915,225
CHILD PROTECTION AND PERMANENCY		
APPROVED SALARY RATE 121,431,962		
289 SALARIES AND BENEFITS POSITIONS	3,899.50	
FROM GENERAL REVENUE FUND	73,286,424	
FROM FEDERAL GRANTS TRUST FUND		13,117,421
FROM WELFARE TRANSITION TRUST FUND		47,852,524
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		11,598,995
290 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	1,399,402	
FROM FEDERAL GRANTS TRUST FUND		274,519
FROM WELFARE TRANSITION TRUST FUND		76,072
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		17,159
291 EXPENSES		
FROM GENERAL REVENUE FUND	16,180,263	
FROM FEDERAL GRANTS TRUST FUND		6,131,853
FROM WELFARE TRANSITION TRUST FUND		5,879,071
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,555,891

From the funds in Specific Appropriation 291, the Department of Children and Family Services is authorized to provide a vehicle insurance allowance in an amount not to exceed $900 annually to child protective investigators, family services counselors, adult protective investigators, and adult services counselors who are required to use their personal vehicles full time to provide direct client services.

292 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	23,903	
293 LUMP SUM		
INSURANCE FUND FOR COMMUNITY BASED PROVIDERS OF CHILD WELFARE SERVICES		
FROM FEDERAL GRANTS TRUST FUND		3,000,000
294 LUMP SUM		
SHARED RISK FUND FOR COMMUNITY BASED PROVIDERS OF CHILD WELFARE SERVICES		
FROM FEDERAL GRANTS TRUST FUND		7,500,000
295 SPECIAL CATEGORIES		
GRANTS AND AIDS - GRANTS TO SHERIFFS FOR PROTECTIVE INVESTIGATIONS		
FROM GENERAL REVENUE FUND	10,271,395	
FROM TOBACCO SETTLEMENT TRUST FUND		7,523,631
FROM WELFARE TRANSITION TRUST FUND		4,392,118
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		14,143,440

The funds in Specific Appropriation 295 shall be used by the Department of Children and Family Services to award grants to the sheriffs of Manatee, Pasco, Pinellas, Broward, and Seminole counties for the performance of child protective investigations as mandated in section 39.3065, Florida Statutes. The department shall provide the Sheriff of Hillsborough County a non-recurring start-up grant associated with the child protective investigation function. The appropriation shall be allocated as follows:

Manatee County Sheriff.....	3,619,941
Pasco County Sheriff.....	4,189,840
Pinellas County Sheriff.....	10,656,488

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Broward County Sheriff	13,337,160
Seminole County Sheriff	3,527,155
Hillsborough County Sheriff	1,000,000

296 SPECIAL CATEGORIES
ADOPTION SERVICES AND SUBSIDY

FROM GENERAL REVENUE FUND	9,487,249	
FROM TOBACCO SETTLEMENT TRUST FUND		1,827,078
FROM FEDERAL GRANTS TRUST FUND		10,625,232
FROM WELFARE TRANSITION TRUST FUND		1,388,824

Funds in Specific Appropriation 296 shall not be used to increase subsidy payments during Fiscal Year 2005-2006.

297 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD PROTECTION

FROM GENERAL REVENUE FUND	12,141,414	
FROM TOBACCO SETTLEMENT TRUST FUND		13,553,031
FROM FEDERAL GRANTS TRUST FUND		26,067,474
FROM WELFARE TRANSITION TRUST FUND		4,559,313
FROM OPERATIONS AND MAINTENANCE TRUST FUND		499,944
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,621,366

Specific Appropriation 297 includes funds to continue the child welfare legal services contracts with the Attorney General's office and state attorneys.

From the funds in Specific Appropriation 297, $2,400,000 in Federal Grants Trust Fund shall be made available to Children's Home Society of Florida for the purpose of providing Title IV-E in-service and emergent needs training to community-based care providers responsible for the delivery of Title IV-E child welfare services. Before executing any contract, Children's Home Society of Florida must document that certified match for these funds is available from a local government entity or agency of instrumentality and that such funds have not been used as match for any other purpose. Adherence to federal cost allocation and reporting requirements is required to ensure the Title IV-E funds can be appropriately drawn.

In addition to any existing funding, the following projects from Specific Appropriation 297 are funded from non-recurring general revenue funds:

Howard Phillips Center for Children and Families - Orange, Osceola, Seminole	300,000
His House Children's Home - Miami-Dade	25,000

In addition to any existing funding, the following projects from Specific Appropriation 297 are funded from non-recurring Tobacco Settlement funds:

The Salvation Army - Children's Village - Hillsborough, Pinellas	100,000
Gulf Coast Children's Advocacy - Bay	500,000
One Church, One Child - Statewide	100,000
Children's Home Society's Capital Improvements - Baker, Clay, Duval, Nassau, St. Johns	200,000
Kids House of Seminole, Inc. Facility Expansion - Seminole	75,000

298 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	3,302,052	

299 SPECIAL CATEGORIES
GRANTS AND AIDS - FAMILY FOSTER CARE

FROM GENERAL REVENUE FUND	8,623,918	
FROM TOBACCO SETTLEMENT TRUST FUND		5,581,175
FROM FEDERAL GRANTS TRUST FUND		7,020,058
FROM WELFARE TRANSITION TRUST FUND		1,373,529
FROM OPERATIONS AND MAINTENANCE TRUST FUND		907,509
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,574,701

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From the funds in Specific Appropriation 299, the Department of Children and Family Services is authorized to transfer up to $4 million from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children in Statewide Inpatient Psychiatric Program (SIPP) and Residential Group Care beds. The remaining funds shall be used to provide residential services to non-Medicaid eligible children.

300 SPECIAL CATEGORIES
GRANTS AND AIDS - RESIDENTIAL GROUP CARE

FROM GENERAL REVENUE FUND	1,978,205	
FROM TOBACCO SETTLEMENT TRUST FUND		2,778,422
FROM FEDERAL GRANTS TRUST FUND		2,164,760
FROM WELFARE TRANSITION TRUST FUND		435,688
FROM OPERATIONS AND MAINTENANCE TRUST FUND		513,286
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,520,636

301 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY SHELTER CARE

FROM GENERAL REVENUE FUND	1,177,329	
FROM TOBACCO SETTLEMENT TRUST FUND		1,241,575
FROM FEDERAL GRANTS TRUST FUND		3,481,212
FROM WELFARE TRANSITION TRUST FUND		1,161,729
FROM OPERATIONS AND MAINTENANCE TRUST FUND		545,489
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,261,178

302 SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIALIZED RESIDENTIAL GROUP CARE SERVICES

FROM GENERAL REVENUE FUND	18,752,394	
FROM FEDERAL GRANTS TRUST FUND		3,190,895
FROM WELFARE TRANSITION TRUST FUND		2,409,234

Specific Appropriation 302 includes funding for enhanced and model comprehensive residential group care services based on a statewide average rate of $120 per day per client.

303 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY BASED CARE FUNDS FOR PROVIDERS OF CHILD WELFARE SERVICES

FROM GENERAL REVENUE FUND	136,348,058	
FROM ADMINISTRATIVE TRUST FUND		1,861,503
FROM TOBACCO SETTLEMENT TRUST FUND		89,621,809
FROM FEDERAL GRANTS TRUST FUND		153,918,264
FROM WELFARE TRANSITION TRUST FUND		57,532,035
FROM OPERATIONS AND MAINTENANCE TRUST FUND		7,128,761
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		37,258,850

From the funds in Specific Appropriation 303, the sum of $10,500,000 is to be distributed to community-based care lead agencies and Department of Children and Family Services districts and regions to achieve improved equity with respect to the total foster care and related services funding. These funds shall be distributed to lead agencies, districts and regions receiving an amount below the statewide average budget per child to achieve a more equitable distribution of funds. Community-based care lead agencies and department districts and regions not meeting the criteria for receiving additional equity funds shall not receive additional funds from Specific Appropriation 303, but shall be held harmless from budget reductions.

TOTAL: CHILD PROTECTION AND PERMANENCY

FROM GENERAL REVENUE FUND	292,972,006	
FROM TRUST FUNDS		570,687,254
TOTAL POSITIONS	3,899.50	
TOTAL ALL FUNDS		863,659,260

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APPROPRIATION
FLORIDA ABUSE HOTLINE

APPROVED SALARY RATE	6,464,234		
304 SALARIES AND BENEFITS	POSITIONS	186.00	
FROM GENERAL REVENUE FUND		549,430	
FROM FEDERAL GRANTS TRUST FUND			201,226
FROM WELFARE TRANSITION TRUST FUND			4,386,684
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			3,084,827
305 OTHER PERSONAL SERVICES			
FROM WELFARE TRANSITION TRUST FUND			165,845
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			60,563
306 EXPENSES			
FROM GENERAL REVENUE FUND		489,218	
FROM WELFARE TRANSITION TRUST FUND			1,434,749
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			533,157
307 OPERATING CAPITAL OUTLAY			
FROM FEDERAL GRANTS TRUST FUND			1,205
FROM WELFARE TRANSITION TRUST FUND			14,749
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			10,974
308 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		35,788	
TOTAL: FLORIDA ABUSE HOTLINE			
FROM GENERAL REVENUE FUND		1,074,436	
FROM TRUST FUNDS			9,893,979
TOTAL POSITIONS		186.00	
TOTAL ALL FUNDS			10,968,415
PROGRAM MANAGEMENT AND COMPLIANCE			
APPROVED SALARY RATE	19,671,388		
309 SALARIES AND BENEFITS	POSITIONS	401.00	
FROM GENERAL REVENUE FUND		13,965,003	
FROM DOMESTIC VIOLENCE TRUST FUND			233,263
FROM FEDERAL GRANTS TRUST FUND			3,657,685
FROM WELFARE TRANSITION TRUST FUND			5,590,924
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			1,139,183
310 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		33,127	
FROM FEDERAL GRANTS TRUST FUND			1,058,069
FROM WELFARE TRANSITION TRUST FUND			358
311 EXPENSES			
FROM GENERAL REVENUE FUND		4,377,911	
FROM DOMESTIC VIOLENCE TRUST FUND			17,432
FROM FEDERAL GRANTS TRUST FUND			2,569,456
FROM WELFARE TRANSITION TRUST FUND			838,818
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			570,684
312 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		3,051	
FROM FEDERAL GRANTS TRUST FUND			11,250
313 SPECIAL CATEGORIES			
GRANTS AND AIDS - CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND		19,000	
FROM FEDERAL GRANTS TRUST FUND			19,000

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314 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILD PROTECTION		
FROM GENERAL REVENUE FUND	5,634,784	
FROM CHILD WELFARE TRAINING TRUST FUND		4,000,000
FROM FEDERAL GRANTS TRUST FUND		5,683,784
FROM WELFARE TRANSITION TRUST FUND		1,798,771
315 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	3,776,953	
FROM FEDERAL GRANTS TRUST FUND		133,130
TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE		
FROM GENERAL REVENUE FUND	27,809,829	
FROM TRUST FUNDS		27,321,807
TOTAL POSITIONS	401.00	
TOTAL ALL FUNDS		55,131,636
PROGRAM: MENTAL HEALTH PROGRAM		
VIOLENT SEXUAL PREDATOR PROGRAM		
APPROVED SALARY RATE	721,875	
316 SALARIES AND BENEFITS	POSITIONS	13.00
FROM GENERAL REVENUE FUND	877,662	
317 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	81,814	
318 EXPENSES		
FROM GENERAL REVENUE FUND	320,004	
319 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	1,345	
321 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	24,735,687	
322 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	13,135	
TOTAL: VIOLENT SEXUAL PREDATOR PROGRAM		
FROM GENERAL REVENUE FUND	26,029,647	
TOTAL POSITIONS	13.00	
TOTAL ALL FUNDS		26,029,647
ADULT COMMUNITY MENTAL HEALTH SERVICES		
323 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	1,335,544	
FROM FEDERAL GRANTS TRUST FUND		306,211
FROM WELFARE TRANSITION TRUST FUND		19,490
324 EXPENSES		
FROM GENERAL REVENUE FUND	43,816	
FROM WELFARE TRANSITION TRUST FUND		15,714
325 LUMP SUM		
ADULTS WITH MENTAL ILLNESS		
FROM GENERAL REVENUE FUND	6,400,000	

Funds in Specific Appropriation 325 shall be used to increase the capacity of adult and child crisis stabilization services to appropriately divert individuals with mental illness from civil and forensic state hospitals. Services to be provided from this funding include CSU beds and CSU bed equivalent services. Funds shall be targeted to districts with the highest level of unmet need.

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Funds in Specific Appropriation 325 shall not be released until the Department of Children and Family Services submits a plan for approval for the expenditure of these funds to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council, in accordance with the provisions of section 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in section 216.177, Florida Statutes.

326 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 153,807,588
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 16,759,477
FROM TOBACCO SETTLEMENT TRUST FUND 15,964,419
FROM FEDERAL GRANTS TRUST FUND 13,044,373
FROM WELFARE TRANSITION TRUST FUND 7,658,585
FROM OPERATIONS AND MAINTENANCE TRUST FUND 450,000

In addition to any existing funding, the following projects from Specific Appropriation 326 are funded from non-recurring general revenue funds:

Camillus Life Center - Miami-Dade..... 200,000
Homeless Mental Health Project - Broward..... 425,000

In addition to any existing funding, the following projects from Specific Appropriation 326 are funded from non-recurring tobacco settlement funds:

Family Emergency Treatment Center - Sarasota..... 125,000
Ruth Cooper Center - Lee, Charlotte, Collier, Glades, Hendry 500,000
Community Crisis Response Team - Statewide..... 250,000
Crisis Stabilization and Support Services - Franklin,..... 500,000
Gadsden, Jefferson, Leon, Madison, Taylor, Wakulla
Regional Short - Term Residential Treatment - Alachua, ... 902,000
Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette Levy, Putnam, Suwannee, Union
Orange County Central Receiving Center - Orange 2,800,000
Fellowship House Residential Program Improvement - Miami Dade..... 200,000
Lifestream Short Term Residential Treatment Unit for DCF District 13 - Lake, Sumter 150,000
Coconut Grove Behavioral Health Services - Miami- Dade..... 200,000
Bay/Gulf Assertive Community Treatment Team - Bay..... 543,000
Charlotte Community Mental Health - Charlotte, Glades, Hendry, Lee..... 25,000
Lisa Merlin House - Orange, Osceola, Seminole..... 50,000
Wayne Densch Center - Orange..... 40,000
Family Emergency Treatment Center - Hillsborough..... 900,000

327 SPECIAL CATEGORIES
GRANTS AND AIDS - BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 59,045,556
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,099,807

328 SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM
FROM GENERAL REVENUE FUND 6,780,276

329 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 354

TOTAL: ADULT COMMUNITY MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND 227,413,134
FROM TRUST FUNDS 55,318,076

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TOTAL ALL FUNDS 282,731,210

CHILDREN'S MENTAL HEALTH SERVICES

330 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 933,849
FROM FEDERAL GRANTS TRUST FUND 278,795

331 EXPENSES
FROM GENERAL REVENUE FUND 25,091
FROM FEDERAL GRANTS TRUST FUND 10,476

332 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 25,068,537
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 8,464,303
FROM TOBACCO SETTLEMENT TRUST FUND 812,772
FROM FEDERAL GRANTS TRUST FUND 7,633,869

In addition to any existing funding, the following projects from Specific Appropriation 332 are funded from non-recurring general revenue funds:

Children's Community Action Team (Cat Team) - Lee Manatee..... 912,500

This $912,500 from non-recurring general revenue funds is provided for a Children's Community Action Team (CAT TEAM) demonstration as an alternative to residential treatment for seriously emotional disturbed children. Through the CAT TEAMS, children ages 5-18 at risk of residential placement will receive intensive services from a team of psychiatrists, counselors, case-managers, and mentors who will be available seven days a week and twenty-four hours a day. The goal is to stabilize the mental illness so that they can continue to live in the community with their family. The demonstration project shall be established in Lee, and Manatee counties as an extension of current crisis stabilization units for children at a cost of $50 per day per child.

In addition to any existing funding, the following projects from Specific Appropriation 332 are funded from non-recurring tobacco settlement funds:

Kids Net Inc., - Baker, Clay..... 100,000
Mental Health Services for Indigent, Uninsurable Minority Children - Miami-Dade..... 100,000

333 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 7,434,341
FROM FEDERAL GRANTS TRUST FUND 11,084,898

334 SPECIAL CATEGORIES
PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 8,911,958
FROM FEDERAL GRANTS TRUST FUND 135,856

335 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 18,621,098

Specific Appropriation 335 includes an increase of $990,339 for twenty additional beds to reduce the wait list of seriously emotionally disturbed and mentally ill children and adolescents who meet the medical necessity criteria for mental health residential treatment services under the Statewide Inpatient Psychiatric Program (SIPP) waiver.

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The Department of Children and Family Services is authorized to transfer up to $16,244,374 million from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children in Statewide Inpatient Psychiatric Program (SIPP) and Residential Group Care beds. The remaining funds shall be used to provide residential services to non-Medicaid eligible children.

336 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 11,456,600
FROM GRANTS AND DONATIONS TRUST FUND . . . 725,193

In addition to any existing funding, the following projects from Specific Appropriation 336 are funded from non-recurring general revenue funds:

Children's Emergency Baker Act Services - Hernando, Pasco... 200,000

TOTAL: CHILDREN'S MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND 72,451,474
FROM TRUST FUNDS 29,146,162

TOTAL ALL FUNDS 101,597,636

PROGRAM MANAGEMENT AND COMPLIANCE

APPROVED SALARY RATE 5,509,074

337 SALARIES AND BENEFITS POSITIONS 112.00
FROM GENERAL REVENUE FUND 6,272,127
FROM ADMINISTRATIVE TRUST FUND 175,494
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 286,241
FROM FEDERAL GRANTS TRUST FUND 200,761

338 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 139,357
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 16,000
FROM FEDERAL GRANTS TRUST FUND 916,661

From the funds in Specific Appropriations 338, 339, 344, and 345, $250,000 is authorized to be spent to support the Florida Substance Abuse and Mental Health Corporation.

339 EXPENSES
FROM GENERAL REVENUE FUND 870,643
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 451,194
FROM FEDERAL GRANTS TRUST FUND 300,746

340 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 458
FROM FEDERAL GRANTS TRUST FUND 13

341 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 6,500,000
FROM FEDERAL GRANTS TRUST FUND 100,000

342 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,098,433

342A SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE CHARLEY - FEMA DECLARATION #1539 - STATE OPERATIONS
FROM FEDERAL GRANTS TRUST FUND 1,304,341

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342B SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE FRANCES - FEMA DECLARATION #1545 - STATE OPERATIONS
FROM FEDERAL GRANTS TRUST FUND 3,109,433

342C SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE IVAN - FEMA DECLARATION #1551 - STATE OPERATIONS
FROM FEDERAL GRANTS TRUST FUND 2,043,882

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND 8,381,018
FROM TRUST FUNDS 15,404,766

TOTAL POSITIONS 112.00
TOTAL ALL FUNDS 23,785,784

PROGRAM: SUBSTANCE ABUSE PROGRAM

PROGRAM MANAGEMENT AND COMPLIANCE

APPROVED SALARY RATE 2,585,897

343 SALARIES AND BENEFITS POSITIONS 59.00
FROM GENERAL REVENUE FUND 2,035,814
FROM ADMINISTRATIVE TRUST FUND 133,120
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 880,540
FROM FEDERAL GRANTS TRUST FUND 222,462

344 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 38,581
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 505,845
FROM FEDERAL GRANTS TRUST FUND 311,577

345 EXPENSES
FROM GENERAL REVENUE FUND 234,955
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 319,438
FROM FEDERAL GRANTS TRUST FUND 151,435

346 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 239

347 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 170,840
FROM FEDERAL GRANTS TRUST FUND 2,963,776

348 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 34,341

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND 2,514,770
FROM TRUST FUNDS 5,488,193

TOTAL POSITIONS 59.00
TOTAL ALL FUNDS 8,002,963

CHILD SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

349 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 375,918
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 50,590

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FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		60,156
FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,221
350 EXPENSES		
FROM GENERAL REVENUE FUND	12,434	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		3,599
FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		4,284
FROM OPERATIONS AND MAINTENANCE TRUST FUND		106
351 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES		
FROM GENERAL REVENUE FUND	28,878,593	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		31,004,814
FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		11,298,205
FROM TOBACCO SETTLEMENT TRUST FUND		3,660,907
FROM WELFARE TRANSITION TRUST FUND		640,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND		85,673

In addition to any existing funding, the following projects from Specific Appropriation 351 are funded from non-recurring general revenue funds:

New Horizon's Children and Family Center - Miami-Dade	75,000
Mothers and Infants - Brevard, Indian River, St. Lucie	100,000

In addition to any existing funding, the following projects from Specific Appropriation 351 are funded from non-recurring tobacco settlement funds:

Parenting Wisely/Choices - Hillsborough	300,000
Drug Free Youth in Town - Miami-Dade	500,000

TOTAL: CHILD SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES		
FROM GENERAL REVENUE FUND	29,266,945	
FROM TRUST FUNDS		46,812,555
TOTAL ALL FUNDS		76,079,500

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

352 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	387,882	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		634,139
FROM OPERATIONS AND MAINTENANCE TRUST FUND		44,068
353 EXPENSES		
FROM GENERAL REVENUE FUND	18,476	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		25,636
FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,364
354 SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES		
FROM GENERAL REVENUE FUND	26,798,600	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		63,550,154
FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		581,386

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FROM TOBACCO SETTLEMENT TRUST FUND		6,241,766
FROM FEDERAL GRANTS TRUST FUND		6,023,802
FROM WELFARE TRANSITION TRUST FUND		14,097,500
FROM OPERATIONS AND MAINTENANCE TRUST FUND		243,998

In addition to any existing funding, the following projects from Specific Appropriation 354 are funded from non-recurring general revenue funds:

Alternative Therapies Program - Broward, Miami-Dade	50,000
Adult Addiction Detoxification Capacity Expansion - Charlotte, Glades, Hendry, Lee	40,000
Bridges of America's 25 Drug and Alcohol Beds for Women at the St. Petersburg Bridge - Pinellas	100,000
Davis-Bradley Family Substance Abuse Service Center - Pinellas	400,000

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES		
FROM GENERAL REVENUE FUND	27,204,958	
FROM TRUST FUNDS		91,444,813
TOTAL ALL FUNDS		118,649,771

PROGRAM: ECONOMIC SELF SUFFICIENCY PROGRAM

COMPREHENSIVE ELIGIBILITY SERVICES

APPROVED SALARY RATE 167,633,889

355 SALARIES AND BENEFITS POSITIONS	6,135.50	
FROM GENERAL REVENUE FUND	107,814,527	
FROM FEDERAL GRANTS TRUST FUND		91,048,010
FROM GRANTS AND DONATIONS TRUST FUND		69,803
FROM WELFARE TRANSITION TRUST FUND		940,398
356 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	447,396	
FROM FEDERAL GRANTS TRUST FUND		372,287
FROM GRANTS AND DONATIONS TRUST FUND		33,600
FROM WELFARE TRANSITION TRUST FUND		34,498
357 EXPENSES		
FROM GENERAL REVENUE FUND	17,169,497	
FROM FEDERAL GRANTS TRUST FUND		13,267,167
FROM WELFARE TRANSITION TRUST FUND		1,409,810
358 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	347	
FROM FEDERAL GRANTS TRUST FUND		70,907
FROM WELFARE TRANSITION TRUST FUND		4,254
359 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	2,165,971	
FROM FEDERAL GRANTS TRUST FUND		1,235,424
FROM WELFARE TRANSITION TRUST FUND		382,799
360 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	822,608	
FROM FEDERAL GRANTS TRUST FUND		822,611

TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES		
FROM GENERAL REVENUE FUND	128,420,346	
FROM TRUST FUNDS		109,691,568
TOTAL POSITIONS	6,135.50	
TOTAL ALL FUNDS		238,111,914

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PROGRAM MANAGEMENT AND COMPLIANCE

APPROVED SALARY RATE 7,495,018

361	SALARIES AND BENEFITS POSITIONS	155.00	
	FROM GENERAL REVENUE FUND	5,862,516	
	FROM FEDERAL GRANTS TRUST FUND		3,250,294
	FROM WELFARE TRANSITION TRUST FUND		563,765
362	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	112,105	
	FROM FEDERAL GRANTS TRUST FUND		88,350
	FROM WELFARE TRANSITION TRUST FUND		21,565
363	EXPENSES		
	FROM GENERAL REVENUE FUND	3,544,481	
	FROM FEDERAL GRANTS TRUST FUND		1,923,408
	FROM WELFARE TRANSITION TRUST FUND		642,158
364	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,047	
	FROM FEDERAL GRANTS TRUST FUND		9,817
	FROM WELFARE TRANSITION TRUST FUND		858
365	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	867,500	
	FROM FEDERAL GRANTS TRUST FUND		2,731,732
366	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,404,832	
	FROM FEDERAL GRANTS TRUST FUND		1,398,500
TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE			
	FROM GENERAL REVENUE FUND	11,792,481	
	FROM TRUST FUNDS		10,630,447
	TOTAL POSITIONS	155.00	
	TOTAL ALL FUNDS		22,422,928

FRAUD PREVENTION AND BENEFIT RECOVERY

APPROVED SALARY RATE 5,932,410

367	SALARIES AND BENEFITS POSITIONS	200.50	
	FROM GENERAL REVENUE FUND	2,480,331	
	FROM FEDERAL GRANTS TRUST FUND		3,116,210
	FROM WELFARE TRANSITION TRUST FUND		2,146,682
368	EXPENSES		
	FROM GENERAL REVENUE FUND	488,043	
	FROM FEDERAL GRANTS TRUST FUND		1,705,519
	FROM WELFARE TRANSITION TRUST FUND		576,485
369	SPECIAL CATEGORIES		
	PUBLIC ASSISTANCE FRAUD CONTRACT		
	FROM GENERAL REVENUE FUND	47,752	
	FROM FEDERAL GRANTS TRUST FUND		3,341,315
	FROM WELFARE TRANSITION TRUST FUND		1,106,437
370	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	32,081	
	FROM FEDERAL GRANTS TRUST FUND		32,085
TOTAL: FRAUD PREVENTION AND BENEFIT RECOVERY			
	FROM GENERAL REVENUE FUND	3,048,207	
	FROM TRUST FUNDS		12,024,733
	TOTAL POSITIONS	200.50	
	TOTAL ALL FUNDS		15,072,940

SPECIAL ASSISTANCE PAYMENTS

APPROVED SALARY RATE 187,508

371	SALARIES AND BENEFITS POSITIONS	3.00	
	FROM GENERAL REVENUE FUND	185,576	
	FROM FEDERAL GRANTS TRUST FUND		41,590
372	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	58,200	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		84,097
	FROM WELFARE TRANSITION TRUST FUND		84,095
373	EXPENSES		
	FROM GENERAL REVENUE FUND	217,225	
	FROM FEDERAL GRANTS TRUST FUND		42,525
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,111
	FROM WELFARE TRANSITION TRUST FUND		6,111
374	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	202	
375	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHALLENGE GRANTS		
	FROM GENERAL REVENUE FUND	2,116,025	
376	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FEDERAL EMERGENCY		
	SHELTER GRANT PROGRAM		
	FROM GENERAL REVENUE FUND	1,185,990	
	FROM FEDERAL GRANTS TRUST FUND		3,034,474
	FROM GRANTS AND DONATIONS TRUST FUND . . .		809,793
	FROM WELFARE TRANSITION TRUST FUND		809,793
377	SPECIAL CATEGORIES		
	GRANTS AND AIDS - HOMELESS HOUSING		
	ASSISTANCE GRANTS		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,000,000
378	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	430,981	
	FROM TOBACCO SETTLEMENT TRUST FUND		250,000

In addition to any existing funding, the following projects from Specific Appropriation 378 are funded from non-recurring general revenue funds:

Florida Association of Food Banks - Broward 50,000

In addition to any existing funding, the following projects from Specific Appropriation 378 are funded from non-recurring tobacco settlement funds:

Interfaith Council for Community Improvement - Hillsborough. 100,000
Hillsborough County Community Voicemail..... 150,000

379	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,065	
380	FINANCIAL ASSISTANCE PAYMENTS		
	OPTIONAL STATE SUPPLEMENTATION PROGRAM		
	FROM GENERAL REVENUE FUND	26,533,020	
381	FINANCIAL ASSISTANCE PAYMENTS		
	PERSONAL CARE ALLOWANCE		
	FROM GENERAL REVENUE FUND	314,456	

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TOTAL: SPECIAL ASSISTANCE PAYMENTS

FROM GENERAL REVENUE FUND	31,042,740	
FROM TRUST FUNDS		10,168,589
TOTAL POSITIONS	3.00	
TOTAL ALL FUNDS		41,211,329

WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES)
AND EMPLOYMENT SUPPORTS

APPROVED SALARY RATE 315,800

382	SALARIES AND BENEFITS POSITIONS	8.00	
	FROM FEDERAL GRANTS TRUST FUND		281,182
	FROM WELFARE TRANSITION TRUST FUND		104,205
383	EXPENSES		
	FROM FEDERAL GRANTS TRUST FUND		74,380
	FROM WELFARE TRANSITION TRUST FUND		14,810
384	OPERATING CAPITAL OUTLAY		
	FROM WELFARE TRANSITION TRUST FUND		3,865
385	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,168	
386	FINANCIAL ASSISTANCE PAYMENTS		
	CASH ASSISTANCE		
	FROM GENERAL REVENUE FUND	186,517,875	
	FROM ADMINISTRATIVE TRUST FUND		44,020
	FROM WELFARE TRANSITION TRUST FUND		32,104,504

TOTAL: WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES)
AND EMPLOYMENT SUPPORTS

FROM GENERAL REVENUE FUND	186,521,043	
FROM TRUST FUNDS		32,626,966
TOTAL POSITIONS	8.00	
TOTAL ALL FUNDS		219,148,009

REFUGEES

APPROVED SALARY RATE 1,590,662

387	SALARIES AND BENEFITS POSITIONS	38.00	
	FROM FEDERAL GRANTS TRUST FUND		1,960,873
388	OTHER PERSONAL SERVICES		
	FROM FEDERAL GRANTS TRUST FUND		219,272
389	EXPENSES		
	FROM FEDERAL GRANTS TRUST FUND		530,203
390	OPERATING CAPITAL OUTLAY		
	FROM FEDERAL GRANTS TRUST FUND		22,125
391	SPECIAL CATEGORIES		
	GRANTS AND AIDS - LOCAL SERVICES PROGRAM		
	FROM GENERAL REVENUE FUND	100,000	
	FROM FEDERAL GRANTS TRUST FUND		56,604,968

In addition to any existing funding, the following projects from Specific Appropriation 391 are funded from non-recurring general revenue funds:

Disadvantaged Immigrant Family Assistance Program - Miami . Dade..... 100,000

392	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM FEDERAL GRANTS TRUST FUND		12,839

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393	SPECIAL CATEGORIES		
	SERVICES TO REPATRIATED AMERICANS		
	FROM FEDERAL GRANTS TRUST FUND		40,380
394	FINANCIAL ASSISTANCE PAYMENTS		
	REFUGEE/ENTRANT ASSISTANCE		
	FROM FEDERAL GRANTS TRUST FUND		9,358,075

TOTAL: REFUGEES

FROM GENERAL REVENUE FUND	100,000	
FROM TRUST FUNDS		68,748,735
TOTAL POSITIONS	38.00	
TOTAL ALL FUNDS		68,848,735

PROGRAM: INSTITUTIONAL FACILITIES

ADULT MENTAL HEALTH TREATMENT FACILITIES

APPROVED SALARY RATE 144,899,297

From the funds in Specific Appropriations 395 through 404, up to $24,287,090 shall be expended by the Department of Children and Family Services to contract for the operation and management of South Florida Evaluation and Treatment Center. The contract shall include the construction of a new facility, the location of which shall be subject to the department's approval. The annual cost of operating the facility and costs associated with maintenance and construction of a new facility may not exceed $24,287,090.

395	SALARIES AND BENEFITS POSITIONS	4,270.50	
	FROM GENERAL REVENUE FUND	108,598,420	
	FROM ADMINISTRATIVE TRUST FUND		29,852,237
	FROM FEDERAL GRANTS TRUST FUND		47,915,936
396	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	875,545	
397	EXPENSES		
	FROM GENERAL REVENUE FUND	15,690,920	
	FROM FEDERAL GRANTS TRUST FUND		939,295
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		392,316
398	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	198,985	
	FROM FEDERAL GRANTS TRUST FUND		549,377
399	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	3,180,255	
400	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES		
	FROM GENERAL REVENUE FUND	32,879,760	
	FROM FEDERAL GRANTS TRUST FUND		12,856,514

Specific Appropriation 400 includes $1,000,000 from the General Revenue Fund for rehabilitation and Baker Act beds for West Florida Community Care Center.

From the funds provided in Specific Appropriation 400, $31,644,815 in recurring funds, including $22,081,301 from the General Revenue Fund, and $9,563,514 from the Federal Grants Trust Fund are provided to the Department of Children and Family Services to fund the annual payments required by the management agreement with Atlantic Shores Healthcare, Inc. for the operation of South Florida State Hospital, and an additional $1,000,000 of recurring general revenue is provided to fund the annual cost of living adjustment for the management agreement. With the cost of living adjustment, the total recurring contract amount for Fiscal Year 2005-2006 is $32,644,815.

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From the funds in Specific Appropriation 400, $2,000,000 in non-recurring general revenue is provided to the Department of Children and Family Services for a one-time payment of unused annual and sick leave for eligible employees at the South Florida Evaluation and Treatment Center.

401	SPECIAL CATEGORIES		
	GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM		
	FROM GENERAL REVENUE FUND	2,146,394	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		20,330,318
402	SPECIAL CATEGORIES		
	PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	5,278,356	
	FROM FEDERAL GRANTS TRUST FUND		3,302,389
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		205,388
403	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	5,464,083	
404	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	90,969	
TOTAL: ADULT MENTAL HEALTH TREATMENT FACILITIES			
	FROM GENERAL REVENUE FUND	174,403,687	
	FROM TRUST FUNDS		116,343,770
	TOTAL POSITIONS	4,270.50	
	TOTAL ALL FUNDS		290,747,457

ELDER AFFAIRS, DEPARTMENT OF

PROGRAM: SERVICES TO ELDERS PROGRAM

COMPREHENSIVE ELIGIBILITY SERVICES

APPROVED SALARY RATE 8,257,280

405	SALARIES AND BENEFITS POSITIONS	236.00	
	FROM GENERAL REVENUE FUND	2,665,137	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		7,858,301
406	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	130,887	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		530,376
407	EXPENSES		
	FROM GENERAL REVENUE FUND	572,552	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,713,288
408	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	22,705	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		77,078
409	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	40,879	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		7,786
410	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	21,189	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		54,155
TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES			
	FROM GENERAL REVENUE FUND	3,453,349	
	FROM TRUST FUNDS		10,240,984
	TOTAL POSITIONS	236.00	
	TOTAL ALL FUNDS		13,694,333

HOME AND COMMUNITY SERVICES

APPROVED SALARY RATE 2,710,890

411	SALARIES AND BENEFITS POSITIONS	58.50	
	FROM GENERAL REVENUE FUND	1,251,849	
	FROM FEDERAL GRANTS TRUST FUND		1,644,675
	FROM GRANTS AND DONATIONS TRUST FUND . . .		12,753
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		632,289
412	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	171,543	
	FROM ADMINISTRATIVE TRUST FUND		55,000
	FROM FEDERAL GRANTS TRUST FUND		859,367
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,360
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		158,635
413	EXPENSES		
	FROM GENERAL REVENUE FUND	536,723	
	FROM ADMINISTRATIVE TRUST FUND		61,180
	FROM FEDERAL GRANTS TRUST FUND		964,648
	FROM GRANTS AND DONATIONS TRUST FUND . . .		259,777
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		401,313
414	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	15,400	
	FROM FEDERAL GRANTS TRUST FUND		5,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		10,400
415	SPECIAL CATEGORIES		
	AGING AND ADULT SERVICES TRAINING AND EDUCATION		
	FROM FEDERAL GRANTS TRUST FUND		119,493
416	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ALZHEIMER'S DISEASE PROJECTS/SERVICES		
	FROM GENERAL REVENUE FUND	6,232,571	
	FROM TOBACCO SETTLEMENT TRUST FUND		708,500

From the funds in Specific Appropriation 416, non-recurring Tobacco Settlement funds are provided for the following projects:

FGCU Center For Positive Aging (Charlotte).....	50,000
Be Headsmart, Seniors! Brain Injury and Falls Prevention Project (Statewide).....	25,000
Alzheimer's Services For Multi-Cultural Communities.....	75,000
Alzheimer's Mobile Services For Rural Areas, Minority and Under-Served Communities (Various).....	100,000
Alzheimer's Services For Multi-Cultural Communities (Statewide).....	333,500
Brain Bank (Dade).....	25,000
Alzheimer's Dementia Day Care Center (St. Lucie).....	100,000

417 SPECIAL CATEGORIES
GRANTS AND AIDS - ALZHEIMERS DISEASE

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RESPITE SERVICES
FROM GENERAL REVENUE FUND 7,651,454

418 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY
FROM GENERAL REVENUE FUND 40,877,657
FROM TOBACCO SETTLEMENT TRUST FUND 11,770,633
FROM FEDERAL GRANTS TRUST FUND 249,025
FROM OPERATIONS AND MAINTENANCE TRUST FUND 738,969

419 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM FEDERAL GRANTS TRUST FUND 1,384,367

420 SPECIAL CATEGORIES
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM
FROM GENERAL REVENUE FUND 346,998
FROM FEDERAL GRANTS TRUST FUND 104,598,728

421 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,505,454
FROM ADMINISTRATIVE TRUST FUND 31,397
FROM FEDERAL GRANTS TRUST FUND 7,562,916
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,000,000

423 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 28,758,937
FROM TOBACCO SETTLEMENT TRUST FUND 8,000,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 51,810,826

From the funds in Specific Appropriation 423, $4,160,705 from the General Revenue Fund and $5,960,203 from the Operations and Maintenance Trust Fund are provided to increase the clients served in the Aged/Disabled Adult (ADA) Medicaid waiver.

424 SPECIAL CATEGORIES
ASSISTED LIVING FACILITY WAIVER
FROM GENERAL REVENUE FUND 8,133,693
FROM TOBACCO SETTLEMENT TRUST FUND 5,000,000
FROM FEDERAL GRANTS TRUST FUND 882,321
FROM OPERATIONS AND MAINTENANCE TRUST FUND 17,610,652

From the funds in Specific Appropriation 424, $527,982 from the General Revenue Fund and $756,333 from the Operations and Maintenance Trust Fund are provided to increase the clients served in the Assisted Living for the Frail Elderly (ALE) Medicaid waiver.

425 SPECIAL CATEGORIES
ALZHEIMER'S DEMENTIA SPECIFIC MEDICAID WAIVER
FROM GENERAL REVENUE FUND 2,069,832
FROM OPERATIONS AND MAINTENANCE TRUST FUND 2,968,977

426 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS
FROM GENERAL REVENUE FUND 7,608,784
FROM TOBACCO SETTLEMENT TRUST FUND 807,500

In addition to existing funding for recurring projects, the following projects from Specific Appropriation 426 are funded from non-recurring general revenue funds:

Marta Flores High Risk Nutritional Programs for the Elderly (Dade)..... 671,250
West Miami Community Center (Dade)..... 75,000

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Jewish Community Services - Miami Beach Senior Center(Dade). 170,391
Southwest Social Services (Dade)..... 605,000
Additional Congregate & Homebound Meals - Allapattah (Dade). 314,000
City of Sweetwater Elderly Activities Center (Dade)..... 450,000
Manolo Piniero Homebound Diabetes Services (Dade)..... 150,000
Hialeah Gardens Elderly (Dade)..... 50,000
Jewish Community Services - In-home Respite (Dade)..... 42,471
St. Ann's Nursing Center - Facility-based Respite (Dade).... 70,029
Neighborly Pharmacy Program (Pinellas)..... 90,000
DeHostas Senior Center Hot Meals Program (Dade)..... 75,000
Expanded Adult Day Care (PSAs 2, 3 and 5)..... 340,758
Michael Russell - Senior Wellness Program (Dade)..... 90,000
Howard C. Forman Affordable Senior Residences (Broward)..... 206,101
Little Havana Activities & Nutrition Centers Elderly Home Delivered Meals Program (Dade)..... 35,000
South Florida Naturally Occurring Retirement Communities (NORC) Demonstration Project (Dade, Broward, Palm Beach).. 900,000
North Miami Intergenerational Activity Center (Dade)..... 50,000
Bay County Council on Aging - Respite..... 217,350

In addition to existing funding for recurring projects, the following projects from Specific Appropriation 426 are funded from non-recurring tobacco settlement funds:

Southwest Focal Point Early Bird P.M. Nutrition Center (Broward)..... 25,000
Faith In Action (FIA) - Strong For Life (Pinellas)..... 7,500
Older Adult Planning Project (Bay, Hillsborough, Lee)..... 600,000
Feed The Elderly (Dade)..... 40,000
Little Havana Activities and Nutrition Centers - Respite Care (Dade)..... 10,000
Holocaust Survivors Assistance Program (Palm Beach)..... 100,000
Seymour Gelber Adult Day Care Program (Dade)..... 25,000

427 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 36,530
FROM FEDERAL GRANTS TRUST FUND 6,958

428 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 9,764
FROM ADMINISTRATIVE TRUST FUND 2,273
FROM FEDERAL GRANTS TRUST FUND 14,170
FROM OPERATIONS AND MAINTENANCE TRUST FUND 4,291

428A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIAL PROJECTS FOR THE ELDERLY
FROM GENERAL REVENUE FUND 300,000
FROM TOBACCO SETTLEMENT TRUST FUND 25,000

From the funds in Specific Appropriation 428A, non-recurring General Revenue funds are provided for the following projects:
Lifestyle Enrichment Center (Columbia)..... 50,000
Lauderdale Lakes Alzheimer Day Care (Broward)..... 250,000

From the funds in Specific Appropriation 428A, non-recurring Tobacco Settlement funds are provided for the following project:

Madison County Senior Services..... 25,000

TOTAL: HOME AND COMMUNITY SERVICES
FROM GENERAL REVENUE FUND 106,507,189
FROM TRUST FUNDS 234,372,393

TOTAL POSITIONS 58.50
TOTAL ALL FUNDS 340,879,582

SECTION 3
SPECIFIC
APPROPRIATION
EXECUTIVE DIRECTION AND SUPPORT SERVICES

	APPROVED SALARY RATE 3,520,862		
429	SALARIES AND BENEFITS POSITIONS	76.50	
	FROM GENERAL REVENUE FUND	1,832,800	
	FROM FEDERAL GRANTS TRUST FUND		2,418,795
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		534,897
430	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	98,686	
	FROM FEDERAL GRANTS TRUST FUND		496,478
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		62,700
431	EXPENSES		
	FROM GENERAL REVENUE FUND	438,953	
	FROM ADMINISTRATIVE TRUST FUND		33,329
	FROM FEDERAL GRANTS TRUST FUND		1,994,825
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,141
432	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	171,000	
	FROM FEDERAL GRANTS TRUST FUND		2,000
434	SPECIAL CATEGORIES		
	LAWTON CHILES ENDOWMENT FUND PROGRAMS		
	FROM TOBACCO SETTLEMENT TRUST FUND		25,000
435	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	45,154	
	FROM FEDERAL GRANTS TRUST FUND		7,968
436	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	12,730	
	FROM FEDERAL GRANTS TRUST FUND		15,008
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		715
437	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,288
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	2,599,323	
	FROM TRUST FUNDS		5,602,144
	TOTAL POSITIONS	76.50	
	TOTAL ALL FUNDS		8,201,467

CONSUMER ADVOCATE SERVICES

	APPROVED SALARY RATE 780,885		
438	SALARIES AND BENEFITS POSITIONS	20.50	
	FROM GENERAL REVENUE FUND	499,080	
	FROM FEDERAL GRANTS TRUST FUND		495,960
439	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	100	
	FROM FEDERAL GRANTS TRUST FUND		500,000
440	EXPENSES		
	FROM GENERAL REVENUE FUND	206,737	
	FROM ADMINISTRATIVE TRUST FUND		154,816
	FROM FEDERAL GRANTS TRUST FUND		860

SECTION 3
SPECIFIC
APPROPRIATION

441	SPECIAL CATEGORIES		
	PUBLIC GUARDIANSHIP CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	1,882,527	

From the funds in Specific Appropriation 441, the Department of Elderly Affairs shall coordinate with local governments and the courts to explore options for the funding of public guardianship. The department shall report their findings to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council by January 31, 2006.

442	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	5,783	
	FROM FEDERAL GRANTS TRUST FUND		925
443	SPECIAL CATEGORIES		
	LONG TERM CARE OMBUDSMAN COUNCIL		
	FROM GENERAL REVENUE FUND	981,985	
	FROM FEDERAL GRANTS TRUST FUND		300,000
444	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	9,317	
	FROM FEDERAL GRANTS TRUST FUND		4,282
TOTAL:	CONSUMER ADVOCATE SERVICES		
	FROM GENERAL REVENUE FUND	3,585,529	
	FROM TRUST FUNDS		1,456,843
	TOTAL POSITIONS	20.50	
	TOTAL ALL FUNDS		5,042,372

HEALTH, DEPARTMENT OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT

ADMINISTRATIVE SUPPORT

	APPROVED SALARY RATE 12,580,582		
445	SALARIES AND BENEFITS POSITIONS	292.50	
	FROM GENERAL REVENUE FUND	4,096,357	
	FROM ADMINISTRATIVE TRUST FUND		10,887,922
	FROM FEDERAL GRANTS TRUST FUND		1,044,242
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		56,987
446	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	406,013	
	FROM ADMINISTRATIVE TRUST FUND		88,963
	FROM FEDERAL GRANTS TRUST FUND		139,680
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		10,557
447	EXPENSES		
	FROM GENERAL REVENUE FUND	3,467,586	
	FROM ADMINISTRATIVE TRUST FUND		2,831,052
	FROM FEDERAL GRANTS TRUST FUND		561,746
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		62,097
448	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	194,870	
	FROM FEDERAL GRANTS TRUST FUND		31,500
449	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		50,936

SECTION 3
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450	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	214,971	
451	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND	107,533	
	FROM ADMINISTRATIVE TRUST FUND		33,470
	FROM FEDERAL GRANTS TRUST FUND		8,662
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		2,283
452	FIXED CAPITAL OUTLAY HEALTH SERVICES SPACE NEEDS / STATEWIDE FROM ADMINISTRATIVE TRUST FUND		800,000
TOTAL:	ADMINISTRATIVE SUPPORT FROM GENERAL REVENUE FUND	8,487,330	
	FROM TRUST FUNDS		16,610,097
	TOTAL POSITIONS	292.50	
	TOTAL ALL FUNDS		25,097,427

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 4,032,288

453	SALARIES AND BENEFITS POSITIONS	86.00	
	FROM GENERAL REVENUE FUND	2,191,412	
	FROM ADMINISTRATIVE TRUST FUND		2,482,930
	FROM FEDERAL GRANTS TRUST FUND		128,755
454	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	55,000	
	FROM ADMINISTRATIVE TRUST FUND		231,000
	FROM FEDERAL GRANTS TRUST FUND		15,000
455	EXPENSES FROM GENERAL REVENUE FUND	9,837,752	
	FROM ADMINISTRATIVE TRUST FUND		6,834,568
	FROM FEDERAL GRANTS TRUST FUND		15,000
456	OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND		380,000
	FROM FEDERAL GRANTS TRUST FUND		3,500
457	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM ADMINISTRATIVE TRUST FUND		50,000
458	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	13,234	
459	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND	13,609	
	FROM ADMINISTRATIVE TRUST FUND		16,974
	FROM FEDERAL GRANTS TRUST FUND		586
460	DATA PROCESSING SERVICES CHILDREN AND FAMILIES DATA CENTER FROM ADMINISTRATIVE TRUST FUND		3,801,305
TOTAL:	INFORMATION TECHNOLOGY FROM GENERAL REVENUE FUND	12,111,007	
	FROM TRUST FUNDS		13,959,618

SECTION 3
SPECIFIC
APPROPRIATION

TOTAL POSITIONS	86.00	
TOTAL ALL FUNDS		26,070,625

PROGRAM: COMMUNITY PUBLIC HEALTH

FAMILY HEALTH OUTPATIENT AND NUTRITION SERVICES

APPROVED SALARY RATE 5,850,627

461	SALARIES AND BENEFITS POSITIONS	136.00	
	FROM GENERAL REVENUE FUND	1,800,806	
	FROM ADMINISTRATIVE TRUST FUND		155
	FROM EPILEPSY SERVICES TRUST FUND		57,479
	FROM FEDERAL GRANTS TRUST FUND		4,698,632
	FROM GRANTS AND DONATIONS TRUST FUND		2,501
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		118,775
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		673,856
462	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	57,592	
	FROM FEDERAL GRANTS TRUST FUND		210,028
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		132,326
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		93,482
463	EXPENSES FROM GENERAL REVENUE FUND	625,305	
	FROM ADMINISTRATIVE TRUST FUND		3,222
	FROM EPILEPSY SERVICES TRUST FUND		30,508
	FROM FEDERAL GRANTS TRUST FUND		1,908,673
	FROM GRANTS AND DONATIONS TRUST FUND		5,273
	FROM WELFARE TRANSITION TRUST FUND		750,000
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		12,102
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		1,464,792
464	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FAMILY PLANNING SERVICES FROM GENERAL REVENUE FUND	5,631,269	
	FROM FEDERAL GRANTS TRUST FUND		1,094,283
465	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EPILEPSY SERVICES FROM GENERAL REVENUE FUND	2,588,870	
	FROM EPILEPSY SERVICES TRUST FUND		150,000
466	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EPILEPSY PREVENTION AND EDUCATION ACTIVITIES FROM EPILEPSY SERVICES TRUST FUND		1,340,000
467	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS FROM FEDERAL GRANTS TRUST FUND		104,423,591
468	AID TO LOCAL GOVERNMENTS CONTRIBUTION TO COUNTY HEALTH UNITS FROM GENERAL REVENUE FUND	5,538,446	
469	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PRIMARY CARE PROGRAM FROM GENERAL REVENUE FUND	23,027,692	
470	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FLUORIDATION PROJECT FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		366,747

SECTION 3
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APPROPRIATION

471 AID TO LOCAL GOVERNMENTS
IMPROVED PREGNANCY OUTCOME PROGRAM
FROM GENERAL REVENUE FUND 28,011,904
FROM FEDERAL GRANTS TRUST FUND 17,000,000
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 2,239,146

From the funds in Specific Appropriation 471, $1.5 million in general revenue funds shall be used to fund statewide abstinence programs.

472 AID TO LOCAL GOVERNMENTS
MATERNAL AND CHILD HEALTH SERVICES
FROM GENERAL REVENUE FUND 901,969
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 4,500,265

473 AID TO LOCAL GOVERNMENTS
SCHOOL HEALTH SERVICES
FROM GENERAL REVENUE FUND 4,368,956
FROM TOBACCO SETTLEMENT TRUST FUND 9,902,925
FROM FEDERAL GRANTS TRUST FUND 7,000,000

From Specific Appropriation 473, funds are provided from the Federal Grants Trust Fund for school health services using Title XXI federal funding.

474 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND 22,000

475 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIMARY CARE CHALLENGE GRANT WAIVER
FROM GENERAL REVENUE FUND 309,300

476 SPECIAL CATEGORIES
GRANTS AND AIDS - OUNCE OF PREVENTION
FROM GENERAL REVENUE FUND 928,412
FROM WELFARE TRANSITION TRUST FUND 2,071,588

477 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 8,012,500
FROM ADMINISTRATIVE TRUST FUND 100,000
FROM RAPE CRISIS PROGRAM TRUST FUND . . . 917,000
FROM TOBACCO SETTLEMENT TRUST FUND 555,000
FROM FEDERAL GRANTS TRUST FUND 5,884,999
FROM WELFARE TRANSITION TRUST FUND 2,250,000
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 902,849

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring tobacco trust funds in Specific Appropriation 477:

Florida Council Against Sexual Violence for Distribution to Certified Rape Crisis Centers (Statewide)..... 250,000
Cervical Cancer Elimination Task Force (Statewide)..... 30,000
VisionQuest (Statewide)..... 200,000
Crohns and Colitis Study (Statewide)..... 75,000

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 477:

University of Florida, Cystic Fibrosis Program - Statewide.. 100,000
Enhancing Education Through Alachua Southwest Social Services - Alachua..... 150,000
Sickle Cell Disease Screening - Volusia..... 12,500
Community Health Advocacy - Hillsborough..... 50,000
Greenwood Community Health Resource Center - Pinellas..... 50,000
Primary Care Initiative - Dade..... 200,000
UM Breast Cancer Research - Dade..... 5,000,000

SECTION 3
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478 SPECIAL CATEGORIES
GRANTS AND AIDS - HEALTHY START COALITIONS
FROM GENERAL REVENUE FUND 3,014,217
FROM FEDERAL GRANTS TRUST FUND 2,388,004

479 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 12,686

480 SPECIAL CATEGORIES
FULL SERVICE SCHOOLS - INTERAGENCY COOPERATION
FROM TOBACCO SETTLEMENT TRUST FUND 8,500,000

From the funds provided in Specific Appropriation 480, the Department of Health shall limit administrative costs to no more than 5 percent.

481 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 40,666

482 SPECIAL CATEGORIES
WOMEN, INFANTS AND CHILDREN (WIC)
FROM FEDERAL GRANTS TRUST FUND 236,212,190

483 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 16,341
FROM ADMINISTRATIVE TRUST FUND 1,156
FROM FEDERAL GRANTS TRUST FUND 34,969
FROM GRANTS AND DONATIONS TRUST FUND . . . 23
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 5,087

TOTAL: FAMILY HEALTH OUTPATIENT AND NUTRITION SERVICES
FROM GENERAL REVENUE FUND 84,874,245
FROM TRUST FUNDS 418,036,312

TOTAL POSITIONS 136.00
TOTAL ALL FUNDS 502,910,557

INFECTIOUS DISEASE CONTROL

APPROVED SALARY RATE 13,758,188

484 SALARIES AND BENEFITS POSITIONS 374.00
FROM GENERAL REVENUE FUND 5,955,682
FROM FEDERAL GRANTS TRUST FUND 7,794,604
FROM OPERATIONS AND MAINTENANCE TRUST FUND 4,007,057
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 165,097

485 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 54,696
FROM FEDERAL GRANTS TRUST FUND 596,922
FROM OPERATIONS AND MAINTENANCE TRUST FUND 57,211

486 EXPENSES
FROM GENERAL REVENUE FUND 3,822,145
FROM FEDERAL GRANTS TRUST FUND 11,445,395
FROM GRANTS AND DONATIONS TRUST FUND . . . 185,537
FROM OPERATIONS AND MAINTENANCE TRUST FUND 800,778
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 207,260

487 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - AIDS PATIENT CARE

SECTION 3
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FROM GENERAL REVENUE FUND	12,728,792	
FROM FEDERAL GRANTS TRUST FUND		7,133,137

488 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RYAN WHITE CONSORTIA

FROM FEDERAL GRANTS TRUST FUND		20,754,358

Funds in Specific Appropriation 488 from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for the federal Ryan White grant award. The Department of Health and the Department of Corrections shall collaborate in determining the amount of general revenue funds expended by the Department of Corrections for AIDS-related activities and services that qualify as state matching funds for the Ryan White grant.

489 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STATEWIDE ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS

FROM GENERAL REVENUE FUND	11,122,458	

490 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS

FROM GENERAL REVENUE FUND	14,555,795	
FROM TOBACCO SETTLEMENT TRUST FUND		2,601,849

492 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	38,295	
FROM FEDERAL GRANTS TRUST FUND		178,326

493 FOOD PRODUCTS

FROM GENERAL REVENUE FUND	92,548	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		431,313

494 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES

FROM OPERATIONS AND MAINTENANCE TRUST FUND		136,156

495 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	1,333,673	
FROM FEDERAL GRANTS TRUST FUND		8,971,599
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		7,658

In addition to the recurring projects funded in the base budget, the following project is funded from non-recurring general revenue funds in Specific Appropriation 495:

Polk County AIDS Initiative..... 350,000

496 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES

FROM GENERAL REVENUE FUND	259,540	

497 SPECIAL CATEGORIES
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) INSURANCE CONTINUATION PROGRAM

FROM GENERAL REVENUE FUND	3,494,685	
FROM FEDERAL GRANTS TRUST FUND		4,891,498

498 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT

FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		199,751

499 SPECIAL CATEGORIES
HOSPITAL REIMBURSEMENT

FROM GENERAL REVENUE FUND	452,801	

SECTION 3
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500 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES

FROM GENERAL REVENUE FUND	158,258	

501 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	230,406	

502 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	45,829	
FROM FEDERAL GRANTS TRUST FUND		60,924
FROM OPERATIONS AND MAINTENANCE TRUST FUND		33,845
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		1,286

503 SPECIAL CATEGORIES
OUTREACH FOR PREGNANT WOMEN

FROM GENERAL REVENUE FUND	500,000	

TOTAL: INFECTIOUS DISEASE CONTROL

FROM GENERAL REVENUE FUND	54,845,603	
FROM TRUST FUNDS		70,661,561
TOTAL POSITIONS	374.00	
TOTAL ALL FUNDS		125,507,164

ENVIRONMENTAL HEALTH SERVICES

APPROVED SALARY RATE 8,420,072

504 SALARIES AND BENEFITS POSITIONS	200.50	
FROM GENERAL REVENUE FUND	1,708,091	
FROM ADMINISTRATIVE TRUST FUND		3,032,703
FROM FEDERAL GRANTS TRUST FUND		608,214
FROM GRANTS AND DONATIONS TRUST FUND . . .		186,793
FROM RADIATION PROTECTION TRUST FUND . . .		5,477,375
505 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	2,464	
FROM ADMINISTRATIVE TRUST FUND		71,060
FROM FEDERAL GRANTS TRUST FUND		131,791
FROM GRANTS AND DONATIONS TRUST FUND . . .		130,415
FROM RADIATION PROTECTION TRUST FUND . . .		33,393
506 EXPENSES		
FROM GENERAL REVENUE FUND	1,003,305	
FROM ADMINISTRATIVE TRUST FUND		1,306,569
FROM FEDERAL GRANTS TRUST FUND		837,407
FROM GRANTS AND DONATIONS TRUST FUND . . .		252,712
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		13,608
FROM RADIATION PROTECTION TRUST FUND . . .		1,815,962
507 AID TO LOCAL GOVERNMENTS		
CONTRIBUTION TO COUNTY HEALTH UNITS		
FROM GENERAL REVENUE FUND	4,179,722	
FROM ADMINISTRATIVE TRUST FUND		1,722,436
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,004,571
508 OPERATING CAPITAL OUTLAY		
FROM FEDERAL GRANTS TRUST FUND		8,248
FROM RADIATION PROTECTION TRUST FUND . . .		56,997
509 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM RADIATION PROTECTION TRUST FUND . . .		210,856
510 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		

SECTION 3
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FROM GENERAL REVENUE FUND	276,909	
FROM RADIATION PROTECTION TRUST FUND . . .		14,575

511 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	11,434	
FROM ADMINISTRATIVE TRUST FUND		19,807
FROM FEDERAL GRANTS TRUST FUND		3,891
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,300
FROM RADIATION PROTECTION TRUST FUND . . .		42,169

512 SPECIAL CATEGORIES
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT

FROM ADMINISTRATIVE TRUST FUND		434,775

TOTAL: ENVIRONMENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	7,181,925	
FROM TRUST FUNDS		17,417,627
TOTAL POSITIONS	200.50	
TOTAL ALL FUNDS		24,599,552

COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS

513 SALARIES AND BENEFITS
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 472,826,878

514 OTHER PERSONAL SERVICES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 29,625,992

515 EXPENSES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 139,964,080

516 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FAMILY PLANNING SERVICES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 2,200,000

517 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - AIDS PATIENT CARE
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 3,179,664

518 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 7,533,960

The funds from Specific Appropriation 518 provides a grant-in-aid of $250,000 from the County Health Department Trust Fund to Jefferson County for the purpose of purchasing the Tallahassee Memorial Hospital medical facility for expansion of the Jefferson County Health Department.

519 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MINORITY HEALTH INITIATIVES

FROM GENERAL REVENUE FUND	5,602,500	

520 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS

FROM GENERAL REVENUE FUND	157,205,015	
FROM TOBACCO SETTLEMENT TRUST FUND		4,000,000

521 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PRIMARY CARE PROGRAM
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 11,548,687

522 AID TO LOCAL GOVERNMENTS
COMMUNITY HEALTH INITIATIVES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 500,000

SECTION 3
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523 OPERATING CAPITAL OUTLAY
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 8,347,493

524 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 445,800

525 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	4,165,600	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		27,500

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 525:

Graduate Medical Education - Sun Coast Hospital - Dade.....	575,000
Caridad Health Clinic - Palm Beach	100,000
Iset Cell Transplantation - Broward	400,000

526 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 3,605,173

526A SPECIAL CATEGORIES
GRANTS AND AIDS - PEPIN HEART INSITUTE UNIVERSITY COMMUNITY HOSPITAL - HILLSBOROUGH

FROM GENERAL REVENUE FUND	2,000,000	

527 FIXED CAPITAL OUTLAY
CONSTRUCTION, RENOVATION, AND EQUIPMENT - COUNTY HEALTH DEPARTMENTS

FROM GENERAL REVENUE FUND	9,000,000	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		13,100,000

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 527:

Jackson County Health Department.....	500,000
Gulf County Health Department.....	500,000
Brevard County Health Department.....	3,000,000
Charlotte County Health Department.....	5,000,000

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring county health department trust funds in Specific Appropriation 527:

Gulf County Health Department.....	100,000
Manatee County Health Department.....	3,000,000
Brevard County Health Department.....	5,000,000
Walton County Health Department.....	5,000,000

527A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FAMILY HEALTH FACILITIES

FROM GENERAL REVENUE FUND	2,550,000	
FROM TOBACCO SETTLEMENT TRUST FUND		1,050,000

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 527A:

Tampa Health Center - Hillsborough.....	1,800,000
Zellwood Health Center - Orange.....	250,000
Miami Children's Hospital Pediatric Brain Tumor Institute - Dade.....	500,000

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring tobacco trust funds in Specific Appropriation 527A:

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Madison County Memorial Health Scan Renovation.....		25,000
Madison County Memorial Health Radiographic Room.....		25,000
Dover Health Center - Hillsborough.....		1,000,000
TOTAL: COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS		
FROM GENERAL REVENUE FUND	180,523,115	
FROM TRUST FUNDS		697,955,227
TOTAL ALL FUNDS		878,478,342

STATEWIDE PUBLIC HEALTH SUPPORT SERVICES

APPROVED SALARY RATE 21,361,466

528	SALARIES AND BENEFITS POSITIONS	607.50	
	FROM GENERAL REVENUE FUND	10,392,333	
	FROM ADMINISTRATIVE TRUST FUND		387,315
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		1,419,080
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		2,566,720
	FROM FEDERAL GRANTS TRUST FUND		3,870,118
	FROM GRANTS AND DONATIONS TRUST FUND . . .		211,628
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		135,463
	FROM PLANNING AND EVALUATION TRUST FUND .		8,808,274
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		242,396
529	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,281	
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		6,704
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		149,583
	FROM FEDERAL GRANTS TRUST FUND		214,561
	FROM PLANNING AND EVALUATION TRUST FUND .		358,244
530	EXPENSES		
	FROM GENERAL REVENUE FUND	2,679,726	
	FROM ADMINISTRATIVE TRUST FUND		439,541
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		444,550
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,448,423
	FROM FEDERAL GRANTS TRUST FUND		5,116,517
	FROM FLORIDA CENTER FOR NURSING		42,506
	FROM GRANTS AND DONATIONS TRUST FUND . . .		233,414
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		57,365
	FROM PLANNING AND EVALUATION TRUST FUND .		10,934,419
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		32,800

From the funds in Specific Appropriation 530, $250,000 from the General Revenue Fund shall be used to support the Statewide Council on Deafness.

530A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS		
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		6,461,675
530B	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS		
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		4,681,461
531	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	180,000	
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,932
	FROM FEDERAL GRANTS TRUST FUND		383,366
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		6,000
	FROM PLANNING AND EVALUATION TRUST FUND .		128,302
532	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		82,500
	FROM PLANNING AND EVALUATION TRUST FUND .		14,500
533	SPECIAL CATEGORIES		
	GRANTS AND AIDS - STRENGTHENING DOMESTIC SECURITY - BIOTERRORISM ENHANCEMENTS - HEALTH AND HOSPITALS		
	FROM FEDERAL GRANTS TRUST FUND		45,876,670
534	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	250,000	
535	SPECIAL CATEGORIES		
	DRUGS, VACCINES AND OTHER BIOLOGICALS		
	FROM GENERAL REVENUE FUND	12,587,228	
	FROM TOBACCO SETTLEMENT TRUST FUND		11,702,062
	FROM FEDERAL GRANTS TRUST FUND		91,631,606

Funds in Specific Appropriation 535 from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for the federal Ryan White grant award. The Department of Health and the Department of Corrections shall collaborate in determining the amount of state general revenue funds expended by the Department of Corrections for AIDS-related activities and services that qualify as state matching funds for the Ryan White grant.

536	SPECIAL CATEGORIES		
	JAMES AND ESTHER KING BIOMEDICAL RESEARCH PROGRAM		
	FROM BIOMEDICAL RESEARCH TRUST FUND . . .		10,100,000

From the funds in Specific Appropriation 536, up to $50,000 may be used for collaborative biomedical research projects within the state's historically black colleges and universities.

537	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	8,249,870	
538	SPECIAL CATEGORIES		
	GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS		
	FROM FEDERAL GRANTS TRUST FUND		1,000,000
538A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - TRAUMA CARE		
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		93,747
539	SPECIAL CATEGORIES		
	GRANTS AND AID - NURSING STUDENT LOAN REIMBURSEMENT/ SCHOLARSHIPS		
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		3,150,194
540	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	81,986	
	FROM ADMINISTRATIVE TRUST FUND		3,389
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		9,206

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FROM EMERGENCY MEDICAL SERVICES TRUST FUND 21,075
FROM FEDERAL GRANTS TRUST FUND 7,818
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,476
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 1,137
FROM PLANNING AND EVALUATION TRUST FUND . 72,376

541 FIXED CAPITAL OUTLAY
HEALTH FACILITIES REPAIR AND MAINTENANCE - STATEWIDE
FROM GENERAL REVENUE FUND 2,016,337

542 FIXED CAPITAL OUTLAY
HEALTH SERVICES SPACE NEEDS / STATEWIDE
FROM PLANNING AND EVALUATION TRUST FUND . 503,800

In addition to the recurring projects funded in the base budget, the following project is funded from non-recurring planning and evaluation trust funds in Specific Appropriation 542:

Jacksonville Lab Warehouse - Duval..... 503,800

TOTAL: STATEWIDE PUBLIC HEALTH SUPPORT SERVICES
FROM GENERAL REVENUE FUND 36,445,761
FROM TRUST FUNDS 213,053,913

TOTAL POSITIONS 607.50
TOTAL ALL FUNDS 249,499,674

PROGRAM: CHILDREN'S MEDICAL SERVICES

CHILDREN'S SPECIAL HEALTH CARE

APPROVED SALARY RATE 28,325,059

543 SALARIES AND BENEFITS POSITIONS 751.00
FROM GENERAL REVENUE FUND 18,385,554
FROM DONATIONS TRUST FUND 12,545,370
FROM FEDERAL GRANTS TRUST FUND 4,843,334

544 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,004,361
FROM DONATIONS TRUST FUND 89,063
FROM FEDERAL GRANTS TRUST FUND 388,687

545 EXPENSES
FROM GENERAL REVENUE FUND 3,320,885
FROM DONATIONS TRUST FUND 3,071,714
FROM FEDERAL GRANTS TRUST FUND 4,020,704

546 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 46,970

547 SPECIAL CATEGORIES
CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM
FROM GENERAL REVENUE FUND 1,525,153

In addition to the recurring projects funded in the base budget, the following project is funded from non-recurring general revenue funds in Specific Appropriation 547:

Joe Dimaggio Children's Hospital Craniofacial Program - Broward..... 200,000

548 SPECIAL CATEGORIES
REGIONAL GENETICS PROGRAM
FROM GENERAL REVENUE FUND 995,456

549 SPECIAL CATEGORIES
SICKLE CELL EDUCATION AND SCREENING
FROM GENERAL REVENUE FUND 1,310,686

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550 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN
FROM GENERAL REVENUE FUND 11,447,257
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 5,763,295

551 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIMARY CARE PROGRAM
FROM GENERAL REVENUE FUND 3,875,809
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 1,889,787

552 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 4,440,340
FROM TOBACCO SETTLEMENT TRUST FUND 1,915,683
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 999,704
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 93,539

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 552:

Pediatric Cardiovascular Program of North Florida - Baker... 250,000
Pediatric Hematology, Children's Hospital of SW Florida Charlotte..... 50,000
Fetal Alcohol Spectrum Disorder (FADS) - Sarasota..... 280,000

553 SPECIAL CATEGORIES
MASTER CONTRACTS
FROM GENERAL REVENUE FUND 1,182,293
FROM TOBACCO SETTLEMENT TRUST FUND 4,280,856

554 SPECIAL CATEGORIES
GRANTS AND AIDS - INFANT/TODDLERS STEP-DOWN
FROM GENERAL REVENUE FUND 602,673

555 SPECIAL CATEGORIES
KIDNEY DISEASE PROGRAM FOR CHILDREN
FROM GENERAL REVENUE FUND 1,163,077

556 SPECIAL CATEGORIES
CHILDREN'S MEDICAL SERVICES NETWORK
FROM DONATIONS TRUST FUND 57,191,383

557 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICE - CLINIC AND FIELD OPERATIONS
FROM GENERAL REVENUE FUND 4,539,181
FROM TOBACCO SETTLEMENT TRUST FUND 5,593,657
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 6,181,936
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,519,724

558 SPECIAL CATEGORIES
POISON CONTROL CENTER
FROM GENERAL REVENUE FUND 2,400,000

In addition to the recurring projects funded in the base budget, the following project is funded from non-recurring general revenue funds in Specific Appropriation 558:

Florida Poison Information Center Network - Statewide..... 400,000

559 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 282,206

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560 SPECIAL CATEGORIES
PEDIATRIC LIVER TRANSPLANT PROGRAM
FROM GENERAL REVENUE FUND 250,441

561 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL,
EVALUATION AND INTERVENTION SERVICES
FROM GENERAL REVENUE FUND 10,534,202
FROM TOBACCO SETTLEMENT TRUST FUND 3,817,556
FROM FEDERAL GRANTS TRUST FUND 2,850,185
FROM WELFARE TRANSITION TRUST FUND 3,800,000

From the funds in Specific Appropriation 561, $450,000 in general revenue funds shall be transferred to the Agency for Health Care Administration for the purpose of providing matching funds to enable a special Medicaid payment to Mount Sinai Medical Center.

From the funds in Specific Appropriation 561, the Department of Health shall limit administrative costs to no more than 5 percent.

562 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL EVALUATION
AND INTERVENTION SERVICES/PART C
FROM GENERAL REVENUE FUND 1,234,850
FROM FEDERAL GRANTS TRUST FUND 18,000,748

From the general revenue funds in Specific Appropriation 562, $1,234,850 is provided as the state matching funds for Medicaid reimbursable early intervention services in Specific Appropriation 182.

563 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL
INTENSIVE CARE CENTER/ PERINATAL SUPPORT
SERVICES
FROM GENERAL REVENUE FUND 1,421,183
FROM MATERNAL AND CHILD HEALTH BLOCK
GRANT TRUST FUND 266,301

564 SPECIAL CATEGORIES
CHILDREN'S CARDIAC PROGRAM
FROM GENERAL REVENUE FUND 837,163

565 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 177,634
FROM DONATIONS TRUST FUND 87,844
FROM FEDERAL GRANTS TRUST FUND 28,166
FROM MATERNAL AND CHILD HEALTH BLOCK
GRANT TRUST FUND 7,998

566 SPECIAL CATEGORIES
GRANTS AND AIDS - PEDIATRIC ACQUIRED
IMMUNE DEFICIENCY SYNDROME NETWORK
FROM GENERAL REVENUE FUND 2,119,231

TOTAL: CHILDREN'S SPECIAL HEALTH CARE
FROM GENERAL REVENUE FUND 74,096,605
FROM TRUST FUNDS 139,247,234

TOTAL POSITIONS 751.00
TOTAL ALL FUNDS 213,343,839

PROGRAM: HEALTH CARE PRACTITIONER AND ACCESS

MEDICAL QUALITY ASSURANCE

APPROVED SALARY RATE 19,553,615

567 SALARIES AND BENEFITS POSITIONS 575.50
FROM MEDICAL QUALITY ASSURANCE TRUST
FUND 25,744,567

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568 OTHER PERSONAL SERVICES
FROM MEDICAL QUALITY ASSURANCE TRUST
FUND 4,752,843

569 EXPENSES
FROM GENERAL REVENUE FUND 250,000
FROM MEDICAL QUALITY ASSURANCE TRUST
FUND 17,314,873

From the funds in Specific Appropriation 569, $250,000 in non-recurring general revenue funds is provided to contract with Palm Healthcare Foundation to conduct a three-year clinical study of nurse staffing models in health care facilities in Palm Beach County to determine the efficacy of those staffing models. The contract is contingent on Palm Healthcare providing a match for the state funding to be used in the second and third years of the study. The hospital facilities will provide in-kind support for the study. A report shall be submitted to the President of the Senate, the Speaker of the House and the Governor by March 1 of each year of the study.

570 OPERATING CAPITAL OUTLAY
FROM MEDICAL QUALITY ASSURANCE TRUST
FUND 50,604

571 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM MEDICAL QUALITY ASSURANCE TRUST
FUND 268,254

572 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR
PROFESSIONAL REGULATION
FROM MEDICAL QUALITY ASSURANCE TRUST
FUND 2,416,633

573 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM MEDICAL QUALITY ASSURANCE TRUST
FUND 2,458,415

574 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM MEDICAL QUALITY ASSURANCE TRUST
FUND 499,983

575 SPECIAL CATEGORIES
DEPARTMENTAL STAFF DEVELOPMENT AND
TRAINING
FROM MEDICAL QUALITY ASSURANCE TRUST
FUND 52,600

576 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MEDICAL QUALITY ASSURANCE TRUST
FUND 253,171

577 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM MEDICAL QUALITY ASSURANCE TRUST
FUND 299,213

TOTAL: MEDICAL QUALITY ASSURANCE
FROM GENERAL REVENUE FUND 250,000
FROM TRUST FUNDS 54,111,156

TOTAL POSITIONS 575.50
TOTAL ALL FUNDS 54,361,156

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COMMUNITY HEALTH RESOURCES

APPROVED SALARY RATE 3,617,457

578 SALARIES AND BENEFITS POSITIONS 97.50
FROM GENERAL REVENUE FUND 880,239
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 281,793
FROM FEDERAL GRANTS TRUST FUND 625,542
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 2,688,827

579 OTHER PERSONAL SERVICES
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 10,000
FROM FEDERAL GRANTS TRUST FUND 119,770
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 24,000

580 EXPENSES
FROM GENERAL REVENUE FUND 148,554
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 192,400
FROM FEDERAL GRANTS TRUST FUND 1,123,649
FROM GRANTS AND DONATIONS TRUST FUND . . . 33,310
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 1,115,837

581 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 94,440

582 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY HEALTH CENTERS
FROM GENERAL REVENUE FUND 2,050,000
FROM FEDERAL GRANTS TRUST FUND 4,299,270
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,500,000

The funds in Specific Appropriation 582 shall be contracted through a competitive bid process to federally qualified community health centers in rural and medically underserved areas. The federally qualified community health center shall be required to provide local matching funds in an amount equal to the state amount. The state and local matching funds shall be used to earn federal Medicaid Title XIX funding.

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 582:

Good Samaritan Clinic - Pasco..... 350,000
Beverly Press Center - Miami-Dade..... 200,000

583 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HEALTH COUNCILS
FROM TOBACCO SETTLEMENT TRUST FUND 744,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 906,000

586 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND 2,850
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 9,000

587 SPECIAL CATEGORIES
AREA HEALTH EDUCATION CENTERS
FROM GENERAL REVENUE FUND 12,108,910

588 SPECIAL CATEGORIES
COMMUNITY HOSPITAL EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 14,500,000

589 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,778,623

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FROM TOBACCO SETTLEMENT TRUST FUND 1,100,000
FROM FEDERAL GRANTS TRUST FUND 279,867
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 500,000

In addition to the recurring projects funded in the base budget, the following project is funded from non-recurring tobacco trust funds in Specific Appropriation 589:

Healthy Smiles Community Preventive Outreach - Alachua..... 100,000

From the funds in Specific Appropriation 589, $1,000,000 in recurring tobacco settlement funds are provided for tobacco education programs. These funds shall not be used for radio, television, newspaper or other advertising of any type.

590 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HEALTH NETWORK GRANTS
FROM GENERAL REVENUE FUND 500,000
FROM FEDERAL GRANTS TRUST FUND 574,305

591 SPECIAL CATEGORIES
GRANTS AND AIDS - SHANDS TEACHING HOSPITAL
FROM GENERAL REVENUE FUND 9,786,979

From the funds in Specific Appropriation 591, $9,786,979 in recurring general revenue funds is provided to continue funding to the Shands Teaching Hospital. These funds may be used as state matching funds for Shands' participation in the Special Medicaid Payment program, which provides payments to hospitals providing enhanced services to low-income individuals. In the event that enhanced Medicaid funding is not implemented by the Agency for Health Care Administration, these funds shall remain appropriated to the Shands Teaching Hospital to continue the original purpose of providing health care services to indigent patients through Shands Healthcare.

592 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 17,175,811

593 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 30,308

595 SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD RESEARCH
FROM GENERAL REVENUE FUND 1,426,000
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 1,000,000

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 595:

University of Miami Brain and Spinal Cord Research and Development (Dade)..... 926,000
University of Florida Brain and Spinal Cord Research and Development (Alachua)..... 500,000

596 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,691
FROM FEDERAL GRANTS TRUST FUND 3,259
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 20,683

597 SPECIAL CATEGORIES
MEDICALLY FRAGILE ENHANCEMENT PAYMENT
FROM GENERAL REVENUE FUND 610,020

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597A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY RURAL HOSPITALS
FROM GENERAL REVENUE FUND 3,500,000

From the funds in Specific Appropriation 597A $3,500,000 from the General Revenue Fund is provided for the Rural Hospital Capital Improvement Grant Program and shall be allocated in accordance with the grant process in section 395.6061, Florida Statutes.

TOTAL: COMMUNITY HEALTH RESOURCES
FROM GENERAL REVENUE FUND 47,386,456
FROM TRUST FUNDS 34,360,481

TOTAL POSITIONS 97.50
TOTAL ALL FUNDS 81,746,937

PROGRAM: DISABILITY DETERMINATIONS

DISABILITY BENEFITS DETERMINATION

APPROVED SALARY RATE 763,097

598 SALARIES AND BENEFITS POSITIONS 24.00
FROM GENERAL REVENUE FUND 520,436
FROM FEDERAL GRANTS TRUST FUND 499,676
FROM U.S. TRUST FUND 42,980,010

599 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 83,500
FROM FEDERAL GRANTS TRUST FUND 83,500
FROM U.S. TRUST FUND 10,645,515

600 EXPENSES
FROM GENERAL REVENUE FUND 383,792
FROM FEDERAL GRANTS TRUST FUND 389,792
FROM U.S. TRUST FUND 39,153,741

601 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,000
FROM FEDERAL GRANTS TRUST FUND 5,000
FROM U.S. TRUST FUND 150,000

602 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,125
FROM FEDERAL GRANTS TRUST FUND 2,126
FROM U.S. TRUST FUND 367,635

603 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,121
FROM FEDERAL GRANTS TRUST FUND 3,958
FROM U.S. TRUST FUND 330,188

TOTAL: DISABILITY BENEFITS DETERMINATION
FROM GENERAL REVENUE FUND 998,974
FROM TRUST FUNDS 94,611,141

TOTAL POSITIONS 24.00
TOTAL ALL FUNDS 95,610,115

AGENCY FOR PERSONS WITH DISABILITIES

To implement Specific Appropriations 604 through 614, the Agency for Persons with Disabilities shall submit quarterly status reports to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council regarding the financial status of the Home and Community Based Services Waivers, including but not limited to the following: information about the number of current clients being served through the waivers and actual and projected cost information as compared with the appropriation available to the program. If at any time, based upon an analysis by the agency, the cost of waiver services are expected to exceed the appropriated amount, based on the current rates as implemented November 1, 2003, the agency shall implement any adjustment necessary pursuant to section 393.0661(4), Florida Statutes, to stay within the appropriation.

HOME AND COMMUNITY SERVICES

APPROVED SALARY RATE 9,033,920

From the funds in Specific Appropriations 604 through 614, the Agency for Persons with Disabilities, in consultation with the Agency for Health Care Administration, shall continue the implementation of the comprehensive redesign of the service delivery system for persons with developmental disabilities as authorized under section 393.0661, Florida Statutes. The agency shall monitor the implementation of rate standardization on a quarterly basis and provide updates to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council. Services received shall be reimbursed under the approved standardized reimbursement rate. The established rates shall be determined by the agency and the Agency for Health Care Administration, and operational requirements associated with the rates shall be monitored periodically.

To implement Specific Appropriations 604 through 614, the agency, in coordination with the Agency for Health Care Administration, shall continue to design and implement edits in the Florida Medicaid Management Information System, institute other system controls, and work to establish billing controls and claims reconciliation processes needed to properly manage the developmental services waivers. The agency shall work with the Agency for Health Care Administration, to seek federal approval or program waivers as necessary to implement these system controls.

604 SALARIES AND BENEFITS POSITIONS 286.00
FROM GENERAL REVENUE FUND 10,357,572
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,084,225
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 159,335

605 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 533,371
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 480,150

606 EXPENSES
FROM GENERAL REVENUE FUND 1,210,097
FROM FEDERAL GRANTS TRUST FUND 19,867
FROM OPERATIONS AND MAINTENANCE TRUST FUND 142,546
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 214,788

608 SPECIAL CATEGORIES
GRANT AND AID INDIVIDUAL AND FAMILY SUPPORTS
FROM GENERAL REVENUE FUND 2,720,600
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 16,856,771

Funds from Specific Appropriation 608 expended for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

609 SPECIAL CATEGORIES
ROOM AND BOARD PAYMENTS FOR DEVELOPMENTALLY DISABLED
FROM GENERAL REVENUE FUND 10,094,672
FROM OPERATIONS AND MAINTENANCE TRUST FUND 5,764,455

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610 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,797,500
FROM FEDERAL GRANTS TRUST FUND 182,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,083,312

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring operations and maintenance trust funds in Specific Appropriation 610:

Early Intervention of Autism (Lake)..... 250,000
Special Olympics Florida Athlete Health (Statewide)..... 508,312
Applied Behavior Analysis Therapy (Miami-Dade)..... 150,000
Services for Adults with Developmental Disabilities (Miami-Dade)..... 100,000
Dream Oaks Camp (Statewide)..... 50,000
Noah's Ark (Polk)..... 25,000

611 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 282,061,315
FROM TOBACCO SETTLEMENT TRUST FUND 22,609,461
FROM OPERATIONS AND MAINTENANCE TRUST FUND 443,478,904

Funds in Specific Appropriation 611 include an additional $2,817,283 from the General Revenue Fund and $4,042,427 from the Operations and Maintenance Trust Fund to serve up to 360 additional crisis clients per year.

Funds in Specific Appropriation 611 include an additional $2,569,375 from the General Revenue Fund and $3,680,625 from the Operations and Maintenance Trust Fund to serve additional clients from the developmental services wait list. The additional clients must be determined by the agency or a contracted entity through prior service authorization, to need nursing services not available on Medicaid state plan, residential waiver services in a licensed facility, or supported living services not available through the family and supported living home and community based waiver.

Funds in Specific Appropriation 611, include an additional $9,426,692 from the General Revenue Fund and $13,503,719 from the Operations and Maintenance Trust Fund to provide utilization increases of medically necessary services for current clients.

Funds in Specific Appropriation 611, expended for developmental training programs, shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

The agency, in coordination with the Agency for Health Care Administration, shall expand the third party prior services authorization program to review all individual support and cost plans for Home and Community Based Waiver services for individuals with developmental disabilities. Recurring savings from the agency's Gatekeeper billing control system and prior service authorization shall be used to serve additional clients from the waitlist.

The agency shall implement cost containment measures for any new individual requesting supported living services after July 1, 2005, from funds in Specific Appropriation 611 for the Home and Community Based Services Waiver. These measures will include the total annual cost of the provision of supported living services as determined through the support plan process and shall not exceed the total annual cost of supports and services that would be provided if the consumer received equivalent services in an appropriate licensed residential facility. In addition, the agency will establish guidelines and a waiver process to address unique situations where supported living, even at a higher cost, is the most efficient and effective residential option available.

612 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 756,530

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613 SPECIAL CATEGORIES
START-UP FUNDS/GROUP HOMES
FROM GENERAL REVENUE FUND 72,960

614 SPECIAL CATEGORIES
COMMUNITY SUPPORTED LIVING WAIVER
FROM GENERAL REVENUE FUND 20,548,048
FROM OPERATIONS AND MAINTENANCE TRUST FUND 29,444,172

Funds in Specific Appropriation 614 include an additional $8,808,599 from the General Revenue Fund and $12,618,301 from the Operations and Maintenance Trust Fund to serve clients on the developmental disabilities wait list.

The agency shall seek modification to the state's federally-approved Family and Supported Living Home and Community based waiver to add children under the age of 18 and additional behavioral services. The agency, in consultation with the Agency for Health Care Administration, will seek federal waiver approval for any necessary modifications.

The agency shall implement cost containment measures for any new individual requesting supported living services after July 1, 2005, from funds in Specific Appropriation 614 for the Community Supported Living waiver. These measures will include the total annual cost of the provision of supported living services as determined through the support plan process and shall not exceed the total annual cost of supports and services that would be provided if the consumer received equivalent services in an appropriate licensed residential facility. In addition, the agency will establish guidelines and a waiver process to address unique situations where supported living, even at a higher cost, is the most efficient and effective residential option available.

TOTAL: HOME AND COMMUNITY SERVICES
FROM GENERAL REVENUE FUND 331,152,665
FROM TRUST FUNDS 521,519,986

TOTAL POSITIONS 286.00
TOTAL ALL FUNDS 852,672,651

PROGRAM MANAGEMENT AND COMPLIANCE

APPROVED SALARY RATE 9,972,739

615 SALARIES AND BENEFITS POSITIONS 260.50
FROM GENERAL REVENUE FUND 8,005,536
FROM ADMINISTRATIVE TRUST FUND 164,034
FROM OPERATIONS AND MAINTENANCE TRUST FUND 4,423,254

616 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,078
FROM FEDERAL GRANTS TRUST FUND 87,779

617 EXPENSES
FROM GENERAL REVENUE FUND 1,231,887
FROM ADMINISTRATIVE TRUST FUND 1,026
FROM FEDERAL GRANTS TRUST FUND 54,119
FROM OPERATIONS AND MAINTENANCE TRUST FUND 712,861

618 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5
FROM ADMINISTRATIVE TRUST FUND 13

619 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 639,753
FROM FEDERAL GRANTS TRUST FUND 141,816

620 SPECIAL CATEGORIES
GRANT AND AID COMMUNITY DEVELOPMENT SERVICES

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FROM GENERAL REVENUE FUND 80,261
FROM OPERATIONS AND MAINTENANCE TRUST FUND 35,799

621 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 101,674

622 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 854,096
FROM ADMINISTRATIVE TRUST FUND 111,294

622A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIAL CATEGORIES - LOCAL RECREATIONAL DEVELOPMENT PROJECTS
FROM OPERATIONS AND MAINTENANCE TRUST FUND 500,000

In addition to the recurring projects funded in the base budget, the following project is funded from non-recurring operations and maintenance trust funds in Specific Appropriation 622A:

Billy Joe Rish Park (Gulf)..... 500,000

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE
FROM GENERAL REVENUE FUND 10,917,290
FROM TRUST FUNDS 6,231,995

TOTAL POSITIONS 260.50
TOTAL ALL FUNDS 17,149,285

DEVELOPMENTAL SERVICES PUBLIC FACILITIES

APPROVED SALARY RATE 94,955,541

623 SALARIES AND BENEFITS POSITIONS 3,156.50
FROM GENERAL REVENUE FUND 60,142,241
FROM ADMINISTRATIVE TRUST FUND 35,683
FROM OPERATIONS AND MAINTENANCE TRUST FUND 58,232,418

624 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,285,903
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,381,475

625 EXPENSES
FROM GENERAL REVENUE FUND 6,963,083
FROM OPERATIONS AND MAINTENANCE TRUST FUND 6,630,234

626 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 133,761
FROM OPERATIONS AND MAINTENANCE TRUST FUND 706,202

627 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 1,301,889
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,452,769

628 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 3,142,412
FROM OPERATIONS AND MAINTENANCE TRUST FUND 4,033,670

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629 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS
FROM GENERAL REVENUE FUND 188,779
FROM OPERATIONS AND MAINTENANCE TRUST FUND 75,000

630 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,552,131
FROM OPERATIONS AND MAINTENANCE TRUST FUND 118,545

630A FIXED CAPITAL OUTLAY
MARIANNA SUNLAND RENOVATION
FROM OPERATIONS AND MAINTENANCE TRUST FUND 500,000

In addition to any existing funding, the following project from Specific Appropriation 630A is funded from non-recurring operations and maintenance trust funds:

Marianna Sunland Autism Unit Expansion (Jackson)..... 500,000

TOTAL: DEVELOPMENTAL SERVICES PUBLIC FACILITIES
FROM GENERAL REVENUE FUND 78,710,199
FROM TRUST FUNDS 73,165,996

TOTAL POSITIONS 3,156.50
TOTAL ALL FUNDS 151,876,195

VETERANS' AFFAIRS, DEPARTMENT OF

PROGRAM: SERVICES TO VETERANS' PROGRAM

VETERANS' HOMES

APPROVED SALARY RATE 14,751,409

631 SALARIES AND BENEFITS POSITIONS 540.50
FROM GENERAL REVENUE FUND 2,176,656
FROM OPERATIONS AND MAINTENANCE TRUST FUND 17,968,165

632 OTHER PERSONAL SERVICES
FROM OPERATIONS AND MAINTENANCE TRUST FUND 871,819

633 EXPENSES
FROM GENERAL REVENUE FUND 1,468,926
FROM OPERATIONS AND MAINTENANCE TRUST FUND 17,226,332

634 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 125,815
FROM OPERATIONS AND MAINTENANCE TRUST FUND 87,794

635 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 135,947
FROM OPERATIONS AND MAINTENANCE TRUST FUND 2,907,039

636 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 57,400

637 SPECIAL CATEGORIES
RECREATIONAL EQUIPMENT AND SUPPLIES
FROM GRANTS AND DONATIONS TRUST FUND . . . 62,000

638 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

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FROM GENERAL REVENUE FUND	130,766	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		567,309

639 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	15,522	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		197,447

640 FIXED CAPITAL OUTLAY
STATE NURSING HOME FOR VETERANS - DMS MGD

FROM GENERAL REVENUE FUND	700,000	

Funds in Specific Appropriation 640 are provided for the planning of the sixth state Veterans' Nursing Home and shall be used to begin Phase I of the project, which will include permitting fees, design costs, land surveys and inspection fees.

641 FIXED CAPITAL OUTLAY
ADDITIONS AND IMPROVEMENTS TO THE VETERANS' HOMES

FROM FEDERAL GRANTS TRUST FUND		650,000
FROM STATE HOMES FOR VETERANS TRUST FUND .		300,000

642 FIXED CAPITAL OUTLAY
MAINTENANCE AND REPAIR OF STATE-OWNED RESIDENTIAL FACILITIES FOR VETERANS

FROM STATE HOMES FOR VETERANS TRUST FUND .		710,775

TOTAL: VETERANS' HOMES

FROM GENERAL REVENUE FUND	4,811,032	
FROM TRUST FUNDS		41,548,680
TOTAL POSITIONS	540.50	
TOTAL ALL FUNDS		46,359,712

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,400,616

643 SALARIES AND BENEFITS POSITIONS	27.00	
FROM GENERAL REVENUE FUND	1,691,539	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		162,618
644 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	19,765	
645 EXPENSES		
FROM GENERAL REVENUE FUND	675,341	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		321,942
646 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	69,302	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		38,200
647 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	5,311	
648 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	33,409	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,192

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TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM GENERAL REVENUE FUND	2,494,667	
FROM TRUST FUNDS		523,952
TOTAL POSITIONS	27.00	
TOTAL ALL FUNDS		3,018,619

VETERANS' BENEFITS AND ASSISTANCE

APPROVED SALARY RATE 2,860,554

649 SALARIES AND BENEFITS POSITIONS	71.00	
FROM GENERAL REVENUE FUND	3,045,778	
FROM FEDERAL GRANTS TRUST FUND		480,498
650 EXPENSES		
FROM GENERAL REVENUE FUND	127,206	
FROM FEDERAL GRANTS TRUST FUND		94,218
651 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	19,099	
FROM FEDERAL GRANTS TRUST FUND		695
652 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	152	
FROM FEDERAL GRANTS TRUST FUND		7,062

TOTAL: VETERANS' BENEFITS AND ASSISTANCE

FROM GENERAL REVENUE FUND	3,192,235	
FROM TRUST FUNDS		582,473
TOTAL POSITIONS	71.00	
TOTAL ALL FUNDS		3,774,708

TOTAL OF SECTION 3 POSITIONS	27,210.50	
FROM GENERAL REVENUE FUND	6988,440,597	
FROM TRUST FUNDS		15484,036,928
TOTAL ALL FUNDS		22472,477,525

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

The monies contained herein are appropriated from the named funds to the Department of Corrections, Florida Department of Law Enforcement, Department of Juvenile Justice, Parole Commission, Department of Legal Affairs/Attorney General and Justice Administration as the amounts to be used to pay salaries, other operational expenditures and fixed capital outlay of the named agencies.

The Office of Program Policy and Governmental Accountability (OPPAGA) shall conduct a comprehensive review of the Department of Law Enforcement and the Parole Commission. OPPAGA shall examine each department's mission and purpose, scope of services, and programs delivered to identify programs or services that fall outside the department's mission, or programs or services that should more appropriately be delivered within another state agency or local entity. OPPAGA shall make recommendations on appropriate transfers of existing Parole Commission activities in the event that the Parole Commission is abolished. In the course of the review, OPPAGA shall identify and report on specific organizational or programmatic deficiencies that diminish agency efficiency or effectiveness. The review shall include an examination of agency personnel deficiencies using pay scales, salaries, and benefits data. An assessment of all staffing levels within the departments shall be conducted to ensure levels are appropriate in fulfilling the department's statutory mission. The departments shall provide sufficient data to OPPAGA to conduct these studies. OPPAGA shall submit a report to the chair of the Senate Ways

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and Means Committee and the chair of the House Fiscal Council by January 1, 2006.

CORRECTIONS, DEPARTMENT OF

From the funds in Specific Appropriations 653 through 827, each provider contracting with the Department of Corrections must provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

The Department of Corrections shall develop and use a uniform format and uniform methodologies for the purpose of reporting annually to the Legislature on the state prison system. Such reports shall include a comprehensive plan for current facility use and any departures from planned facility use, including opening new facilities, renovating or closing existing facilities, and advancing or delaying the opening of new or renovated facilities. The report shall include the maximum capacity of currently operating facilities and the potential maximum capacity of facilities that the department could make operational within the fiscal year. The report shall also identify appropriate sites for future facilities and provide information to support specified locations, such as availability of personnel in local labor markets. Reports should include updated infrastructure needs for existing or future facilities. Each report should reconcile capacity figures to the immediate preceding report. For the purpose of this paragraph, maximum capacity shall be calculated and displayed pursuant to 944.023(1)(b). The department may provide additional analysis of current and future bed needs based on such factors as deemed necessary by the Secretary. The next report shall be due January 1, 2006.

PROGRAM: DEPARTMENT ADMINISTRATION

BUSINESS SERVICE CENTERS

	APPROVED SALARY RATE	12,696,423	
653	SALARIES AND BENEFITS POSITIONS	343.00	
	FROM GENERAL REVENUE FUND	15,667,520	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,871,753
654	EXPENSES		
	FROM GENERAL REVENUE FUND	1,127,549	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		133,494
655	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	407,822	
TOTAL:	BUSINESS SERVICE CENTERS		
	FROM GENERAL REVENUE FUND	17,202,891	
	FROM TRUST FUNDS		2,005,247
	TOTAL POSITIONS	343.00	
	TOTAL ALL FUNDS		19,208,138

EXECUTIVE DIRECTION AND SUPPORT SERVICES

	APPROVED SALARY RATE	15,583,550	
656	SALARIES AND BENEFITS POSITIONS	357.00	
	FROM GENERAL REVENUE FUND	17,811,491	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		76,792
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,651,341

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From the funds in Specific Appropriation 656, the department shall issue an Invitation to Bid as defined in section 287.057, Florida Statutes for capitated payment for provision of health services in region IV. The department shall issue a new contract for health services in region IV to be effective no later than January 1, 2006. The department shall not expend funds from Specific Appropriations 653 through 827 for costs incurred under the existing region IV health services contract after December 31, 2005.

From the funds in Specific Appropriation 656, the department shall issue an Invitation to Bid as defined in section 287.057, Florida Statutes, for pharmaceutical repackaging services beginning July 1, 2006. The department shall forward the results of the Invitation to Bid to the Governor's Office of Policy and Budgeting, the Speaker of the House of Representatives and the President of the Senate prior to February 1, 2006.

657	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	24,545	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		42,906
658	EXPENSES		
	FROM GENERAL REVENUE FUND	3,520,358	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		1,378,672
	FROM GRANTS AND DONATIONS TRUST FUND . . .		491,826
659	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	22,475	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		80,376
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,160
660	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	3,858	
661	SPECIAL CATEGORIES		
	TRANSFER TO GENERAL REVENUE FUND		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,500,000

Funds in Specific Appropriation 661 are from reimbursements from the United States Government for incarcerating aliens in Florida's prisons. If total reimbursements exceed $11,500,000, the department shall submit a budget amendment in accordance with all applicable provisions of chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue Fund.

662	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	973,730	
663	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	10,523,239	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	32,879,696	
	FROM TRUST FUNDS		16,252,073
	TOTAL POSITIONS	357.00	
	TOTAL ALL FUNDS		49,131,769

INFORMATION TECHNOLOGY

	APPROVED SALARY RATE	6,708,618	
664	SALARIES AND BENEFITS POSITIONS	153.00	
	FROM GENERAL REVENUE FUND	7,111,215	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		842,124

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665 EXPENSES
FROM GENERAL REVENUE FUND 22,956
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,718

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 7,134,171
FROM TRUST FUNDS 844,842

TOTAL POSITIONS 153.00
TOTAL ALL FUNDS 7,979,013

PROGRAM: SECURITY AND INSTITUTIONAL OPERATIONS

From the funds provided in Specific Appropriations 676, 688, and 698, a total of $1,074,362 is provided as payment in lieu of ad valorem taxation for distribution to local government taxing authorities in accordance with section 957.04(8), Florida Statutes. Funding is provided as follows: $269,324 for the Bay Correctional Facility, $339,242 for the Moore Haven Correctional Facility, $275,560 for the South Bay Correctional Facility, $100,000 for the Gadsden Correctional Facility and $90,236 for the Lake City Correctional Facility. Distribution of these funds is contingent upon (1) the withdrawal of any outstanding claims or (2) the county commission of the county where the correctional facility is located stipulating by resolution and memorandum of understanding with the state that by the county commission's acceptance of payment in lieu of ad valorem taxation, the county commission waives any ad valorem tax claim for Fiscal Year 2005-2006 for the related facility, whichever is applicable. Distribution of these funds for each facility is further contingent upon the county commission canceling any outstanding tax certificate and quieting title to any tax deed, or portion thereof, that is based on unpaid ad valorem taxes for the relevant facility.

Funds in Specific Appropriations 666 through 751 and Specific Appropriations 797 through 827 include an increase of 343 FTEs and $23,242,751 from the General Revenue Fund which is sufficient to provide housing and security for 88,997 inmates when fully annualized. Variable expenses, maintenance, and health services funds are provided for an average daily population of 86,615 inmates.

ADULT MALE CUSTODY OPERATIONS

APPROVED SALARY RATE 305,483,005

666 SALARIES AND BENEFITS POSITIONS 9,242.00
FROM GENERAL REVENUE FUND 423,886,067
FROM GRANTS AND DONATIONS TRUST FUND . . . 305,685

From the funds in Specific Appropriations 666 through 827, support costs are provided for the following facilities:

Lowell Annex Compound (5 FTE)..... 154,149
Santa Rosa Annex (151 FTE)..... 6,782,036
Taylor Work Camp (39 FTE)..... 1,379,822
Reception and Medical Center Work Camp (38 FTE)..... 718,756
Washington Annex (171 FTE)..... 1,796,128

667 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 91,000

668 EXPENSES
FROM GENERAL REVENUE FUND 29,089,306
FROM GRANTS AND DONATIONS TRUST FUND . . . 546,260

669 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,087,126
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,000

670 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 47,135,840
FROM GRANTS AND DONATIONS TRUST FUND . . . 83,421

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672 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 2,786,016
FROM GRANTS AND DONATIONS TRUST FUND . . . 118,172

673 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 1,378,081

674 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,521,868
FROM GRANTS AND DONATIONS TRUST FUND . . . 847,068

675 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 6,792,987

676 SPECIAL CATEGORIES
PRIVATE INSTITUTIONS - CORRECTIONAL
PRIVATIZATION COMMISSION
FROM GENERAL REVENUE FUND 61,282,375
FROM PRIVATELY OPERATED INSTITUTIONS
INMATE WELFARE TRUST FUND 1,300,586

From the funds in Specific Appropriation 676, the Department of Management Services is authorized to modify the invitation to negotiate a contract for 1,280 beds for a new private correctional facility which will house medium and close custody inmates and will be located in Graceville, Florida pursuant to proviso following Specific Appropriation 667 of the 2004-2005 General Appropriations Act. Such modification shall increase the number of beds to 1,500. The procurement should be completed in a manner which allows sufficient time for new beds to become operational by September 2007. The Department of Management Services is authorized to enter into a lease-purchase agreement to finance the construction of the additional 220 beds authorized by Specific Appropriation 676.

From the funds in Specific Appropriation 676, pursuant to the requirements of section 287.057, Florida Statutes, the Department of Management Services shall issue an invitation to negotiate to contract for 235 additional beds for expansion at the Bay Correctional Facility to house medium and close custody inmates and an invitation to negotiate to contract for 235 additional beds at Moore Haven Correctional Facility to house medium and close custody inmates.

677 FIXED CAPITAL OUTLAY
CONTRACTED CORRECTIONAL INSTITUTIONS -
LEASE PURCHASE
FROM GENERAL REVENUE FUND 3,445,024

678 FIXED CAPITAL OUTLAY
CORRECTIONS PRIVATIZATION COMMISSION -
LEASE PURCHASE
FROM GENERAL REVENUE FUND 9,584,028

TOTAL: ADULT MALE CUSTODY OPERATIONS
FROM GENERAL REVENUE FUND 597,988,718
FROM TRUST FUNDS 4,292,192

TOTAL POSITIONS 9,242.00
TOTAL ALL FUNDS 602,280,910

ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY
OPERATIONS

APPROVED SALARY RATE 37,400,592

679 SALARIES AND BENEFITS POSITIONS 1,109.00
FROM GENERAL REVENUE FUND 48,702,788
FROM GRANTS AND DONATIONS TRUST FUND . . . 108,439

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680 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 32,884

681 EXPENSES
FROM GENERAL REVENUE FUND 3,121,177
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,703

682 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 46,277

683 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 3,556,972
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,841

684 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 183,717
FROM GRANTS AND DONATIONS TRUST FUND . . . 22,509

685 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 979,308

686 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,209,651

687 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 407,715

688 SPECIAL CATEGORIES
PRIVATE INSTITUTIONS - CORRECTIONAL
PRIVATIZATION COMMISSION
FROM GENERAL REVENUE FUND 20,642,763
FROM PRIVATELY OPERATED INSTITUTIONS
INMATE WELFARE TRUST FUND 597,359

From the funds in Specific Appropriation 688, pursuant to the requirements of section 287.057, Florida Statutes, the Department of Management Services shall issue an invitation to negotiate to contract for 384 additional beds for expansion at the Gadsden Correctional Facility to house medium custody female inmates.

689 FIXED CAPITAL OUTLAY
CORRECTIONS PRIVATIZATION COMMISSION -
LEASE PURCHASE
FROM GENERAL REVENUE FUND 1,576,182

TOTAL: ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY
OPERATIONS
FROM GENERAL REVENUE FUND 80,426,550
FROM TRUST FUNDS 827,735

TOTAL POSITIONS 1,109.00
TOTAL ALL FUNDS 81,254,285

MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS

APPROVED SALARY RATE 26,825,453

690 SALARIES AND BENEFITS POSITIONS 796.00
FROM GENERAL REVENUE FUND 38,478,795
FROM GRANTS AND DONATIONS TRUST FUND . . . 336,218

691 EXPENSES
FROM GENERAL REVENUE FUND 1,595,782

692 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 24,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 500,000

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693 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 1,993,790
FROM GRANTS AND DONATIONS TRUST FUND . . . 483,667

694 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 217,664
FROM GRANTS AND DONATIONS TRUST FUND . . . 191,046

695 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 999,227

696 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,214,159

697 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 210,506

698 SPECIAL CATEGORIES
PRIVATE INSTITUTIONS - CORRECTIONAL
PRIVATIZATION COMMISSION
FROM GENERAL REVENUE FUND 25,438,081
FROM PRIVATELY OPERATED INSTITUTIONS
INMATE WELFARE TRUST FUND 195,403

699 FIXED CAPITAL OUTLAY
CORRECTIONS PRIVATIZATION COMMISSION -
LEASE PURCHASE
FROM GENERAL REVENUE FUND 2,627,325

TOTAL: MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS
FROM GENERAL REVENUE FUND 72,799,329
FROM TRUST FUNDS 1,706,334

TOTAL POSITIONS 796.00
TOTAL ALL FUNDS 74,505,663

SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS

APPROVED SALARY RATE 153,147,395

700 SALARIES AND BENEFITS POSITIONS 4,579.00
FROM GENERAL REVENUE FUND 206,401,861

701 EXPENSES
FROM GENERAL REVENUE FUND 6,785,770

702 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 129,712

703 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 14,328,460

704 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 1,158,876

705 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 1,581,989

706 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,843,520

707 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 1,844,424

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TOTAL: SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS
FROM GENERAL REVENUE FUND 241,074,612

TOTAL POSITIONS 4,579.00
TOTAL ALL FUNDS 241,074,612

RECEPTION CENTER OPERATIONS

APPROVED SALARY RATE 62,138,771

708 SALARIES AND BENEFITS POSITIONS 1,866.00
FROM GENERAL REVENUE FUND 80,000,042
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,386

709 EXPENSES
FROM GENERAL REVENUE FUND 5,070,012
FROM GRANTS AND DONATIONS TRUST FUND . . . 31,090

710 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 222,657
FROM GRANTS AND DONATIONS TRUST FUND . . . 250,000

711 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 5,462,969
FROM GRANTS AND DONATIONS TRUST FUND . . . 32,449

712 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 370,703
FROM GRANTS AND DONATIONS TRUST FUND . . . 46,893

713 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 731,858

714 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,742,425

715 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 723,938

TOTAL: RECEPTION CENTER OPERATIONS
FROM GENERAL REVENUE FUND 94,324,604
FROM TRUST FUNDS 367,818

TOTAL POSITIONS 1,866.00
TOTAL ALL FUNDS 94,692,422

PUBLIC SERVICE WORKSQUADS AND WORK RELEASE
TRANSITION

APPROVED SALARY RATE 31,806,702

716 SALARIES AND BENEFITS POSITIONS 950.00
FROM GENERAL REVENUE FUND 30,082,319
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 16,550,709
FROM GRANTS AND DONATIONS TRUST FUND . . . 43,655

From the funds in Specific Appropriations 716 through 724, $1,400,000 from the Correctional Work Program Trust Fund is contingent upon increased collections from billings to state agencies, public community colleges and state universities to cover the cost of supervision of inmate work squads provided on their behalf.

717 EXPENSES
FROM GENERAL REVENUE FUND 7,204,124
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 839,267
FROM GRANTS AND DONATIONS TRUST FUND . . . 32,776

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718 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 113,907
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 4,169

719 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,091,012

720 LUMP SUM
CORRECTIONAL WORK PROGRAMS
POSITIONS 25.00
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 3,297,497

Funds and positions in Specific Appropriation 720 from the Correctional Work Program Trust Fund are provided for interagency contracted services funded by state agencies or local governments. These positions and funds shall be released as needed upon execution of interagency community service squad contract(s).

721 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 204,143

722 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 209,537

723 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 292,273

724 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 365,327
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 130,189

TOTAL: PUBLIC SERVICE WORKSQUADS AND WORK RELEASE
TRANSITION
FROM GENERAL REVENUE FUND 40,562,642
FROM TRUST FUNDS 20,898,262

TOTAL POSITIONS 975.00
TOTAL ALL FUNDS 61,460,904

ROAD PRISON OPERATIONS

APPROVED SALARY RATE 3,458,720

725 SALARIES AND BENEFITS POSITIONS 97.00
FROM GENERAL REVENUE FUND 6,169
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 4,847,491

726 EXPENSES
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 518,797

727 FOOD PRODUCTS
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 352,549

728 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 53,567

729 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 107,641

SECTION 4
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APPROPRIATION

730 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM CORRECTIONAL WORK PROGRAM TRUST FUND 24,666

TOTAL: ROAD PRISON OPERATIONS
FROM GENERAL REVENUE FUND 113,810
FROM TRUST FUNDS 5,797,070

TOTAL POSITIONS 97.00
TOTAL ALL FUNDS 5,910,880

OFFENDER MANAGEMENT AND CONTROL

APPROVED SALARY RATE 40,348,045

731 SALARIES AND BENEFITS POSITIONS 1,265.00
FROM GENERAL REVENUE FUND 50,167,205
FROM CORRECTIONAL WORK PROGRAM TRUST FUND 57,095

732 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 376,454

733 EXPENSES
FROM GENERAL REVENUE FUND 3,064,435
FROM CORRECTIONAL WORK PROGRAM TRUST FUND 1,959

734 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 156,206

735 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 82,243
FROM CORRECTIONAL WORK PROGRAM TRUST FUND 1,655

TOTAL: OFFENDER MANAGEMENT AND CONTROL
FROM GENERAL REVENUE FUND 53,846,543
FROM TRUST FUNDS 60,709

TOTAL POSITIONS 1,265.00
TOTAL ALL FUNDS 53,907,252

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 8,969,078

736 SALARIES AND BENEFITS POSITIONS 188.00
FROM GENERAL REVENUE FUND 11,794,608

737 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 366,798
FROM GRANTS AND DONATIONS TRUST FUND . . . 75,000

738 EXPENSES
FROM GENERAL REVENUE FUND 6,728,866
FROM GRANTS AND DONATIONS TRUST FUND . . . 226,785

From the funds in Specific Appropriation 738, $1,000,000 is provided to continue the victim notification system (VINE).

739 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 308,200

740 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 121,301

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 19,319,773
FROM TRUST FUNDS 301,785

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TOTAL POSITIONS 188.00
TOTAL ALL FUNDS 19,621,558

CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR

APPROVED SALARY RATE 16,412,023

742 SALARIES AND BENEFITS POSITIONS 542.00
FROM GENERAL REVENUE FUND 20,486,209

743 EXPENSES
FROM GENERAL REVENUE FUND 71,515,270

744 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 610,713

745 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 620,258

751 FIXED CAPITAL OUTLAY
FACILITIES PROVIDING ADDITIONAL CAPACITY
FROM GENERAL REVENUE FUND 17,358,010
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,566,990

From the funds in Specific Appropriation 751, along with non-recurring funds of $3,169,530 from the General Revenue Fund provided in Section 24 of House Bill 1877 for additional prison bed capacity, $9,500,000 shall be used to begin construction of a 2,022 bed annex at the Wakulla Correctional Facility; $6,930,000 shall be used to construct a 320 bed secure housing unit at the Santa Rosa Correctional Institution; $5,264,530 shall be used for a 262 bed work camp at the Lowell Correctional Institution; and $1,400,000 shall be used for two 131 bed dormitories at the Taylor Correctional Institution work camp and the Regional Medical Center work camp, respectively.

TOTAL: CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR
FROM GENERAL REVENUE FUND 110,590,460
FROM TRUST FUNDS 2,566,990

TOTAL POSITIONS 542.00
TOTAL ALL FUNDS 113,157,450

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 1,020,243

756 SALARIES AND BENEFITS POSITIONS 20.00
FROM GENERAL REVENUE FUND 1,378,681

757 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,000

758 EXPENSES
FROM GENERAL REVENUE FUND 6,680,813

759 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 231,581

760 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 226,334

761 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 923,243

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 9,455,652

TOTAL POSITIONS 20.00
TOTAL ALL FUNDS 9,455,652

SECTION 4
SPECIFIC
APPROPRIATION
PROGRAM: COMMUNITY CORRECTIONS

PROBATION SUPERVISION

APPROVED SALARY RATE 83,064,521

762	SALARIES AND BENEFITS POSITIONS	2,362.00	
	FROM GENERAL REVENUE FUND	114,147,415	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		24,363
763	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	44,224	
764	EXPENSES		
	FROM GENERAL REVENUE FUND	12,770,506	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		14,108
765	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	364,629	
767	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,821,413	
768	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	340,286	
TOTAL:	PROBATION SUPERVISION		
	FROM GENERAL REVENUE FUND	130,488,473	
	FROM TRUST FUNDS		38,471
	TOTAL POSITIONS	2,362.00	
	TOTAL ALL FUNDS		130,526,944

DRUG OFFENDER PROBATION SUPERVISION

APPROVED SALARY RATE 11,338,290

769	SALARIES AND BENEFITS POSITIONS	289.00	
	FROM GENERAL REVENUE FUND	16,262,658	
770	EXPENSES		
	FROM GENERAL REVENUE FUND	1,375,693	
771	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	19,233	
773	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	70,035	
TOTAL:	DRUG OFFENDER PROBATION SUPERVISION		
	FROM GENERAL REVENUE FUND	17,727,619	
	TOTAL POSITIONS	289.00	
	TOTAL ALL FUNDS		17,727,619

PRE TRIAL INTERVENTION SUPERVISION

APPROVED SALARY RATE 2,694,188

774	SALARIES AND BENEFITS POSITIONS	76.00	
	FROM GENERAL REVENUE FUND	3,805,843	
775	EXPENSES		
	FROM GENERAL REVENUE FUND	356,810	
776	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	21,726	

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TOTAL: PRE TRIAL INTERVENTION SUPERVISION

FROM GENERAL REVENUE FUND	4,184,379	
TOTAL POSITIONS	76.00	
TOTAL ALL FUNDS		4,184,379

COMMUNITY CONTROL SUPERVISION

APPROVED SALARY RATE 16,181,364

777	SALARIES AND BENEFITS POSITIONS	415.00	
	FROM GENERAL REVENUE FUND	23,282,855	
778	EXPENSES		
	FROM GENERAL REVENUE FUND	2,165,037	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,202
780	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	143,545	
781	SPECIAL CATEGORIES		
	ELECTRONIC MONITORING		
	FROM GENERAL REVENUE FUND	3,464,075	

Funds in Specific Appropriation 781 for electronic monitoring shall be expended pursuant to contracts that have been or shall be awarded on a competitive basis as defined in chapter 287.057, Florida Statutes.

TOTAL:	COMMUNITY CONTROL SUPERVISION		
	FROM GENERAL REVENUE FUND	29,055,512	
	FROM TRUST FUNDS		18,202
	TOTAL POSITIONS	415.00	
	TOTAL ALL FUNDS		29,073,714

POST PRISON RELEASE SUPERVISION

APPROVED SALARY RATE 15,773,622

782	SALARIES AND BENEFITS POSITIONS	354.00	
	FROM GENERAL REVENUE FUND	22,289,334	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		21,300
783	EXPENSES		
	FROM GENERAL REVENUE FUND	1,858,551	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		212,243
784A	SPECIAL CATEGORIES		
	LOCAL COMMUNITY CORRECTIONS PROJECT		
	FROM GENERAL REVENUE FUND	550,000	

From the funds in Specific Appropriation 784A, the following projects are funded from non-recurring general revenue funds:

Reentry Initiative Program.....	150,000
Bridges of America Post-Release Transitional Housing Program.....	400,000

785	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	83,019	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,030
TOTAL:	POST PRISON RELEASE SUPERVISION		
	FROM GENERAL REVENUE FUND	24,780,904	
	FROM TRUST FUNDS		263,573
	TOTAL POSITIONS	354.00	
	TOTAL ALL FUNDS		25,044,477

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

SECTION 4
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786 EXPENSES
FROM GENERAL REVENUE FUND 3,572,009

787 SPECIAL CATEGORIES
LOCAL COMMUNITY CORRECTIONS PROJECT
FROM GENERAL REVENUE FUND 2,250,000

From the funds in Specific Appropriation 787, the following projects are funded from non-recurring general revenue funds:

Pride and Jade Program	175,000
Treatment Services for Chronic Misdemeanor Offenders with Mental Illness and/or Substance Abuse	150,000
Project Reconnect/The Habitual Misdemeanor Offender Program.	150,000
Panama City Non-secure Residential Substance Abuse Treatment Beds	235,000
Phoenix House	150,000
Family Crisis Center for Families	100,000
Village Jail Diversion Program	100,000
Alternatives to Incarceration (ATI)	100,000

788 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED DRUG TREATMENT/REHABILITATION PROGRAMS
FROM GENERAL REVENUE FUND 24,180,492

From the funds in Specific Appropriation 788, $600,000 is provided from non-recurring general revenue for the Drug Abuse Comprehensive Coordinating Office, Inc. (DACCO) in Hillsborough County.

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES
FROM GENERAL REVENUE FUND 30,002,501

TOTAL ALL FUNDS 30,002,501

OFFENDER MANAGEMENT AND CONTROL

APPROVED SALARY RATE 1,318,809

789 SALARIES AND BENEFITS POSITIONS 41.00
FROM GENERAL REVENUE FUND 1,949,296

790 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,490

791 EXPENSES
FROM GENERAL REVENUE FUND 158,677

TOTAL: OFFENDER MANAGEMENT AND CONTROL
FROM GENERAL REVENUE FUND 2,126,463

TOTAL POSITIONS 41.00
TOTAL ALL FUNDS 2,126,463

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 668,010

792 SALARIES AND BENEFITS POSITIONS 17.00
FROM GENERAL REVENUE FUND 1,027,882

793 EXPENSES
FROM GENERAL REVENUE FUND 3,244,658

794 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 394,006

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 4,666,546

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TOTAL POSITIONS 17.00
TOTAL ALL FUNDS 4,666,546

COMMUNITY FACILITY OPERATIONS

APPROVED SALARY RATE 462,831

795 SALARIES AND BENEFITS POSITIONS 14.00
FROM GENERAL REVENUE FUND 1,119,607

796 EXPENSES
FROM GENERAL REVENUE FUND 2,800,390

Funds in Specific Appropriation 653 through 827 shall not be used to pay for unoccupied leased space currently being leased by the Department of Corrections in the event the leases are vacant on or after July 1, 2005 and for which it has been determined by the secretary that there is no longer a need.

TOTAL: COMMUNITY FACILITY OPERATIONS
FROM GENERAL REVENUE FUND 3,919,997

TOTAL POSITIONS 14.00
TOTAL ALL FUNDS 3,919,997

PROGRAM: HEALTH SERVICES

INMATE HEALTH SERVICES

APPROVED SALARY RATE 83,684,823

797 SALARIES AND BENEFITS POSITIONS 2,046.00
FROM GENERAL REVENUE FUND 108,735,105

798 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,595,711

799 EXPENSES
FROM GENERAL REVENUE FUND 7,876,515

800 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 323,029

801 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,506,604

802 SPECIAL CATEGORIES
INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 156,955,106

From the funds in Specific Appropriation 802, $100,000 is provided for Hepatitis B vaccinations for inmates.

803 SPECIAL CATEGORIES
TREATMENT OF INMATES - GENERAL DRUGS
FROM GENERAL REVENUE FUND 14,411,251

804 SPECIAL CATEGORIES
TREATMENT OF INMATES - PSYCHOTROPIC DRUGS
FROM GENERAL REVENUE FUND 12,493,009

TOTAL: INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 303,896,330

TOTAL POSITIONS 2,046.00
TOTAL ALL FUNDS 303,896,330

TREATMENT OF INMATES WITH INFECTIOUS DISEASES

APPROVED SALARY RATE 498,507

806 SALARIES AND BENEFITS POSITIONS 11.50
FROM GENERAL REVENUE FUND 92,394

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FROM GRANTS AND DONATIONS TRUST FUND . . . 457,591

807 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 184,207

808 EXPENSES
FROM GENERAL REVENUE FUND 179,547
FROM GRANTS AND DONATIONS TRUST FUND . . . 721,494

809 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 27,019

810 SPECIAL CATEGORIES
INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 5,704,554

811 SPECIAL CATEGORIES
TREATMENT OF INMATES - INFECTIOUS DISEASE DRUGS
FROM GENERAL REVENUE FUND 19,723,578

TOTAL: TREATMENT OF INMATES WITH INFECTIOUS DISEASES
FROM GENERAL REVENUE FUND 25,700,073
FROM TRUST FUNDS 1,390,311

TOTAL POSITIONS 11.50
TOTAL ALL FUNDS 27,090,384

PROGRAM: EDUCATION AND PROGRAMS

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

APPROVED SALARY RATE 1,567,254

812 SALARIES AND BENEFITS POSITIONS 38.00
FROM GENERAL REVENUE FUND 1,066,792
FROM GRANTS AND DONATIONS TRUST FUND . . . 682,707

813 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,809

814 EXPENSES
FROM GENERAL REVENUE FUND 38,531
FROM GRANTS AND DONATIONS TRUST FUND . . . 622,865

815 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 73,600

816 SPECIAL CATEGORIES
CONTRACT DRUG ABUSE SERVICES
FROM GENERAL REVENUE FUND 1,678,432
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,072,341

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES
FROM GENERAL REVENUE FUND 2,783,755
FROM TRUST FUNDS 4,456,322

TOTAL POSITIONS 38.00
TOTAL ALL FUNDS 7,240,077

BASIC EDUCATION SKILLS

APPROVED SALARY RATE 13,828,153

817 SALARIES AND BENEFITS POSITIONS 389.00
FROM GENERAL REVENUE FUND 14,981,030
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,476,913

818 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 771,542
FROM GRANTS AND DONATIONS TRUST FUND . . . 666,172

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APPROPRIATION

819 EXPENSES
FROM GENERAL REVENUE FUND 3,383,659
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,149,353

820 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 27,605
FROM GRANTS AND DONATIONS TRUST FUND . . . 472,386

820A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 140,000

The funds in Specific Appropriation 820A are provided for Horizon Communities in Prison for reinvesting in prison education programs at the Tomoka and Wakulla Correctional institutions.

821 SPECIAL CATEGORIES
GRANTS AND AIDS - EVEN START FAMILY LITERACY PROJECT
FROM GRANTS AND DONATIONS TRUST FUND . . . 494,974

822 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 271,639

822A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 389

TOTAL: BASIC EDUCATION SKILLS
FROM GENERAL REVENUE FUND 19,575,864
FROM TRUST FUNDS 6,259,798

TOTAL POSITIONS 389.00
TOTAL ALL FUNDS 25,835,662

ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT

APPROVED SALARY RATE 5,395,247

823 SALARIES AND BENEFITS POSITIONS 148.00
FROM GENERAL REVENUE FUND 7,037,855
FROM GRANTS AND DONATIONS TRUST FUND . . . 401,281

824 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 182,290

825 EXPENSES
FROM GENERAL REVENUE FUND 2,246,503
FROM GRANTS AND DONATIONS TRUST FUND . . . 444,000

826 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,400
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,000

827 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 3,420,000

From funds in Specific Appropriation 827, $500,000 from non-recurring general revenue is provided for the Criminon Offender Training Program.

TOTAL: ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT
FROM GENERAL REVENUE FUND 12,892,048
FROM TRUST FUNDS 848,281

TOTAL POSITIONS 148.00
TOTAL ALL FUNDS 13,740,329

SECTION 4
SPECIFIC
APPROPRIATION
JUSTICE ADMINISTRATION

PROGRAM: JUSTICE ADMINISTRATIVE COMMISSION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 3,872,881

828 SALARIES AND BENEFITS POSITIONS 111.00
FROM GENERAL REVENUE FUND 5,179,199
FROM GRANTS AND DONATIONS TRUST FUND . . . 34,924

829 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,600

830 EXPENSES
FROM GENERAL REVENUE FUND 968,756
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,825

From the funds in Specific Appropriation 830, $100,000 in non-recurring general revenue shall be used for the Cuban American Bar Association Pro Bono Project.

831 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 62,530

832 LUMP SUM
STATE ATTORNEY, PUBLIC DEFENDER CONTRACT/
GRANT POSITIONS
POSITIONS 11.50

The positions in Specific Appropriation 832 are provided for State Attorneys and Public Defenders to utilize with grants received during the 2005-2006 fiscal year that will recur for a minimum of 2 years. The Justice Administrative Commission may request the transfer of these positions to the offices of the State Attorneys and Public Defenders as needed. Such transfers are contingent upon the Commission notifying and providing documentation of the grant received to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council and the Governor's Office of Policy and Budget. Such notification is subject to the legislative objection provisions of chapter 216, Florida Statutes. Rate may be established for these positions at the amount of the starting salary of an assistant state attorney and assistant public defender. The rate must be placed in reserve pending transfer of positions.

832A LUMP SUM
STATE ATTORNEY AND PUBLIC DEFENDER
WORKLOAD
POSITIONS 55.00
FROM GENERAL REVENUE FUND 2,309,034

Funds in Specific Appropriation 832A are provided to the State Attorneys for workload and to support new judges. Each circuit shall be allocated one FTE and associated salary and expense funds per two new county and circuit judges authorized for the circuit, except that no circuit authorized for any new judges shall receive less than one FTE and associated salary and expense funds. Funds and FTE remaining after this initial allocation shall be allocated among the circuits as follows: (1) 50 percent shall be allocated based on each circuit's percentage of the state population as reported by the University of Florida, Bureau of Economic and Business Research, revised 12/16/03; and, (2) 50 percent shall be allocated among the circuits based on each circuit's percentage of the total number of cases opened during Fiscal Year 2002-2003 as reported in the Long Range Program Plan (LRPP).

833 SPECIAL CATEGORIES
GRANTS AND AIDS - FOSTER CARE CITIZEN
REVIEW PANEL
FROM GENERAL REVENUE FUND 231,681
FROM GRANTS AND DONATIONS TRUST FUND . . . 300,000

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From the funds in Specific Appropriation 833, $131,681 in non-recurring general revenue is provided for the Manatee Citizens Review Panel.

834 SPECIAL CATEGORIES
SEXUAL PREDATOR CIVIL COMMITMENT
LITIGATION COSTS
FROM GENERAL REVENUE FUND 3,429,194

Funds in Specific Appropriation 834 are provided for attorney fees and case-related expenses associated with prosecuting and defending sexual predator civil commitment cases. Case-related expenses are limited to expert witness fees, clinical evaluations, court reporter costs, and foreign language interpreters. The Justice Administrative Commission is authorized to pay up to $5,000 per case for case-related expenses incurred by the State Attorney and the Public Defender, or court appointed counsel where there is an ethical conflict, for a combined maximum of $10,000 for case-related expenses per case, unless the court orders payment of a greater amount. The Justice Administrative Commission shall submit quarterly reports to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council describing, by judicial circuit, requests for payments of case-related expenses received; court orders received directing payment of such expenses; and actual encumbrances and disbursements from this special appropriations category.

835 SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF MANAGEMENT
SERVICES FOR COPES
FROM GENERAL REVENUE FUND 90,125

836 SPECIAL CATEGORIES
PUBLIC DEFENDER DUE PROCESS COSTS
FROM GENERAL REVENUE FUND 16,500,000

Funds in Specific Appropriation 836 are provided for the Public Defenders' due process costs as specified in section 29.006, Florida Statutes. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.

1st Judicial Circuit	612,292
2nd Judicial Circuit	573,570
3rd Judicial Circuit	216,034
4th Judicial Circuit	1,328,614
5th Judicial Circuit	619,831
6th Judicial Circuit	1,103,500
7th Judicial Circuit	561,079
8th Judicial Circuit	439,552
9th Judicial Circuit	728,558
10th Judicial Circuit	738,289
11th Judicial Circuit	2,832,348
12th Judicial Circuit	566,240
13th Judicial Circuit	1,404,637
14th Judicial Circuit	323,281
15th Judicial Circuit	721,609
16th Judicial Circuit	155,944
17th Judicial Circuit	1,732,865
18th Judicial Circuit	508,562
19th Judicial Circuit	637,000
20th Judicial Circuit	696,195

From the funds credited for use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:

1st circuit	190,611
2nd circuit	323,698
3rd circuit	52,251
6th circuit	103,493
7th circuit	37,310

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8th circuit	83,798
9th circuit	481,878
10th circuit	68,975
11th circuit	121,996
12th circuit	153,205
13th circuit	784,106
14th circuit	134,089
15th circuit	93,646
16th circuit	74,983
17th circuit	60,851

837 SPECIAL CATEGORIES
CHILD DEPENDENCY AND CIVIL CONFLICT CASE

FROM GENERAL REVENUE FUND	19,771,856	
FROM GRANTS AND DONATIONS TRUST FUND		3,500,000

Funds in Specific Appropriation 837 are provided for case fees and expenses of court-appointed counsel in civil conflict cases and child dependency cases. The Justice Administrative Commission shall apportion these funds for use in each circuit according to the number of projected dependency case filings in each judicial circuit, and is authorized to pay such fees and expenses, subject to all specifications and limitations as provided by law. The Justice Administrative Commission shall submit quarterly reports of these case payments to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council, by judicial circuit which shall include, but not be limited to, information on requests for payments received; court orders received directing payment; and actual encumbrances and disbursements from this special appropriations category.

838 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,608

839 SPECIAL CATEGORIES
CRIMINAL CONFLICT CASE COSTS
FROM GENERAL REVENUE FUND 37,436,867

Funds in Specific Appropriation 839 are provided for case fees as specified in section 27.5304, Florida Statutes, and expenses as specified in section 29.007, Florida Statutes, of court-appointed counsel for indigent criminal defendants in cases where the public defender has an ethical conflict and for due process costs for those individuals the court finds indigent for costs. The Justice Administrative Commission shall submit quarterly reports of criminal conflict case payments to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council by judicial circuit. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.

1st Judicial Circuit	1,174,270
2nd Judicial Circuit	1,289,083
3rd Judicial Circuit	370,961
4th Judicial Circuit	2,513,008
5th Judicial Circuit	1,122,783
6th Judicial Circuit	2,662,163
7th Judicial Circuit	1,882,035
8th Judicial Circuit	947,387
9th Judicial Circuit	3,228,734
10th Judicial Circuit	1,454,644
11th Judicial Circuit	4,477,525
12th Judicial Circuit	892,289
13th Judicial Circuit	2,332,546
14th Judicial Circuit	749,882
15th Judicial Circuit	2,907,965
16th Judicial Circuit	233,756
17th Judicial Circuit	4,895,785
18th Judicial Circuit	1,627,536
19th Judicial Circuit	905,045
20th Judicial Circuit	1,769,470

From the funds in Specific Appropriation 839, a total of $1,084,669 shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Courts Administrator on behalf of the circuit courts operating shared court reporting and interpreter services.

840 SPECIAL CATEGORIES
STATE ATTORNEY DUE PROCESS COSTS
FROM GENERAL REVENUE FUND 11,204,072

Funds in Specific Appropriation 840 are provided for the State Attorneys' due process costs as specified in section 29.005, Florida Statutes. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.

1st Judicial Circuit	690,005
2nd Judicial Circuit	358,948
3rd Judicial Circuit	131,052
4th Judicial Circuit	454,480
5th Judicial Circuit	363,604
6th Judicial Circuit	658,908
7th Judicial Circuit	487,930
8th Judicial Circuit	245,265
9th Judicial Circuit	500,028
10th Judicial Circuit	319,840
11th Judicial Circuit	2,351,440
12th Judicial Circuit	294,416
13th Judicial Circuit	635,738
14th Judicial Circuit	119,450
15th Judicial Circuit	764,940
16th Judicial Circuit	94,806
17th Judicial Circuit	1,380,088
18th Judicial Circuit	385,961
19th Judicial Circuit	280,449
20th Judicial Circuit	686,724

From the funds credited for the use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:

1st circuit	18,232
2nd circuit	16,650
3rd circuit	10,456
6th circuit	25,443
7th circuit	12,818
8th circuit	21,937
9th circuit	26,007
10th circuit	3,980
11th circuit	426,986
12th circuit	19,650
13th circuit	45,716
15th circuit	61,252
16th circuit	4,315
17th circuit	20,081

841 SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER
TRAINING

FROM GENERAL REVENUE FUND	35,000	
FROM GRANTS AND DONATIONS TRUST FUND		262,803

842 SPECIAL CATEGORIES
DUE PROCESS CONTINGENCY FUND
FROM GENERAL REVENUE FUND 1,000,000

843 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	2,286,009	
FROM CHILD SUPPORT TRUST FUND		83,128
FROM GRANTS AND DONATIONS TRUST FUND		87,125

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From the funds provided in Specific Appropriation 843, the State Attorneys and Public Defenders shall transfer cash from their Grants and Donations Trust Fund and Child Support Enforcement Trust Fund in proportion to their positions funded from these sources to the Justice Administrative Commission to pay the Human Resources Services contract in the Department of Management Services.

844	SPECIAL CATEGORIES TRANSFER TO THE DEPARTMENT OF FINANCIAL SERVICES FOR THE POSTCONVICTION CAPITAL COLLATERAL CASES - REGISTRY ATTORNEYS FROM GENERAL REVENUE FUND	2,225,000	
845	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	10,000	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND	102,768,531	
	FROM TRUST FUNDS		4,272,805
	TOTAL POSITIONS	177.50	
	TOTAL ALL FUNDS		107,041,336

PROGRAM: STATEWIDE GUARDIAN AD LITEM OFFICE

APPROVED SALARY RATE 14,223,991

846	SALARIES AND BENEFITS POSITIONS	418.00	
	FROM GENERAL REVENUE FUND	18,212,144	

Funds and positions in Specific Appropriations 846 through 850 shall not be utilized to represent children in dissolution of marriage proceedings unless the child is also subject to dependency proceedings.

847	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	3,172,492	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
848	EXPENSES FROM GENERAL REVENUE FUND	3,505,206	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		250,000
848A	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	50,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
849	SPECIAL CATEGORIES GRANTS AND AIDS - COURT SYSTEM SERVICES FOR CHILDREN AND YOUTH FROM GENERAL REVENUE FUND	949,656	
850	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	49,780	
TOTAL:	PROGRAM: STATEWIDE GUARDIAN AD LITEM OFFICE FROM GENERAL REVENUE FUND	25,939,278	
	FROM TRUST FUNDS		320,000
	TOTAL POSITIONS	418.00	
	TOTAL ALL FUNDS		26,259,278

STATE ATTORNEYS

The Prosecution Coordination Office's budgeting, training, and education needs may be funded by each State Attorney's office within the funds provided in Specific Appropriations 851 through 952. Funding for this office shall not exceed $360,000.

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PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT

APPROVED SALARY RATE 8,883,479

851	SALARIES AND BENEFITS POSITIONS	212.00	
	FROM GENERAL REVENUE FUND	11,086,862	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		371,594
852	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	32,080	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
852A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		140,000
853	SPECIAL CATEGORIES STATE ATTORNEY OPERATING EXPENDITURES FROM GENERAL REVENUE FUND	1,040,556	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		40,447
	FROM GRANTS AND DONATIONS TRUST FUND . . .		196,100
854	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	48,859	
855	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	9,998	
TOTAL:	PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT FROM GENERAL REVENUE FUND	12,218,355	
	FROM TRUST FUNDS		768,141
	TOTAL POSITIONS	212.00	
	TOTAL ALL FUNDS		12,986,496

PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,396,077

856	SALARIES AND BENEFITS POSITIONS	120.00	
	FROM GENERAL REVENUE FUND	6,363,558	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		348,718
857	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	25,700	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		141,480
857A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GRANTS AND DONATIONS TRUST FUND . . .		68,304
858	SPECIAL CATEGORIES STATE ATTORNEY OPERATING EXPENDITURES FROM GENERAL REVENUE FUND	363,987	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		215,228
859	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	36,708	
860	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	8,195	
TOTAL:	PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT FROM GENERAL REVENUE FUND	6,798,148	
	FROM TRUST FUNDS		773,730

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TOTAL POSITIONS	120.00	
TOTAL ALL FUNDS		7,571,878

PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT

APPROVED SALARY RATE 3,186,368

861 SALARIES AND BENEFITS POSITIONS	69.50	
FROM GENERAL REVENUE FUND	3,710,362	
FROM GRANTS AND DONATIONS TRUST FUND . . .		257,408
862 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	7,956	
FROM GRANTS AND DONATIONS TRUST FUND . . .		31,440
862A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		16,000
863 SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	232,119	
FROM CIVIL RICO TRUST FUND		11,946
FROM GRANTS AND DONATIONS TRUST FUND . . .		98,311
864 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	12,312	
865 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	6,110	
TOTAL: PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	3,968,859	
FROM TRUST FUNDS		415,105
TOTAL POSITIONS	69.50	
TOTAL ALL FUNDS		4,383,964

PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 15,495,022

866 SALARIES AND BENEFITS POSITIONS	361.00	
FROM GENERAL REVENUE FUND	18,011,418	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,158,911
867 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	175,714	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		30,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		425,140
867A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		116,088
868 SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	323,809	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		137,616
FROM GRANTS AND DONATIONS TRUST FUND . . .		774,481
869 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	102,977	
870 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	11,547	

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TOTAL: PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	18,625,465	
FROM TRUST FUNDS		2,642,236
TOTAL POSITIONS	361.00	
TOTAL ALL FUNDS		21,267,701

PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 9,608,165

871 SALARIES AND BENEFITS POSITIONS	220.50	
FROM GENERAL REVENUE FUND	11,956,010	
FROM GRANTS AND DONATIONS TRUST FUND . . .		324,070
872 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	25,225	
FROM GRANTS AND DONATIONS TRUST FUND . . .		79,194
872A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		68,304
873 SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	583,560	
FROM CIVIL RICO TRUST FUND		1,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		26,274
874 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	62,751	
875 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	15,938	
TOTAL: PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	12,643,484	
FROM TRUST FUNDS		498,842
TOTAL POSITIONS	220.50	
TOTAL ALL FUNDS		13,142,326

PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 20,446,284

876 SALARIES AND BENEFITS POSITIONS	464.00	
FROM GENERAL REVENUE FUND	22,843,644	
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,043,593
877 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	91,625	
FROM GRANTS AND DONATIONS TRUST FUND . . .		86,662
877A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		68,304
878 SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	571,847	
FROM GRANTS AND DONATIONS TRUST FUND . . .		742,787
879 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	123,353	
880 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	23,009	

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TOTAL: PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT

FROM GENERAL REVENUE FUND	23,653,478	
FROM TRUST FUNDS		3,941,346
TOTAL POSITIONS	464.00	
TOTAL ALL FUNDS		27,594,824

PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 10,533,081

881	SALARIES AND BENEFITS POSITIONS	243.50	
	FROM GENERAL REVENUE FUND	12,090,853	
	FROM GRANTS AND DONATIONS TRUST FUND		1,220,134
882	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	41,424	
	FROM GRANTS AND DONATIONS TRUST FUND		83,867
882A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND		210,608
883	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	692,563	
	FROM GRANTS AND DONATIONS TRUST FUND		515,314
884	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	168,917	
885	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,171	
	FROM GRANTS AND DONATIONS TRUST FUND		20,000

TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT

FROM GENERAL REVENUE FUND	12,999,928	
FROM TRUST FUNDS		2,049,923
TOTAL POSITIONS	243.50	
TOTAL ALL FUNDS		15,049,851

PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,840,984

886	SALARIES AND BENEFITS POSITIONS	138.00	
	FROM GENERAL REVENUE FUND	7,085,153	
	FROM GRANTS AND DONATIONS TRUST FUND		445,413
887	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	16,295	
	FROM GRANTS AND DONATIONS TRUST FUND		96,184
887A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND		70,552
888	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	296,316	
	FROM GRANTS AND DONATIONS TRUST FUND		42,408
889	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	77,701	
890	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	13,676	

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TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT

FROM GENERAL REVENUE FUND	7,489,141	
FROM TRUST FUNDS		654,557
TOTAL POSITIONS	138.00	
TOTAL ALL FUNDS		8,143,698

PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 13,947,760

891	SALARIES AND BENEFITS POSITIONS	318.50	
	FROM GENERAL REVENUE FUND	16,924,205	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		139,550
	FROM GRANTS AND DONATIONS TRUST FUND		268,130
892	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	112,847	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		63,000
	FROM GRANTS AND DONATIONS TRUST FUND		1,000
892A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		50,032
	FROM GRANTS AND DONATIONS TRUST FUND		50,032
893	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	1,211,395	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		35,225
	FROM GRANTS AND DONATIONS TRUST FUND		79,288
894	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	109,815	
895	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	27,936	

TOTAL: PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT

FROM GENERAL REVENUE FUND	18,386,198	
FROM TRUST FUNDS		686,257
TOTAL POSITIONS	318.50	
TOTAL ALL FUNDS		19,072,455

PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 9,081,518

896	SALARIES AND BENEFITS POSITIONS	218.00	
	FROM GENERAL REVENUE FUND	10,581,241	
	FROM GRANTS AND DONATIONS TRUST FUND		914,900
897	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	31,581	
	FROM GRANTS AND DONATIONS TRUST FUND		121,659
897A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND		68,304
898	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	414,245	
	FROM GRANTS AND DONATIONS TRUST FUND		339,641

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899 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 58,752

900 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 14,545

TOTAL: PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 11,100,364
FROM TRUST FUNDS 1,444,504

TOTAL POSITIONS 218.00
TOTAL ALL FUNDS 12,544,868

PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 49,649,041

901 SALARIES AND BENEFITS POSITIONS 1,256.75
FROM GENERAL REVENUE FUND 44,062,541
FROM CHILD SUPPORT TRUST FUND 16,236,565
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,990,803

902 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 294,879
FROM CHILD SUPPORT TRUST FUND 868,300
FROM GRANTS AND DONATIONS TRUST FUND . . . 61,692

902A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 138,800

903 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 693,372
FROM CHILD SUPPORT TRUST FUND 3,682,412
FROM CIVIL RICO TRUST FUND 82,000
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 203,700
FROM GRANTS AND DONATIONS TRUST FUND . . . 542,517

904 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 745,407
FROM CHILD SUPPORT TRUST FUND 37,210

905 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 22,500

TOTAL: PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 45,818,699
FROM TRUST FUNDS 23,843,999

TOTAL POSITIONS 1,256.75
TOTAL ALL FUNDS 69,662,698

PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 7,831,708

906 SALARIES AND BENEFITS POSITIONS 181.00
FROM GENERAL REVENUE FUND 9,854,652

907 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 23,502
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,500

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907A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 47,784

908 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 456,686
FROM GRANTS AND DONATIONS TRUST FUND . . . 41,891

909 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 90,019

910 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,580

TOTAL: PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 10,434,439
FROM TRUST FUNDS 97,175

TOTAL POSITIONS 181.00
TOTAL ALL FUNDS 10,531,614

PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 14,484,837

911 SALARIES AND BENEFITS POSITIONS 330.00
FROM GENERAL REVENUE FUND 17,587,254
FROM GRANTS AND DONATIONS TRUST FUND . . . 173,828

From the positions and funds in Specific Appropriation 911, one full-time equivalent position and $55,026 from the Grants and Donations Trust Fund shall be initially placed in reserve by the Executive Office of the Governor. Upon receipt of funding from Hillsborough County, the positions and funding shall be released in accordance with applicable provisions of chapter 216, Florida Statutes.

912 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 120,725
FROM GRANTS AND DONATIONS TRUST FUND . . . 115,122

913 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 719,351
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 23,844
FROM GRANTS AND DONATIONS TRUST FUND . . . 266,574

914 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 89,127

915 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 6,913

TOTAL: PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 18,523,370
FROM TRUST FUNDS 579,368

TOTAL POSITIONS 330.00
TOTAL ALL FUNDS 19,102,738

PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT

SECTION 4
SPECIFIC
APPROPRIATION

APPROVED SALARY RATE 5,032,806

916	SALARIES AND BENEFITS POSITIONS	120.50	
	FROM GENERAL REVENUE FUND	6,396,688	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		284,363
917	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	9,899	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		29,900
917A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	113,840	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		22,768
	FROM GRANTS AND DONATIONS TRUST FUND . . .		22,768
918	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	405,182	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		13,797
	FROM GRANTS AND DONATIONS TRUST FUND . . .		38,701
919	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	12,904	
920	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,794	
TOTAL:	PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	6,946,307	
	FROM TRUST FUNDS		412,297
	TOTAL POSITIONS	120.50	
	TOTAL ALL FUNDS		7,358,604

PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 14,688,821

921	SALARIES AND BENEFITS POSITIONS	332.00	
	FROM GENERAL REVENUE FUND	17,265,755	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,210,807
922	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	78,436	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		423,336
922A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		37,000
923	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	969,991	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		186,043
924	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	102,610	
925	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	10,702	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,000

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL:	PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	18,427,494	
	FROM TRUST FUNDS		1,858,186
	TOTAL POSITIONS	332.00	
	TOTAL ALL FUNDS		20,285,680

PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 2,856,540

926	SALARIES AND BENEFITS POSITIONS	61.00	
	FROM GENERAL REVENUE FUND	3,422,502	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		202,881
927	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,350	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		76,054
927A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		22,500
928	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	142,949	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		154,983
929	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	31,052	
930	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,129	
TOTAL:	PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	3,625,982	
	FROM TRUST FUNDS		456,418
	TOTAL POSITIONS	61.00	
	TOTAL ALL FUNDS		4,082,400

PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 21,502,260

931	SALARIES AND BENEFITS POSITIONS	494.00	
	FROM GENERAL REVENUE FUND	26,855,997	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		521,605
932	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	121,287	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		122,864
932A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		25,016
933	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	1,461,009	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		130,381
934	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	130,942	

SECTION 4
SPECIFIC
APPROPRIATION

935 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 23,786

TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 28,593,021
FROM TRUST FUNDS 799,866

TOTAL POSITIONS 494.00
TOTAL ALL FUNDS 29,392,887

PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 12,556,720

936 SALARIES AND BENEFITS POSITIONS 296.00
FROM GENERAL REVENUE FUND 14,805,123
FROM GRANTS AND DONATIONS TRUST FUND . . . 978,539

937 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 35,415
FROM GRANTS AND DONATIONS TRUST FUND . . . 32,500

937A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 72,132

938 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 878,114
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,290

939 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 61,317

940 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,707

TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 15,789,676
FROM TRUST FUNDS 1,103,461

TOTAL POSITIONS 296.00
TOTAL ALL FUNDS 16,893,137

PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 6,981,801

941 SALARIES AND BENEFITS POSITIONS 163.50
FROM GENERAL REVENUE FUND 7,884,013
FROM GRANTS AND DONATIONS TRUST FUND . . . 628,701

942 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 28,741
FROM GRANTS AND DONATIONS TRUST FUND . . . 121,500

943 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 16,300
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,032

944 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 685,682
FROM GRANTS AND DONATIONS TRUST FUND . . . 91,500

SECTION 4
SPECIFIC
APPROPRIATION

945 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 159,895

946 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 8,874

TOTAL: PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 8,767,205
FROM TRUST FUNDS 908,033

TOTAL POSITIONS 163.50
TOTAL ALL FUNDS 9,675,238

PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT

APPROVED SALARY RATE 11,902,900

947 SALARIES AND BENEFITS POSITIONS 271.50
FROM GENERAL REVENUE FUND 13,805,736
FROM CIVIL RICO TRUST FUND 280,227
FROM GRANTS AND DONATIONS TRUST FUND . . . 623,303

948 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,503
FROM GRANTS AND DONATIONS TRUST FUND . . . 116,094

949 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CIVIL RICO TRUST FUND 20,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 136,608

950 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 900,512
FROM CIVIL RICO TRUST FUND 57,102

951 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 146,094

952 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 21,288
FROM GRANTS AND DONATIONS TRUST FUND . . . 480

TOTAL: PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 14,906,133
FROM TRUST FUNDS 1,233,814

TOTAL POSITIONS 271.50
TOTAL ALL FUNDS 16,139,947

PUBLIC DEFENDERS

The Public Defenders Coordination Office's budgeting needs may be funded by each Public Defender's office within the funds provided in Specific Appropriations 953 through 1049. The total funding for this office shall not exceed $360,000.

PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,195,226

953 SALARIES AND BENEFITS POSITIONS 120.00
FROM GENERAL REVENUE FUND 6,517,271
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 129,177

SECTION 4
SPECIFIC
APPROPRIATION

954 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,888
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 64,944

955 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 408,376
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 201,249

956 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,804

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,964,339
FROM TRUST FUNDS 400,370

TOTAL POSITIONS 120.00
TOTAL ALL FUNDS 7,364,709

PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT

APPROVED SALARY RATE 3,574,537

957 SALARIES AND BENEFITS POSITIONS 85.75
FROM GENERAL REVENUE FUND 4,498,211
FROM GRANTS AND DONATIONS TRUST FUND . . . 31,545
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 90,293

958 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,744
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 13,750

959 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 341,758
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,677
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 46,371

960 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 22,641

TOTAL: PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 4,883,354
FROM TRUST FUNDS 183,636

TOTAL POSITIONS 85.75
TOTAL ALL FUNDS 5,066,990

PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,694,871

961 SALARIES AND BENEFITS POSITIONS 33.00
FROM GENERAL REVENUE FUND 2,130,921
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 42,190

962 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,887
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 31,417

SECTION 4
SPECIFIC
APPROPRIATION

962A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 72,000

963 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 163,263
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 9,200

964 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,755

TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,305,826
FROM TRUST FUNDS 154,807

TOTAL POSITIONS 33.00
TOTAL ALL FUNDS 2,460,633

PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 7,220,839

965 SALARIES AND BENEFITS POSITIONS 152.50
FROM GENERAL REVENUE FUND 8,950,471
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 178,803

966 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,277
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 114,395

966A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 58,500

967 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 343,473
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 144,083

968 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 20,692

TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 9,336,913
FROM TRUST FUNDS 495,781

TOTAL POSITIONS 152.50
TOTAL ALL FUNDS 9,832,694

PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 4,064,879

969 SALARIES AND BENEFITS POSITIONS 97.50
FROM GENERAL REVENUE FUND 5,090,719
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 89,098

970 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 251,234

SECTION 4
SPECIFIC
APPROPRIATION

971 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 263,410
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 176,385

972 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 37,341

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 5,413,470
FROM TRUST FUNDS 516,717

TOTAL POSITIONS 97.50
TOTAL ALL FUNDS 5,930,187

PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 9,819,407

973 SALARIES AND BENEFITS POSITIONS 214.50
FROM GENERAL REVENUE FUND 11,651,096
FROM GRANTS AND DONATIONS TRUST FUND . . . 466,173
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 232,952

974 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 82,867

974A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 73,557

975 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 856,753
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,000
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 174,749

976 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 180,593

TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 12,771,309
FROM TRUST FUNDS 949,431

TOTAL POSITIONS 214.50
TOTAL ALL FUNDS 13,720,740

PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,216,012

977 SALARIES AND BENEFITS POSITIONS 119.50
FROM GENERAL REVENUE FUND 6,525,617
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 126,098

978 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 34
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 3,230

979 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 218,701
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 84,638

SECTION 4
SPECIFIC
APPROPRIATION

980 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 21,466

TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,765,818
FROM TRUST FUNDS 213,966

TOTAL POSITIONS 119.50
TOTAL ALL FUNDS 6,979,784

PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 3,259,757

981 SALARIES AND BENEFITS POSITIONS 71.50
FROM GENERAL REVENUE FUND 4,100,600
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 81,614

982 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,919
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 79,826

983 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 195,658
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,000
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 109,095

984 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 24,869

TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 4,334,046
FROM TRUST FUNDS 280,535

TOTAL POSITIONS 71.50
TOTAL ALL FUNDS 4,614,581

PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 7,064,673

985 SALARIES AND BENEFITS POSITIONS 170.50
FROM GENERAL REVENUE FUND 8,234,095
FROM GRANTS AND DONATIONS TRUST FUND . . . 616,955
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 152,165

986 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,500
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 141,200

986A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 66,000

987 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 1,400,664
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,000
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 743,027

SECTION 4
SPECIFIC
APPROPRIATION

988 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,358

TOTAL: PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 9,676,117
FROM TRUST FUNDS 1,728,847

TOTAL POSITIONS 170.50
TOTAL ALL FUNDS 11,404,964

PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 4,905,494

989 SALARIES AND BENEFITS POSITIONS 112.00
FROM GENERAL REVENUE FUND 6,099,407
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 120,378

990 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,580
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 58,032

990A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 15,569

991 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 271,321
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 149,521

992 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 22,534

TOTAL: PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,405,842
FROM TRUST FUNDS 343,500

TOTAL POSITIONS 112.00
TOTAL ALL FUNDS 6,749,342

PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL
CIRCUIT

APPROVED SALARY RATE 18,821,972

993 SALARIES AND BENEFITS POSITIONS 415.50
FROM GENERAL REVENUE FUND 22,799,804
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 394,365

994 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 95,217
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 71,949

995 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 95,890

996 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 801,801
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 95,489

SECTION 4
SPECIFIC
APPROPRIATION

997 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 158,013

TOTAL: PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL
CIRCUIT
FROM GENERAL REVENUE FUND 23,950,725
FROM TRUST FUNDS 561,803

TOTAL POSITIONS 415.50
TOTAL ALL FUNDS 24,512,528

PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL
CIRCUIT

APPROVED SALARY RATE 4,056,497

998 SALARIES AND BENEFITS POSITIONS 93.00
FROM GENERAL REVENUE FUND 5,033,913
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 104,390

999 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 38,699
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 47,840

1000 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 451,398
FROM GRANTS AND DONATIONS TRUST FUND . . . 58,400
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 233,000

1001 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,752

TOTAL: PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL
CIRCUIT
FROM GENERAL REVENUE FUND 5,532,762
FROM TRUST FUNDS 443,630

TOTAL POSITIONS 93.00
TOTAL ALL FUNDS 5,976,392

PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL
CIRCUIT

APPROVED SALARY RATE 8,903,130

1002 SALARIES AND BENEFITS POSITIONS 206.25
FROM GENERAL REVENUE FUND 10,839,798
FROM GRANTS AND DONATIONS TRUST FUND . . . 74,856
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 214,961

1003 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 48,954
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 71,201

1004 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 44,000

1005 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 777,076
FROM GRANTS AND DONATIONS TRUST FUND . . . 107,844
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 283,301

SECTION 4
SPECIFIC
APPROPRIATION

1006 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 52,933

TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 11,718,761
FROM TRUST FUNDS 796,163

TOTAL POSITIONS 206.25
TOTAL ALL FUNDS 12,514,924

PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 2,858,557

1007 SALARIES AND BENEFITS POSITIONS 58.50
FROM GENERAL REVENUE FUND 3,535,245
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 61,007

1008 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,101
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 77,071

1009 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 216,958
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 91,296

1010 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 54,286

TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,813,590
FROM TRUST FUNDS 244,374

TOTAL POSITIONS 58.50
TOTAL ALL FUNDS 4,057,964

PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 8,666,291

1011 SALARIES AND BENEFITS POSITIONS 204.50
FROM GENERAL REVENUE FUND 10,596,642
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 206,804

1012 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 248,199
FROM GRANTS AND DONATIONS TRUST FUND . . . 392,291
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 93,620

1013 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 637,985
FROM GRANTS AND DONATIONS TRUST FUND . . . 66,670
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 140,012

1014 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 82,013

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 11,564,839
FROM TRUST FUNDS 899,397

TOTAL POSITIONS 204.50
TOTAL ALL FUNDS 12,464,236

PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,946,693

1015 SALARIES AND BENEFITS POSITIONS 45.50
FROM GENERAL REVENUE FUND 2,437,992
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 47,948

1016 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,468
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 24,369

1017 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 136,064
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 28,722

1018 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,325

TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,591,849
FROM TRUST FUNDS 108,039

TOTAL POSITIONS 45.50
TOTAL ALL FUNDS 2,699,888

PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 10,004,029

1019 SALARIES AND BENEFITS POSITIONS 213.50
FROM GENERAL REVENUE FUND 12,166,300
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 240,760

1020 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 86,757
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 66,000

1021 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 1,452,628
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 268,872

1022 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 61,945

TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 13,767,630
FROM TRUST FUNDS 575,632

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL POSITIONS	213.50	
TOTAL ALL FUNDS		14,343,262

PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 4,527,163

1023 SALARIES AND BENEFITS POSITIONS	107.00	
FROM GENERAL REVENUE FUND	5,631,129	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		108,249
1024 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	12,953	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		24,000
1024A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		44,000
1025 SPECIAL CATEGORIES		
PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	393,384	
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		402,695
1026 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	9,265	
TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	6,046,731	
FROM TRUST FUNDS		583,944
TOTAL POSITIONS	107.00	
TOTAL ALL FUNDS		6,630,675

PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 3,151,923

1027 SALARIES AND BENEFITS POSITIONS	74.50	
FROM GENERAL REVENUE FUND	3,941,307	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		78,809
1028 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	20,143	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		93,910
1029 SPECIAL CATEGORIES		
PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	221,006	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		203,591
1030 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	41,628	
TOTAL: PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	4,224,084	
FROM TRUST FUNDS		376,310

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL POSITIONS	74.50	
TOTAL ALL FUNDS		4,600,394

PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,053,376

1031 SALARIES AND BENEFITS POSITIONS	111.00	
FROM GENERAL REVENUE FUND	5,912,435	
FROM GRANTS AND DONATIONS TRUST FUND . . .		218,049
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		94,836
1032 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	15,287	
FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		79,030
1032A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		51,610
1033 SPECIAL CATEGORIES		
PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	615,510	
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		83,740
1034 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	178,271	
TOTAL: PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	6,721,503	
FROM TRUST FUNDS		550,265
TOTAL POSITIONS	111.00	
TOTAL ALL FUNDS		7,271,768

PUBLIC DEFENDERS APPELLATE DIVISION

PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,729,903

1035 SALARIES AND BENEFITS POSITIONS	34.75	
FROM GENERAL REVENUE FUND	2,157,962	
1036 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	7,500	
1037 SPECIAL CATEGORIES		
PUBLIC DEFENDER OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND	170,695	
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	2,336,157	
TOTAL POSITIONS	34.75	
TOTAL ALL FUNDS		2,336,157

PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT

SECTION 4
SPECIFIC
APPROPRIATION

APPROVED SALARY RATE 1,673,396

1038 SALARIES AND BENEFITS POSITIONS 33.00
FROM GENERAL REVENUE FUND 2,069,043

1039 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,400

1040 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 184,164

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH
JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,255,607

TOTAL POSITIONS 33.00
TOTAL ALL FUNDS 2,255,607

PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH
JUDICIAL CIRCUIT

APPROVED SALARY RATE 2,392,817

1041 SALARIES AND BENEFITS POSITIONS 51.00
FROM GENERAL REVENUE FUND 3,001,863

1042 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 305,744

1043 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 153,095

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH
JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,460,702

TOTAL POSITIONS 51.00
TOTAL ALL FUNDS 3,460,702

PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH
JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,497,613

1044 SALARIES AND BENEFITS POSITIONS 24.00
FROM GENERAL REVENUE FUND 1,844,712

1045 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,165

1046 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 114,055

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH
JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 1,967,932

TOTAL POSITIONS 24.00
TOTAL ALL FUNDS 1,967,932

PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH
JUDICIAL CIRCUIT

APPROVED SALARY RATE 2,427,904

1047 SALARIES AND BENEFITS POSITIONS 38.00
FROM GENERAL REVENUE FUND 2,962,651

SECTION 4
SPECIFIC
APPROPRIATION

1048 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,837

1049 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 166,021

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH
JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,136,509

TOTAL POSITIONS 38.00
TOTAL ALL FUNDS 3,136,509

CAPITAL COLLATERAL REGIONAL COUNSELS

PROGRAM: MIDDLE REGIONAL COUNSEL

PROVIDE STATE REQUIRED POST CONVICTION LEGAL
REPRESENTATION TO DEATH-ROW INMATES

APPROVED SALARY RATE 2,046,947

1050 SALARIES AND BENEFITS POSITIONS 39.00
FROM GENERAL REVENUE FUND 2,594,447

1051 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 47,307

1052 EXPENSES
FROM GENERAL REVENUE FUND 625,234

1053 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,321

1054 SPECIAL CATEGORIES
CASE RELATED COSTS
FROM GENERAL REVENUE FUND 550,244

1055 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 75,000

1056 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 19,671

1057 SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSELS LAW
LIBRARY
FROM GENERAL REVENUE FUND 10,000

1058 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,500

TOTAL: PROVIDE STATE REQUIRED POST CONVICTION LEGAL
REPRESENTATION TO DEATH-ROW INMATES
FROM GENERAL REVENUE FUND 3,925,724

TOTAL POSITIONS 39.00
TOTAL ALL FUNDS 3,925,724

PROGRAM: SOUTHERN REGIONAL COUNSEL

PROVIDE STATE REQUIRED POST CONVICTION LEGAL
REPRESENTATION TO DEATH-ROW INMATES

APPROVED SALARY RATE 1,603,976

1059 SALARIES AND BENEFITS POSITIONS 30.00
FROM GENERAL REVENUE FUND 2,019,597

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1060 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 41,544

1061 EXPENSES
FROM GENERAL REVENUE FUND 519,887

1062 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,038

1063 SPECIAL CATEGORIES
CASE RELATED COSTS
FROM GENERAL REVENUE FUND 664,303

1064 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 75,000

1065 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,812

1066 SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSELS LAW LIBRARY
FROM GENERAL REVENUE FUND 6,500

1067 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,500

TOTAL: PROVIDE STATE REQUIRED POST CONVICTION LEGAL REPRESENTATION TO DEATH-ROW INMATES
FROM GENERAL REVENUE FUND 3,332,181

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 3,332,181

JUVENILE JUSTICE, DEPARTMENT OF

From the funds in Specific Appropriations 1068 through 1150A, each provider who contracts with the Department of Juvenile Justice must provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

From the funds in Specific Appropriations 1068 and 1150A, the Department of Juvenile Justice is directed to withhold funds from contract payments to any provider if that provider failed to comply with contract requirements that it maintain property insurance and if the failure to do so resulted in uninsured losses. The amount withheld shall not exceed the amount of the uninsured loss and may be reduced by other remedial actions agreed upon by the department and the provider.

Consistent with the provisions of section 216.311, Florida Statutes, no funds in Specific Appropriations 1068 through 1150A or in this act are provided for payments after September 30, 2005, for the current contract between the Department of Juvenile Justice and Lighthouse Care Center for the operation of the Florida Institute for Girls.

PROGRAM: JUVENILE DETENTION PROGRAM

DETENTION CENTERS

APPROVED SALARY RATE 59,185,292

1068 SALARIES AND BENEFITS POSITIONS 2,098.50
FROM GENERAL REVENUE FUND 10,776,541

SECTION 4
SPECIFIC
APPROPRIATION

FROM GRANTS AND DONATIONS TRUST FUND . . . 52,221
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 67,267,819

1069 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 260,288
FROM GRANTS AND DONATIONS TRUST FUND . . . 235,767
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 2,139,035

1070 EXPENSES
FROM GENERAL REVENUE FUND 794,749
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,296,312
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 7,126,642

1071 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,444
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,293
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 219,973

1071A SPECIAL CATEGORIES
OUTSOURCED DETENTION CENTER OPERATIONS
FROM GENERAL REVENUE FUND 237,534
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,173,972

1072 SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 1,529,110
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 266,414

From the funds in Specific Appropriation 1072, $300,000 from non-recurring general revenue is provided for the Village Inn for Girls and $200,000 from non-recurring general revenue is provided for the Village Inn for Boys at the Miami-Dade detention center.

From the funds in Specific Appropriation 1072, $1,000,000 from recurring general revenue is provided for the Girls' Advocacy Program (GAP) Statewide Expansion.

1073 SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO FISCALLY CONSTRAINED COUNTIES FOR DETENTION CENTER COSTS
FROM GENERAL REVENUE FUND 5,529,581

1074 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,564,599
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,705,041
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 8,861,102

From the funds in Specific Appropriation 1074, $500,000 from the General Revenue Fund is provided for a contract with a private sector vendor to develop criteria and provide oversight for psychiatric testing for juveniles housed in the regional detention centers. The vendor must be a licensed third party administrator or a certified private review agent that is accredited by the National Committee for Quality Assurance and accredited by the Utilization Review Accreditation Committee. The contract must be awarded pursuant to a Request for Proposals as defined by section 287.057, Florida Statutes.

1075 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 476,195
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 4,036,436

1076 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT

SECTION 4
SPECIFIC
APPROPRIATION

SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	85,090	
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND		738,073
TOTAL: DETENTION CENTERS		
FROM GENERAL REVENUE FUND	21,257,131	
FROM TRUST FUNDS		96,126,100
TOTAL POSITIONS	2,098.50	
TOTAL ALL FUNDS		117,383,231

HOME DETENTION

1076A SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	2,200,000	
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND		500,000

Funds in Specific Appropriation 1076A are provided for electronic monitoring and may include traditional radio frequency monitoring and/or Global Positioning System (GPS) monitoring. Funds in Specific Appropriation 1076A shall be expended pursuant to contracts awarded on a regional basis pursuant to Requests for Proposals as defined in section 287.057, Florida Statutes.

TOTAL: HOME DETENTION		
FROM GENERAL REVENUE FUND	2,200,000	
FROM TRUST FUNDS		500,000
TOTAL ALL FUNDS		2,700,000

PROGRAM: PROBATION AND COMMUNITY CORRECTIONS PROGRAM

AFTERCARE SERVICES - CONDITIONAL RELEASE

APPROVED SALARY RATE 756,680

1076B SALARIES AND BENEFITS POSITIONS	25.00	
FROM GENERAL REVENUE FUND	953,878	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,277
1076C EXPENSES		
FROM GENERAL REVENUE FUND	124,834	
FROM GRANTS AND DONATIONS TRUST FUND . . .		15,987
1076D SPECIAL CATEGORIES		
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
FROM GENERAL REVENUE FUND	1,837,235	
1076E SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	23,834,122	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,812,600
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		992
1076F SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	8,768	
TOTAL: AFTERCARE SERVICES - CONDITIONAL RELEASE		
FROM GENERAL REVENUE FUND	26,758,837	
FROM TRUST FUNDS		1,831,856
TOTAL POSITIONS	25.00	
TOTAL ALL FUNDS		28,590,693

SECTION 4
SPECIFIC
APPROPRIATION
JUVENILE PROBATION

APPROVED SALARY RATE 48,255,768

1076G SALARIES AND BENEFITS POSITIONS	1,529.50	
FROM GENERAL REVENUE FUND	53,126,010	
FROM GRANTS AND DONATIONS TRUST FUND . . .		137,837
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		7,645,060
1076H OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	945,500	
FROM GRANTS AND DONATIONS TRUST FUND . . .		142,555
1076I EXPENSES		
FROM GENERAL REVENUE FUND	10,100,294	
FROM GRANTS AND DONATIONS TRUST FUND . . .		53,273
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		564,708
1076J OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	74,694	
1076K SPECIAL CATEGORIES		
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
FROM GENERAL REVENUE FUND	1,080,000	
1076L SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	13,875,072	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,198,952

From the funds in Specific Appropriation 1076L, $1,321,783 from recurring general revenue is provided to continue the redirection program established during FY 2004-05 and $660,892 is provided to expand the redirection program to the 9th judicial circuit and to Brevard County in the 18th judicial circuit. As part of the treatment alternative, the redirection project shall include short-term residential placement sufficient to stabilize the youth and shall utilize electronic monitoring for a sufficient number of youth to allow for a statistically valid evaluation of electronic monitoring as an additional supervision tool. Treatment services shall include multi-systemic therapy or functional family therapy for youth for whom these services are appropriate.

Only youth who are before the court solely for a non-law violation of probation and who the judge determines would otherwise need long-term residential commitment to address treatment needs shall be eligible for placement into this program. Further, youth who have been adjudicated or convicted of a violent crime or first degree felony, or otherwise have a criminal history of such offenses, shall not be eligible for placement into this program. The department and each participating court shall agree on a protocol to identify youth appropriate for diversion into this program.

The department, in consultation with the Office of Program Policy Analysis and Governmental Accountability (OPPAGA), shall develop reporting protocols to gather and maintain the data necessary to allow OPPAGA to conduct a longitudinal evaluation of the program which shall include a comparison of the effectiveness of the various components of the program.

1076M SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	1,192,989	
1076N SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	24,960	
1076O SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT		

SECTION 4
SPECIFIC
APPROPRIATION

SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	573,212	
TOTAL: JUVENILE PROBATION		
FROM GENERAL REVENUE FUND	80,992,731	
FROM TRUST FUNDS		9,742,385
TOTAL POSITIONS	1,529.50	
TOTAL ALL FUNDS		90,735,116

NON-RESIDENTIAL DELINQUENCY REHABILITATION

1076P SPECIAL CATEGORIES		
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
FROM GENERAL REVENUE FUND	200,000	
1076Q SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	23,751,188	
FROM GRANTS AND DONATIONS TRUST FUND . . .		832,184
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		81,003
1076R GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
PINELLAS MARINE INSTITUTE PANAMA KEY ISLAND POWER LINE PROJECT		
FROM GENERAL REVENUE FUND	250,000	
TOTAL: NON-RESIDENTIAL DELINQUENCY REHABILITATION		
FROM GENERAL REVENUE FUND	24,201,188	
FROM TRUST FUNDS		913,187
TOTAL ALL FUNDS		25,114,375

PROGRAM: OFFICE OF THE SECRETARY/ASSISTANT SECRETARY FOR ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 8,993,041

1105 SALARIES AND BENEFITS POSITIONS	243.50	
FROM GENERAL REVENUE FUND	11,129,139	
FROM GRANTS AND DONATIONS TRUST FUND . . .		344,017
1106 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	714,465	
FROM ADMINISTRATIVE TRUST FUND		72,341
FROM JUVENILE JUSTICE TRAINING TRUST FUND		11,712
1107 EXPENSES		
FROM GENERAL REVENUE FUND	3,132,546	
FROM ADMINISTRATIVE TRUST FUND		550,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		749,413
FROM JUVENILE JUSTICE TRAINING TRUST FUND		685,709
1108 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	35,852	
1109 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	450,000	
1110 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	11,188	

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1111 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	113,152	
FROM JUVENILE JUSTICE TRAINING TRUST FUND		1,989,189
1112 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	213,286	
1113 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	115,776	
1114 FIXED CAPITAL OUTLAY		
DEPARTMENT OF JUVENILE JUSTICE MAINTENANCE AND REPAIR - STATE OWNED BUILDINGS		
FROM GENERAL REVENUE FUND	1,343,452	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	17,258,856	
FROM TRUST FUNDS		4,402,381
TOTAL POSITIONS	243.50	
TOTAL ALL FUNDS		21,661,237

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 2,745,277

1115 SALARIES AND BENEFITS POSITIONS	64.50	
FROM GENERAL REVENUE FUND	3,303,148	
1116 EXPENSES		
FROM GENERAL REVENUE FUND	2,974,126	
FROM ADMINISTRATIVE TRUST FUND		49,793
FROM GRANTS AND DONATIONS TRUST FUND . . .		29,111
1117 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	92,834	
1118 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	19,028	
TOTAL: INFORMATION TECHNOLOGY		
FROM GENERAL REVENUE FUND	6,389,136	
FROM TRUST FUNDS		78,904
TOTAL POSITIONS	64.50	
TOTAL ALL FUNDS		6,468,040

PROGRAM: RESIDENTIAL CORRECTIONS PROGRAM

From the funds in Specific Appropriations 1119 through 1139, the department shall provide monthly reports identifying all residential commitment beds in operation on the last day of the month and a detailed listing of facilities that opened, closed, or increased or decreased capacity during the reporting period.

NON-SECURE RESIDENTIAL COMMITMENT

APPROVED SALARY RATE 8,244,238

1119 SALARIES AND BENEFITS POSITIONS	297.00	
FROM GENERAL REVENUE FUND	7,833,607	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,671,248

Funds are provided in Specific Appropriations 1119 through 1128A for the department to operate 262 general offender beds for 12 months and

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100 specialty beds for 12 months. The department may increase or decrease the number of beds provided that the department determines that the change will better serve taxpayers and the youth under its care. Prior to any change authorized herein, notification and justification must be provided to the Governor's Office of Policy and Budget, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council.

1120 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 112,066
FROM GRANTS AND DONATIONS TRUST FUND . . . 166,771

1121 EXPENSES
FROM GENERAL REVENUE FUND 1,929,775
FROM GRANTS AND DONATIONS TRUST FUND . . . 416,735
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 451,327

1122 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 21,231

1123 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 372,084
FROM GRANTS AND DONATIONS TRUST FUND . . . 138,468

1124 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 48,364

1124A SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 450,000

From the funds in Specific Appropriation 1124A, the following projects are funded from non-recurring general revenue funds:

Project Craft..... 350,000
Twin Oaks Intensive Short-Term Pilot..... 100,000

1125 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 138,706,459
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,269,842
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,382,034

From the funds in Specific Appropriation 1125, $200,000 from non-recurring general revenue is provided for a per diem increase for the Polk County Boot Camp.

Funds in Specific Appropriation 1125 are provided to contract for the operation of 3,517 general offender beds and 552 specialty beds. In addition, funds are provided for 194 mental health overlay slots and 281 substance abuse overlay slots for youth in non-secure residential commitment programs. The department may increase or decrease the number of beds or overlay slots provided that the department determines that the change will better serve taxpayers and the youth under its care. Prior to any change authorized herein, notification and justification must be provided to the Governor's Office of Policy and Budget, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council.

1126 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 657,358

1127 SPECIAL CATEGORIES
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES
FROM GENERAL REVENUE FUND 6,979,927

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Funds in Specific Appropriation 1127 are provided to contract for the operation of 236 beds at the wilderness therapeutic services programs.

1128 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 174,653

1128A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
RENOVATIONS TO STATE-OWNED DJJ GIRLS COMMITMENT FACILITIES LOCATED AT STEWART-MARCHMAN TREATMENT CENTER
FROM GENERAL REVENUE FUND 258,000

1128B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FACILITY RENOVATIONS AND REPAIRS - ECKERD YOUTH ALTERNATIVES
FROM GENERAL REVENUE FUND 500,000

TOTAL: NON-SECURE RESIDENTIAL COMMITMENT
FROM GENERAL REVENUE FUND 158,022,293
FROM TRUST FUNDS 8,517,656

TOTAL POSITIONS 297.00
TOTAL ALL FUNDS 166,539,949

SECURE RESIDENTIAL COMMITMENT

APPROVED SALARY RATE 24,336,847

1129 SALARIES AND BENEFITS POSITIONS 747.00
FROM GENERAL REVENUE FUND 29,752,425
FROM GRANTS AND DONATIONS TRUST FUND . . . 292,290
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,254,825

Funds in Specific Appropriations 1129 through 1139 are provided for the department to operate 228 general offender beds and 266 specialty beds. The department may increase or decrease the number of beds provided that the department determines that the change will better serve taxpayers and the youth under its care. Prior to any change authorized herein, notification and justification must be provided to the Governor's Office of Policy and Budget, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council.

1130 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 895,236
FROM GRANTS AND DONATIONS TRUST FUND . . . 243,109

1131 EXPENSES
FROM GENERAL REVENUE FUND 4,572,276
FROM GRANTS AND DONATIONS TRUST FUND . . . 225,686

1132 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 33,861

1133 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 348,945
FROM GRANTS AND DONATIONS TRUST FUND . . . 57,637

1134 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTUAL SERVICES-DOZIER TRAINING SCHOOL
FROM GENERAL REVENUE FUND 447,787
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 105,187

1135 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTUAL SERVICES-OKEECHOBEE TRAINING SCHOOL

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FROM GENERAL REVENUE FUND	6,409,457	
FROM GRANTS AND DONATIONS TRUST FUND . . .		32,088
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,546,273

Funds in Specific Appropriation 1135 are provided to contract for the operation of 143 beds at the state-owned residential commitment facility in Okeechobee County.

1136 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	40,355,792	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,373,229
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		30,808,311

From the funds in Specific Appropriation 1136, $142,900 from recurring general revenue is provided to the City of Pahokee as a payment in lieu of taxes.

Funds in Specific Appropriation 1136 are provided to contract for the operation of 1,183 general offender beds and 434 specialty beds. In addition, funds are provided for 537 mental health overlay slots and 125 substance abuse overlay slots. The department may increase or decrease the number of beds or overlay slots provided that the department determines that the change will better serve taxpayers and the youth under its care. Prior to any change authorized herein, notification and justification must be provided to the Governor's Office of Policy and Budget, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council.

1137 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	984,979	

1138 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	295,058	

1139 FIXED CAPITAL OUTLAY
CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE

FROM GENERAL REVENUE FUND	2,895,735	

TOTAL: SECURE RESIDENTIAL COMMITMENT

FROM GENERAL REVENUE FUND	86,957,690	
FROM TRUST FUNDS		38,972,496
TOTAL POSITIONS	747.00	
TOTAL ALL FUNDS		125,930,186

PROGRAM: PREVENTION AND VICTIM SERVICES

DELINQUENCY PREVENTION AND DIVERSION

APPROVED SALARY RATE 795,821

1140 SALARIES AND BENEFITS POSITIONS	17.00	
FROM GENERAL REVENUE FUND	415,032	
FROM GRANTS AND DONATIONS TRUST FUND . . .		448,208
1141 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	311,628	
FROM GRANTS AND DONATIONS TRUST FUND . . .		208,160
1142 EXPENSES		
FROM GENERAL REVENUE FUND	289,238	
FROM GRANTS AND DONATIONS TRUST FUND . . .		366,648

1143 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INVEST IN CHILDREN

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FROM JUVENILE CRIME PREVENTION AND EARLY INTERVENTION TRUST FUND		1,802,000
1144 OPERATING CAPITAL OUTLAY		
FROM GRANTS AND DONATIONS TRUST FUND . . .		24,900
1145 SPECIAL CATEGORIES		
PACE CENTERS		
FROM GENERAL REVENUE FUND	10,472,579	
1146 SPECIAL CATEGORIES		
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
FROM GENERAL REVENUE FUND	6,301,000	

From the funds in Specific Appropriation 1146, the following juvenile justice projects are funded from non-recurring general revenue funds, unless specifically noted.

PAR Adolescent Intervention Center (PAIC) Pasco County (Recurring).....	725,000
Youth Advocate Programs, Inc.....	450,000
Youth Crime Watch Of Florida.....	200,000
Guys Program Expansion - The Grove Counseling Center.....	335,000
City Police Athletic League Programs In Brevard County.....	210,000
Program Smart.....	100,000
Seminole County Juvenile Drug Court.....	280,000
African American Female Delinquency Program.....	100,000
Intergenerational Mentoring.....	25,000
New Horizons.....	50,000
Aspira.....	75,000
The Village Inn Home Services.....	100,000
Youth Intervention And Diversion Program.....	260,000
Big Brothers/Big Sisters Program-Statewide.....	100,000
Peggy Mitchell Peterman Empowerment Center For Advanced Learning.....	100,000
Florida Christian Social Service Project.....	200,000
Helping Youth Promote Excellence.....	50,000
Journalism Arts & Music Program.....	100,000
Tutorial Educational Recreation Program.....	200,000
From Black Boy To Black Man.....	34,000
Regional Juvenile Crime Prevention Initiative.....	175,000
Vocational/Entrepreneurial Training Program For Juvenile Offenders.....	150,000
Pack Summer Camp.....	50,000
Boys And Girls Club Of Bay County.....	200,000
Reconnecting Youth.....	62,000
Community Youth Center.....	100,000
Dixie County District Four Community Center Program.....	100,000
5000 Role Models Of Excellence Project Expansion.....	200,000
Club FYT.....	75,000
Where You At Youth Program.....	90,000
After School Tutorial Program - City of Hallandale Beach....	100,000
Child Development Community Policing (CD-CP).....	100,000
Father Flanagan's Girls and Boys Town of Central Florida....	100,000
POPS Program.....	245,000
Lowry Park Zoo Juvenile Program.....	250,000
Youth Build Outreach.....	200,000
Community Action Agency Youth Leadership Project.....	60,000

1147 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	1,198,000	
FROM GRANTS AND DONATIONS TRUST FUND . . .		12,938,414
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,639
1148 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	21,861	

1149 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN/FAMILIES IN

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NEED OF SERVICES
FROM GENERAL REVENUE FUND 28,579,336
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 383,858

From the funds in Specific Appropriation 1149, the Department of Juvenile Justice shall not expend more than $150,000 in recurring general revenue for physically secure placements for youths being served by the Children-In-Need of Services/Families-In-Need of Services (CINS/FINS) program.

1150 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 12,481

1150A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
CLEARWATER YOUTH CRISIS AND FAMILY COUNSELING CENTER
FROM GENERAL REVENUE FUND 250,000

TOTAL: DELINQUENCY PREVENTION AND DIVERSION
FROM GENERAL REVENUE FUND 47,851,155
FROM TRUST FUNDS 17,174,827

TOTAL POSITIONS 17.00
TOTAL ALL FUNDS 65,025,982

LAW ENFORCEMENT, DEPARTMENT OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT

PROVIDE EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 6,003,629

1151 SALARIES AND BENEFITS POSITIONS 124.00
FROM GENERAL REVENUE FUND 3,259,132
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 445,457
FROM GRANTS AND DONATIONS TRUST FUND . . . 455,034
FROM OPERATING TRUST FUND 2,232,599

1152 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 38,190
FROM GRANTS AND DONATIONS TRUST FUND . . . 426,848
FROM OPERATING TRUST FUND 189,000

1153 EXPENSES
FROM GENERAL REVENUE FUND 964,235
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 43,235
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 251,750
FROM GRANTS AND DONATIONS TRUST FUND . . . 240,692
FROM OPERATING TRUST FUND 399,509
FROM REVOLVING TRUST FUND 1,000,000

1154 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - STATE AGENCIES
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,683,102

1155 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - LOCAL GOVERNMENTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,529,434

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1156 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECT SAFE NEIGHBORHOODS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,263,483

1157 AID TO LOCAL GOVERNMENTS
BYRNE MEMORIAL LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 19,118,106

1158 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,933
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000
FROM OPERATING TRUST FUND 337

1159 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 9,650
FROM OPERATING TRUST FUND 402

1160 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,497,908

1161 SPECIAL CATEGORIES
REIMBURSE LAFAYETTE COUNTY FOR BACK PAY
FROM GENERAL REVENUE FUND 64,145

1162 SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT DARE
FROM GRANTS AND DONATIONS TRUST FUND . . . 508,302

1163 SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM OPERATING TRUST FUND 400,000

1164 SPECIAL CATEGORIES
TRANSFER TO EXECUTIVE OFFICE OF THE GOVERNOR - GRANTS AND DONATIONS TRUST FUND
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000

1165 SPECIAL CATEGORIES
OVERTIME
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 748

1166 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 18,250
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 10,275
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,989
FROM OPERATING TRUST FUND 25,909

1167 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 19,667

1168 SPECIAL CATEGORIES
BYRNE MEMORIAL STATE LAW ENFORCEMENT ASSISTANCE PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,412,678

1169 SPECIAL CATEGORIES
GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - LOCAL UNITS OF GOVERNMENT
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,247,724

1170 SPECIAL CATEGORIES
GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - STATE AGENCY
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,675,511

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1171 SPECIAL CATEGORIES
GRANTS AND AID - LOCAL LAW ENFORCEMENT
BLOCK GRANT - LOCAL UNITS OF GOVERNMENT
FROM GRANTS AND DONATIONS TRUST FUND . . . 768,522

1172 SPECIAL CATEGORIES
GRANTS AND AID - VIOLENT OFFENDER
INCARCERATIONS AND TRUTH-IN- SENTENCING
INCENTIVE PROGRAM - STATE AGENCY
FROM GRANTS AND DONATIONS TRUST FUND . . . 42,804,137

1173 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 568,244
FROM CRIMINAL JUSTICE STANDARDS AND
TRAINING TRUST FUND 37,705
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,014
FROM OPERATING TRUST FUND 74,976

1174 SPECIAL CATEGORIES
VIOLENT CRIME INVESTIGATIVE EMERGENCIES
FROM GENERAL REVENUE FUND 1,300,000
FROM OPERATING TRUST FUND 1,700,000

TOTAL: PROVIDE EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 6,268,446
FROM TRUST FUNDS 96,601,386

TOTAL POSITIONS 124.00
TOTAL ALL FUNDS 102,869,832

PROGRAM: FLORIDA CAPITOL POLICE PROGRAM

CAPITOL POLICE SERVICES

APPROVED SALARY RATE 3,067,905

1175 SALARIES AND BENEFITS POSITIONS 88.00
FROM GENERAL REVENUE FUND 53,385
FROM OPERATING TRUST FUND 4,282,956

1176 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 15,000

1177 EXPENSES
FROM OPERATING TRUST FUND 634,483

1178 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 85,369

1178A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM OPERATING TRUST FUND 30,500

1179 SPECIAL CATEGORIES
CAPITOL COMPLEX SECURITY
FROM GENERAL REVENUE FUND 28,500

1180 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 65,567

1181 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM OPERATING TRUST FUND 38,064

1182 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 21,522

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1183 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 6,969

TOTAL: CAPITOL POLICE SERVICES
FROM GENERAL REVENUE FUND 81,885
FROM TRUST FUNDS 5,180,430

TOTAL POSITIONS 88.00
TOTAL ALL FUNDS 5,262,315

PROGRAM: INVESTIGATIONS AND FORENSIC SCIENCE
PROGRAM

PROVIDE CRIME LAB SERVICES

APPROVED SALARY RATE 18,607,248

1184 SALARIES AND BENEFITS POSITIONS 415.00
FROM GENERAL REVENUE FUND 23,163,854
FROM CRIMINAL JUSTICE STANDARDS AND
TRAINING TRUST FUND 36,485
FROM GRANTS AND DONATIONS TRUST FUND . . . 346,668

1185 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 177,225
FROM GRANTS AND DONATIONS TRUST FUND . . . 500,000

1186 EXPENSES
FROM GENERAL REVENUE FUND 4,480,739
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 439,978
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,963,549

From the funds in Specific Appropriation 1186, the Department of Law Enforcement is authorized to distribute 10,000 rape kits to local law enforcement agencies and rape crisis centers statewide at no cost. In addition, the Department of Law Enforcement is authorized to use additional federal funds and any other available funds contained in Specific Appropriation 1186 for the purpose of processing rape kits, including the backlog of non-suspect rape cases.

1187 AID TO LOCAL GOVERNMENTS
CRIMINAL INVESTIGATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,685,086
FROM OPERATING TRUST FUND 2,379,702

1188 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 425,378
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,007,900

1189 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 176,000

1190 SPECIAL CATEGORIES
PERFORMANCE ADJUSTMENTS
FROM GENERAL REVENUE FUND 418,646

1191 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 78,166

1192 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 7,780

TOTAL: PROVIDE CRIME LAB SERVICES
FROM GENERAL REVENUE FUND 28,849,622
FROM TRUST FUNDS 8,437,534

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TOTAL POSITIONS	415.00	
TOTAL ALL FUNDS		37,287,156

PROVIDE INVESTIGATIVE SERVICES

APPROVED SALARY RATE 34,533,363

1193 SALARIES AND BENEFITS POSITIONS	669.00	
FROM GENERAL REVENUE FUND	46,778,566	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		252,911
FROM GRANTS AND DONATIONS TRUST FUND . . .		221,377
FROM OPERATING TRUST FUND		621,385
1194 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	751,271	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		66,879
FROM GRANTS AND DONATIONS TRUST FUND . . .		271,450
FROM OPERATING TRUST FUND		36,000
1195 EXPENSES		
FROM GENERAL REVENUE FUND	10,341,331	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		812,234
FROM GRANTS AND DONATIONS TRUST FUND . . .		532,758
FROM OPERATING TRUST FUND		613,447

From the funds provided in Specific Appropriation 1195 from the Forfeiture and Investigative Support Trust Fund, up to $25,000 per case, but not exceeding $150,000 in total for all cases, may be expended for rewards leading to the capture of fugitives, if such funds are available.

1196 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	87,600	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		190,574
FROM GRANTS AND DONATIONS TRUST FUND . . .		64,509
1197 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	567,348	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		580,000
1198 SPECIAL CATEGORIES		
PERFORMANCE ADJUSTMENTS		
FROM GENERAL REVENUE FUND	117,000	
1199 SPECIAL CATEGORIES		
FLORIDA SEAPORT SECURITY IMPROVEMENTS		
FROM GRANTS AND DONATIONS TRUST FUND . . .		409,406
1200 SPECIAL CATEGORIES		
DOMESTIC SECURITY		
FROM GENERAL REVENUE FUND	1,694,991	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,000,000
1201 SPECIAL CATEGORIES		
GRANTS AND AIDS - SPECIAL PROJECTS		
FROM GENERAL REVENUE FUND	2,710,800	
FROM GRANTS AND DONATIONS TRUST FUND . . .		100,000

From the funds in Specific Appropriation 1201, $2,610,800 in non-recurring general revenue, unless otherwise specifically noted, is provided as follows:

Miami Police International Training Center / Emergency Operations Center.....	250,000
Alzheimer's Safe Return Act (Law Enforcement Training).....	250,000
Florida DARE Officers Association (Statewide).....	75,000
Livescan Fingerprint Capture Machine.....	50,000

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Automated External Defibrillator in Law Enforcement Vehicles Grant Program.....	1,000,000
Focused Community Oriented Policing Program (FCOPP).....	50,000
Ft. Lauderdale Airport Security.....	50,000
Communications Tower Coral Gables.....	250,000
One Stop Domestic Violence and Sexual Assault Center.....	25,000
Law Enforcement Live Scan.....	100,000
Miami Gardens Public Safety Initiative.....	75,000
Training Tower and Burn Building.....	50,000
Mobile Vehicle Repeater System.....	60,800
Escambia Sheriff Firing Range.....	125,000
Brevard County Traffic Enforcement Initiative.....	50,000
A Child is Missing (Recurring).....	150,000

1202 SPECIAL CATEGORIES		
OVERTIME		
FROM GRANTS AND DONATIONS TRUST FUND . . .		377,223
FROM FEDERAL EQUITABLE SHARING TRUST FUND		868,486
1203 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	559,529	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		2,985
FROM OPERATING TRUST FUND		230,404
1204 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	504,158	
1205 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	1,556	
1206 FIXED CAPITAL OUTLAY		
MINOR REPAIRS AND RENOVATIONS AT REGIONAL OPERATING FACILITIES		
FROM GENERAL REVENUE FUND	500,000	
TOTAL: PROVIDE INVESTIGATIVE SERVICES		
FROM GENERAL REVENUE FUND	64,614,150	
FROM TRUST FUNDS		8,252,028
TOTAL POSITIONS	669.00	
TOTAL ALL FUNDS		72,866,178

MUTUAL AID AND PREVENTION SERVICES

APPROVED SALARY RATE 864,781

1207 SALARIES AND BENEFITS POSITIONS	21.00	
FROM GENERAL REVENUE FUND	1,440,691	
FROM OPERATING TRUST FUND		29,076
1208 EXPENSES		
FROM GENERAL REVENUE FUND	139,448	
1209 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	2,139	
TOTAL: MUTUAL AID AND PREVENTION SERVICES		
FROM GENERAL REVENUE FUND	1,582,278	
FROM TRUST FUNDS		29,076
TOTAL POSITIONS	21.00	
TOTAL ALL FUNDS		1,611,354

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PUBLIC ASSISTANCE FRAUD INVESTIGATIONS

APPROVED SALARY RATE 4,421,552

1210	SALARIES AND BENEFITS POSITIONS	108.00	
	FROM GENERAL REVENUE FUND	2,421,686	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		29,320
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,292,066
1211	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	16,406	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		544
1212	EXPENSES		
	FROM GENERAL REVENUE FUND	571,394	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		475,996
1213	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	104,227	
1214	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	13,474	
1215	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	114,204	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		109,722
TOTAL:	PUBLIC ASSISTANCE FRAUD INVESTIGATIONS		
	FROM GENERAL REVENUE FUND	3,241,391	
	FROM TRUST FUNDS		3,907,648
	TOTAL POSITIONS	108.00	
	TOTAL ALL FUNDS		7,149,039

PROGRAM: CRIMINAL JUSTICE INFORMATION PROGRAM

PROVIDE INFORMATION NETWORK SERVICES TO THE LAW ENFORCEMENT COMMUNITY

APPROVED SALARY RATE 5,915,456

1216	SALARIES AND BENEFITS POSITIONS	124.00	
	FROM GENERAL REVENUE FUND	1,087,174	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		249,320
	FROM GRANTS AND DONATIONS TRUST FUND . . .		56,230
	FROM OPERATING TRUST FUND		5,239,602
1217	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,780,835
	FROM OPERATING TRUST FUND		1,164,000
1218	EXPENSES		
	FROM GENERAL REVENUE FUND	36,357	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		1,313,533
	FROM GRANTS AND DONATIONS TRUST FUND . . .		95,309
	FROM OPERATING TRUST FUND		9,364,857
1219	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		457,399
	FROM OPERATING TRUST FUND		7,300,287
1220	SPECIAL CATEGORIES		
	OVERTIME		
	FROM OPERATING TRUST FUND		46,200
1221	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM OPERATING TRUST FUND		5,436

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1222	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM OPERATING TRUST FUND		26,740
TOTAL:	PROVIDE INFORMATION NETWORK SERVICES TO THE LAW ENFORCEMENT COMMUNITY		
	FROM GENERAL REVENUE FUND	1,123,531	
	FROM TRUST FUNDS		27,099,748
	TOTAL POSITIONS	124.00	
	TOTAL ALL FUNDS		28,223,279

PROVIDE PREVENTION AND CRIME INFORMATION SERVICES

APPROVED SALARY RATE 8,841,328

1223	SALARIES AND BENEFITS POSITIONS	263.00	
	FROM GENERAL REVENUE FUND	163,112	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		181,517
	FROM GRANTS AND DONATIONS TRUST FUND . . .		413,798
	FROM OPERATING TRUST FUND		10,572,200
1224	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		365,275
	FROM OPERATING TRUST FUND		635,195
1225	EXPENSES		
	FROM GENERAL REVENUE FUND	7,551	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		415,435
	FROM OPERATING TRUST FUND		1,927,749
1226	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	87	
	FROM OPERATING TRUST FUND		361,992
1227	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	402	
	FROM OPERATING TRUST FUND		141,168
1228	SPECIAL CATEGORIES		
	OVERTIME		
	FROM OPERATING TRUST FUND		218,946
1229	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM OPERATING TRUST FUND		45,981
1230	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM OPERATING TRUST FUND		5,160
1231	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM OPERATING TRUST FUND		1,556
TOTAL:	PROVIDE PREVENTION AND CRIME INFORMATION SERVICES		
	FROM GENERAL REVENUE FUND	171,152	
	FROM TRUST FUNDS		15,285,972
	TOTAL POSITIONS	263.00	
	TOTAL ALL FUNDS		15,457,124

PROGRAM: CRIMINAL JUSTICE PROFESSIONALISM

LAW ENFORCEMENT STANDARDS COMPLIANCE

APPROVED SALARY RATE 2,546,460

1232	SALARIES AND BENEFITS POSITIONS	56.00	
	FROM GENERAL REVENUE FUND	31,741	

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FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 2,908,506

1233 OTHER PERSONAL SERVICES
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 355,465

1234 EXPENSES
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 453,232
FROM OPERATING TRUST FUND 500,000

1235 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 156,634

1236 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 20,644

1237 SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL EDUCATION AND TECHNICAL TRAINING
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 6,240,924

TOTAL: LAW ENFORCEMENT STANDARDS COMPLIANCE
FROM GENERAL REVENUE FUND 31,741
FROM TRUST FUNDS 10,635,405

TOTAL POSITIONS 56.00
TOTAL ALL FUNDS 10,667,146

LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES

APPROVED SALARY RATE 2,354,560

1238 SALARIES AND BENEFITS POSITIONS 56.00
FROM GENERAL REVENUE FUND 306,973
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 2,793,254
FROM OPERATING TRUST FUND 193,155

1239 OTHER PERSONAL SERVICES
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 1,042,618
FROM OPERATING TRUST FUND 33,000

1240 EXPENSES
FROM GENERAL REVENUE FUND 21,368
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 1,679,420
FROM OPERATING TRUST FUND 52,208

1241 OPERATING CAPITAL OUTLAY
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 203,819

1242 SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 611,986

1243 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 6,782

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1244 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 4,290
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 5,070

TOTAL: LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES
FROM GENERAL REVENUE FUND 332,631
FROM TRUST FUNDS 6,621,312

TOTAL POSITIONS 56.00
TOTAL ALL FUNDS 6,953,943

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

PROGRAM: OFFICE OF ATTORNEY GENERAL

CIVIL ENFORCEMENT

APPROVED SALARY RATE 24,808,613

1245 SALARIES AND BENEFITS POSITIONS 587.00
FROM GENERAL REVENUE FUND 2,117,093
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,598,449
FROM LEGAL SERVICES TRUST FUND 9,513,667
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 5,119,281
FROM MOTOR VEHICLE WARRANTY TRUST FUND . . 1,301,858

1246 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 198,878
FROM LEGAL SERVICES TRUST FUND 252,901
FROM MOTOR VEHICLE WARRANTY TRUST FUND . . 150,000

1247 EXPENSES
FROM GENERAL REVENUE FUND 58,502
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,652,132
FROM LEGAL SERVICES TRUST FUND 2,091,821
FROM MOTOR VEHICLE WARRANTY TRUST FUND . . 428,077

1248 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 21,848
FROM GRANTS AND DONATIONS TRUST FUND . . . 473,663
FROM LEGAL SERVICES TRUST FUND 391,470
FROM MOTOR VEHICLE WARRANTY TRUST FUND . . 21,592

1249 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 799,400
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 48,000

1250 SPECIAL CATEGORIES
ANTITRUST INVESTIGATIONS
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 1,468,359

1251 SPECIAL CATEGORIES
ECONOMIC CRIME LITIGATION
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 5,615,366

1252 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 19,725
FROM GRANTS AND DONATIONS TRUST FUND . . . 93,855
FROM LEGAL SERVICES TRUST FUND 104,986
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 39,659
FROM MOTOR VEHICLE WARRANTY TRUST FUND . . 11,205

1253 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 130,215

SECTION 4
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1254 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 31,356
FROM GRANTS AND DONATIONS TRUST FUND . . . 74,300
FROM LEGAL SERVICES TRUST FUND 53,171
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 34,953
FROM MOTOR VEHICLE WARRANTY TRUST FUND . . 9,201

1255 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 7,448

1256 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 47,483
FROM LEGAL SERVICES TRUST FUND 192,081

TOTAL: CIVIL ENFORCEMENT
FROM GENERAL REVENUE FUND 2,268,524
FROM TRUST FUNDS 44,923,471

TOTAL POSITIONS 587.00
TOTAL ALL FUNDS 47,191,995

CONSTITUTIONAL LEGAL SERVICES

APPROVED SALARY RATE 1,483,603

1257 SALARIES AND BENEFITS POSITIONS 24.50
FROM GENERAL REVENUE FUND 1,727,994
FROM GRANTS AND DONATIONS TRUST FUND . . . 86,592

1258 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,000

1259 EXPENSES
FROM GENERAL REVENUE FUND 181,558

1260 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,510

1261 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,387

1262 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 3,193
FROM GRANTS AND DONATIONS TRUST FUND . . . 271

TOTAL: CONSTITUTIONAL LEGAL SERVICES
FROM GENERAL REVENUE FUND 1,957,642
FROM TRUST FUNDS 86,863

TOTAL POSITIONS 24.50
TOTAL ALL FUNDS 2,044,505

CRIMINAL AND CIVIL LITIGATION DEFENSE

APPROVED SALARY RATE 18,367,120

1263 SALARIES AND BENEFITS POSITIONS 389.00
FROM GENERAL REVENUE FUND 11,375,646
FROM LEGAL SERVICES TRUST FUND 11,369,799

From the funds and positions in Specific Appropriation 1263, at least one senior attorney and associated support staff shall be dedicated to fulfilling the duty of representing the State of Florida in cases brought pursuant to section 86.091, Florida Statutes. The Attorney General shall, by January 1, 2006, submit a report to the President of the Senate and the Speaker of the House of Representatives providing the names of attorneys assigned to represent the state as a party separate from the representation of any other state officer or agency in cases challenging the constitutionality of a state statute, the style of said cases, and the number of hours spent.

1264 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 19,582
FROM LEGAL SERVICES TRUST FUND 3,020,916

1265 EXPENSES
FROM GENERAL REVENUE FUND 1,506,182
FROM LEGAL SERVICES TRUST FUND 2,383,045

1266 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,302
FROM LEGAL SERVICES TRUST FUND 268,741

1267 LUMP SUM
ATTORNEY GENERAL RESERVE POSITIONS FOR AGENCY CONTRACTS
POSITIONS 50.00

The positions in Specific Appropriation 1267 shall be released as necessary to allow the Office of the Attorney General to contract with state agencies to provide legal representation. Rate may be established for these positions at an average of 30,000 per position. The rate must be placed in reserve pending transfer of positions.

1268 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM LEGAL SERVICES TRUST FUND 46,500

1269 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 49,604
FROM LEGAL SERVICES TRUST FUND 192,911

1270 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 44,719
FROM LEGAL SERVICES TRUST FUND 132,273

1271 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM LEGAL SERVICES TRUST FUND 30,972

TOTAL: CRIMINAL AND CIVIL LITIGATION DEFENSE
FROM GENERAL REVENUE FUND 13,002,035
FROM TRUST FUNDS 17,445,157

TOTAL POSITIONS 439.00
TOTAL ALL FUNDS 30,447,192

VICTIM SERVICES

APPROVED SALARY RATE 3,595,422

1272 SALARIES AND BENEFITS POSITIONS 89.00
FROM GENERAL REVENUE FUND 37,962
FROM CRIMES COMPENSATION TRUST FUND . . . 4,227,736
FROM CRIME STOPPERS TRUST FUND 41,830
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 286,606

1273 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 5,100
FROM CRIMES COMPENSATION TRUST FUND . . . 40,851

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FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		250,000

1274 EXPENSES

FROM GENERAL REVENUE FUND	1,205,530	
FROM CRIMES COMPENSATION TRUST FUND . . .		793,435
FROM CRIME STOPPERS TRUST FUND		6,496
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		216,532

1275 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	2,380	
FROM CRIMES COMPENSATION TRUST FUND . . .		57,221
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		3,930

1276 SPECIAL CATEGORIES
AWARDS TO CLAIMANTS

FROM CRIMES COMPENSATION TRUST FUND . . .		29,746,788

From the funds in Specific Appropriation 1276, the Attorney General is directed to give priority to the payment of claims for forensic examinations for victims of sexual assault.

1276A SPECIAL CATEGORIES
VICTIM SERVICES

FROM GENERAL REVENUE FUND	400,000	

Funds in Specific Appropriation 1276A are provided to the Florida Council Against Sexual Violence for distribution to certified rape crisis centers to provide increased services statewide for victims of sexual assault.

1277 SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY COMMUNITIES CRIME PREVENTION PROGRAMS

FROM GENERAL REVENUE FUND	4,929,163	

1278 SPECIAL CATEGORIES
GRANTS AND AIDS - CRIME STOPPERS

FROM CRIME STOPPERS TRUST FUND		4,500,000

1279 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	16	
FROM CRIMES COMPENSATION TRUST FUND . . .		51,242
FROM CRIME STOPPERS TRUST FUND		607
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		1,770

1280 SPECIAL CATEGORIES
GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES

FROM CRIMES COMPENSATION TRUST FUND . . .		22,211,294

1281 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	2,765	
FROM CRIMES COMPENSATION TRUST FUND . . .		30,146
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		2,003

TOTAL: VICTIM SERVICES

FROM GENERAL REVENUE FUND	6,582,916	
FROM TRUST FUNDS		62,468,487
TOTAL POSITIONS	89.00	
TOTAL ALL FUNDS		69,051,403

SECTION 4
SPECIFIC
APPROPRIATION
EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 5,951,259

1282 SALARIES AND BENEFITS POSITIONS 132.50

FROM GENERAL REVENUE FUND	5,712,571	
FROM ADMINISTRATIVE TRUST FUND		2,073,290

1283 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	17,000	
FROM ADMINISTRATIVE TRUST FUND		133,904

1284 EXPENSES

FROM GENERAL REVENUE FUND	543,521	
FROM ADMINISTRATIVE TRUST FUND		981,261

From the funds in Specific Appropriation 1284, $150,000 in non-recurring general revenue is provided for the Council on the Social Status of Black Men and Boys. The council shall make a systematic study of conditions affecting African-American men and boys, including, but not limited to, homicide rates, arrest and incarceration rates, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary education, and health issues. The council shall submit a report, prior to the 2006 regular Legislative Session, to the Governor, President of the Senate, and Speaker of the House of Representatives on proposed measures to alleviate and correct underlying causes or conditions affecting African-American men and boys.

1285 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DADE COUNTY HAITIAN REFUGEE CENTER

FROM GENERAL REVENUE FUND	10,000	

1286 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	304,683	
FROM ADMINISTRATIVE TRUST FUND		472,801
FROM CRIMES COMPENSATION TRUST FUND . . .		66,186
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		3,765
FROM GRANTS AND DONATIONS TRUST FUND . . .		67,262
FROM LEGAL SERVICES TRUST FUND		229,180
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		51,938
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		22,522

1287 SPECIAL CATEGORIES
ATTORNEY GENERAL'S LAW LIBRARY

FROM GENERAL REVENUE FUND	306,728	

1288 SPECIAL CATEGORIES
COMMISSION ON THE STATUS OF WOMEN

FROM GENERAL REVENUE FUND	103,603	

1289 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS

FROM ADMINISTRATIVE TRUST FUND		7,716

1290 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	48,841	
FROM ADMINISTRATIVE TRUST FUND		17,338

1291 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	35,736	
FROM ADMINISTRATIVE TRUST FUND		12,502

1292 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES

FROM GENERAL REVENUE FUND	146,965	
FROM ADMINISTRATIVE TRUST FUND		157,876

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 7,229,648
FROM TRUST FUNDS 4,297,541

TOTAL POSITIONS 132.50
TOTAL ALL FUNDS 11,527,189

PROGRAM: OFFICE OF STATEWIDE PROSECUTION

PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME

APPROVED SALARY RATE 4,176,724

1293 SALARIES AND BENEFITS POSITIONS 71.00
FROM GENERAL REVENUE FUND 4,685,056
FROM GRANTS AND DONATIONS TRUST FUND . . . 407,312

1294 SPECIAL CATEGORIES
STATEWIDE PROSECUTION
FROM GENERAL REVENUE FUND 909,406
FROM GRANTS AND DONATIONS TRUST FUND . . . 406,216

1295 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 41,218
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,801

1296 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 30,434
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,258

TOTAL: PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME
FROM GENERAL REVENUE FUND 5,666,114
FROM TRUST FUNDS 816,587

TOTAL POSITIONS 71.00
TOTAL ALL FUNDS 6,482,701

PROGRAM: FLORIDA ELECTIONS COMMISSION

CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT

APPROVED SALARY RATE 697,742

1297 SALARIES AND BENEFITS POSITIONS 16.00
FROM ELECTIONS COMMISSION TRUST FUND . . . 899,897

1298 OTHER PERSONAL SERVICES
FROM ELECTIONS COMMISSION TRUST FUND . . . 80,148

1299 EXPENSES
FROM ELECTIONS COMMISSION TRUST FUND . . . 232,643

1300 OPERATING CAPITAL OUTLAY
FROM ELECTIONS COMMISSION TRUST FUND . . . 10,000

1301 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ELECTIONS COMMISSION TRUST FUND . . . 9,436

1302 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ELECTIONS COMMISSION TRUST FUND . . . 6,523

TOTAL: CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT
FROM TRUST FUNDS 1,238,647

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL POSITIONS 16.00
TOTAL ALL FUNDS 1,238,647

PAROLE COMMISSION

PROGRAM: POST-INCARCERATION ENFORCEMENT AND VICTIMS RIGHTS

APPROVED SALARY RATE 5,713,661

1303 SALARIES AND BENEFITS POSITIONS 148.00
FROM GENERAL REVENUE FUND 7,340,167

1304 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 270,531

1305 EXPENSES
FROM GENERAL REVENUE FUND 1,143,660

From the funds in Specific Appropriation 1305, the Parole Commission shall conduct a study and provide the following to the Governor's Office of Policy and Budget, the President of the Senate and the Speaker of the House of Representatives by October 1, 2005:

1. A valid determination of the exact number of pending Restoration of Civil Rights (RCR) cases existing on July 1, 2005, along with a full explanation of the methodology used to determine the pending number of cases. Data must include total cases received for each of the past five years, the total number of cases processed for each of the past five years, and the total number of cases received or pending but not processed for each of the past five years;

2. A continuation plan including measures that continue to simplify application forms and processes by using readily available data from existing automated systems;

3. Identification of all existing resources, workload, job descriptions, and internal business procedures for clemency activities. This information must be reported in a manner that allows for isolation of resources allocated to the RCR process. The information must also be sufficient to account for each step in the 0.9 hour process to complete the review of RCR without a hearing; and

4. Proposed criteria, developed by case type, to use in defining and classifying case backlogs which shall be based upon a reasonable length of time for the normal processing of cases.

1306 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 79,930

1308 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 122,126

1309 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 59,209

1310 DATA PROCESSING SERVICES
LAW ENFORCEMENT DATA CENTER
FROM GENERAL REVENUE FUND 1,932

1311 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 317,924

TOTAL: PROGRAM: POST-INCARCERATION ENFORCEMENT AND VICTIMS RIGHTS
FROM GENERAL REVENUE FUND 9,335,479

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL POSITIONS	148.00	
TOTAL ALL FUNDS		9,335,479
TOTAL OF SECTION 4 POSITIONS	45,608.00	
FROM GENERAL REVENUE FUND	3221,375,992	
FROM TRUST FUNDS		620,950,309
TOTAL ALL FUNDS		3842,326,301

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION

The monies contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Community Affairs, Department of Environmental Protection, Fish and Wildlife Conservation Commission, and the Department of Transportation as the amounts to be used to pay salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,
AND COMMISSIONER OF AGRICULTURE

PROGRAM: OFFICE OF THE COMMISSIONER AND
ADMINISTRATION

AGRICULTURAL LAW ENFORCEMENT

APPROVED SALARY RATE 2,156,439

1312	SALARIES AND BENEFITS POSITIONS	40.50	
	FROM GENERAL REVENUE FUND	2,618,982	
	FROM CITRUS INSPECTION TRUST FUND		277,904
	FROM GENERAL INSPECTION TRUST FUND		56,405
1313	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,000	
1314	EXPENSES		
	FROM GENERAL REVENUE FUND	460,941	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		375,000
	FROM GENERAL INSPECTION TRUST FUND		20,765
1315	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		72,000
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		450,000
1316	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	45,235	
1317	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	32,932	
	FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		4,607
	FROM GENERAL INSPECTION TRUST FUND		881
1318	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	14,963	
TOTAL:	AGRICULTURAL LAW ENFORCEMENT		
	FROM GENERAL REVENUE FUND	3,188,053	
	FROM TRUST FUNDS		1,257,562
	TOTAL POSITIONS	40.50	
	TOTAL ALL FUNDS		4,445,615

SECTION 5
SPECIFIC
APPROPRIATION
AGRICULTURAL WATER POLICY COORDINATION

APPROVED SALARY RATE 1,879,664

1319	SALARIES AND BENEFITS POSITIONS	37.00	
	FROM GENERAL INSPECTION TRUST FUND		2,205,790
1320	EXPENSES		
	FROM GENERAL INSPECTION TRUST FUND		364,039
1320A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SOIL AND WATER COST SHARING PROGRAM		
	FROM GENERAL REVENUE FUND	500,000	
1321	SPECIAL CATEGORIES		
	ANIMAL WASTE MANAGEMENT		
	FROM GENERAL INSPECTION TRUST FUND		200,000
1321A	SPECIAL CATEGORIES		
	WATER RESOURCES PROTECTION AND RESTORATION		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,620,520
1322	SPECIAL CATEGORIES		
	NITRATE RESEARCH AND REMEDIATION		
	FROM GENERAL INSPECTION TRUST FUND		930,000
1323	SPECIAL CATEGORIES		
	BEST MANAGEMENT PRACTICES - COST SHARE		
	FROM GENERAL INSPECTION TRUST FUND		11,432,269
1324	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	7,289	
	FROM GENERAL INSPECTION TRUST FUND		4,987
TOTAL:	AGRICULTURAL WATER POLICY COORDINATION		
	FROM GENERAL REVENUE FUND	507,289	
	FROM TRUST FUNDS		16,757,605
	TOTAL POSITIONS	37.00	
	TOTAL ALL FUNDS		17,264,894

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 8,881,979

1325	SALARIES AND BENEFITS POSITIONS	191.75	
	FROM GENERAL REVENUE FUND	7,271,310	
	FROM ADMINISTRATIVE TRUST FUND		3,944,053
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		3,126
1326	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	73,463	
	FROM ADMINISTRATIVE TRUST FUND		160,352
1327	EXPENSES		
	FROM GENERAL REVENUE FUND	581,737	
	FROM ADMINISTRATIVE TRUST FUND		1,820,065
	FROM GENERAL INSPECTION TRUST FUND		145,800
1328	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	14,458	
1329	SPECIAL CATEGORIES		
	GRANTS AND AIDS - SMALL COUNTY TECHNICAL ASSISTANCE		
	FROM GENERAL REVENUE FUND	350,000	
1329A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM ADMINISTRATIVE TRUST FUND		17,200

SECTION 5
SPECIFIC
APPROPRIATION

1330	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	17,848	
	FROM ADMINISTRATIVE TRUST FUND		45,037
1331	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	181,852	
	FROM ADMINISTRATIVE TRUST FUND		66,051
	FROM GENERAL INSPECTION TRUST FUND		72,688
1332	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	4,000	
1333	SPECIAL CATEGORIES NORTH AMERICAN FREE TRADE AGREEMENT IMPACT		
	FROM GENERAL INSPECTION TRUST FUND		100,000
1334	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	66,790	
	FROM ADMINISTRATIVE TRUST FUND		22,449
1336	FIXED CAPITAL OUTLAY MAYO BUILDING REFURBISHMENT AND REPAIRS		
	FROM ADMINISTRATIVE TRUST FUND		250,000
1339	FIXED CAPITAL OUTLAY REPLACE CHILLER - MAYO BUILDING - DMS MGD		
	FROM GENERAL REVENUE FUND	1,504,000	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	10,065,458	
	FROM TRUST FUNDS		6,646,821
	TOTAL POSITIONS	191.75	
	TOTAL ALL FUNDS		16,712,279

DIVISION OF LICENSING

APPROVED SALARY RATE 4,668,218

1340	SALARIES AND BENEFITS POSITIONS	139.00	
	FROM DIVISION OF LICENSING TRUST FUND . .		5,944,696
1341	OTHER PERSONAL SERVICES		
	FROM DIVISION OF LICENSING TRUST FUND . .		292,232
1342	EXPENSES		
	FROM DIVISION OF LICENSING TRUST FUND . .		5,318,141
1343	OPERATING CAPITAL OUTLAY		
	FROM DIVISION OF LICENSING TRUST FUND . .		197,427
1344	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM DIVISION OF LICENSING TRUST FUND . .		126,000
1345	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM DIVISION OF LICENSING TRUST FUND . .		49,135
1346	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM DIVISION OF LICENSING TRUST FUND . .		52,359

SECTION 5
SPECIFIC
APPROPRIATION

TOTAL: DIVISION OF LICENSING			
	FROM TRUST FUNDS		11,979,990
	TOTAL POSITIONS	139.00	
	TOTAL ALL FUNDS		11,979,990

PROGRAM: FOREST AND RESOURCE PROTECTION

LAND MANAGEMENT

APPROVED SALARY RATE 16,533,436

1347	SALARIES AND BENEFITS POSITIONS	493.00	
	FROM GENERAL REVENUE FUND	9,633,564	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		948,024
	FROM INCIDENTAL TRUST FUND		1,645,041
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		8,295,798
1348	OTHER PERSONAL SERVICES		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		643,654
	FROM INCIDENTAL TRUST FUND		375,769
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		668,000
1349	EXPENSES		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		2,204,385
	FROM INCIDENTAL TRUST FUND		2,840,044
	FROM RELOCATION AND CONSTRUCTION TRUST FUND		150,000
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		6,238,635
1350	AID TO LOCAL GOVERNMENTS AMERICA THE BEAUTIFUL PROGRAM		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,747,538
1351	AID TO LOCAL GOVERNMENTS STATE FOREST RECEIPT DISTRIBUTION		
	FROM INCIDENTAL TRUST FUND		700,050
1352	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	13,825	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		159,150
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		298,000
1352A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		799,000
1353	SPECIAL CATEGORIES PRIVATE LAND OWNER COST SHARE ASSISTANCE PROGRAM		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		600,000
1354	SPECIAL CATEGORIES OFF-HIGHWAY VEHICLE RECREATION PROGRAM		
	FROM INCIDENTAL TRUST FUND		700,000
1355	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	111,081	
	FROM INCIDENTAL TRUST FUND		26,561
1356	SPECIAL CATEGORIES INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,344,152

SECTION 5
SPECIFIC
APPROPRIATION

1357 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	101,026	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		2,325
FROM INCIDENTAL TRUST FUND		11,526
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		60,590
1357A SPECIAL CATEGORIES		
GRANTS AND AIDS - 2004 HURRICANES - STATE OPERATIONS		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		21,703,382
1358 FIXED CAPITAL OUTLAY		
LAND ACQUISITION		
FROM FLORIDA FOREVER PROGRAM TRUST FUND .		4,500,000
1358A FIXED CAPITAL OUTLAY		
ROAD IMPROVEMENTS - BLACKWATER RIVER STATE FOREST		
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		700,000
1359 FIXED CAPITAL OUTLAY		
FORESTRY LAND ACQUISITION - STATEWIDE		
FROM INCIDENTAL TRUST FUND		110,000
TOTAL: LAND MANAGEMENT		
FROM GENERAL REVENUE FUND	9,859,496	
FROM TRUST FUNDS		57,471,624
TOTAL POSITIONS	493.00	
TOTAL ALL FUNDS		67,331,120

WILDFIRE PREVENTION AND MANAGEMENT

APPROVED SALARY RATE 24,044,327

1360 SALARIES AND BENEFITS POSITIONS	767.50	
FROM GENERAL REVENUE FUND	31,598,647	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		925,222
FROM INCIDENTAL TRUST FUND		1,701,570
1361 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	576,742	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		277,349
FROM INCIDENTAL TRUST FUND		120,000
1362 EXPENSES		
FROM GENERAL REVENUE FUND	4,256,651	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		2,136,265
FROM INCIDENTAL TRUST FUND		2,008,843
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,000,000
1363 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - VOLUNTEER FIRE ASSISTANCE		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		215,763
1364 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - RURAL COMMUNITY FIRE PROTECTION		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		72,589
1365 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	74,425	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		558,625
1365A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INCIDENTAL TRUST FUND		806,000

SECTION 5
SPECIFIC
APPROPRIATION

1366 SPECIAL CATEGORIES		
FORESTRY WILDFIRE PROTECTION/SUPPRESSION EQUIPMENT		
FROM GENERAL REVENUE FUND	946,134	
FROM INCIDENTAL TRUST FUND		3,101,541
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		500,000
1367 SPECIAL CATEGORIES		
ON-CALL FEES		
FROM GENERAL REVENUE FUND	333,296	
FROM INCIDENTAL TRUST FUND		10,000
1368 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	999,728	
FROM INCIDENTAL TRUST FUND		239,053
1369 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	287,329	
FROM INCIDENTAL TRUST FUND		15,608
1369A SPECIAL CATEGORIES		
GRANTS AND AIDS - 2004 HURRICANES - STATE OPERATIONS		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		4,894,400
1369B FIXED CAPITAL OUTLAY		
MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE		
FROM GENERAL REVENUE FUND	250,000	
1369C FIXED CAPITAL OUTLAY		
RELOCATE WACCASASSA FORESTRY CENTER HEADQUARTERS - GAINESVILLE		
FROM RELOCATION AND CONSTRUCTION TRUST FUND		1,903,000
TOTAL: WILDFIRE PREVENTION AND MANAGEMENT		
FROM GENERAL REVENUE FUND	39,322,952	
FROM TRUST FUNDS		20,485,828
TOTAL POSITIONS	767.50	
TOTAL ALL FUNDS		59,808,780

PROGRAM: AGRICULTURE MANAGEMENT INFORMATION CENTER

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 2,172,251

1370 SALARIES AND BENEFITS POSITIONS	45.00	
FROM GENERAL REVENUE FUND	1,119,961	
FROM GENERAL INSPECTION TRUST FUND		1,562,050
1371 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	150,000	
1372 EXPENSES		
FROM GENERAL REVENUE FUND	1,646,756	
FROM ADMINISTRATIVE TRUST FUND		30,000
FROM DIVISION OF LICENSING TRUST FUND . .		116,125
FROM GENERAL INSPECTION TRUST FUND		2,745,006
1373 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	113,452	
FROM ADMINISTRATIVE TRUST FUND		307,043
FROM CONTRACTS AND GRANTS TRUST FUND . . .		74,516
FROM GENERAL INSPECTION TRUST FUND		225,000

SECTION 5
SPECIFIC
APPROPRIATION

1374 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	8,698	
FROM GENERAL INSPECTION TRUST FUND		8,442
TOTAL: INFORMATION TECHNOLOGY		
FROM GENERAL REVENUE FUND	3,038,867	
FROM TRUST FUNDS		5,068,182
TOTAL POSITIONS	45.00	
TOTAL ALL FUNDS		8,107,049

PROGRAM: FOOD SAFETY AND QUALITY

DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 946,386

1375 SALARIES AND BENEFITS POSITIONS	25.00	
FROM GENERAL REVENUE FUND	1,285,958	
1376 EXPENSES		
FROM GENERAL REVENUE FUND	228,753	
FROM GENERAL INSPECTION TRUST FUND		20,000
1377 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	10,500	
1378 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	8,893	
1379 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	11,508	
TOTAL: DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT		
FROM GENERAL REVENUE FUND	1,545,612	
FROM TRUST FUNDS		20,000
TOTAL POSITIONS	25.00	
TOTAL ALL FUNDS		1,565,612

FOOD SAFETY INSPECTION AND ENFORCEMENT

APPROVED SALARY RATE 10,512,557

1380 SALARIES AND BENEFITS POSITIONS	285.00	
FROM GENERAL REVENUE FUND	1,181,968	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		2,062,492
FROM GENERAL INSPECTION TRUST FUND		10,191,680
1381 OTHER PERSONAL SERVICES		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		217,641
FROM GENERAL INSPECTION TRUST FUND		23,000
1382 EXPENSES		
FROM GENERAL REVENUE FUND	314,013	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		700,426
FROM GENERAL INSPECTION TRUST FUND		1,373,216
1383 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	30,888	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		193,875
FROM GENERAL INSPECTION TRUST FUND		60,813
1384 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		17,500
FROM GENERAL INSPECTION TRUST FUND		48,750
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		17,500
1385 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	61,819	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		23,494
FROM GENERAL INSPECTION TRUST FUND		67,837
1386 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	11,930	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		16,890
FROM GENERAL INSPECTION TRUST FUND		77,588
TOTAL: FOOD SAFETY INSPECTION AND ENFORCEMENT		
FROM GENERAL REVENUE FUND	1,600,618	
FROM TRUST FUNDS		15,092,702
TOTAL POSITIONS	285.00	
TOTAL ALL FUNDS		16,693,320

PROGRAM: CONSUMER PROTECTION

AGRICULTURAL ENVIRONMENTAL SERVICES

APPROVED SALARY RATE 7,860,808

1387 SALARIES AND BENEFITS POSITIONS	211.00	
FROM GENERAL REVENUE FUND	2,501,405	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		280,893
FROM GENERAL INSPECTION TRUST FUND		4,995,418
FROM PEST CONTROL TRUST FUND		2,464,815
1388 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	3,500	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		70,000
FROM PEST CONTROL TRUST FUND		21,530
1389 EXPENSES		
FROM GENERAL REVENUE FUND	797,814	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		720,185
FROM GENERAL INSPECTION TRUST FUND		571,072
FROM PEST CONTROL TRUST FUND		432,535
1390 AID TO LOCAL GOVERNMENTS		
MOSQUITO CONTROL PROGRAM		
FROM GENERAL INSPECTION TRUST FUND		2,160,000

From the funds provided in Specific Appropriation 1390, $250,000 from the General Inspection Trust Fund shall be used for research into practical methods of control to be used by local mosquito control agencies. The research shall be conducted by the Institute of Food and Agricultural Sciences (IFAS)/Florida Medical Entomology Laboratory and the Florida Agriculture and Mechanical University (FAMU)/Mulrennan Research Laboratory.

1391 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	6,052	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		51,000
1391A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	445,000	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		842,889
FROM PEST CONTROL TRUST FUND		80,635
1392 SPECIAL CATEGORIES		
PESTICIDE COLLECTIONS		
FROM GENERAL INSPECTION TRUST FUND		100,000

SECTION 5
SPECIFIC
APPROPRIATION

1393 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	66,763	
1394 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT		
SERVICES - HUMAN RESOURCES SERVICES		
PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	23,150	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		2,563
FROM GENERAL INSPECTION TRUST FUND		39,133
FROM PEST CONTROL TRUST FUND		14,707
TOTAL: AGRICULTURAL ENVIRONMENTAL SERVICES		
FROM GENERAL REVENUE FUND	3,843,684	
FROM TRUST FUNDS		12,847,375
TOTAL POSITIONS	211.00	
TOTAL ALL FUNDS		16,691,059

CONSUMER PROTECTION

APPROVED SALARY RATE 4,172,358		
1395 SALARIES AND BENEFITS POSITIONS	125.00	
FROM GENERAL REVENUE FUND	559,871	
FROM GENERAL INSPECTION TRUST FUND		4,623,319
1396 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	12,216	
FROM GENERAL INSPECTION TRUST FUND		38,513
1397 EXPENSES		
FROM GENERAL REVENUE FUND	115,779	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		8,518
FROM GENERAL INSPECTION TRUST FUND		1,134,086
1397A OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	3,600	
1398 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	34,595	
1399 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT		
SERVICES - HUMAN RESOURCES SERVICES		
PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	6,918	
FROM GENERAL INSPECTION TRUST FUND		39,137
TOTAL: CONSUMER PROTECTION		
FROM GENERAL REVENUE FUND	732,979	
FROM TRUST FUNDS		5,843,573
TOTAL POSITIONS	125.00	
TOTAL ALL FUNDS		6,576,552

STANDARDS AND PETROLEUM QUALITY INSPECTION

APPROVED SALARY RATE 6,274,362		
1400 SALARIES AND BENEFITS POSITIONS	188.00	
FROM GENERAL REVENUE FUND	1,705,592	
FROM GENERAL INSPECTION TRUST FUND		6,484,637
1401 OTHER PERSONAL SERVICES		
FROM GENERAL INSPECTION TRUST FUND		59,572
1402 EXPENSES		
FROM GENERAL REVENUE FUND	271,198	
FROM GENERAL INSPECTION TRUST FUND		2,041,440

SECTION 5
SPECIFIC
APPROPRIATION

1403 OPERATING CAPITAL OUTLAY		
FROM GENERAL INSPECTION TRUST FUND		101,750
1404 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL INSPECTION TRUST FUND		185,000
1405 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	14,960	
FROM GENERAL INSPECTION TRUST FUND		113,826
1406 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT		
SERVICES - HUMAN RESOURCES SERVICES		
PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	23,785	
FROM GENERAL INSPECTION TRUST FUND		50,326
TOTAL: STANDARDS AND PETROLEUM QUALITY INSPECTION		
FROM GENERAL REVENUE FUND	2,015,535	
FROM TRUST FUNDS		9,036,551
TOTAL POSITIONS	188.00	
TOTAL ALL FUNDS		11,052,086

PROGRAM: AGRICULTURAL ECONOMIC DEVELOPMENT

FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT

APPROVED SALARY RATE 7,946,370		
1407 SALARIES AND BENEFITS POSITIONS	257.00	
FROM CITRUS INSPECTION TRUST FUND		7,998,501
FROM GENERAL INSPECTION TRUST FUND		2,458,552
1408 OTHER PERSONAL SERVICES		
FROM CITRUS INSPECTION TRUST FUND		800,000
FROM GENERAL INSPECTION TRUST FUND		500,000
1409 EXPENSES		
FROM CITRUS INSPECTION TRUST FUND		1,443,830
FROM GENERAL INSPECTION TRUST FUND		446,024
1410 OPERATING CAPITAL OUTLAY		
FROM CITRUS INSPECTION TRUST FUND		39,750
FROM GENERAL INSPECTION TRUST FUND		65,000
1411 SPECIAL CATEGORIES		
AUTOMATED TESTING EQUIPMENT		
FROM CITRUS INSPECTION TRUST FUND		374,756
1412 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM CITRUS INSPECTION TRUST FUND		343,708
FROM GENERAL INSPECTION TRUST FUND		39,791
1413 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT		
SERVICES - HUMAN RESOURCES SERVICES		
PURCHASED PER STATEWIDE CONTRACT		
FROM CITRUS INSPECTION TRUST FUND		98,221
FROM GENERAL INSPECTION TRUST FUND		35,811
TOTAL: FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT		
FROM TRUST FUNDS		14,643,944
TOTAL POSITIONS	257.00	
TOTAL ALL FUNDS		14,643,944

SECTION 5
SPECIFIC
APPROPRIATION
AGRICULTURAL PRODUCTS MARKETING

APPROVED SALARY RATE 6,489,028

1414	SALARIES AND BENEFITS POSITIONS 192.00		
	FROM GENERAL REVENUE FUND	2,778,824	
	FROM CITRUS INSPECTION TRUST FUND		1,196,201
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		356,100
	FROM GENERAL INSPECTION TRUST FUND		1,106,851
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		2,234,469
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		756,198
	FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		37,990
1415	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,000	
	FROM CITRUS INSPECTION TRUST FUND		233,597
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		27,500
1416	EXPENSES		
	FROM GENERAL REVENUE FUND	847,680	
	FROM CITRUS INSPECTION TRUST FUND		339,352
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,927,219
	FROM GENERAL INSPECTION TRUST FUND		887,116
	FROM MARKET TRADE SHOW TRUST FUND		180,000
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		791,858
	FROM QUARTER HORSE RACING PROMOTION TRUST FUND		2,500
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		500,376
	FROM VITICULTURE TRUST FUND		7,800
	FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		140,000
1417	OPERATING CAPITAL OUTLAY		
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		10,500
1418	SPECIAL CATEGORIES		
	FLORIDA SEAFOOD PROMOTIONAL PROGRAM		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		100,000
1419A	SPECIAL CATEGORIES		
	FLORIDA 4-H TRAINING INSTITUTE		
	FROM GENERAL REVENUE FUND	90,000	
1419B	SPECIAL CATEGORIES		
	STATEWIDE DISTANCE EDUCATION NETWORK		
	FROM GENERAL REVENUE FUND	525,000	
1420	SPECIAL CATEGORIES		
	GRANTS AND AIDS - VITICULTURE PROGRAM		
	FROM VITICULTURE TRUST FUND		300,000
1421	SPECIAL CATEGORIES		
	FLORIDA AGRICULTURE PROMOTION CAMPAIGN		
	FROM GENERAL REVENUE FUND	2,000,000	
1422	SPECIAL CATEGORIES		
	FEDERAL SUPPORT FOR FLORIDA AGRICULTURE PROMOTIONS		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,250,000
1422A	SPECIAL CATEGORIES		
	SUPPORT FOR FOOD BANK		
	FROM GENERAL REVENUE FUND	475,000	

From the funds in Specific Appropriation 1422A, $300,000 is provided for the Florida Association of Food Banks.

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1423	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MARKETING ORDERS		
	FROM CITRUS INSPECTION TRUST FUND		2,500,000
	FROM GENERAL INSPECTION TRUST FUND		650,000
1424	SPECIAL CATEGORIES		
	FARM SHARE PROGRAM		
	FROM GENERAL REVENUE FUND	300,000	
1425	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PROMOTIONAL AWARDS		
	FROM GENERAL INSPECTION TRUST FUND		300,000
	FROM QUARTER HORSE RACING PROMOTION TRUST FUND		5,900
1426	SPECIAL CATEGORIES		
	GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,864,640
1427	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	31,197	
	FROM CITRUS INSPECTION TRUST FUND		8,766
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		7,852
	FROM GENERAL INSPECTION TRUST FUND		14,357
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		32,279
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		8,920
1428	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	27,240	
	FROM CITRUS INSPECTION TRUST FUND		9,976
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		2,686
	FROM GENERAL INSPECTION TRUST FUND		9,207
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		21,483
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		5,757
1429	FIXED CAPITAL OUTLAY		
	CODE AND LIFE SAFETY - STATE FARMERS' MARKETS - STATEWIDE - DMS MGD		
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		73,700
1430	FIXED CAPITAL OUTLAY		
	MAINTENANCE AND REPAIR, STATE FARMERS' MARKET FACILITIES STATEWIDE - DMS MGD		
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		89,800
1430A	FIXED CAPITAL OUTLAY		
	REPAIRS AND RENOVATIONS - STATE FARMERS' MARKET - DMS MGD		
	FROM GENERAL REVENUE FUND	500,000	
TOTAL:	AGRICULTURAL PRODUCTS MARKETING		
	FROM GENERAL REVENUE FUND	7,589,941	
	FROM TRUST FUNDS		17,990,950
	TOTAL POSITIONS	192.00	
	TOTAL ALL FUNDS		25,580,891

AQUACULTURE

APPROVED SALARY RATE 1,978,022

1431	SALARIES AND BENEFITS POSITIONS 52.50		
	FROM GENERAL REVENUE FUND	2,025,960	

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	FROM GENERAL INSPECTION TRUST FUND		566,411
1432	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	30,000	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		16,700
	FROM GENERAL INSPECTION TRUST FUND		39,000
1433	EXPENSES		
	FROM GENERAL REVENUE FUND	480,977	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		9,000
	FROM GENERAL INSPECTION TRUST FUND		359,276
1434	OPERATING CAPITAL OUTLAY		
	FROM GENERAL INSPECTION TRUST FUND		50,400
1435	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		94,167
1437	SPECIAL CATEGORIES		
	OYSTER PLANTING		
	FROM GENERAL REVENUE FUND	350,000	
1438	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	39,659	
	FROM GENERAL INSPECTION TRUST FUND		6,073
1439	SPECIAL CATEGORIES		
	AQUACULTURE DEVELOPMENT		
	FROM GENERAL REVENUE FUND	719,959	

From the funds in Specific Appropriation 1439, $598,699 is provided to fund, in accordance with section 597.005(3)(c), Florida Statutes, the Florida Aquaculture Review Council's list of priority projects dated July 13, 2004, as included in the Department of Agriculture and Consumer Services' Legislative Budget Request.

1440	SPECIAL CATEGORIES		
	AQUACULTURE PROGRAM GRANTS		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		350,000
1441	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	17,269	
	FROM GENERAL INSPECTION TRUST FUND		5,120
1441A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - 2004 HURRICANES - STATE OPERATIONS		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		582,000
TOTAL:	AQUACULTURE		
	FROM GENERAL REVENUE FUND	3,663,824	
	FROM TRUST FUNDS		2,078,147
	TOTAL POSITIONS	52.50	
	TOTAL ALL FUNDS		5,741,971

AGRICULTURAL INTERDICTION STATIONS

APPROVED SALARY RATE 9,246,806

1442	SALARIES AND BENEFITS POSITIONS	239.00	
	FROM GENERAL REVENUE FUND	12,434,772	
	FROM GENERAL INSPECTION TRUST FUND		75,820
1443	EXPENSES		
	FROM GENERAL REVENUE FUND	883,890	
	FROM CITRUS INSPECTION TRUST FUND		25,987
	FROM GENERAL INSPECTION TRUST FUND		41,432

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1444	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	22,990	
1445	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	14,580	
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		50,000
1446	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	66,885	
1447	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	78,015	
	FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		18,428
1448	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	72,143	
1448A	FIXED CAPITAL OUTLAY		
	AGRICULTURAL LAW ENFORCEMENT INTERSTATE RAMP RENOVATIONS		
	FROM GENERAL REVENUE FUND	1,600,000	
TOTAL:	AGRICULTURAL INTERDICTION STATIONS		
	FROM GENERAL REVENUE FUND	15,173,275	
	FROM TRUST FUNDS		211,667
	TOTAL POSITIONS	239.00	
	TOTAL ALL FUNDS		15,384,942

ANIMAL PEST AND DISEASE CONTROL

APPROVED SALARY RATE 5,705,989

1449	SALARIES AND BENEFITS POSITIONS	151.50	
	FROM GENERAL REVENUE FUND	6,429,881	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		342,517
	FROM GENERAL INSPECTION TRUST FUND		439,988
1450	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,866	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		395,703
1451	EXPENSES		
	FROM GENERAL REVENUE FUND	579,742	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		958,452
	FROM GENERAL INSPECTION TRUST FUND		772,678
1452	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	203,797	
1453	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		94,166
1453A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA PORK PRODUCERS		
	FROM GENERAL REVENUE FUND	300,000	
	FROM ADMINISTRATIVE TRUST FUND		300,000

Funds in Specific Appropriation 1453A shall be used by the Department of Agriculture and Consumer Services to fund the Florida Pork Producers Transition Grant Program.

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1454 SPECIAL CATEGORIES
ANIMAL PEST AND DISEASE CONTROL
FROM CONTRACTS AND GRANTS TRUST FUND . . . 1,000,000

1455 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 75,942
FROM CONTRACTS AND GRANTS TRUST FUND . . . 27

1456 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 58,122
FROM GENERAL INSPECTION TRUST FUND 2,302

TOTAL: ANIMAL PEST AND DISEASE CONTROL
FROM GENERAL REVENUE FUND 7,659,350
FROM TRUST FUNDS 4,305,833

TOTAL POSITIONS 151.50
TOTAL ALL FUNDS 11,965,183

PLANT PEST AND DISEASE CONTROL

APPROVED SALARY RATE 12,595,776

1457 SALARIES AND BENEFITS POSITIONS 371.00
FROM GENERAL REVENUE FUND 10,634,845
FROM CITRUS INSPECTION TRUST FUND 726,068
FROM CONTRACTS AND GRANTS TRUST FUND . . . 2,698,524
FROM PLANT INDUSTRY TRUST FUND 2,455,710

1458 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 217,017
FROM CITRUS INSPECTION TRUST FUND 7,800
FROM CONTRACTS AND GRANTS TRUST FUND . . . 586,568
FROM GENERAL INSPECTION TRUST FUND 150,000
FROM PLANT INDUSTRY TRUST FUND 808,560

1459 EXPENSES
FROM GENERAL REVENUE FUND 1,210,722
FROM CITRUS INSPECTION TRUST FUND 96,711
FROM CONTRACTS AND GRANTS TRUST FUND . . . 325,008
FROM PLANT INDUSTRY TRUST FUND 788,347

1460 OPERATING CAPITAL OUTLAY
FROM CONTRACTS AND GRANTS TRUST FUND . . . 60,195
FROM PLANT INDUSTRY TRUST FUND 51,525

1461 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CITRUS INSPECTION TRUST FUND 153,000
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 94,167

1462 SPECIAL CATEGORIES
AGRICULTURAL EMERGENCIES (MEDFLY PROGRAM)
FROM GENERAL REVENUE FUND 1,000,000

1463 SPECIAL CATEGORIES
GRANTS AND AIDS - BOLL WEEVIL ERADICATION
FROM PLANT INDUSTRY TRUST FUND 560,000

1464 SPECIAL CATEGORIES
APIARIAN INDEMNITIES
FROM GENERAL REVENUE FUND 36,000

1465 SPECIAL CATEGORIES
ENDANGERED PLANT SPECIES
FROM PLANT INDUSTRY TRUST FUND 250,000

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1466 SPECIAL CATEGORIES
PLANT, PEST AND DISEASE MONITORING AND CONTROL PROGRAM
FROM PLANT INDUSTRY TRUST FUND 300,000

1467 SPECIAL CATEGORIES
CITRUS CANKER ERADICATION
FROM GENERAL REVENUE FUND 15,800,000
FROM CONTRACTS AND GRANTS TRUST FUND . . . 27,117,771
AGRICULTURAL EMERGENCY ERADICATION TRUST FUND 11,317,771

1468 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,039,365
FROM CONTRACTS AND GRANTS TRUST FUND . . . 509,293
FROM PLANT INDUSTRY TRUST FUND 53,920

1469 SPECIAL CATEGORIES
TRANSFER TO UNIVERSITY OF FLORIDA/ INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES FOR INVASIVE EXOTICS QUARANTINE FACILITY
FROM PLANT INDUSTRY TRUST FUND 750,000

1469A SPECIAL CATEGORIES
CITRUS CANKER TREE COMPENSATION PROGRAM
FROM GENERAL REVENUE FUND 1,800,000

1469B SPECIAL CATEGORIES
TREE REPLACEMENT PROGRAM FOR CITRUS CANKER
FROM CONTRACTS AND GRANTS TRUST FUND . . . 1,800,000

1470 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 110,288
FROM CITRUS INSPECTION TRUST FUND 6,140
FROM CONTRACTS AND GRANTS TRUST FUND . . . 161,529
FROM PLANT INDUSTRY TRUST FUND 28,311

TOTAL: PLANT PEST AND DISEASE CONTROL
FROM GENERAL REVENUE FUND 32,848,237
FROM TRUST FUNDS 51,856,918

TOTAL POSITIONS 371.00
TOTAL ALL FUNDS 84,705,155

COMMUNITY AFFAIRS, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 3,881,663

1473 SALARIES AND BENEFITS POSITIONS 87.00
FROM GENERAL REVENUE FUND 2,127,546
FROM ADMINISTRATIVE TRUST FUND 2,758,698
FROM GRANTS AND DONATIONS TRUST FUND . . . 143,809

1474 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 317,344

1475 EXPENSES
FROM GENERAL REVENUE FUND 29,918
FROM ADMINISTRATIVE TRUST FUND 1,000,762
FROM GRANTS AND DONATIONS TRUST FUND . . . 17,530

1476 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 93,608

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1477 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 640,038

1478 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,119
FROM ADMINISTRATIVE TRUST FUND 6,540
FROM GRANTS AND DONATIONS TRUST FUND . . . 154

1479 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 15,143
FROM ADMINISTRATIVE TRUST FUND 19,670
FROM GRANTS AND DONATIONS TRUST FUND . . . 903

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,818,764
FROM TRUST FUNDS 4,359,018

TOTAL POSITIONS 87.00
TOTAL ALL FUNDS 7,177,782

PROGRAM: COMMUNITY PLANNING

COMMUNITY PLANNING

APPROVED SALARY RATE 2,771,963

1480 SALARIES AND BENEFITS POSITIONS 66.00
FROM GENERAL REVENUE FUND 3,599,519

1481 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,650
FROM GRANTS AND DONATIONS TRUST FUND . . . 292,000

1482 EXPENSES
FROM GENERAL REVENUE FUND 453,946
FROM GRANTS AND DONATIONS TRUST FUND . . . 112,000

1483 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 500

1484 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PLANNING COUNCILS
FROM GENERAL REVENUE FUND 3,000,000

Funds in Specific Appropriation 1484 are provided to the Regional Planning Councils, 70 percent of which is to be divided equally to each council and 30 percent shall be allocated according to population. The funds shall be used to prepare and implement strategic regional policy plans, perform regional review and comment functions, and assist local governments in addressing problems of greater-than-local significance.

1485 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,944
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,340

1486 SPECIAL CATEGORIES
GRANTS AND AIDS - COASTAL MANAGEMENT REQUIREMENTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 75,000

1487 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 26,401

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1488 SPECIAL CATEGORIES
GRANTS AND AIDS - TECHNICAL AND PLANNING ASSISTANCE
FROM GENERAL REVENUE FUND 800,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 400,000
FROM OPERATING TRUST FUND 1,200,000

From funds in Specific Appropriation 1488, $300,000 in non-recurring general revenue funds is provided to incorporated municipalities for the development of Comprehensive Plans as required pursuant to the state mandated Growth Management & Land Development Regulation Act of 1985, chapter 163, Part II, Florida Statutes. These funds are allocated as follows:

Village of Palmetto Bay Comp Master Plan..... 100,000
City of Doral Transportation Master Plan..... 200,000

TOTAL: COMMUNITY PLANNING
FROM GENERAL REVENUE FUND 7,911,960
FROM TRUST FUNDS 2,094,840

TOTAL POSITIONS 66.00
TOTAL ALL FUNDS 10,006,800

PROGRAM: EMERGENCY MANAGEMENT

PRE-DISASTER MITIGATION

APPROVED SALARY RATE 405,756

1489 SALARIES AND BENEFITS POSITIONS 9.00
FROM GENERAL REVENUE FUND 68,834
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 57,232
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,129
FROM OPERATING TRUST FUND 3,576
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 385,212

1490 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 4,332

1491 EXPENSES
FROM GENERAL REVENUE FUND 15,253
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 11,006
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,367
FROM OPERATING TRUST FUND 4,718
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 51,245

1492 SPECIAL CATEGORIES
GRANTS AND AIDS - PREDISASTER MITIGATION
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 8,900,000

Funds in Specific Appropriation 1492 are provided for the pre-disaster mitigation program. The 25 percent match requirement for the federal funds shall be provided by local governments.

1493 SPECIAL CATEGORIES
FLOOD MITIGATION ASSISTANCE PROGRAM
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 4,600,000

1494 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 388
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 388

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FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		2,718
TOTAL: PRE-DISASTER MITIGATION		
FROM GENERAL REVENUE FUND	84,475	
FROM TRUST FUNDS		14,032,923
TOTAL POSITIONS	9.00	
TOTAL ALL FUNDS		14,117,398

EMERGENCY PLANNING

APPROVED SALARY RATE 1,846,351

1495 SALARIES AND BENEFITS POSITIONS	51.00	
FROM GENERAL REVENUE FUND	445,667	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		527,917
FROM GRANTS AND DONATIONS TRUST FUND . . .		579,025
FROM OPERATING TRUST FUND		108,227
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		658,843
1496 OTHER PERSONAL SERVICES		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		190,331
FROM GRANTS AND DONATIONS TRUST FUND . . .		65,000
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		645,000
1497 EXPENSES		
FROM GENERAL REVENUE FUND	73,688	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		212,058
FROM GRANTS AND DONATIONS TRUST FUND . . .		237,816
FROM OPERATING TRUST FUND		12,486
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		323,842
1498 AID TO LOCAL GOVERNMENTS		
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION		
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		2,389,944
1499 OPERATING CAPITAL OUTLAY		
FROM GRANTS AND DONATIONS TRUST FUND . . .		35,000
1500 SPECIAL CATEGORIES		
GRANTS AND AIDS - PAYMENT FLORIDA WING/ CIVIL AIR PATROL		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		55,000
1501 SPECIAL CATEGORIES		
GRANTS AND AIDS - EMERGENCY MANAGEMENT PROGRAMS		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		7,089,061
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		83,438
1502 SPECIAL CATEGORIES		
GRANTS AND AIDS - STATE DOMESTIC PREPAREDNESS PROGRAM		
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		620,506
1503 SPECIAL CATEGORIES		
GRANTS AND AIDS - STATE, LOCAL AND PRIVATE PROJECTS		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		1,320,866

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1504 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	27,380	
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		27,381
1505 SPECIAL CATEGORIES		
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		589,849
1506 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	4,270	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		4,663
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,555
FROM OPERATING TRUST FUND		778
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		6,349
1507 SPECIAL CATEGORIES		
HAZARDOUS MATERIALS EMERGENCY PLANNING GRANT		
FROM GRANTS AND DONATIONS TRUST FUND . . .		500,000
1508 SPECIAL CATEGORIES		
GRANTS AND AIDS - LOCAL EMERGENCY MANAGEMENT NEEDS		
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,000,000

Funds in Specific Appropriation 1508 from the Grants and Donations Trust Fund reflect the transfer of $3,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555(7)(c), Florida Statutes.

1508A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
LOCAL EMERGENCY MANAGEMENT FACILITIES		
FROM GENERAL REVENUE FUND	4,279,400	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		8,740,897

The Department of Community Affairs shall certify that each emergency shelter, emergency operations center (EOC) or critical facility funded in Specific Appropriation 1508A complies with, or will comply with, the structural considerations of ARC 4496, Guidelines for Hurricane Evacuation Shelter Selection. The department is directed to assist recipients in determining whether the structural considerations are, or can be, met prior to execution of a project contract. By September 1, 2005, the department shall determine whether any recipient cannot pursue or complete any project, or portion thereof, due to structural, financial, or other considerations, and shall notify the chair of the Senate Ways and Means Committee, the chair of the House Fiscal Council and the Executive Office of the Governor. After such notification, the department may initiate a budget amendment pursuant to the legislative notice and review requirements set forth in section 216.177, Florida Statutes, to apply any remaining funds for other competitively reviewed projects.

From the funds in Specific Appropriation 1508A, $4,279,400 in non-recurring general revenue funds are provided for the following projects:

Osceola County Consolidated EOC/Communications Center.....	500,000
Putnam County Storm Shelter Retrofit.....	500,000
Indian River Emergency Operations Center.....	2,500,000
Graceville Emergency Power Supply.....	100,000
Hurricane Disaster Plan Special Needs Shelter.....	179,400
Johnson Family YMCA Gymnasium.....	500,000

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From the funds in Specific Appropriation 1508A, $8,740,897 in non-recurring funds is provided from the Emergency Management Preparedness and Assistance Trust Fund for the following projects:

Escambia County Sheriff - Generators	210,000
Starke Fire Dept. Garage/Storage	200,000
St. Lucie Special Needs Shelter	2,500,000
Emergency Operations Center Bay County	3,500,000
Chamber of Commerce - ADA Facilities Upgrade - Brevard Co.	25,000
Emergency Operations Center in Brevard County	25,000
Emergency Operations Center in Broward County	12,987
Hurricane Relief for Primrose Center, Inc.	409,692
Windstorm Damage Mitigation Training & Demonstration Center.	750,000
Pasco Emergency Special Needs Shelter	565,000
Hernando County Emergency Special Needs Shelter	543,218

TOTAL: EMERGENCY PLANNING

FROM GENERAL REVENUE FUND	4,830,405	
FROM TRUST FUNDS		28,025,832
TOTAL POSITIONS	51.00	
TOTAL ALL FUNDS		32,856,237

EMERGENCY RECOVERY

APPROVED SALARY RATE 1,338,974

1509 SALARIES AND BENEFITS POSITIONS	33.00	
FROM GENERAL REVENUE FUND	216,496	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		333,202
FROM GRANTS AND DONATIONS TRUST FUND		79,431
FROM OPERATING TRUST FUND		3,522
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		334,131
FROM U.S. CONTRIBUTIONS TRUST FUND		714,031
1510 OTHER PERSONAL SERVICES		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		4,331
FROM GRANTS AND DONATIONS TRUST FUND		1,100
1511 EXPENSES		
FROM GENERAL REVENUE FUND	18,000	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		15,634
FROM GRANTS AND DONATIONS TRUST FUND		26,604
FROM OPERATING TRUST FUND		4,670
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		41,119
FROM U.S. CONTRIBUTIONS TRUST FUND		46,487
1512 SPECIAL CATEGORIES		
PUBLIC ASSISTANCE FOR 2004 HURRICANES - STATE OPERATIONS		
FROM GRANTS AND DONATIONS TRUST FUND		4,645,502
FROM U.S. CONTRIBUTIONS TRUST FUND		70,228,717
1513 SPECIAL CATEGORIES		
HAZARD MITIGATION FOR 2004 HURRICANES - STATE OPERATIONS		
FROM GRANTS AND DONATIONS TRUST FUND		1,417,200
FROM U.S. CONTRIBUTIONS TRUST FUND		4,251,598
1514 SPECIAL CATEGORIES		
PUBLIC ASSISTANCE FOR 2004 HURRICANES - PASS THROUGH		
FROM GRANTS AND DONATIONS TRUST FUND		100,684,715
FROM U.S. CONTRIBUTIONS TRUST FUND		823,604,843
1515 SPECIAL CATEGORIES		
HAZARD MITIGATION FOR 2004 HURRICANES - PASS THROUGH		
FROM U.S. CONTRIBUTIONS TRUST FUND		75,921,391

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1516 SPECIAL CATEGORIES	
PUBLIC ASSISTANCE - STATE OPERATIONS	
FROM GRANTS AND DONATIONS TRUST FUND	548,300
FROM U.S. CONTRIBUTIONS TRUST FUND	3,288,890

Funds in Specific Appropriation 1516 through 1519 from the Grants and Donations Trust Fund are provided to meet the state portion of the match requirements for federally declared disasters that occurred prior to 2004. Funds shall be utilized for Public Assistance and Hazard Mitigation Programs as specified in section 252.37, Florida Statutes.

1517 SPECIAL CATEGORIES	
HAZARD MITIGATION - STATE OPERATIONS	
FROM GRANTS AND DONATIONS TRUST FUND	140,779
FROM U.S. CONTRIBUTIONS TRUST FUND	974,424
1518 SPECIAL CATEGORIES	
PUBLIC ASSISTANCE - PASS THROUGH	
FROM GRANTS AND DONATIONS TRUST FUND	20,104,324
FROM U.S. CONTRIBUTIONS TRUST FUND	120,592,630
1519 SPECIAL CATEGORIES	
HAZARD MITIGATION - PASS THROUGH	
FROM GRANTS AND DONATIONS TRUST FUND	725,736
FROM U.S. CONTRIBUTIONS TRUST FUND	35,293,889

The state match requirement provided in Specific Appropriation 1519 from the Grants and Donations Trust Fund for Hazard Mitigation projects shall only be available for five years from the date of the original Governor's emergency declaration or notice of congressionally awarded supplemental federal funds. The local governments shall provide any subsequent match required to complete Hazard Mitigation projects in these appropriations at the end of the five year period. The Executive Office of the Governor may approve a waiver of the five year match limitation for certain projects, subject to legislative notice and review under section 216.177, Florida Statutes, if it is determined that the project must be extended to meet state environmental and permitting requirements, agency reviews pursuant to the national Environmental Policy Act and applicable state environmental laws, or other unique situations demonstrated by the local government, provided that the local government applies for the waiver no more than 30 days after the expiration of the five year match period.

1520 SPECIAL CATEGORIES	
GRANTS AND AIDS - HURRICANE LOSS MITIGATION	
FROM GRANTS AND DONATIONS TRUST FUND	6,921,764

Funds in Specific Appropriations 1509 in the amount of $57,782; 1510 in the amount of $1,100; 1511 in the amount of $19,354; and 1520 in the amount of $6,921,764, provided from the Grants and Donations Trust Fund, reflect the transfer of $7,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555(7), Florida Statutes. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in section 215.559(2)(a), Florida Statutes.

1521 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	1,552	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		2,329
FROM GRANTS AND DONATIONS TRUST FUND		2,418
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		1,745
FROM U.S. CONTRIBUTIONS TRUST FUND		11,462
1521A SPECIAL CATEGORIES		
NON-FEDERAL REIMBURSEABLE DISASTER ACTIVITIES		
FROM GRANTS AND DONATIONS TRUST FUND		928,759

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1521B SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL EMERGENCY MANAGEMENT NEEDS
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 50,000

Funds in Specific Appropriation 1521B are provided for the Institute for Human and Machine Cognition's campus at 40 South Alcaniz Street in Escambia County.

TOTAL: EMERGENCY RECOVERY
FROM GENERAL REVENUE FUND 236,048
FROM TRUST FUNDS 1271,945,677

TOTAL POSITIONS 33.00
TOTAL ALL FUNDS 1272,181,725

EMERGENCY RESPONSE

APPROVED SALARY RATE 678,882

1523 SALARIES AND BENEFITS POSITIONS 18.00
FROM GENERAL REVENUE FUND 438,917
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 112,966
FROM GRANTS AND DONATIONS TRUST FUND . . . 82,434
FROM OPERATING TRUST FUND 73,913
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 283,599

1524 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 4,331

1525 EXPENSES
FROM GENERAL REVENUE FUND 11,971
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 81,782
FROM GRANTS AND DONATIONS TRUST FUND . . . 48,231
FROM OPERATING TRUST FUND 13,975
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 228,996

1526 OPERATING CAPITAL OUTLAY
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 1,872
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,003,196
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 6,352

From the funds in Specific Appropriation 1526, $3,000,000 from the Grants and Donations Trust Fund is provided for the purchase of generators for emergency fuel supply and is contingent upon a like amount being transferred from the Department of Environmental Protection.

1527 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 65,000

1528 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 31,626
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 31,626

1529 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,718
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 778
FROM GRANTS AND DONATIONS TRUST FUND . . . 778
FROM OPERATING TRUST FUND 388
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 2,329

TOTAL: EMERGENCY RESPONSE
FROM GENERAL REVENUE FUND 485,232
FROM TRUST FUNDS 4,042,546

TOTAL POSITIONS 18.00
TOTAL ALL FUNDS 4,527,778

HAZARDOUS MATERIALS COMPLIANCE PLANNING

APPROVED SALARY RATE 850,138

1530 SALARIES AND BENEFITS POSITIONS 21.00
FROM GENERAL REVENUE FUND 92,796
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 60,925
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,822
FROM OPERATING TRUST FUND 857,871
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 50,828

1531 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 29,749

1532 EXPENSES
FROM GENERAL REVENUE FUND 14,668
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 12,977
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,645
FROM OPERATING TRUST FUND 273,170
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 19,841

1533 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 4,145

1534 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 388
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 388
FROM OPERATING TRUST FUND 6,988
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 388

1535 SPECIAL CATEGORIES
FLORIDA HAZARDOUS MATERIALS PLANNING PROGRAM
FROM OPERATING TRUST FUND 1,335,000

TOTAL: HAZARDOUS MATERIALS COMPLIANCE PLANNING
FROM GENERAL REVENUE FUND 107,852
FROM TRUST FUNDS 2,674,737

TOTAL POSITIONS 21.00
TOTAL ALL FUNDS 2,782,589

PROGRAM: HOUSING AND COMMUNITY DEVELOPMENT

AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT

APPROVED SALARY RATE 1,105,126

1536 SALARIES AND BENEFITS POSITIONS 25.00
FROM GENERAL REVENUE FUND 677,795

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FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		494,848
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		84,774
FROM ENERGY CONSUMPTION TRUST FUND		21,805
FROM FLORIDA COMMUNITIES TRUST FUND . . .		5,766
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		41,257
FROM OPERATING TRUST FUND		135,999
1537 OTHER PERSONAL SERVICES		
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		693,252
1538 EXPENSES		
FROM GENERAL REVENUE FUND	74,810	
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		1,139,689
FROM OPERATING TRUST FUND		28,223
1539 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	1,000	
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		3,000
1541 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	794	
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		803
FROM OPERATING TRUST FUND		474
1542 SPECIAL CATEGORIES		
FRONT PORCH FLORIDA		
FROM GENERAL REVENUE FUND	3,180,332	
1543 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	3,879	
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		3,834
FROM OPERATING TRUST FUND		1,416
1543A SPECIAL CATEGORIES		
DEPT OF COMMUNITY AFFAIRS - INTRA-AGENCY TRANSFERS		
FROM ENERGY CONSUMPTION TRUST FUND		440,000
FROM STATE HOUSING TRUST FUND		2,900,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,600,000

The funds in Specific Appropriation 1543A represent unobligated cash balances which shall be transferred to the Emergency Management Preparedness and Assistance Trust Fund.

1544 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS		
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		39,942,131
1544A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
GRANTS AND AIDS - LOW INCOME EMERGENCY HOME REPAIR		
FROM ENERGY CONSUMPTION TRUST FUND		500,000
TOTAL: AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT		
FROM GENERAL REVENUE FUND	3,938,610	
FROM TRUST FUNDS		48,037,271

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TOTAL POSITIONS	25.00	
TOTAL ALL FUNDS		51,975,881

BUILDING CODE COMPLIANCE AND HAZARD MITIGATION

APPROVED SALARY RATE 716,175

1545 SALARIES AND BENEFITS POSITIONS	17.00	
FROM OPERATING TRUST FUND		950,585
1546 OTHER PERSONAL SERVICES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		388,084
FROM OPERATING TRUST FUND		1,501,255
1547 EXPENSES		
FROM OPERATING TRUST FUND		337,569
1548 OPERATING CAPITAL OUTLAY		
FROM OPERATING TRUST FUND		2,000
1549 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF HEALTH		
FROM OPERATING TRUST FUND		294,414

In the event that the Building Permit Surcharge revenue collections are insufficient to fund the level of appropriation in Specific Appropriation 1549, this transfer shall be reduced to reflect the amount actually collected.

1550 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM OPERATING TRUST FUND		10,827
1551 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM OPERATING TRUST FUND		8,154
TOTAL: BUILDING CODE COMPLIANCE AND HAZARD MITIGATION		
FROM TRUST FUNDS		3,492,888
TOTAL POSITIONS	17.00	
TOTAL ALL FUNDS		3,492,888

PUBLIC SERVICE AND ENERGY INITIATIVES

APPROVED SALARY RATE 509,244

1552 SALARIES AND BENEFITS POSITIONS	13.00	
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		401,310
FROM ENERGY CONSUMPTION TRUST FUND		220,954
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		181,384
1553 OTHER PERSONAL SERVICES		
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		338,247
FROM ENERGY CONSUMPTION TRUST FUND		263
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		46,148
1554 EXPENSES		
FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		3,056
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		152,014
FROM ENERGY CONSUMPTION TRUST FUND		130,387
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		94,216

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1555 OPERATING CAPITAL OUTLAY
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 1,550
FROM ENERGY CONSUMPTION TRUST FUND 1,450
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 1,000

1556 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 17,876,599

1557 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 25,864,000

1558 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 1,104
FROM ENERGY CONSUMPTION TRUST FUND 728
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 439

1559 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 175,000

1560 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 3,289
FROM ENERGY CONSUMPTION TRUST FUND 1,328
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 1,564

1560A SPECIAL CATEGORIES
CIVIL LEGAL ASSISTANCE
FROM GENERAL REVENUE FUND 5,000,000

Funds in Specific Appropriation 1560A are provided for the programs established pursuant to chapter 2002-288, Laws of Florida.

1561 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - WEATHERIZATION GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,800,000
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 3,400,000

1561A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
CENTER HILL AUDITORIUM RESTORATION
FROM ENERGY CONSUMPTION TRUST FUND 60,000

TOTAL: PUBLIC SERVICE AND ENERGY INITIATIVES
FROM GENERAL REVENUE FUND 5,175,000
FROM TRUST FUNDS 50,581,030

TOTAL POSITIONS 13.00
TOTAL ALL FUNDS 55,756,030

LAND ACQUISITION AND ADMINISTRATION

APPROVED SALARY RATE 714,239

1562 SALARIES AND BENEFITS POSITIONS 17.00
FROM FLORIDA COMMUNITIES TRUST FUND . . . 930,087

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1563 OTHER PERSONAL SERVICES
FROM FLORIDA COMMUNITIES TRUST FUND . . . 50,000

1564 EXPENSES
FROM FLORIDA COMMUNITIES TRUST FUND . . . 225,845

1565 OPERATING CAPITAL OUTLAY
FROM FLORIDA COMMUNITIES TRUST FUND . . . 2,000

1566 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA COMMUNITIES TRUST FUND . . . 4,775

1567 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM FLORIDA COMMUNITIES TRUST FUND . . . 6,603

1567A SPECIAL CATEGORIES
DEPT OF COMMUNITY AFFAIRS - INTRA-AGENCY TRANSFERS
FROM FLORIDA COMMUNITIES TRUST FUND . . . 923,802

The funds in Specific Appropriation 1567A represent an unobligated cash balance which shall be transferred to the Emergency Management Preparedness and Assistance Trust Fund.

1568 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM FLORIDA FOREVER PROGRAM TRUST FUND . 66,000,000

TOTAL: LAND ACQUISITION AND ADMINISTRATION
FROM TRUST FUNDS 68,143,112

TOTAL POSITIONS 17.00
TOTAL ALL FUNDS 68,143,112

PROGRAM: FLORIDA HOUSING FINANCE CORPORATION

AFFORDABLE HOUSING FINANCING

1570 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE CORPORATION (HFC) - AFFORDABLE HOUSING PROGRAMS
FROM STATE HOUSING TRUST FUND 55,906,623

1571 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE CORPORATION (HFC) - STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 130,886,000

1572 SPECIAL CATEGORIES
HOUSING FINANCE CORPORATION (HFC) - STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM - MONITORING
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 200,000

1573 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES (DCF) - HOMELESS PROGRAMS
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 5,900,000

TOTAL: AFFORDABLE HOUSING FINANCING
FROM TRUST FUNDS 192,892,623

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TOTAL ALL FUNDS 192,892,623

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 14,646,361

1574 SALARIES AND BENEFITS POSITIONS 312.50
FROM GENERAL REVENUE FUND 3,140,293
FROM ADMINISTRATIVE TRUST FUND 14,403,803
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 63,853
FROM INLAND PROTECTION TRUST FUND 187,227
FROM GRANTS AND DONATIONS TRUST FUND . . . 636,049

1575 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 79,500
FROM ADMINISTRATIVE TRUST FUND 465,659
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 487,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 324,879
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 2,000,000

From the funds in Specific Appropriation 1575, the Department of Environmental Protection shall submit to the chair of the Senate Ways and Means Committee, the chair of the House Fiscal Council, and to the Executive Office of the Governor a quarterly status report on the Apalachicola, Chattahoochee, and Flint rivers water allocation compact litigation. The report shall also provide quarterly expenditures and budget projections for the remainder of the fiscal year.

1576 EXPENSES
FROM GENERAL REVENUE FUND 73,875
FROM ADMINISTRATIVE TRUST FUND 3,363,044
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 28,500
FROM INLAND PROTECTION TRUST FUND 51,822
FROM GRANTS AND DONATIONS TRUST FUND . . . 785,089
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 900,000

1577 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 117,414
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,399

1578 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 804,774

1579 SPECIAL CATEGORIES
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM
FROM ADMINISTRATIVE TRUST FUND 30,813

1580 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 104,069
FROM GRANTS AND DONATIONS TRUST FUND . . . 204

1581 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 9,910

1582 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 357,407

1583 SPECIAL CATEGORIES
PETROLEUM CLEANUP AUDITS
FROM INLAND PROTECTION TRUST FUND 430,980

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1584 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 27,186
FROM ADMINISTRATIVE TRUST FUND 96,784
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 384
FROM INLAND PROTECTION TRUST FUND 2,442
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,540

1585 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FLORIDA COASTAL ZONE MANAGEMENT PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,778,004

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 3,320,854
FROM TRUST FUNDS 28,435,549

TOTAL POSITIONS 312.50
TOTAL ALL FUNDS 31,756,403

PROGRAM: STATE LANDS

INVASIVE PLANT CONTROL

APPROVED SALARY RATE 1,221,543

1586 SALARIES AND BENEFITS POSITIONS 29.50
FROM INVASIVE PLANT CONTROL TRUST FUND . . 1,565,994

1587 OTHER PERSONAL SERVICES
FROM INVASIVE PLANT CONTROL TRUST FUND . . 667,080

1588 EXPENSES
FROM INVASIVE PLANT CONTROL TRUST FUND . . 1,165,675

1589 OPERATING CAPITAL OUTLAY
FROM INVASIVE PLANT CONTROL TRUST FUND . . 26,782

1590 SPECIAL CATEGORIES
CONTROL OF INVASIVE EXOTICS
FROM INVASIVE PLANT CONTROL TRUST FUND . . 38,434,647
FROM GRANTS AND DONATIONS TRUST FUND . . . 800,000

1591 SPECIAL CATEGORIES
TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 329,044

1592 SPECIAL CATEGORIES
TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR ADMINISTRATIVE OVERHEAD
FROM INVASIVE PLANT CONTROL TRUST FUND . . 880,000

1593 SPECIAL CATEGORIES
TRANSFER TO THE UNIVERSITY OF FLORIDA - COOPERATIVE AQUATIC PLANT EDUCATION PROGRAM
FROM INVASIVE PLANT CONTROL TRUST FUND . . 25,000

1594 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES/ IFAS/INVASIVE EXOTIC PLANT RESEARCH
FROM INVASIVE PLANT CONTROL TRUST FUND . . 874,171

1595 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INVASIVE PLANT CONTROL TRUST FUND . . 13,557

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TOTAL: INVASIVE PLANT CONTROL
FROM TRUST FUNDS 44,781,950

TOTAL POSITIONS 29.50
TOTAL ALL FUNDS 44,781,950

LAND ADMINISTRATION

APPROVED SALARY RATE 1,960,046

1596 SALARIES AND BENEFITS POSITIONS 46.00
FROM GRANTS AND DONATIONS TRUST FUND . . . 404
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 2,481,001
FROM LAND ACQUISITION TRUST FUND 197,490
FROM WATER MANAGEMENT LANDS TRUST FUND . . 54,941

1597 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 120,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 524,921
FROM LAND ACQUISITION TRUST FUND 4,000

1598 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 390,005
FROM GRANTS AND DONATIONS TRUST FUND . . . 34,528
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 582,704
FROM LAND ACQUISITION TRUST FUND 18,394
FROM WATER MANAGEMENT LANDS TRUST FUND . . 6,553

1598A AID TO LOCAL GOVERNMENTS
INSTITUTE OF GOVERNMENT AT FLORIDA STATE UNIVERSITY
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 275,000

1599 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 38,737
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 42,550

1599A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 42,000

1600 SPECIAL CATEGORIES
NATURAL AREAS INVENTORY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 445,895

1601 SPECIAL CATEGORIES
PAYMENT IN LIEU OF TAXES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,360,000

1602 SPECIAL CATEGORIES
FLORIDA FOREVER
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 150,000

1603 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 12,896
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,496
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 23,817
FROM LAND ACQUISITION TRUST FUND 1,532
FROM WATER MANAGEMENT LANDS TRUST FUND . . 384

1605A FIXED CAPITAL OUTLAY
DEBT SERVICE - FLORIDA FOREVER BONDS - NEW SERIES
FROM LAND ACQUISITION TRUST FUND 3,467,500

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1606 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,000,000

1607 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM FLORIDA FOREVER TRUST FUND 105,000,000

1608 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 342,600,000

Funds provided in Specific Appropriation 1608 are for Fiscal Year 2005-2006 debt service on outstanding bonds authorized prior to July 1, 2005. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

1608A FIXED CAPITAL OUTLAY
DEBT SERVICE NEW ISSUES
FROM SAVE OUR EVERGLADES TRUST FUND . . . 5,865,833

1609 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS-LAND ACQUISITION
FROM FLORIDA FOREVER TRUST FUND 105,000,000
FROM WATER MANAGEMENT LANDS TRUST FUND . . 59,000,000

Funds provided in Specific Appropriation 1609 from the Water Management Lands Trust Fund shall be allocated in accordance with the provisions of section 373.59(8), Florida Statutes. First priority for the use of these funds shall be to meet outstanding debt service obligations, to meet statutory requirements for payments in lieu of taxes, and to provide management of water management lands as authorized in section 373.59(9), Florida Statutes. Management may include the control and removal of non-indigenous exotic vegetation.

After meeting the requirements in the above paragraph, the governing board of a water management district may request, and the Secretary of the Department of Environmental Protection shall release upon such request, funds provided in Specific Appropriation 1609 from the Water Management Lands Trust Fund for the purpose of carrying out the provisions of sections 373.451 - 373.4595, Florida Statutes.

1610 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
EVERGLADES RESTORATION
FROM SAVE OUR EVERGLADES TRUST FUND . . . 100,000,000

Funds in Specific Appropriation 1610 are for land acquisition, the design and construction of Comprehensive Everglades Restoration Plan projects approved by the Secretary of the Department of Environmental Protection pursuant to section 373.1501(5), Florida Statutes, and for the implementation of a Water Quality Feasibility Study as defined in the Comprehensive Everglades Restoration Plan.

TOTAL: LAND ADMINISTRATION
FROM TRUST FUNDS 732,744,581

TOTAL POSITIONS 46.00
TOTAL ALL FUNDS 732,744,581

LAND MANAGEMENT

APPROVED SALARY RATE 4,177,461

1611 SALARIES AND BENEFITS POSITIONS 103.00
FROM CONSERVATION AND RECREATION LANDS

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TRUST FUND	756,727	
FROM INTERNAL IMPROVEMENT TRUST FUND . . .	4,489,841	
1612 OTHER PERSONAL SERVICES		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND	914,659	
FROM GRANTS AND DONATIONS TRUST FUND . . .	874,024	
FROM INTERNAL IMPROVEMENT TRUST FUND . . .	426,519	
1613 EXPENSES		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND	204,454	
FROM GRANTS AND DONATIONS TRUST FUND . . .	433,457	
FROM INTERNAL IMPROVEMENT TRUST FUND . . .	1,495,010	
1614 OPERATING CAPITAL OUTLAY		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND	33,111	
FROM GRANTS AND DONATIONS TRUST FUND . . .	150,000	
FROM INTERNAL IMPROVEMENT TRUST FUND . . .	87,363	
1615 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF AGRICULTURE PLANT INDUSTRY TRUST FUND		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND	250,000	
1616 SPECIAL CATEGORIES		
STATE LANDS STEWARDSHIP		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND	375,000	
FROM INTERNAL IMPROVEMENT TRUST FUND . . .	400,000	
1617 SPECIAL CATEGORIES		
NATIONAL OCEAN SURVEY		
FROM INTERNAL IMPROVEMENT TRUST FUND . . .	84,000	
1618 SPECIAL CATEGORIES		
RICO ACT- DISTRIBUTION OF PROCEEDS FROM PROPERTY SALES		
FROM INTERNAL IMPROVEMENT TRUST FUND . . .	716,932	
1619 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM INTERNAL IMPROVEMENT TRUST FUND . . .	92,121	
1620 SPECIAL CATEGORIES		
TOPOGRAPHIC MAPPING		
FROM INTERNAL IMPROVEMENT TRUST FUND . . .	200,000	
1620A SPECIAL CATEGORIES		
COASTAL AND AQUATIC MANAGED AREAS (CAMA) - CARL MANAGEMENT FUNDS		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND	160,235	
1620B SPECIAL CATEGORIES		
GREENWAYS CARL MANAGEMENT FUNDING		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND	401,365	
1621 SPECIAL CATEGORIES		
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND	3,330,000	
1622 SPECIAL CATEGORIES		
TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND	18,458,643	

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1623 SPECIAL CATEGORIES		
TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR MANAGEMENT OF CARL LANDS		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		16,119,051
1624 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		6,313,406
1625 SPECIAL CATEGORIES		
TRANSFER TO STATE GAME TRUST FUND		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		11,100,000
1626 SPECIAL CATEGORIES		
WATER MANAGEMENT DISTRICT PROPERTY TAXES		
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		50,000
1627 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		5,312
FROM GRANTS AND DONATIONS TRUST FUND . . .		862
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		18,871
1628 FIXED CAPITAL OUTLAY		
BELLE GLADE HAZARDOUS WASTE CLEANUP		
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		250,000
1628A FIXED CAPITAL OUTLAY		
CASCADES PARK HAZARDOUS WASTE REMEDIATION		
FROM GENERAL REVENUE FUND	1,500,000	
FROM WATER QUALITY ASSURANCE TRUST FUND .		1,500,000
TOTAL: LAND MANAGEMENT		
FROM GENERAL REVENUE FUND	1,500,000	
FROM TRUST FUNDS		69,690,963
TOTAL POSITIONS	103.00	
TOTAL ALL FUNDS		71,190,963

PROGRAM: DISTRICT OFFICES

WATER RESOURCE PROTECTION AND RESTORATION

APPROVED SALARY RATE 17,956,719		
1629 SALARIES AND BENEFITS POSITIONS	460.00	
FROM GENERAL REVENUE FUND	12,525,473	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		3,473,670
FROM GRANTS AND DONATIONS TRUST FUND . . .		446,458
FROM LAND ACQUISITION TRUST FUND		1,171,427
FROM PERMIT FEE TRUST FUND		5,368,048
1630 OTHER PERSONAL SERVICES		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		294,303
1631 EXPENSES		
FROM GENERAL REVENUE FUND	153,288	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		1,543,978
FROM GRANTS AND DONATIONS TRUST FUND . . .		35,196
FROM LAND ACQUISITION TRUST FUND		216,899
FROM PERMIT FEE TRUST FUND		309,893

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1633 SPECIAL CATEGORIES
WATER QUALITY MANAGEMENT/PLANNING GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 667,072

1634 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 30,215
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,304
FROM PERMIT FEE TRUST FUND 6,633

1635 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 102,353
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 19,767
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,353
FROM LAND ACQUISITION TRUST FUND 11,116
FROM PERMIT FEE TRUST FUND 31,819
FROM WATER QUALITY ASSURANCE TRUST FUND . 8,738

1635A FIXED CAPITAL OUTLAY
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION - NON POINT SOURCE GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 170,000

1636 FIXED CAPITAL OUTLAY
DEPARTMENT OF TRANSPORTATION MITIGATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 580,000

1637 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ESTUARY RESTORATION PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 585,000

TOTAL: WATER RESOURCE PROTECTION AND RESTORATION
FROM GENERAL REVENUE FUND 12,781,114
FROM TRUST FUNDS 14,976,889

TOTAL POSITIONS 460.00
TOTAL ALL FUNDS 27,758,003

AIR ASSESSMENT

APPROVED SALARY RATE 634,571

1638 SALARIES AND BENEFITS POSITIONS 17.00
FROM AIR POLLUTION CONTROL TRUST FUND . . 838,247
FROM GRANTS AND DONATIONS TRUST FUND . . . 160,257

1639 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 28,445
FROM GRANTS AND DONATIONS TRUST FUND . . . 60,000

1640 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 88,016
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,272

1641 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 9,572

1642 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM AIR POLLUTION CONTROL TRUST FUND . . 5,752
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,152

TOTAL: AIR ASSESSMENT
FROM TRUST FUNDS 1,231,713

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TOTAL POSITIONS 17.00
TOTAL ALL FUNDS 1,231,713

AIR POLLUTION PREVENTION

APPROVED SALARY RATE 3,449,238

1643 SALARIES AND BENEFITS POSITIONS 80.00
FROM AIR POLLUTION CONTROL TRUST FUND . . 4,199,039

1644 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 174,156

1645 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 519,966

1646 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 88,735

1647 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND . . 13,968

1648 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM AIR POLLUTION CONTROL TRUST FUND . . 32,341

TOTAL: AIR POLLUTION PREVENTION
FROM TRUST FUNDS 5,028,205

TOTAL POSITIONS 80.00
TOTAL ALL FUNDS 5,028,205

WASTE CONTROL

APPROVED SALARY RATE 6,616,004

1649 SALARIES AND BENEFITS POSITIONS 163.00
FROM INLAND PROTECTION TRUST FUND 2,380,507
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,103,529
FROM PERMIT FEE TRUST FUND 669,378
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,423,872
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,794,542

1650 OTHER PERSONAL SERVICES
FROM INLAND PROTECTION TRUST FUND 110,000

1651 EXPENSES
FROM INLAND PROTECTION TRUST FUND 258,495
FROM GRANTS AND DONATIONS TRUST FUND . . . 107,110
FROM PERMIT FEE TRUST FUND 39,001
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 152,160
FROM WATER QUALITY ASSURANCE TRUST FUND . 279,021

1652 OPERATING CAPITAL OUTLAY
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 60,919

1652A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INLAND PROTECTION TRUST FUND 420,000

1653 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 120,594

1654 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 85,445
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,356

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1655 SPECIAL CATEGORIES
RESEARCH, DEVELOPMENT AND TECHNICAL
ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 14,000

1656 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INLAND PROTECTION TRUST FUND 17,517
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,436
FROM PERMIT FEE TRUST FUND 3,452
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 9,968
FROM WATER QUALITY ASSURANCE TRUST FUND . 23,131

TOTAL: WASTE CONTROL
FROM TRUST FUNDS 10,085,433

TOTAL POSITIONS 163.00
TOTAL ALL FUNDS 10,085,433

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 4,227,331

1657 SALARIES AND BENEFITS POSITIONS 98.00
FROM GENERAL REVENUE FUND 3,794,136
FROM ADMINISTRATIVE TRUST FUND 353,123
FROM AIR POLLUTION CONTROL TRUST FUND . . 944,735
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 274,668

1658 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 127,564
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 200,000

1659 EXPENSES
FROM GENERAL REVENUE FUND 1,207,482
FROM ADMINISTRATIVE TRUST FUND 582,724
FROM AIR POLLUTION CONTROL TRUST FUND . . 276,266
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 15,544
FROM LAND ACQUISITION TRUST FUND 27,923
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 39,739

1660 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 13,804

1661 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 96,598
FROM ADMINISTRATIVE TRUST FUND 31,973

1662 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 31,819
FROM ADMINISTRATIVE TRUST FUND 3,333
FROM AIR POLLUTION CONTROL TRUST FUND . . 1,916
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 173
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,532
FROM WATER QUALITY ASSURANCE TRUST FUND . 88

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 5,130,035
FROM TRUST FUNDS 2,895,105

TOTAL POSITIONS 98.00
TOTAL ALL FUNDS 8,025,140

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WASTE CLEANUP

APPROVED SALARY RATE 41,463

1663 SALARIES AND BENEFITS POSITIONS 1.00
FROM WATER QUALITY ASSURANCE TRUST FUND . 98,507

1664 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 69,941

1665 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM WATER QUALITY ASSURANCE TRUST FUND . 384

TOTAL: WASTE CLEANUP
FROM TRUST FUNDS 168,832

TOTAL POSITIONS 1.00
TOTAL ALL FUNDS 168,832

PROGRAM: RESOURCE ASSESSMENT AND MANAGEMENT

FLORIDA GEOLOGICAL SURVEY

APPROVED SALARY RATE 1,646,833

1666 SALARIES AND BENEFITS POSITIONS 39.00
FROM MINERALS TRUST FUND 2,007,299
FROM WATER QUALITY ASSURANCE TRUST FUND . 128,259

1667 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 342,229
FROM MINERALS TRUST FUND 422,651

1668 EXPENSES
FROM GRANTS AND DONATIONS TRUST FUND . . . 326,068
FROM MINERALS TRUST FUND 367,713
FROM WATER QUALITY ASSURANCE TRUST FUND . 441,701

1669 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 46,000
FROM MINERALS TRUST FUND 117,273
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,078

1670 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MINERALS TRUST FUND 20,223

1671 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,062
FROM MINERALS TRUST FUND 14,956
FROM WATER QUALITY ASSURANCE TRUST FUND . 768

TOTAL: FLORIDA GEOLOGICAL SURVEY
FROM TRUST FUNDS 4,249,280

TOTAL POSITIONS 39.00
TOTAL ALL FUNDS 4,249,280

LABORATORY SERVICES

APPROVED SALARY RATE 3,277,338

1672 SALARIES AND BENEFITS POSITIONS 82.00
FROM ADMINISTRATIVE TRUST FUND 433,097
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 3,831,615

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1673 OTHER PERSONAL SERVICES
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 1,254,590
FROM GRANTS AND DONATIONS TRUST FUND . . . 60,039

1674 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 42,755
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 1,640,970
FROM GRANTS AND DONATIONS TRUST FUND . . . 60,000

1675 OPERATING CAPITAL OUTLAY
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 262,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,002

1676 SPECIAL CATEGORIES
GROUND WATER QUALITY MONITORING NETWORK
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 125,000

1677 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICTS LABORATORY SUPPORT
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 519,764

1678 SPECIAL CATEGORIES
EVERGLADES LAB SUPPORT
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 494,180

1679 SPECIAL CATEGORIES
SPECIAL STUDIES
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 500,000

1680 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 357,000

1681 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 14,266
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 3,080

1682 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 1,292
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 33,361
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 2,062
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,034

TOTAL: LABORATORY SERVICES
FROM TRUST FUNDS 9,649,607

TOTAL POSITIONS 82.00
TOTAL ALL FUNDS 9,649,607

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 2,836,548

1683 SALARIES AND BENEFITS POSITIONS 68.00
FROM WORKING CAPITAL TRUST FUND 3,625,987

1684 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 400,000

1685 EXPENSES
FROM WORKING CAPITAL TRUST FUND 3,093,009

1686 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 82,500

1688 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 10,483

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1689 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM WORKING CAPITAL TRUST FUND 27,357

1690 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM WORKING CAPITAL TRUST FUND 2,165,655

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 9,404,991

TOTAL POSITIONS 68.00
TOTAL ALL FUNDS 9,404,991

PROGRAM: WATER RESOURCE MANAGEMENT

BEACH MANAGEMENT

APPROVED SALARY RATE 2,802,867

1691 SALARIES AND BENEFITS POSITIONS 71.00
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 3,235,095
FROM PERMIT FEE TRUST FUND 375,482

1692 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 300,000
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 497,857

1693 EXPENSES
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 512,010
FROM PERMIT FEE TRUST FUND 307,101

1694 OPERATING CAPITAL OUTLAY
FROM PERMIT FEE TRUST FUND 18,389

1695 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 26,968
FROM PERMIT FEE TRUST FUND 1,532

1696 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
BEACH PROJECTS - STATEWIDE
FROM GENERAL REVENUE FUND 43,262,200
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 30,000,000

Funds in Specific Appropriation 1696 are provided to fund, in accordance with section 161.101, Florida Statutes, the Department of Environmental Protection Beach Management Funding Assistance Program for the 2005-2006 fiscal year and beach-related hurricane recovery and mitigation projects.

From the funds in Specific Appropriation 1696, $1,197,200 from the General Revenue Fund is provided to the department for ongoing costs associated with the evaluation, management and permitting of beach and dune restoration projects provided in the 2004 Hurricane Recovery Plan for Florida's Beach and Dune System dated November 30, 2004, and the Beach Management Funding Assistance Program.

TOTAL: BEACH MANAGEMENT
FROM GENERAL REVENUE FUND 43,562,200
FROM TRUST FUNDS 34,974,434

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TOTAL POSITIONS	71.00	
TOTAL ALL FUNDS		78,536,634

WATER RESOURCE PROTECTION AND RESTORATION

APPROVED SALARY RATE 12,792,867

1697	SALARIES AND BENEFITS POSITIONS	282.00	
	FROM GENERAL REVENUE FUND	2,511,539	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		394,809
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,234,857
	FROM LAND ACQUISITION TRUST FUND		579,040
	FROM MINERALS TRUST FUND		1,625,077
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		1,215,228
	FROM PERMIT FEE TRUST FUND		1,086,666
	FROM WATER QUALITY ASSURANCE TRUST FUND .		2,646,102
1698	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	20,994	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		520,000
	FROM LAND ACQUISITION TRUST FUND		2,454,271
	FROM MINERALS TRUST FUND		145,479
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		12,985
	FROM WATER QUALITY ASSURANCE TRUST FUND .		407,956
1699	EXPENSES		
	FROM GENERAL REVENUE FUND	245,743	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		85,081
	FROM LAND ACQUISITION TRUST FUND		54,791
	FROM MINERALS TRUST FUND		410,648
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		86,065
	FROM PERMIT FEE TRUST FUND		549,732
	FROM WATER QUALITY ASSURANCE TRUST FUND .		379,122
1700	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT - ENVIRONMENTAL RESOURCE PERMITTING		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		453,000
1701	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE		
	FROM PERMIT FEE TRUST FUND		250,000
1701A	AID TO LOCAL GOVERNMENTS EVERGLADES FILM/MUSEUM OF SCIENCE AND INDUSTRY		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		500,000
1702	OPERATING CAPITAL OUTLAY		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		22,830
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		40,125
1703	SPECIAL CATEGORIES GROUND WATER QUALITY MONITORING NETWORK		
	FROM LAND ACQUISITION TRUST FUND		5,000,000
	FROM WATER QUALITY ASSURANCE TRUST FUND .		1,798,745
1704	SPECIAL CATEGORIES WATER QUALITY MANAGEMENT/PLANNING GRANTS		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,510,605

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1705	SPECIAL CATEGORIES NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM		
	FROM PERMIT FEE TRUST FUND		2,283,140
1706	SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP		
	FROM WATER QUALITY ASSURANCE TRUST FUND .		2,549,943
1707	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	75,700	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		28,377
1708	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF HEALTH FOR STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT		
	FROM INLAND PROTECTION TRUST FUND		1,285,197
1709	SPECIAL CATEGORIES HABITAT RESTORATION		
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		200,000
1710	SPECIAL CATEGORIES U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		78,500
	FROM WATER QUALITY ASSURANCE TRUST FUND .		214,897
1711	SPECIAL CATEGORIES UNDERGROUND STORAGE TANK CLEANUP		
	FROM INLAND PROTECTION TRUST FUND		300,000
1712	SPECIAL CATEGORIES WATER WELL CLEANUP		
	FROM WATER QUALITY ASSURANCE TRUST FUND .		1,581,061
1713	SPECIAL CATEGORIES TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURE SCIENCES (IFAS) - LAKEWATCH		
	FROM WATER QUALITY ASSURANCE TRUST FUND .		450,000
1713A	SPECIAL CATEGORIES TRANSFER TO ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		
	FROM GENERAL REVENUE FUND	80,785,583	
1714	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	14,695	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		2,684
	FROM GRANTS AND DONATIONS TRUST FUND . . .		53,145
	FROM LAND ACQUISITION TRUST FUND		3,581
	FROM MINERALS TRUST FUND		15,857
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		5,624
	FROM PERMIT FEE TRUST FUND		6,136
	FROM WATER QUALITY ASSURANCE TRUST FUND .		21,234
1715	SPECIAL CATEGORIES WETLANDS PROTECTION		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		284,459
1716	FIXED CAPITAL OUTLAY HAZARDOUS SITES CLEANUP - PHOSPHATE/ MULBERRY/PINEY POINT		
	FROM GENERAL REVENUE FUND	12,500,000	
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		5,000,000
	FROM WATER QUALITY ASSURANCE TRUST FUND .		2,000,000

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1716A FIXED CAPITAL OUTLAY
NON-MANDATORY LAND RECLAMATION PROJECTS
FROM NON-MANDATORY LAND RECLAMATION
TRUST FUND 5,000,000

1717 FIXED CAPITAL OUTLAY
KEYS WASTEWATER MANAGEMENT PLAN
IMPLEMENTATION
FROM GENERAL REVENUE FUND 7,000,000

Funds in Specific Appropriation 1717 shall be allocated in the following manner:

$7,000,000 shall be appropriated to the City of Marathon for wastewater construction or design-build. No funds in Specific Appropriation 1717 shall be used for planning.

Any balance of funds remaining shall be allocated by the Council of Mayors to local governments for construction or design-build.

Local governments eligible to receive funds under this specific appropriation shall document that proposed wastewater projects: (1) Are designed to meet required wastewater treatment and disposal standards in chapter 99-395, Laws of Florida, as amended; (2) Involve construction or design-build; (3) Complete facilities or significant phases of facilities; (4) Are included in the Monroe County Sanitary Wastewater Master Plan or other legitimate planning document addressing engineering and financing; (5) Have been or will be openly procured among contractors qualified to build wastewater facilities in the unique physical environment of the Keys; (6) Will be ready to proceed with construction no later than May 31, 2006; (7) Leverage other moneys (local funds, including local bonding; Department of Environmental Protection State Revolving Fund loans; or other sources of money); and (8) Address wastewater service for low income residents, with provisions to ease the cost-burden of such residents.

All local governments receiving funds under this specific appropriation that are not ready to proceed with construction by May 31, 2006, shall forfeit their allocation provided herein, and those funds shall be redistributed by the Council of Mayors.

1717A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - WATER PROJECTS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 123,562,460

Funds in Specific Appropriation 1717A from the Ecosystems Management and Restoration Trust Fund shall be used for the following water projects:

Apalachicola River and Bay Surface Water Improvement and Management (SWIM) Project..... 500,000
Arcadia Wastewater Treatment Plant Improvements..... 1,000,000
Atlantic Beach Hopkins Creek Regional Retention Facility.... 400,000
Aventura Hospital District Stormwater Drainage System..... 440,000
Bay Harbor Islands Community Enhancement Program Phase III Stormwater Component..... 300,000
Beverly Beach and Wastewater System..... 500,000
Boca Raton Intercoastal Waterway Force Main..... 500,000
Bonifay Wastewater System Improvements..... 750,000
Brooksville Sewer Rehabilitation Project..... 1,000,000
Buenaventura Lakes Flood Control Improvement..... 330,000
C-139 Basin Initiative..... 250,000
Callahan Wastewater Treatment Plant..... 1,000,000
Canaveral Environmental Impacts of Desalination Effluents... 250,000
Canaveral Port Authority Reclaimed Shallow Aquifer Storage and Recovery Project..... 150,000
Canoe Creek Road Flood Control Improvements..... 55,000
Capital Cascades Greenway/St. Augustine Branch Restoration Project..... 450,000
Carrabelle Stormwater Management System..... 100,000
Central Island Stormwater Improvements Project..... 400,000

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Charlotte Harbor Watershed Initiative..... 450,000
Chipley Wastewater Improvements..... 1,000,000
Clearwater - Oldsmar Reclaimed Water Interconnect..... 800,000
Cocoa Beach Reclaimed Water Distribution Control Valves..... 100,000
Coopers Pond Septic Tank Abatement..... 582,000
Coral Gables Conveyance Improvements to the C-3 Canal East of Control Structure G-93..... 2,200,000
Coral Gables Stormwater System Major Restoration..... 425,000
Davenport Phase 1 Wastewater Program..... 1,000,000
Daytona Beach Bay Street Stormwater Improvements - Phase I.. 500,000
Delray Beach Drainage Improvements..... 278,000
DeSoto County Wastewater Treatment Improvement Project..... 500,000
Doral Stormwater Drainage Improvements..... 500,000
Duck Pond Area Drainage Improvements..... 1,100,000
East Putnam County Regional Wastewater System..... 2,500,000
Edgewood/River Oaks Drainage..... 500,000
Ellisville I-75 Wastewater Collection..... 400,000
Facilitating Agricultural Management Systems (FARMS)..... 1,000,000
Fairlawn Storm Sewer Pump Station Project - Phase IIA, B-50702..... 250,000
Gainesville Downtown Stormwater Basin..... 1,100,000
Glades County Sewer System Expansion..... 900,000
Golden Beach Stormwater Improvements..... 200,000
Graceville Wastewater System Improvements..... 250,000
Grand Ridge Wastewater Treatment Project..... 1,500,000
Gretna Inflow/Infiltration Sewer..... 100,000
Gulf Beaches Sewer..... 2,000,000
Harbinwood/Lake Jackson Water Quality Improvements..... 500,000
Hardee County Bowling Green Wastewater Service Area..... 250,000
Hardee County Wauchula Hills Wastewater Service Area..... 300,000
Harris Chain of Lakes Restoration..... 300,000
Hendry County Stormwater Master Plan Implementation Phase III..... 500,000
Heritage Hills Master Re-pump Station and Transmission Main to Spencer's Crossing and Spencer's Advanced Water Treatment Plan Expansion..... 1,000,000
Hialeah Flood Prevention/Mitigation..... 1,000,000
Highland Village Stormwater Improvements..... 450,000
Hillsborough Stormwater Utility Pilot..... 350,000
Homestead Pump Stations Generators..... 250,000
Homestead Treatment Plant Generator..... 200,000
Homosassa Southfork Water Quality Improvement Project - Phase 4..... 250,000
Homosassa Wastewater Collection System Project - Phase 5.... 1,000,000
Indian River Lagoon Initiative..... 4,000,000
Indian River Lagoon South..... 2,401,300
Kissimmee Dakin Street Box Culvert Replacement..... 1,000,000
Kissimmee Upper Basin Restoration Initiative..... 500,000
Lake Griffin Access Dredging..... 1,000,000
Lake Mary Jess Stormwater Improvement Project..... 466,000
Lake Okeechobee Restoration..... 5,000,000
Lake Panasoffkee Restoration..... 450,000
Lake Region Water Treatment Plant..... 200,000
Lake Worth Lagoon Restoration..... 1,000,000
Lake Worth Reverse Osmosis Water Plant..... 500,000
Lantana Subaqueous Force Main Crossing..... 250,000
Lauderdale Lakes Comprehensive Stormwater Improvements..... 250,000
Lauderdale-by-the-Sea Stormwater & Sanitary Sewer Capital Improvement Projects..... 600,000
Little Lake Fairview Stormwater Retrofit..... 700,000
Live Oak Wastewater Plant Upgrade..... 600,000
Locklin Lake Restoration/Blackwater River..... 400,000
Lower St. Johns River Basin Initiative..... 3,000,000
Loxahatchee River Preservation Initiative..... 3,573,200
Loxahatchee Slough Pump Station Facilities..... 500,000
Madison Railroad and H&R Block Lift Stations..... 587,500
Marion County State Road 40 Stormwater Retrofit..... 100,000
Melbourne R.O. Concentrate Discharge..... 600,000
Miami Beach Stormwater Infrastructure Improvement Project... 400,000
Miami Flagami/West End Storm Sewers Improvements Project - Phase II, B-50695..... 500,000
Miami Gardens Drainage Improvement NW 175 Street..... 230,000
Miami Lakes Stormwater Drainage Improvement..... 300,000
Miami River "Beyond the Federal Channel" Dredging Project... 2,000,000

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Miami River Federal Channel Dredging Project	1,000,000
Middle St. Johns River Basin Initiative	2,750,000
Miramar Unidirectional Flushing Water System	200,000
Moore Haven Ranch Lakes Estates Stormwater	458,000
Mulberry Wastewater Treatment Plant Improvements and Sewer Main Rehabilitation	600,000
Naples Bay Watershed Initiative	1,000,000
NE Choctawhatchee Bay Restoration Project - Wastewater	500,000
New Smyrna Beach Julia Street Outfall Elimination Project	200,000
Noma Sewer Extension	138,600
North Bay Village - Storm Drainage Outfall Protection	100,000
North Miami Emergency Generators	400,000
North Palm Beach County Water Supply Implementation Initiative	450,000
North Pinellas Reclaimed Water Pump Station Rehabilitation	350,000
North Port Stormwater Quality	450,000
Northern Coastal Basin Initiative	1,000,000
Okeechobee Canal Clean-up Project	100,000
Okeechobee Wastewater Expansion & Improvements	450,000
Oldsmar Municipal Water Supply	500,000
Opa Locka NW 128th Street Stormwater Drainage/ Roadway Improvements	206,458
Opa Locka NW 139th Street Stormwater Drainage/ Roadway Improvements	48,547
Opa Locka Rutland Street Stormwater Drainage/ Roadway Improvements	105,514
Orange Creek Basin Initiative	750,000
Ormond Beach Expansion of Reuse Program on South Peninsula	350,000
Osceola Parkway Flood Control Improvement	240,000
Palm Bay NW Drainage Improvements	250,000
Palm Bay PMCC Unit 4 Stormwater Improvements	175,000
Palm Beach Chain of Lakes Restoration	800,000
Palm Grove Sewer Retrofit Project	200,000
Palmetto Bay Stormwater System Improvements	400,000
Parramore Central Pond	860,000
Pembroke Park Sanitary Sewerage Improvements	250,000
Pembroke Park Stormwater Improvements	550,000
Penney Farms Wastewater Treatment Facility	275,000
Pensacola Bay Removal of Wastewater Discharges from Mainstreet WWTP	3,000,000
Perdido Bay Restoration	500,000
Phillippi Creek Septic System Replacement Program	1,000,000
Plant City Wastewater Reclamation Facility (WRF) Expansion/Upgrade	2,000,000
Plantation Acres Improvement District Master Drainage Plan	250,000
Pompano Beach Rehab Storm Drain Pipe	300,000
Ponte Vedra Beach Vacuum Sewer System	1,035,000
Putnam County Comprehensive Stormwater Plan	150,000
Riviera Beach Lift Station Improvements - Phase 1	400,000
Safety Harbor Bishop Creek Erosion Control Measures	150,000
Sarasota Bay Restoration and Surface Water Improvement Plan Implementation	100,000
Shingle Creek Stormwater - Reuse	730,000
Sneads Lift Station Project	700,000
South Bay Wastewater Treatment Plant	200,000
South Broward Basins S-9 and S-10 Stormwater Improvement Project	800,000
South Miami Stormwater Improvements	1,000,000
South Walton - Sewer Improvements	1,500,000
Spring Hill Community Water, Sewer, Road, and Stormwater Infrastructure Improvements - Phase II	187,500
St. Andrews Bay Surface Water Improvement and Management (SWIM) Project	3,200,000
St. Cloud Grid Stormwater and Sanitary Sewer Improvements - Phase II	550,000
St. Johns River Utility, Inc. (Phase 3 Wastewater Collection and Transmission System)	500,000
St. Lucie River Issues Team	3,123,500
St. Lucie South 26th Street Sanitary Collection System	750,000
Starke Wastewater System Restoration	750,000
Stone Island Central Sewer System Expansion	582,975
Suwannee River Partnership (SRP) Water Quality Based Best Management Practices (BMP) Planning Implementation & Monitoring	500,000

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Sweetwater Drainage Improvements	600,000
Tamarac Stormwater Pump Station Replacements	550,000
Tampa Bay Regional Reclaimed Water and Downstream Augmentation Project	4,000,000
Tampa Bay Restoration Project	1,250,000
Tara Cay Channel Restoration	150,000
Treasure Coast Regional Biosolids Management Facility	2,000,000
Umatilla Wastewater Plant Project	500,000
United Ranches Water Supply	250,000
Upper Ocklawaha River Basin (including Lake Apopka) Initiative	1,300,000
Upper Peace River Restoration and Charlotte Harbor Preservation	600,000
Village of Biscayne Park Flood Program	175,000
Village of El Portal Seawall/Canal Bank Stabilization	575,000
Village of Key Biscayne Sanitary Sewer Project	1,000,000
Village of Key Biscayne Stormwater Project	200,000
Virginia Gardens Stormwater Master Plan Phase III	220,000
Walton County - Bay Loop Road Stormwater Restoration Project	1,500,000
Wares Creek (Cedar Hammock) Flood Control Project	500,000
Webster Stormwater Project	500,000
West Miami Stormwater Drainage Improvements	1,000,000
West Tampa Elementary School Stormwater Improvements	658,366

Local governments receiving funds in Specific Appropriation 1717A shall provide matching dollars as follows: a) 25 percent for wastewater projects; and b) 50 percent for stormwater and surface water restoration projects. Financially disadvantaged small local governments, as defined in section 403.885(4), Florida Statutes, shall be exempt from the match provision of this section. Local governmental entities, which have been declared in a state of financial emergency pursuant to section 218.503, Florida Statutes, shall be exempt from the match provision.

1718	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AID - NON-POINT SOURCE (NPS) MANAGEMENT PLANNING GRANTS		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,000,000
	FROM WATER QUALITY ASSURANCE TRUST FUND .		8,500,000
1719	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY DRINKING WATER FACILITY CONSTRUCTION - STATE REVOLVING LOAN		
	FROM GENERAL REVENUE FUND	5,000,000	
	FROM DRINKING WATER REVOLVING LOAN TRUST FUND		44,210,000
1720	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY WASTEWATER TREATMENT FACILITY CONSTRUCTION		
	FROM GENERAL REVENUE FUND	8,500,000	
	FROM WASTEWATER TREATMENT AND STORMWATER MANAGEMENT REVOLVING LOAN TRUST FUND . .		92,699,737
1722	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY SMALL COUNTY WASTEWATER TREATMENT GRANTS		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		13,000,000
TOTAL:	WATER RESOURCE PROTECTION AND RESTORATION		
	FROM GENERAL REVENUE FUND	116,654,254	
	FROM TRUST FUNDS		351,799,246
	TOTAL POSITIONS	282.00	
	TOTAL ALL FUNDS		468,453,500

WATER SUPPLY

	APPROVED SALARY RATE 685,546		
1723	SALARIES AND BENEFITS POSITIONS	14.00	
	FROM GENERAL REVENUE FUND	762,652	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		70,007

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1724 OTHER PERSONAL SERVICES
FROM WATER MANAGEMENT LANDS TRUST FUND . . 250,000

1725 EXPENSES
FROM GENERAL REVENUE FUND 194,827
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,339

1726 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS
FROM WATER MANAGEMENT LANDS TRUST FUND . . 1,044,926

1727 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION
FROM WATER MANAGEMENT LANDS TRUST FUND . . 547,000

1728 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,984
FROM GRANTS AND DONATIONS TRUST FUND . . . 384

TOTAL: WATER SUPPLY
FROM GENERAL REVENUE FUND 962,463
FROM TRUST FUNDS 1,913,656

TOTAL POSITIONS 14.00
TOTAL ALL FUNDS 2,876,119

PROGRAM: WASTE MANAGEMENT

WASTE CLEANUP

APPROVED SALARY RATE 4,035,376

1729 SALARIES AND BENEFITS POSITIONS 97.00
FROM INLAND PROTECTION TRUST FUND 3,590,001
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 20
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,554,719

1730 EXPENSES
FROM INLAND PROTECTION TRUST FUND 485,489
FROM WATER QUALITY ASSURANCE TRUST FUND . 190,347

1731 OPERATING CAPITAL OUTLAY
FROM INLAND PROTECTION TRUST FUND 29,787
FROM WATER QUALITY ASSURANCE TRUST FUND . 11,032

1732 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,167,417

1733 SPECIAL CATEGORIES
DRYCLEANING CONTAMINATION CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 100,000

1734 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 15,731
FROM WATER QUALITY ASSURANCE TRUST FUND . 6,101

1735 SPECIAL CATEGORIES
TRANSFER TO OTHER AGENCIES FOR IMPLEMENTATION OF HOUSE BILL 1671
FROM WATER QUALITY ASSURANCE TRUST FUND . 231,092

1736 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 11,197,668
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,600,048

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1737 SPECIAL CATEGORIES
LOCAL GOVERNMENT CLEANUP CONTRACTING
FROM INLAND PROTECTION TRUST FUND 10,000,000

1738 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INLAND PROTECTION TRUST FUND 30,964
FROM GRANTS AND DONATIONS TRUST FUND . . . 128
FROM WATER QUALITY ASSURANCE TRUST FUND . 10,864

1739 FIXED CAPITAL OUTLAY
DRY CLEANING SOLVENT CONTAMINATED SITE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 10,149,508

1740 FIXED CAPITAL OUTLAY
CLEANUP OF STATE OWNED LANDS
FROM INLAND PROTECTION TRUST FUND 2,500,000

1741 FIXED CAPITAL OUTLAY
WASTE TIRE ABATEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 50,000

1742 FIXED CAPITAL OUTLAY
PETROLEUM TANKS CLEANUP - PREAPPROVALS
FROM INLAND PROTECTION TRUST FUND 171,000,000

From the funds in Specific Appropriation 1742, up to $10,000,000 shall be used to clean up petroleum contaminated sites eligible in sections 376.305(6), 376.3071(9)(13) and 376.3072, Florida Statutes, which have been identified as viable housing sites by the Department of Community Affairs together with local governments, regardless of priority ranking. Excess funds from the $10,000,000 may be applied to the clean up program within the score range once the affordable housing sites are completed.

1743 FIXED CAPITAL OUTLAY
HAZARDOUS WASTE CONTAMINATED SITE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 4,200,000

TOTAL: WASTE CLEANUP
FROM TRUST FUNDS 219,120,916

TOTAL POSITIONS 97.00
TOTAL ALL FUNDS 219,120,916

WASTE CONTROL

APPROVED SALARY RATE 6,457,662

1744 SALARIES AND BENEFITS POSITIONS 154.00
FROM INLAND PROTECTION TRUST FUND 1,396,479
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,951,553
FROM PERMIT FEE TRUST FUND 45,244
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,325,609
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,580,690

1745 OTHER PERSONAL SERVICES
FROM INLAND PROTECTION TRUST FUND 23,780
FROM GRANTS AND DONATIONS TRUST FUND . . . 323,193
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 149,982
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,000

1746 EXPENSES
FROM INLAND PROTECTION TRUST FUND 161,532
FROM GRANTS AND DONATIONS TRUST FUND . . . 626,583
FROM PERMIT FEE TRUST FUND 6,712
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 362,453
FROM WATER QUALITY ASSURANCE TRUST FUND . 281,040

1747 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SOUTHERN WASTE

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INFORMATION EXCHANGE CLEARING HOUSE
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 300,000

1748 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION
FROM WATER QUALITY ASSURANCE TRUST FUND . 509,994

1749 OPERATING CAPITAL OUTLAY
FROM INLAND PROTECTION TRUST FUND 9,928
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 44,094
FROM WATER QUALITY ASSURANCE TRUST FUND . 33,061

1749A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM WATER QUALITY ASSURANCE TRUST FUND . 29,000

1750 SPECIAL CATEGORIES
STORAGE TANK COMPLIANCE VERIFICATION
FROM INLAND PROTECTION TRUST FUND 10,000,000

1751 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH FOR BIOMEDICAL WASTE REGULATION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 880,000

1751A SPECIAL CATEGORIES
SPECIAL CATEGORY - TRANSFER TO THE DEPARTMENT OF COMMUNITY AFFAIRS
FROM INLAND PROTECTION TRUST FUND 3,000,000

Funds in Specific Appropriation 1751A from the Inland Protection Trust Fund shall be transferred to the Department of Community Affairs in order to purchase generators for emergency fuel supply.

1752 SPECIAL CATEGORIES
FEDERAL WASTE PLANNING GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 743,050

1753 SPECIAL CATEGORIES
HAZARDOUS WASTE SITES RESTORATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,999,847

1754 SPECIAL CATEGORIES
HAZARDOUS WASTE COMPLIANCE ASSISTANCE AND EDUCATION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 200,000

1755 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 199,880

1756 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES - MOSQUITO CONTROL PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,160,000

1757 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 5,393
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 10,637
FROM WATER QUALITY ASSURANCE TRUST FUND . 13,130

1757A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION FOR LITTER PREVENTION GRANTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 846,000

1758 SPECIAL CATEGORIES
TRANSFER TO UNIVERSITY OF FLORIDA - RESEARCH AND TESTING
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

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1759 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 128
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 516
FROM INLAND PROTECTION TRUST FUND 9,200
FROM GRANTS AND DONATIONS TRUST FUND . . . 14,746
FROM LAND ACQUISITION TRUST FUND 4,038
FROM PERMIT FEE TRUST FUND 384
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 17,128
FROM WATER QUALITY ASSURANCE TRUST FUND . 19,552

1760 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES - OPERATION CLEAN SWEEP
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 100,000

1761 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SOLID WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 8,117,168

From the funds in Specific Appropriation 1761, $6,500,000 shall be used for Consolidated Solid Waste Management Grants in counties with a population of less than 100,000 to support waste tire, litter prevention, recycling and education, and general solid waste management programs; and $1,242,168 shall be used for Innovative Grants.

From the funds in Specific Appropriation 1761, $75,000 is provided for developing and implementing statewide recycling coordinator training for state and local government solid waste officials, $100,000 is provided for Best Management Practices for waste tires, and $200,000 is provided for the Agriculture Film Collection Pilot Project.

TOTAL: WASTE CONTROL
FROM TRUST FUNDS 40,013,724

TOTAL POSITIONS 154.00
TOTAL ALL FUNDS 40,013,724

PROGRAM: RECREATION AND PARKS

LAND MANAGEMENT

APPROVED SALARY RATE 1,687,838

1762 SALARIES AND BENEFITS POSITIONS 45.00
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 36,738
FROM LAND ACQUISITION TRUST FUND 2,087,816

1763 OTHER PERSONAL SERVICES
FROM LAND ACQUISITION TRUST FUND 1,168,822

1764 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 4,417
FROM LAND ACQUISITION TRUST FUND 891,606

1765 OPERATING CAPITAL OUTLAY
FROM LAND ACQUISITION TRUST FUND 18,750

1766 SPECIAL CATEGORIES
MANAGEMENT OF WATER CONTROL STRUCTURES
FROM LAND ACQUISITION TRUST FUND 549,414

1767 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM LAND ACQUISITION TRUST FUND 80,981

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1768 SPECIAL CATEGORIES
GREENWAYS CARL MANAGEMENT FUNDING
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,419,604

1769 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 180,000

1770 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 256
FROM LAND ACQUISITION TRUST FUND 8,221

1770A SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE FRANCES - FEMA DECLARATION #1545 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,601

1770B SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE IVAN - FEMA DECLARATION #1551 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,877

1770C SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE JEANNE - FEMA DECLARATION #1561 STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,942

1771 FIXED CAPITAL OUTLAY
ACQUISITION OF RAILROAD RIGHTS OF WAY
FROM FLORIDA FOREVER TRUST FUND 4,500,000

1771A FIXED CAPITAL OUTLAY
LAKE OKEECHOBEE SCENIC TRAIL
FROM LAND ACQUISITION TRUST FUND 1,000,000

1771B FIXED CAPITAL OUTLAY
FLORIDA KEYS OVERSEAS HERITAGE TRAIL
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,000,000

1771C FIXED CAPITAL OUTLAY
INGLIS MAIN DAM - REPAIRS AND IMPROVEMENTS
FROM LAND ACQUISITION TRUST FUND 750,000

1771D FIXED CAPITAL OUTLAY
BUCKMAN'S WATER CONTROL STRUCTURES
FROM LAND ACQUISITION TRUST FUND 740,000

TOTAL: LAND MANAGEMENT
FROM TRUST FUNDS 19,486,045

TOTAL POSITIONS 45.00
TOTAL ALL FUNDS 19,486,045

RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS

APPROVED SALARY RATE 287,530

1772 SALARIES AND BENEFITS POSITIONS 6.00
FROM LAND ACQUISITION TRUST FUND 329,524

1773 OTHER PERSONAL SERVICES
FROM LAND ACQUISITION TRUST FUND 50,000

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1774 EXPENSES
FROM LAND ACQUISITION TRUST FUND 33,227

1775 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF COMMUNITY AFFAIRS - FLORIDA COMMUNITIES TRUST
FROM LAND ACQUISITION TRUST FUND 1,210,682

1776 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM LAND ACQUISITION TRUST FUND 3,072

1777 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FEDERAL LAND AND WATER CONSERVATION FUND GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,500,000

1778 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS
FROM FLORIDA FOREVER TRUST FUND 6,000,000
FROM LAND ACQUISITION TRUST FUND 37,687,396

1778A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
LOCAL PARKS
FROM LAND ACQUISITION TRUST FUND 2,000,000

Funds in Specific Appropriation 1778A are provided for the following local parks:

Baker County Recreational Facility Expansion	200,000
Boy Scout Hut Park - Delray Beach	200,000
Camp Matecumbe Building Renovation	200,000
Hialeah Gardens Water Park	175,000
Hillsboro Canal Linear Trail - Deerfield Beach	50,000
Lake Ida Park - Delray Beach	100,000
Melbourne Military Memorial Park	200,000
Miami Lakes Park Aquatic Center Enhancement	200,000
Municipal Park Improvement - Doral	200,000
Park Land Acquisition - City of Hialeah	200,000
Seawall Repair, Bicentennial/Sportsman's Park - Lantana	50,000
Southside School Revitalization - Broward	200,000
Sweetwater Parks Department Improvements	25,000

TOTAL: RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS
FROM TRUST FUNDS 53,813,901

TOTAL POSITIONS 6.00
TOTAL ALL FUNDS 53,813,901

STATE PARK OPERATIONS

APPROVED SALARY RATE 30,931,587

1779 SALARIES AND BENEFITS POSITIONS 1,050.50
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,094,132
FROM STATE PARK TRUST FUND 40,349,306

1780 OTHER PERSONAL SERVICES
FROM STATE PARK TRUST FUND 4,112,847

1781 EXPENSES
FROM STATE PARK TRUST FUND 12,788,341

1782 OPERATING CAPITAL OUTLAY
FROM STATE PARK TRUST FUND 815,614

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1782A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE PARK TRUST FUND 500,000

1783 SPECIAL CATEGORIES
OPERATIONAL INCENTIVES PROGRAM
FROM STATE PARK TRUST FUND 850,000

1784 SPECIAL CATEGORIES
DISTRIBUTION OF SURCHARGE FEES
FROM STATE PARK TRUST FUND 700,000

1785 SPECIAL CATEGORIES
DISBURSE DONATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 310,000
FROM STATE PARK TRUST FUND 250,000

1786 SPECIAL CATEGORIES
LAND MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,593,307

1787 SPECIAL CATEGORIES
AMERICORPS PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 850,000

1788 SPECIAL CATEGORIES
OUTSOURCING/PRIVATIZATION
FROM STATE PARK TRUST FUND 3,223,522

1789 SPECIAL CATEGORIES
CONTROL OF INVASIVE EXOTICS
FROM STATE PARK TRUST FUND 300,000

1790 SPECIAL CATEGORIES
PURCHASES FOR RESALE
FROM STATE PARK TRUST FUND 1,456,420

1791 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE PARK TRUST FUND 2,078,057

1792 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION
AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 675,000

1793 SPECIAL CATEGORIES
LAND USE PROCEEDS DISBURSEMENTS
FROM STATE PARK TRUST FUND 575,000

1794 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM STATE PARK TRUST FUND 503,441

1794A SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 -
HURRICANE CHARLEY - FEMA DECLARATION #1539
- STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 9,140

1794B SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 -
HURRICANE FRANCES - FEMA DECLARATION #1545
- STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 121,719

1794C SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 -
HURRICANE IVAN - FEMA DECLARATION #1551 -

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STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 65,017

1794D SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 -
HURRICANE JEANNE - FEMA DECLARATION #1561
STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 74,053

1795 FIXED CAPITAL OUTLAY
HISTORIC STRUCTURE RENOVATIONS
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,000,000

1796A FIXED CAPITAL OUTLAY
NAVARRE BEACH STATE PARK 2004 HURRICANE
REPAIRS
FROM LAND ACQUISITION TRUST FUND 3,700,000

1796B FIXED CAPITAL OUTLAY
RESOURCE RESTORATION
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 2,000,000

1797 FIXED CAPITAL OUTLAY
PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 4,000,000

1798 FIXED CAPITAL OUTLAY
FORT MOSE HISTORIC SITE
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,000,000

1799 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA FOREVER TRUST FUND 4,500,000

1800A FIXED CAPITAL OUTLAY
RAINBOW SPRINGS STATE PARK
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,500,000

1801 FIXED CAPITAL OUTLAY
ATLANTIC RIDGE STATE PARK
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 500,000

1802 FIXED CAPITAL OUTLAY
DISASTER RELATED REPAIRS
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,100,000

1803 FIXED CAPITAL OUTLAY
SUWANNEE RIVER WILDERNESS TRAIL
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,000,000

1804 FIXED CAPITAL OUTLAY
PARTNERSHIP IN PARKS/STATE MATCH
FROM LAND ACQUISITION TRUST FUND 400,000

1805 FIXED CAPITAL OUTLAY
REMOVE ACCESSIBILITY BARRIERS - STATEWIDE
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,000,000

1806 FIXED CAPITAL OUTLAY
GRANTS AND DONATIONS SPENDING AUTHORITY
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000,000

1807 FIXED CAPITAL OUTLAY
FACILITY REPAIR NEEDS - STATEWIDE
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 10,738,400

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1808 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 28,135,688

TOTAL: STATE PARK OPERATIONS
FROM TRUST FUNDS 138,869,004

TOTAL POSITIONS 1,050.50
TOTAL ALL FUNDS 138,869,004

COASTAL AND AQUATIC MANAGED AREAS

APPROVED SALARY RATE 3,453,233

1809 SALARIES AND BENEFITS POSITIONS 95.00
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 352,001
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,037,661
FROM LAND ACQUISITION TRUST FUND 3,109,754

1810 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 130,186
FROM GRANTS AND DONATIONS TRUST FUND . . . 406,175
FROM LAND ACQUISITION TRUST FUND 543,100

1811 EXPENSES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 150,276
FROM GRANTS AND DONATIONS TRUST FUND . . . 160,975
FROM LAND ACQUISITION TRUST FUND 997,804

1812 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 33,169
FROM GRANTS AND DONATIONS TRUST FUND . . . 432,850
FROM LAND ACQUISITION TRUST FUND 146,750

1813 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 141,135

1814 SPECIAL CATEGORIES
SUBMERGED RESOURCE DAMAGED RESTORATIONS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 57,834

1815 SPECIAL CATEGORIES
LITTLE PINE ISLAND MITIGATION BANK
FROM LAND ACQUISITION TRUST FUND 200,000

1816 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,540,663
FROM LAND ACQUISITION TRUST FUND 400,000

1817 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 17,646
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,834
FROM LAND ACQUISITION TRUST FUND 73,159

1818 SPECIAL CATEGORIES
COASTAL AND AQUATIC MANAGED AREAS (CAMA) -
CARL MANAGEMENT FUNDS
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 216,884

1819 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION
AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 315,000

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1820 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 12,672
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,707
FROM LAND ACQUISITION TRUST FUND 13,247

1821 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIRS AND CONSTRUCTION -
STATEWIDE
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,182,810
FROM LAND ACQUISITION TRUST FUND 1,151,213

1821A FIXED CAPITAL OUTLAY
PARTNERSHIP IN COASTAL AQUATIC MANAGED
AREAS (CAMA)
FROM LAND ACQUISITION TRUST FUND 250,000

TOTAL: COASTAL AND AQUATIC MANAGED AREAS
FROM TRUST FUNDS 16,082,505

TOTAL POSITIONS 95.00
TOTAL ALL FUNDS 16,082,505

PROGRAM: AIR RESOURCES MANAGEMENT

AIR ASSESSMENT

APPROVED SALARY RATE 1,565,349

1822 SALARIES AND BENEFITS POSITIONS 34.00
FROM AIR POLLUTION CONTROL TRUST FUND . . 1,951,338

1823 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 1,995,998

1824 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 905,851

1825 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 313,743

1825A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM AIR POLLUTION CONTROL TRUST FUND . . 25,000

1826 SPECIAL CATEGORIES
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE
REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND . . 3,247,968

1827 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND . . 21,809

1828 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM AIR POLLUTION CONTROL TRUST FUND . . 14,449

TOTAL: AIR ASSESSMENT
FROM TRUST FUNDS 8,476,156

TOTAL POSITIONS 34.00
TOTAL ALL FUNDS 8,476,156

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AIR POLLUTION PREVENTION

APPROVED SALARY RATE 2,363,671

1829 SALARIES AND BENEFITS POSITIONS 51.00
FROM AIR POLLUTION CONTROL TRUST FUND . . 2,966,184

1830 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 3,662,810

1831 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 524,771

1832 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 73,937

1833 SPECIAL CATEGORIES
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND . . 3,247,968

1834 SPECIAL CATEGORIES
ASBESTOS REMOVAL PROGRAM FEES
FROM AIR POLLUTION CONTROL TRUST FUND . . 150,000

1835 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND . . 21,736

1836 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM AIR POLLUTION CONTROL TRUST FUND . . 22,619

TOTAL: AIR POLLUTION PREVENTION
FROM TRUST FUNDS 10,670,025

TOTAL POSITIONS 51.00
TOTAL ALL FUNDS 10,670,025

UTILITIES SITING AND COORDINATION

APPROVED SALARY RATE 655,375

1837 SALARIES AND BENEFITS POSITIONS 13.00
FROM GRANTS AND DONATIONS TRUST FUND . . . 425,986
FROM PERMIT FEE TRUST FUND 360,417

1838 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 250,340

1839 EXPENSES
FROM GRANTS AND DONATIONS TRUST FUND . . . 277,760
FROM PERMIT FEE TRUST FUND 44,444

1840 SPECIAL CATEGORIES
GRANTS AND AIDS - HYDROGEN ENERGY TECHNOLOGY
FROM GENERAL REVENUE FUND 815,725

Funds provided in Specific Appropriation 1840 shall be used to fund projects directly related to mobile or stationary applications fueled by hydrogen, hydrogen fueling infrastructure, or encouraging the expansion of hydrogen fuel cell or hydrogen internal combustion engine technologies in Florida.

1841 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,748

1842 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PERMIT FEE TRUST FUND 2,299

1843 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - ENERGY EFFICIENCY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,500,000

1844 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
UNITED STATES DEPARTMENT OF ENERGY SPECIAL PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,943,589

TOTAL: UTILITIES SITING AND COORDINATION
FROM GENERAL REVENUE FUND 815,725
FROM TRUST FUNDS 6,807,583

TOTAL POSITIONS 13.00
TOTAL ALL FUNDS 7,623,308

PROGRAM: LAW ENFORCEMENT

ENVIRONMENTAL INVESTIGATION

APPROVED SALARY RATE 3,099,311

1845 SALARIES AND BENEFITS POSITIONS 65.50
FROM GENERAL REVENUE FUND 2,961,885
FROM COASTAL PROTECTION TRUST FUND 717,782
FROM INLAND PROTECTION TRUST FUND 430,007

1846 OTHER PERSONAL SERVICES
FROM COASTAL PROTECTION TRUST FUND 120,000

1847 EXPENSES
FROM COASTAL PROTECTION TRUST FUND 195,090
FROM INLAND PROTECTION TRUST FUND 862,414

1848 OPERATING CAPITAL OUTLAY
FROM COASTAL PROTECTION TRUST FUND 67,178

1849 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM COASTAL PROTECTION TRUST FUND 201,350

1850 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM COASTAL PROTECTION TRUST FUND 17,558
FROM INLAND PROTECTION TRUST FUND 247,846

1851 SPECIAL CATEGORIES
OVERTIME
FROM COASTAL PROTECTION TRUST FUND 50,400
FROM INLAND PROTECTION TRUST FUND 50,400

1852 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 134,069
FROM INLAND PROTECTION TRUST FUND 114,413

1853 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM COASTAL PROTECTION TRUST FUND 21,465
FROM INLAND PROTECTION TRUST FUND 31,490

1854 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES

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PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	19,936	
FROM COASTAL PROTECTION TRUST FUND		6,396
FROM GRANTS AND DONATIONS TRUST FUND . . .		389
1854A SPECIAL CATEGORIES		
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE FRANCES - FEMA DECLARATION #1545 - STATE OPERATIONS		
FROM GRANTS AND DONATIONS TRUST FUND . . .		185,458
1854B SPECIAL CATEGORIES		
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE IVAN - FEMA DECLARATION #1551 - STATE OPERATIONS		
FROM GRANTS AND DONATIONS TRUST FUND . . .		230,745
1855 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY CLEAN MARINA		
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,970,000
TOTAL: ENVIRONMENTAL INVESTIGATION		
FROM GENERAL REVENUE FUND	3,115,890	
FROM TRUST FUNDS		6,520,381
TOTAL POSITIONS	65.50	
TOTAL ALL FUNDS		9,636,271

PATROL ON STATE LANDS

APPROVED SALARY RATE 3,734,049

1856 SALARIES AND BENEFITS POSITIONS	94.00	
FROM LAND ACQUISITION TRUST FUND		5,296,266
1857 OTHER PERSONAL SERVICES		
FROM LAND ACQUISITION TRUST FUND		190,000
1858 EXPENSES		
FROM LAND ACQUISITION TRUST FUND		221,024
1859 OPERATING CAPITAL OUTLAY		
FROM LAND ACQUISITION TRUST FUND		137,350
1860 SPECIAL CATEGORIES		
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
FROM LAND ACQUISITION TRUST FUND		347,901
1861 SPECIAL CATEGORIES		
OPERATION AND MAINTENANCE OF PATROL VEHICLES		
FROM LAND ACQUISITION TRUST FUND		361,218
1862 SPECIAL CATEGORIES		
OVERTIME		
FROM LAND ACQUISITION TRUST FUND		115,550
1863 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM LAND ACQUISITION TRUST FUND		258,876
1864 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM LAND ACQUISITION TRUST FUND		95,462
1865 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM LAND ACQUISITION TRUST FUND		34,119

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1865A SPECIAL CATEGORIES		
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE CHARLEY - FEMA DECLARATION #1539 - STATE OPERATIONS		
FROM GRANTS AND DONATIONS TRUST FUND . . .		312,847
TOTAL: PATROL ON STATE LANDS		
FROM TRUST FUNDS		7,370,613
TOTAL POSITIONS	94.00	
TOTAL ALL FUNDS		7,370,613

EMERGENCY RESPONSE

APPROVED SALARY RATE 1,385,273

1866 SALARIES AND BENEFITS POSITIONS	28.00	
FROM COASTAL PROTECTION TRUST FUND		1,191,363
FROM INLAND PROTECTION TRUST FUND		471,644
1867 OTHER PERSONAL SERVICES		
FROM COASTAL PROTECTION TRUST FUND		205,411
1868 EXPENSES		
FROM COASTAL PROTECTION TRUST FUND		192,174
FROM INLAND PROTECTION TRUST FUND		57,179
1869 OPERATING CAPITAL OUTLAY		
FROM COASTAL PROTECTION TRUST FUND		7,818
1870 SPECIAL CATEGORIES		
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
FROM COASTAL PROTECTION TRUST FUND		88,594
1871 SPECIAL CATEGORIES		
HAZARDOUS WASTE CLEANUP		
FROM COASTAL PROTECTION TRUST FUND		1,071,027
1872 SPECIAL CATEGORIES		
ON-CALL FEES		
FROM COASTAL PROTECTION TRUST FUND		98,902
1873 SPECIAL CATEGORIES		
PAYMENTS FOR RESTORATION AND DAMAGE		
FROM COASTAL PROTECTION TRUST FUND		50,000
1874 SPECIAL CATEGORIES		
ABANDONED DRUM REMOVAL AND DISPOSAL		
FROM COASTAL PROTECTION TRUST FUND		150,000
1875 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM INLAND PROTECTION TRUST FUND		208,083
1876 SPECIAL CATEGORIES		
UNDERGROUND STORAGE TANK CLEANUP		
FROM INLAND PROTECTION TRUST FUND		284,759
1877 SPECIAL CATEGORIES		
TRANSFER TO MARINE RESOURCES CONSERVATION TRUST FUND IN THE FISH AND WILDLIFE CONSERVATION COMMISSION		
FROM COASTAL PROTECTION TRUST FUND		3,697,242
1878 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM COASTAL PROTECTION TRUST FUND		7,550
FROM INLAND PROTECTION TRUST FUND		3,068
FROM WATER QUALITY ASSURANCE TRUST FUND .		891

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1878A SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE JEANNE - FEMA DECLARATION #1561 STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 83,384

TOTAL: EMERGENCY RESPONSE
FROM TRUST FUNDS 7,869,089

TOTAL POSITIONS 28.00
TOTAL ALL FUNDS 7,869,089

FISH AND WILDLIFE CONSERVATION COMMISSION

PROGRAM: EXECUTIVE DIRECTION AND ADMINISTRATIVE SERVICES

OFFICE OF EXECUTIVE DIRECTION AND ADMINISTRATIVE SUPPORT SERVICES

APPROVED SALARY RATE 8,663,996

1879 SALARIES AND BENEFITS POSITIONS 217.50
FROM GENERAL REVENUE FUND 2,080,438
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,188,191
FROM NON-GAME WILDLIFE TRUST FUND 925,409
FROM SAVE THE MANATEE TRUST FUND 50,543
FROM STATE GAME TRUST FUND 6,015,899
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 672,717

1880 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 28,625
FROM MARINE RESOURCES CONSERVATION TRUST FUND 209,000
FROM NON-GAME WILDLIFE TRUST FUND 25,171
FROM STATE GAME TRUST FUND 1,867,435

1881 EXPENSES
FROM GENERAL REVENUE FUND 129,187
FROM MARINE RESOURCES CONSERVATION TRUST FUND 676,921
FROM NON-GAME WILDLIFE TRUST FUND 241,450
FROM STATE GAME TRUST FUND 2,262,863
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 10,773

1882 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 8,400
FROM NON-GAME WILDLIFE TRUST FUND 19,927
FROM STATE GAME TRUST FUND 169,274
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 8,000

1883 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 591,130

1884 SPECIAL CATEGORIES
NON-CARL WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 173,205

1885 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM STATE GAME TRUST FUND 386

1886 SPECIAL CATEGORIES
PAYMENT OF REWARDS
FROM NON-GAME WILDLIFE TRUST FUND 5,000

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1887 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 18,699
FROM MARINE RESOURCES CONSERVATION TRUST FUND 12,176
FROM NON-GAME WILDLIFE TRUST FUND 5,100
FROM STATE GAME TRUST FUND 79,185
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 6,862

1888 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE GAME TRUST FUND 3,120

1889 SPECIAL CATEGORIES
INFORMATION TECHNOLOGY SERVICES - FISH AND WILDLIFE CONSERVATION COMMISSION
FROM GENERAL REVENUE FUND 295,791
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,393,335
FROM STATE GAME TRUST FUND 486,524

1890 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 18,108
FROM MARINE RESOURCES CONSERVATION TRUST FUND 3,469
FROM NON-GAME WILDLIFE TRUST FUND 6,533
FROM STATE GAME TRUST FUND 46,135
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 3,466

1891 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 450,000
FROM NON-GAME WILDLIFE TRUST FUND 1,034,500
FROM STATE GAME TRUST FUND 212,500

1892 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM STATE GAME TRUST FUND 45,898

1893 FIXED CAPITAL OUTLAY
MAJOR REPAIRS OR IMPROVEMENTS STATEWIDE
FROM STATE GAME TRUST FUND 133,240

TOTAL: OFFICE OF EXECUTIVE DIRECTION AND ADMINISTRATIVE SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,590,848
FROM TRUST FUNDS 19,043,737

TOTAL POSITIONS 217.50
TOTAL ALL FUNDS 21,634,585

PROGRAM: LAW ENFORCEMENT

FISH, WILDLIFE AND BOATING LAW ENFORCEMENT

APPROVED SALARY RATE 36,904,154

1894 SALARIES AND BENEFITS POSITIONS 902.50
FROM GENERAL REVENUE FUND 34,382,883
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,236,954
FROM MARINE RESOURCES CONSERVATION TRUST FUND 11,038,877
FROM NON-GAME WILDLIFE TRUST FUND 87,169
FROM SAVE THE MANATEE TRUST FUND 413,227
FROM STATE GAME TRUST FUND 1,760,441
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,837,146

SECTION 5 SPECIFIC APPROPRIATION		
1895 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	104,210	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		236,030
FROM SAVE THE MANATEE TRUST FUND		1,953
FROM STATE GAME TRUST FUND		10,004
1896 EXPENSES		
FROM GENERAL REVENUE FUND	3,502,046	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		218,596
FROM MARINE RESOURCES CONSERVATION TRUST FUND		5,389,711
FROM SAVE THE MANATEE TRUST FUND		12,841
FROM STATE GAME TRUST FUND		1,938,054
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		310,040
1897 OPERATING CAPITAL OUTLAY		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		213,786
FROM STATE GAME TRUST FUND		3,008,790
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		100,000
1898 SPECIAL CATEGORIES		
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		45,510
FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,570,915
FROM STATE GAME TRUST FUND		615,778
1899 SPECIAL CATEGORIES		
ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,520,245
1900 SPECIAL CATEGORIES		
ENHANCED WILDLIFE MANAGEMENT		
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		272,166
1901 SPECIAL CATEGORIES		
800 MHZ RADIO LAW ENFORCEMENT SYSTEM EQUIPMENT AND MAINTENANCE		
FROM GENERAL REVENUE FUND	110,675	
FROM STATE GAME TRUST FUND		294,155
1902 SPECIAL CATEGORIES		
BOAT RAMP MAINTENANCE CATEGORY		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		331,878
FROM STATE GAME TRUST FUND		575,000
1903 SPECIAL CATEGORIES		
OVERTIME		
FROM GENERAL REVENUE FUND	1,015,000	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,615,000
FROM STATE GAME TRUST FUND		125,447
1904 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	957,253	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		784
FROM MARINE RESOURCES CONSERVATION TRUST FUND		276,730
FROM NON-GAME WILDLIFE TRUST FUND		1,599
FROM SAVE THE MANATEE TRUST FUND		692
FROM STATE GAME TRUST FUND		54,420

SECTION 5 SPECIFIC APPROPRIATION		
1905 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	346,603	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		14,760
FROM MARINE RESOURCES CONSERVATION TRUST FUND		189,953
FROM SAVE THE MANATEE TRUST FUND		5,040
FROM STATE GAME TRUST FUND		57,540
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		20,160
1906 SPECIAL CATEGORIES		
BOATING AND WATERWAYS ACTIVITIES		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,371,310
1907 SPECIAL CATEGORIES		
BOATING AND WATERWAYS GRANTS		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		200,000
1908 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	281,271	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		11,858
FROM MARINE RESOURCES CONSERVATION TRUST FUND		43,290
FROM NON-GAME WILDLIFE TRUST FUND		767
FROM SAVE THE MANATEE TRUST FUND		283
FROM STATE GAME TRUST FUND		20,682
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,529
1909 SPECIAL CATEGORIES		
CONTRACT AND GRANT REIMBURSED ACTIVITIES		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,049,225
FROM STATE GAME TRUST FUND		700,483
1910 SPECIAL CATEGORIES		
BOATING SAFETY EDUCATION PROGRAM		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		550,000
1910A FIXED CAPITAL OUTLAY		
HURRICANE RELIEF - MARINAS		
FROM GENERAL REVENUE FUND	5,000,000	

Funds from Specific Appropriation 1910A shall be used to provide grants to marinas that provide public access to waterways and suffered uninsured damages from named hurricanes during the 2004 hurricane season. The Fish and Wildlife Conservation Commission will administer this program as jointly developed between the commission and the marina industry.

1911 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
FLORIDA BOATING IMPROVEMENT PROGRAM		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		5,571,500
FROM STATE GAME TRUST FUND		1,250,000
1911A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
LAW ENFORCEMENT TRAINING FACILITY - ESCAMBIA		
FROM GENERAL REVENUE FUND	350,000	

Funds in Specific Appropriation 1911A are provided to construct a joint law enforcement training facility in Escambia County.

SECTION 5
SPECIFIC
APPROPRIATION

TOTAL: FISH, WILDLIFE AND BOATING LAW ENFORCEMENT		
FROM GENERAL REVENUE FUND	46,049,941	
FROM TRUST FUNDS		47,172,318
TOTAL POSITIONS	902.50	
TOTAL ALL FUNDS		93,222,259

PROGRAM: WILDLIFE

HUNTING AND GAME MANAGEMENT

APPROVED SALARY RATE 1,901,304

1912	SALARIES AND BENEFITS POSITIONS	44.00	
	FROM STATE GAME TRUST FUND		1,855,558
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		399,546
1913	OTHER PERSONAL SERVICES		
	FROM STATE GAME TRUST FUND		327,303
1914	EXPENSES		
	FROM STATE GAME TRUST FUND		1,081,170
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,852
1915	OPERATING CAPITAL OUTLAY		
	FROM STATE GAME TRUST FUND		30,260
1916	SPECIAL CATEGORIES		
	ENHANCED WILDLIFE MANAGEMENT		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		48,015
1917	SPECIAL CATEGORIES		
	NON-CARL WILDLIFE MANAGEMENT		
	FROM STATE GAME TRUST FUND		122,500
1917A	SPECIAL CATEGORIES		
	TRANSFER DEPARTMENT OF AGRICULTURE - ALLIGATOR MARKETING AND EDUCATION		
	FROM STATE GAME TRUST FUND		100,000
1918	SPECIAL CATEGORIES		
	PUBLIC DOVE FIELD DEVELOPMENT		
	FROM STATE GAME TRUST FUND		49,000
1919	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM STATE GAME TRUST FUND		26,703
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		4,595
1920	SPECIAL CATEGORIES		
	WILDLIFE MANAGEMENT AREA USER PAY		
	FROM STATE GAME TRUST FUND		638,266
1921	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM STATE GAME TRUST FUND		21,271
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		2,702
1922	SPECIAL CATEGORIES		
	CONTRACT AND GRANT REIMBURSED ACTIVITIES		
	FROM STATE GAME TRUST FUND		622,384
1923	SPECIAL CATEGORIES		
	WILD TURKEY PROJECTS		
	FROM STATE GAME TRUST FUND		100,000

SECTION 5
SPECIFIC
APPROPRIATION

TOTAL: HUNTING AND GAME MANAGEMENT		
FROM TRUST FUNDS		5,431,125
TOTAL POSITIONS	44.00	
TOTAL ALL FUNDS		5,431,125

PROGRAM: HABITAT AND SPECIES CONSERVATION

HABITAT AND SPECIES CONSERVATION

APPROVED SALARY RATE 11,175,558

1924	SALARIES AND BENEFITS POSITIONS	296.00	
	FROM GENERAL REVENUE FUND	22,344	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		196,542
	FROM LAND ACQUISITION TRUST FUND		162,285
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		157,580
	FROM NON-GAME WILDLIFE TRUST FUND		1,953,783
	FROM SAVE THE MANATEE TRUST FUND		719,262
	FROM STATE GAME TRUST FUND		6,555,472
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		4,517,124
1925	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,903	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		138,094
	FROM LAND ACQUISITION TRUST FUND		214,035
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		110,000
	FROM NON-GAME WILDLIFE TRUST FUND		212,191
	FROM SAVE THE MANATEE TRUST FUND		176,047
	FROM STATE GAME TRUST FUND		248,240
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		82,808
1926	EXPENSES		
	FROM GENERAL REVENUE FUND	12,902	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		226,700
	FROM LAND ACQUISITION TRUST FUND		251,746
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		40,456
	FROM NON-GAME WILDLIFE TRUST FUND		670,683
	FROM SAVE THE MANATEE TRUST FUND		323,256
	FROM STATE GAME TRUST FUND		1,288,370
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,300,664
1927	AID TO LOCAL GOVERNMENTS		
	MANATEE PROTECTION PLANNING GRANTS		
	FROM SAVE THE MANATEE TRUST FUND		68,185
1928	OPERATING CAPITAL OUTLAY		
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		2,500
	FROM LAND ACQUISITION TRUST FUND		44,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		10,000
	FROM NON-GAME WILDLIFE TRUST FUND		30,464
	FROM SAVE THE MANATEE TRUST FUND		13,800
	FROM STATE GAME TRUST FUND		109,504
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		17,000
1929	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS		
	FROM STATE GAME TRUST FUND		38,854
1930	SPECIAL CATEGORIES		
	ENHANCED WILDLIFE MANAGEMENT		

SECTION 5
SPECIFIC
APPROPRIATION

FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 5,156,917

1931 SPECIAL CATEGORIES
NON-CARL WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 6,107,551

1932 SPECIAL CATEGORIES
LAKE RESTORATION
FROM STATE GAME TRUST FUND 10,833,454

1933 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL ENDANGERED SPECIES - SECTION 6
FROM NON-GAME WILDLIFE TRUST FUND 1,146,332

1934 SPECIAL CATEGORIES
LAND MANAGEMENT/SAVE OUR RIVERS
FROM STATE GAME TRUST FUND 325,751

1935 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 27,500

1936 SPECIAL CATEGORIES
DUCKS UNLIMITED MARSH PROJECT
FROM STATE GAME TRUST FUND 106,272

1937 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 844
FROM LAND ACQUISITION TRUST FUND 2,445
FROM MARINE RESOURCES CONSERVATION TRUST FUND 2,114
FROM NON-GAME WILDLIFE TRUST FUND 20,272
FROM SAVE THE MANATEE TRUST FUND 9,154
FROM STATE GAME TRUST FUND 120,380
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 67,500

1938 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 2,375,000

1939 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,262
FROM LAND ACQUISITION TRUST FUND 894
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,818
FROM NON-GAME WILDLIFE TRUST FUND 13,775
FROM SAVE THE MANATEE TRUST FUND 6,627
FROM STATE GAME TRUST FUND 66,499
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 42,537

1940 SPECIAL CATEGORIES
HABITAT CONSERVATION PLAN LANDS ACQUISITION PROGRAM
FROM NON-GAME WILDLIFE TRUST FUND 2,500,000

1941 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 100,000
FROM NON-GAME WILDLIFE TRUST FUND 2,781,152
FROM STATE GAME TRUST FUND 3,487,000

SECTION 5
SPECIFIC
APPROPRIATION

1942 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM FLORIDA FOREVER PROGRAM TRUST FUND . 4,500,000

1943 FIXED CAPITAL OUTLAY
MITIGATION PARK LAND ACQUISITION
FROM LAND ACQUISITION TRUST FUND 5,000,000

1944 FIXED CAPITAL OUTLAY
WILDLIFE MANAGEMENT AREA STORAGE FACILITY CONSTRUCTION - DMS MGD
FROM STATE GAME TRUST FUND 404,861

TOTAL: HABITAT AND SPECIES CONSERVATION
FROM GENERAL REVENUE FUND 38,149
FROM TRUST FUNDS 65,087,556

TOTAL POSITIONS 296.00
TOTAL ALL FUNDS 65,125,705

PROGRAM: FRESHWATER FISHERIES

FRESHWATER FISHERIES MANAGEMENT

APPROVED SALARY RATE 2,604,886

1945 SALARIES AND BENEFITS POSITIONS 69.50
FROM GENERAL REVENUE FUND 13,416
FROM STATE GAME TRUST FUND 3,174,933
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 114,835

1946 OTHER PERSONAL SERVICES
FROM STATE GAME TRUST FUND 67,254

1947 EXPENSES
FROM GENERAL REVENUE FUND 18,064
FROM STATE GAME TRUST FUND 813,531
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 20,000

1948 OPERATING CAPITAL OUTLAY
FROM STATE GAME TRUST FUND 67,822
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 25,000

1949 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS
FROM STATE GAME TRUST FUND 44,567

1950 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 68,635

1951 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE GAME TRUST FUND 844
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,313

1951A SPECIAL CATEGORIES
TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 1951A are provided for the Kids Fishing For Success Program.

SECTION 5
SPECIFIC
APPROPRIATION

1952 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM STATE GAME TRUST FUND 32,052
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 734

TOTAL: FRESHWATER FISHERIES MANAGEMENT
FROM GENERAL REVENUE FUND 531,480
FROM TRUST FUNDS 4,431,520

TOTAL POSITIONS 69.50
TOTAL ALL FUNDS 4,963,000

PROGRAM: MARINE FISHERIES

MARINE FISHERIES MANAGEMENT

APPROVED SALARY RATE 1,176,936

1953 SALARIES AND BENEFITS POSITIONS 26.00
FROM GENERAL REVENUE FUND 77,974
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,494,245

1954 OTHER PERSONAL SERVICES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 196,318

1955 EXPENSES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 438,128

1956 OPERATING CAPITAL OUTLAY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 846

1957 SPECIAL CATEGORIES
AQUATIC RESOURCES EDUCATION
FROM MARINE RESOURCES CONSERVATION TRUST FUND 341,599

1958 SPECIAL CATEGORIES
GULF STATES MARINE FISHERIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 22,500

1959 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 274,413

1960 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,313
FROM MARINE RESOURCES CONSERVATION TRUST FUND 16,260

1961 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,149
FROM MARINE RESOURCES CONSERVATION TRUST FUND 15,498

1962 SPECIAL CATEGORIES
FISHERIES DISASTER RELIEF PROGRAM - MONROE COUNTY - HURRICANE GEORGES AND TROPICAL STORM MITCH
FROM MARINE RESOURCES CONSERVATION TRUST FUND 184,544

SECTION 5
SPECIFIC
APPROPRIATION

1963 SPECIAL CATEGORIES
FEDERAL FISHERIES DISASTER ASSISTANCE PROGRAMS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 100,000

1964 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 200,000

1965 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND 600,000

TOTAL: MARINE FISHERIES MANAGEMENT
FROM GENERAL REVENUE FUND 80,436
FROM TRUST FUNDS 3,884,351

TOTAL POSITIONS 26.00
TOTAL ALL FUNDS 3,964,787

PROGRAM: RESEARCH

FISH AND WILDLIFE RESEARCH INSTITUTE

APPROVED SALARY RATE 12,744,933

1966 SALARIES AND BENEFITS POSITIONS 317.00
FROM GENERAL REVENUE FUND 3,347,822
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 166,845
FROM MARINE RESOURCES CONSERVATION TRUST FUND 7,880,055
FROM NON-GAME WILDLIFE TRUST FUND 1,076,323
FROM SAVE THE MANATEE TRUST FUND 823,799
FROM STATE GAME TRUST FUND 2,519,140
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 142,164

1967 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 856,000
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 60,867
FROM MARINE RESOURCES CONSERVATION TRUST FUND 4,477,475
FROM NON-GAME WILDLIFE TRUST FUND 659,737
FROM SAVE THE MANATEE TRUST FUND 735,000
FROM STATE GAME TRUST FUND 97,693

1968 EXPENSES
FROM GENERAL REVENUE FUND 570,375
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 56,958
FROM MARINE RESOURCES CONSERVATION TRUST FUND 2,867,113
FROM NON-GAME WILDLIFE TRUST FUND 394,027
FROM SAVE THE MANATEE TRUST FUND 426,104
FROM STATE GAME TRUST FUND 449,804
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 4,114

1968A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS-HARBOR BRANCH OCEANOGRAPHIC INSTITUTE
FROM GENERAL REVENUE FUND 2,000,000

From the funds in Specific Appropriation 1968A, $1,000,000 shall be transferred to the Grants and Donations Trust Fund in the Department of Environmental Protection for the Oceans Initiative.

SECTION 5
SPECIFIC
APPROPRIATION

1969 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 29,740
FROM MARINE RESOURCES CONSERVATION TRUST FUND 225,566
FROM NON-GAME WILDLIFE TRUST FUND 11,736
FROM SAVE THE MANATEE TRUST FUND 13,000
FROM STATE GAME TRUST FUND 57,068

1970 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 50,000

1971 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 84,434
FROM SAVE THE MANATEE TRUST FUND 7,000
FROM STATE GAME TRUST FUND 34,283

1972 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 89,435

1974 SPECIAL CATEGORIES
MANATEE RESEARCH - MANATEE AVOIDANCE TECHNOLOGY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 200,000

1975 SPECIAL CATEGORIES
REEF GROUNDING SETTLEMENT
FROM MARINE RESOURCES CONSERVATION TRUST FUND 41,912

1976 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 8,311,530

1977 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 37,677
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 4,179
FROM MARINE RESOURCES CONSERVATION TRUST FUND 120,469
FROM NON-GAME WILDLIFE TRUST FUND 23,997
FROM SAVE THE MANATEE TRUST FUND 13,256
FROM STATE GAME TRUST FUND 61,893
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 3,477

1978 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 19,827
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,161
FROM MARINE RESOURCES CONSERVATION TRUST FUND 83,928
FROM NON-GAME WILDLIFE TRUST FUND 8,011
FROM SAVE THE MANATEE TRUST FUND 8,687
FROM STATE GAME TRUST FUND 21,742
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,158

1978A SPECIAL CATEGORIES
HARMFUL ALGAL BLOOM
FROM GENERAL REVENUE FUND 500,000

SECTION 5
SPECIFIC
APPROPRIATION

1979 SPECIAL CATEGORIES
RED TIDE RESEARCH
FROM GENERAL REVENUE FUND 1,000,000

1980 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM NON-GAME WILDLIFE TRUST FUND 283,112
FROM STATE GAME TRUST FUND 700,000

1981 FIXED CAPITAL OUTLAY
MAJOR REPAIRS OR IMPROVEMENTS STATEWIDE
FROM STATE GAME TRUST FUND 174,379

1981A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FISH AND WILDLIFE RESEARCH INSTITUTE - JACKSONVILLE
FROM GENERAL REVENUE FUND 1,250,000

TOTAL: FISH AND WILDLIFE RESEARCH INSTITUTE
FROM GENERAL REVENUE FUND 9,611,441
FROM TRUST FUNDS 33,472,631

TOTAL POSITIONS 317.00
TOTAL ALL FUNDS 43,084,072

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 1989 through 2003, 2017 through 2019, 2021 through 2026, 2028 through 2038, and 2074 through 2084 are provided from the named funds to the department to fund the five-year Work Program developed pursuant to provisions of section 339.135, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

TRANSPORTATION SYSTEMS DEVELOPMENT

PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT

APPROVED SALARY RATE 96,085,999

1982 SALARIES AND BENEFITS POSITIONS 1,787.00
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 117,083,510
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 798,259

1983 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 925,246
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 40,000

1984 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 11,006,158
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 644,025

1985 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,415,114
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 10,000

1986 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,916,342

1987 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,271,969

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1988 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 198,500

1989 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 35,185,568

1990 FIXED CAPITAL OUTLAY
AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 115,973,722

From the funds in Specific Appropriation 1990, $250,000 is provided from the State Transportation (Primary) Trust Fund for the Immokalee Regional Airport/Florida Tradeport Infrastructure project.

1991 FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 169,035,096

1992 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 324,480,744
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 182,976,992

From the funds in Specific Appropriation 1992, $10,635,000 from the State Transportation (Primary) Trust Fund is provided for the following project:

SR 52 Advanced Right-of-Way Acquisition in Pasco County

1993 FIXED CAPITAL OUTLAY
SEAPORT - ECONOMIC DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,000,000

1994 FIXED CAPITAL OUTLAY
SEAPORTS ACCESS PROGRAM
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,000,000

1995 FIXED CAPITAL OUTLAY
SEAPORT GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 33,183,000

From the funds in Specific Appropriation 1995, $5,000,000 is provided for a statewide Seaport Economic Development/Dredging Grant program. Funds appropriated for this program may be used to fund approved projects for the dredging or deepening of channels, turning basins, or harbors on a 50-50 matching basis with any port authority. Funding is contingent upon Senate Bill 1576 or similar legislation becoming law authorizing the program.

1996 FIXED CAPITAL OUTLAY
RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 166,983,989

From funds in Specific Appropriation 1996, $3,500,000 is provided for the following projects:

Florida East Coast Railway - Generators & Generator Vaults for Railroad Crossings..... 3,000,000
Pedestrian Crossings at FEC Right-of-Way..... 500,000

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1997 FIXED CAPITAL OUTLAY
INTERMODAL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 147,616,191

1998 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
DISADVANTAGED
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 37,721,278

1999 FIXED CAPITAL OUTLAY
GRANTS AND AIDS-TRANSPORTATION
DISADVANTAGED-MEDICAID SERVICES
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 80,037,492

From the funds in Specific Appropriation 1999, $7,664,452 is contingent upon a renegotiated rate agreement between the Florida Commission for the Transportation Disadvantaged and the Florida Agency for Health Care Administration for the Commission for the Transportation Disadvantaged to serve as the vendor for the Florida Agency for Health Care Administration in the provision of non-emergency transportation services for eligible Medicaid beneficiaries.

2000 FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 527,039,062
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 329,988

From Funds in Specific Appropriation 2000, $6,300,000 is allocated from the State Transportation (Primary) Trust Fund for the following projects:

Preliminary Design and Environmental Study at I-95 and Oslo Road..... 1,000,000
US 1 Interchange at CR 210..... 4,300,000
SR 21 Widening Design - Clay County..... 1,000,000

2001 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 46,165,797
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 10,472,810

2002 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 18,078,762

2003 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 122,600,000

TOTAL: PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT
FROM TRUST FUNDS 2179,189,614

TOTAL POSITIONS 1,787.00
TOTAL ALL FUNDS 2179,189,614

TRANSPORTATION SYSTEMS OPERATIONS

PROGRAM: HIGHWAY OPERATIONS

APPROVED SALARY RATE 164,577,179

2004 SALARIES AND BENEFITS POSITIONS 4,204.00
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 214,651,589

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2005 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,873,552

2006 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 28,833,176

2007 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,246,036

2008 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,800,000

2009 SPECIAL CATEGORIES
FAIRBANKS HAZARDOUS WASTE SITE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 180,600

2010 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,510,047

2011 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,022,984

2012 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,659,903

2013 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 218,240

2014 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,469,516

2015 SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 653,874

2016 FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND
IMPROVEMENTS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,369,531

2017 FIXED CAPITAL OUTLAY
STATE INFRASTRUCTURE BANK LOAN REPAYMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,600,000

2018 FIXED CAPITAL OUTLAY
SMALL COUNTY RESURFACE ASSISTANCE PROGRAM
(SCRAP)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,000,000

2019 FIXED CAPITAL OUTLAY
SMALL COUNTY OUTREACH PROGRAM (SCOP)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,440,430

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2020 FIXED CAPITAL OUTLAY
RADIO COMMUNICATIONS PROGRAM (TOWERS/
ANTENNAES) - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 600,000

2021 FIXED CAPITAL OUTLAY
COUNTY TRANSPORTATION PROGRAMS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 21,767,801

2022 FIXED CAPITAL OUTLAY
BOND GUARANTEE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

2023 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE
CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 237,705,914

From funds in Specific Appropriation 2023, the Department of Transportation may contract with non-profit youth organizations in Florida to do work on the state highway system.

2024 FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1076,535,420

From the funds in Specific Appropriation 2024, $8,053,350 is provided for the following projects:

Modifications to SR 580 and SR 583 within the City of Temple Terrace..... 1,000,000
US 301 from Sun City Blvd. To Gibson Dr.- Widen to 4 lanes.. 4,924,350
SR 574 from Parsons Ave. to Kingsway Rd.- Widen to 4 lanes.. 822,000
SR 574 from Queen Palm Dr. to Williams Rd.-Widen bridge over I-75 to 6 lanes..... 807,000
US 1/I-95 Interchange and Ormond Crossings Business Park.... 500,000

2025 FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 720,956,728

From the funds in Specific Appropriation 2025, $15,633,650 is provided for the following projects:

Hoagland Boulevard Roadway Improvements - Osceola County.... 750,000
Restoration of Periwinkle Corridor - Lee County..... 970,000
Downtown Tarpon Springs Historic District Redevelopment - Pinellas County..... 3,788,000
Advancement of the Tampa Riverwalk Project..... 200,000
Palm Bay Parkway..... 4,100,000
441 and West Orange Trail Overpass..... 1,500,000
Crandon Blvd Improvement Project Phase III..... 2,800,000
Improvements to Church St. and N. White Cedar Road..... 1,100,000
State Road 40 Retrofit..... 425,650

2026 FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 236,597,746
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 1,931,934

2027 FIXED CAPITAL OUTLAY
ENVIRONMENTAL SITE RESTORATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,830,000

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2028 FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 106,144,121

From funds in Specific Appropriation 2028, $10,000 is provided for traffic safety devices in Leon County.

2029 FIXED CAPITAL OUTLAY
RESURFACING
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 641,746,306

2030 FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 130,374,081
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 4,924,000

From the funds in Specific Appropriation 2030, $1,118,000 in funds from the State Transportation (Primary) Trust Fund is provided for the following projects:

Lighthouse Point Bridge Replacement - Broward County..... 300,000
Dunedin Causeway Bridges Repair - Pinellas County..... 818,000

2031 FIXED CAPITAL OUTLAY
CONTRACT MAINTENANCE WITH THE DEPARTMENT
OF CORRECTIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 16,033,000

2032 FIXED CAPITAL OUTLAY
HIGHWAY BEAUTIFICATION GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,846,000

From the funds in Specific Appropriation 2032, $846,000 is provided for the local Adopt-A-Highway Florida Certified Keep America Beautiful(KAB) System Grant Program, pursuant to section 403.4131(5), Florida Statutes, and the release of funds in the Department of Transportation is contingent on the transfer of funds from the Department of Environmental Protection.

2033 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
EXPRESSWAY AUTHORITIES
FROM TOLL FACILITIES REVOLVING TRUST
FUND 11,000,000

2034 FIXED CAPITAL OUTLAY
MATERIALS AND RESEARCH
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 13,334,200

2035 FIXED CAPITAL OUTLAY
TRANSFER TO EXEC OFFICE OF THE GOVERNOR,
OFFICE OF TOURISM, TRADE & ECONOMIC
DEVELOPMENT FOR TRANSPORTATION PROJECTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,000,000

2036 FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,424,000

2037 FIXED CAPITAL OUTLAY
TRAFFIC ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 31,338,686

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2038 FIXED CAPITAL OUTLAY
LOCAL GOVERNMENT REIMBURSEMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 43,716,852
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 59,800,000

TOTAL: PROGRAM: HIGHWAY OPERATIONS
FROM TRUST FUNDS 3707,636,267

TOTAL POSITIONS 4,204.00
TOTAL ALL FUNDS 3707,636,267

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 38,356,362

2040 SALARIES AND BENEFITS POSITIONS 797.00
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 46,162,406

2041 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,227,160

2042 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 14,324,788

2043 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 325,091

2044 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 71,758

2045 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,502,810

2046 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 215,852

2047 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 111,820

2048 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,647,007

2049 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE - OTHER
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,188,903

2050 SPECIAL CATEGORIES
TRANSFER TO SOUTH FLORIDA WATER MANAGEMENT
DISTRICT FOR EVERGLADES RESTORATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,000,000

2051 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE FOR
HIGHWAY TAX COMPLIANCE

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FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,000

2052 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,034,185
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 3,869

2053 FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND
IMPROVEMENTS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,234,829

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 84,250,478

TOTAL POSITIONS 797.00
TOTAL ALL FUNDS 84,250,478

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 12,332,066

2054 SALARIES AND BENEFITS POSITIONS 284.00
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,723,240

2055 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 100,000

2056 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 19,213,188

2057 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,029,728

2058 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,925,000

2059 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 69,003

2060 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 76,480

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 42,136,639

TOTAL POSITIONS 284.00
TOTAL ALL FUNDS 42,136,639

FLORIDA'S TURNPIKE SYSTEMS

FLORIDA'S TURNPIKE ENTERPRISE

APPROVED SALARY RATE 21,006,147

2061 SALARIES AND BENEFITS POSITIONS 494.00
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,839,039

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APPROPRIATION
2062 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,239,952

2063 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 27,007,023

2064 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 679,604

2065 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 490,000

2066 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 613,280

2067 SPECIAL CATEGORIES
TOLL OPERATION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 67,190,390

2068 SPECIAL CATEGORIES
PAYMENT TO EXPRESSWAY AUTHORITIES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,466,968

2069 SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 14,799,115

2070 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 250,245

2071 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,000

2072 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,607,612

2073 FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND
IMPROVEMENTS - STATEWIDE
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 323,545

2074 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE
CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 35,814,276

2075 FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 9,011,238
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 310,562,635
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 829,875

2076 FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS

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FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 7,182,688
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 41,105,634
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 251,750

2077 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 168,880,713

2078 FIXED CAPITAL OUTLAY
RESURFACING
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 42,098,663

2079 FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 8,416,099

2080 FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 12,031,965
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 127,734,714
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 6,646,040

From funds in Specific Appropriation 2080, $500,000 from the State Transportation (Primary) Trust Fund is provided for an interchange at Suncoast Parkway and Lutz.

2081 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 1,204,175

2082 FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,500,000

2083 FIXED CAPITAL OUTLAY
TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 58,215,646

2084 FIXED CAPITAL OUTLAY
TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 24,036,801

TOTAL: FLORIDA'S TURNPIKE ENTERPRISE
FROM TRUST FUNDS 1006,229,685

TOTAL POSITIONS 494.00
TOTAL ALL FUNDS 1006,229,685

TOTAL OF SECTION 5 POSITIONS 17,205.25

FROM GENERAL REVENUE FUND 414,988,346

FROM TRUST FUNDS 10999,014,066

TOTAL ALL FUNDS 11414,002,412

SECTION 6 - GENERAL GOVERNMENT

The monies contained herein are appropriated from the named funds to Administered Funds, Agency for Workforce Innovation, Department of Financial Services, Department of Business and Professional Regulation, Department of Citrus, Executive Office of the Governor, Department of Highway Safety and Motor Vehicles, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military

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Affairs, Public Service Commission, Department of Revenue, and the Department of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

PROGRAM: ADMINISTERED FUNDS

2084A LUMP SUM
HURRICANE RELIEF FUNDING
FROM GENERAL REVENUE FUND 17,250,000

Funds in Specific Appropriation 2084A are provided to the following projects relating to relief and recovery from the 2004 hurricanes:

Okeechobee County Stormwater Pump Conveyance System.....	1,500,000
Institute for Human and Machine Cognition Hurricane Damage..	950,000
Hospice Hurricane Relief.....	300,000
Hurricane Damage: Grove Counseling Center, Inc.....	150,000
Removal of Wastewater Discharges from Pensacola Bay from Mainstreet Wastewater Treatment Plant.....	4,900,000
Non-FEMA/Insurance Reimbursement Expenses-Charlotte County School Board.....	1,500,000
Charlotte County Public Safety Complex.....	1,500,000
Emergency Ops Center-Palm Beach County.....	250,000
Building and road damage-Lake County.....	100,000
City of Ocoee Lake Shore Drive Repairs.....	100,000
Lake Wales Airport Economic Development.....	1,500,000
UWF Hurricane Damage Non-Reimbursable Expense.....	4,000,000
Hospital Damage Study.....	500,000

Funds provided above for the Hospital Damage Study are to support the study commission which addresses critical issues relating to hospitals serving indigent populations which sustained significant damage during the 2004 hurricane season. These funds are contingent upon Senate Bill 662 or similar legislation becoming law.

2085 LUMP SUM
PROJECT ASPIRE REMEDIATION
FROM GENERAL REVENUE FUND 4,872,889
FROM TRUST FUNDS 656,000

Funds provided in Specific Appropriation 2085 are to be placed in reserve. Each agency requesting remediation funds shall submit a funding proposal to the Executive Office of the Governor and the chair and vice chair of the Legislative Budget Commission. The funding proposal shall include a detailed description of the accounting and financial system functionality that is critically needed by the agency but which is not provided by the Aspire system. The Agency Chief Information Officers Council shall review each agency proposal and submit a recommendation to the Executive Office of the Governor and the chair and vice chair of the Legislative Budget Commission. Upon the submission of a recommendation by the council, an agency may request a budget amendment to transfer funds for implementation of the agency's funding proposal for approval by the Legislative Budget Commission.

2085A LUMP SUM
STATE BUILDING RENTAL INCREASE
FROM GENERAL REVENUE FUND 3,152,114
FROM TRUST FUNDS 3,152,115

Funds in Specific Appropriation 2085A are provided to implement increases in the state office-space rental rates in the Florida Facilities Pool. Implementation of the rate increases and distribution of funds to user agencies are contingent upon the completion of a detailed report, by the Department of Management Services, on the facilities pool and the department's Workspace Management Initiative. At a minimum, the report must: (1) provide an overview of the facilities pool assets and debt, capital deficiencies, rental revenues, and operations and maintenance costs; (2) address any proposed actions or recommendations to increase the occupancy rate in the pool, to reduce operation and maintenance costs, and to restructure or reduce bonded debt; and (3) address the anticipated impact the workspace initiative will have on the facilities pool, state agencies, and state funding. The department must submit the report to the Executive Office of the

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Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council by August 15, 2005, and subsequently provide quarterly updates on both the facilities pool and the workspace initiative.

2086	LUMP SUM		
	SALARY INCREASES		
	FROM GENERAL REVENUE FUND	197,290,296	
	FROM TRUST FUNDS		77,104,962
2086A	LUMP SUM		
	CASUALTY INSURANCE PREMIUM REDUCTION		
	FROM GENERAL REVENUE FUND	-10,100,000	
	FROM TRUST FUNDS		-4,000,000
2087	LUMP SUM		
	STATE HEALTH INSURANCE TRUST FUND DEFICIENCY		
	FROM GENERAL REVENUE FUND	23,072,076	
	FROM TRUST FUNDS		20,142,836
2088	LUMP SUM		
	EXECUTIVE AIRCRAFT POOL SUBSCRIPTIONS		
	FROM GENERAL REVENUE FUND	1,480,864	
	FROM TRUST FUNDS		300,000
2089	LUMP SUM		
	HUMAN RESOURCES OUTSOURCING CONTINGENCY		
	FROM GENERAL REVENUE FUND	300,000	
2090A	LUMP SUM		
	STRENGTHENING DOMESTIC SECURITY		
	FROM TRUST FUNDS		101,590,029

Funds are provided in Specific Appropriation 2090A to the following agencies for the listed projects:

Department of Agriculture and Consumer Services	
Gamma Ray Equipment Maintenance Contracts.....	400,000
State Agricultural Response Team Equipment and Training.....	350,000
DACS Laboratory Equipment, Supplies, Accessories and Maintenance.....	243,000
High Security Tank Locks for Anhydrous Ammonia Storage Tanks	50,000
Training and Support for All Risk Incident Management Teams.	1,223,500
Department of Community Affairs	
Enhance Local Domestic Security all Discipline Response Capabilities.....	775,275
State Coordinated Planning, Training, and Regional Exercises.....	2,200,000
Baseline Planning, Training, Exercises for Local and Regional Efforts.....	4,400,000
NIMS Resource Management Information System.....	2,000,000
State Emergency Operations Center MAPPER Maintenance.....	150,000
All discipline Multi Agency Coordination System Build-out in each Region.....	3,285,000
Citizen Corps.....	567,828
Metro Medical Response System (for distribution).....	1,593,144
Urban Area Security Initiative (for distribution).....	30,885,716
Jacksonville Transportation Authority (other rail).....	300,000
Miami/Tri-county rail (commuter) and Miami-Dade Transit Authority (heavy/other rail).....	1,800,000
Miami-Dade Transit Authority (Miami Intracity Bus).....	600,000
Department of Environmental Protection	
Planning and Equipment for State Environmental Response Team.....	140,000
Department of Financial Services	
Sustain and Maintain Equipment for Regional Hazmat Response Teams.....	1,041,200
Equipment and Training for Urban Search and Rescue and Hazardous Material Teams.....	1,100,000
Equipment for Specialty Teams for Multi-Day Deployment.....	375,000
Development of Hazardous Materials Decontamination Teams....	572,660
Urban Search and Rescue/Hazardous Materials Training.....	3,626,500
Department of Highway Safety and Motor Vehicles	
Florida Seaport Gate Control System.....	1,200,000
Expansion of Document Authentication System.....	261,440
Biometric Image Scan Capability.....	400,000
Department of Military Affairs	
Radiological Monitoring and Advanced Chemical Detection Equipment for the 44th CST for Monitoring of Radiological Agents and Advanced Chemical Detection.....	40,095
Department of Education	
Equipment and Planning to Enhance First Responder Communications in K-12 Schools.....	1,142,857
Notification/Alert Systems for University and Community College Campuses.....	857,143
Department of Health	
Equipment for Statewide Triage System.....	590,000
Florida Emergency Mortuary Operations Response System (FEMORS) Equipment Mobile Unit.....	350,000
Security/Target Hardening for Hospitals.....	420,000
Hospital Surge Capacity - Conversion of Non-Clinical Space to Clinical Space for Surge Capacity.....	700,000
DOH Environmental Health Radiological Equipment.....	299,575
Health Medical ESF - County Health Department Radios.....	449,425
Enhance Local Domestic Security All Discipline Response Capabilities.....	268,984
Department of Law Enforcement	
Equipment and Training for Regional SWAT and EOD Capabilities.....	4,915,800
Mobile Joint Information Center Packages.....	440,000
ThreatNet Enhancements and Integration.....	30,000
ThreatCom Domestic Security Task Forces Alert and Information System.....	51,180
Public Key Infrastructure Licenses for Secure Connectivity on CJNET.....	547,900
Two Additional Florida Law Enforcement Analyst Academies....	211,223
Analyst Notebook Software Maintenance Fees.....	15,500
Additional Analyst Notebook Software Maintenance Fees.....	67,400
Secure Communications Packages.....	200,000
Threat Detection Equipment.....	454,000
Secure Intelligence Command Room Equipment.....	99,200
Analytic Tools to Investigate Terrorist Financing.....	24,704
Surveillance Platform with Interoperability for use by RDSTFs and Local Agencies.....	100,000
Capitol Police Radiation Detection Equipment.....	58,000
Capitol Police Infrastructure Protection Equipment.....	350,000
ODP Approved Training for Regional Specialty Teams.....	349,516
Domestic Security Management and Administration.....	407,523
Enhance Local Domestic Security Discipline Response Capabilities.....	2,455,741
Buffer Zone Protection Program (for distribution).....	4,850,000
Regional Data Sharing Projects.....	9,410,000

Funds in Specific Appropriation 2090A, in the amount of $9,410,000, for Regional Data Sharing Projects are provided for law enforcement homeland security preparedness as follows:

Region 1 - Pensacola.....	510,000
Region 2 - Tallahassee.....	1,100,000
Region 3 - Jacksonville.....	500,000
Region 4 - Tampa.....	1,000,000
Region 5 - Orlando.....	1,600,000
Region 6 - Ft Myers.....	1,200,000
Region 7 - Miami.....	3,000,000
Connectivity Cost.....	500,000
Fish and Wildlife Conservation Commission	
Deep Water Vessels for Waterborne Response Teams.....	427,000

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Department of Management Services
Statewide Interoperable Communications Solution..... 10,767,000

Funds provided in Specific Appropriation 2090A for the Statewide Interoperable Communications Solution and reappropriated funds in sections 31 and 32 of this Act are contingent on the submission of a 5-year plan by the Department of Management Services to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council on the development and implementation of the state Interoperability Network and Mutual Aid Buildout including the proposed governance structure and progress on implementation. The plan shall be submitted by October 1, 2005, and include but not be limited to:

1. Detailed budget estimates for the project for the next five fiscal years beginning with Fiscal Year 2005-2006. The estimates shall segregate state costs from costs paid for by other project participants.

2. Identification of factors that may influence future costs including, but not limited to, equipment, maintenance, and replacement costs.

3. A funding strategy to address continued network operation following future reductions in federal funding and other unanticipated changes in available funding.

4. Detailed timelines noting major milestones and projected budget expenditures required to reach project completion by the target date.

5. Measures to assess project performance, timeliness, and cost efficiencies achieved.

The proposed governance structure shall include an outline of the current project components for which the department is responsible and those project functions that have been privately contracted. The governance structure shall specifically address oversight of project funding, operation, and administration, including contract management.

Hardening Critical Infrastructure - Shared Resource Center
and State Emergency Operations Center..... 700,000

2091	LUMP SUM RETIREMENT ADJUSTMENT FROM GENERAL REVENUE FUND	12,119,072	
	FROM TRUST FUNDS		8,300,000
2091A	SPECIAL CATEGORIES INFORMATION TECHNOLOGY FROM TRUST FUNDS		90,167,025
2092	SPECIAL CATEGORIES ASSOCIATION DUES FROM GENERAL REVENUE FUND	182,170	
2093	SPECIAL CATEGORIES DEFICIENCY FROM GENERAL REVENUE FUND	400,000	
2094	SPECIAL CATEGORIES EMERGENCY FROM GENERAL REVENUE FUND	250,000	
2095	SPECIAL CATEGORIES FLORIDA LAND AND WATER ADJUDICATORY COMMISSION - ADMINISTRATIVE APPEALS FROM GENERAL REVENUE FUND	4,756	
2096	SPECIAL CATEGORIES TRANSFER TO PLANNING AND BUDGETING SYSTEM TRUST FUND FROM GENERAL REVENUE FUND	4,934,905	
2096A	SPECIAL CATEGORIES STATE MATCH FOR DISASTERS FROM GENERAL REVENUE FUND	141,681,130	

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TOTAL: PROGRAM: ADMINISTERED FUNDS FROM GENERAL REVENUE FUND	396,890,272	
FROM TRUST FUNDS		297,412,967
TOTAL ALL FUNDS		694,303,239

AGENCY FOR WORKFORCE INNOVATION

From the funds in Specific Appropriations 2097 through 2162L, any expenditures from the Temporary Assistance for Needy Families (TANF) Block Grant must be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the Department of Children and Family Services, each provider shall identify the number of clients to be served and certify their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified.

The agency head shall certify that controls are in place to ensure that such funds are expended in accordance with the requirements and limitations of federal law and that reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

From the funds in Specific Appropriations 2097 through 2162L, no funds shall be used to pay for space being leased by the Agency for Workforce Innovation or a Regional Workforce Board if it has been determined that there is no longer a need for the leased space.

EXECUTIVE DIRECTION AND SUPPORT SERVICES

EXECUTIVE LEADERSHIP

APPROVED SALARY RATE 2,604,237

2097	SALARIES AND BENEFITS	POSITIONS	46.00	
	FROM GENERAL REVENUE FUND		293,511	
	FROM ADMINISTRATIVE TRUST FUND			3,385,702
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND			165,718
2098	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND			20,000
2099	EXPENSES FROM GENERAL REVENUE FUND		148,218	
	FROM ADMINISTRATIVE TRUST FUND			845,915
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND			55,071
2100	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND		3,600	
	FROM ADMINISTRATIVE TRUST FUND			23,463
2101	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		314	
	FROM ADMINISTRATIVE TRUST FUND			21,739
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND			1,123
2102	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND		677	
	FROM ADMINISTRATIVE TRUST FUND			15,416
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND			1,229

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TOTAL: EXECUTIVE LEADERSHIP
FROM GENERAL REVENUE FUND 446,320
FROM TRUST FUNDS 4,535,376

TOTAL POSITIONS 46.00
TOTAL ALL FUNDS 4,981,696

AGENCY SUPPORT SERVICES

APPROVED SALARY RATE 7,574,528

2103 SALARIES AND BENEFITS POSITIONS 162.50
FROM GENERAL REVENUE FUND 390,826
FROM ADMINISTRATIVE TRUST FUND 5,074,566
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 453,527
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 2,912,730
FROM REVOLVING TRUST FUND 1,392,856

2104 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 270,295
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 86,149
FROM REVOLVING TRUST FUND 706,181

2105 EXPENSES
FROM GENERAL REVENUE FUND 361,341
FROM ADMINISTRATIVE TRUST FUND 2,103,316
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 90,141
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,104,906
FROM REVOLVING TRUST FUND 1,732,879

2106 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,600
FROM ADMINISTRATIVE TRUST FUND 72,029
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 387,470

2106A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 300,000
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 300,000

2107 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 471
FROM ADMINISTRATIVE TRUST FUND 52,867
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 2,247
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 24,269
FROM REVOLVING TRUST FUND 13,765

2108 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,403
FROM ADMINISTRATIVE TRUST FUND 31,881
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 2,458
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 18,260
FROM REVOLVING TRUST FUND 8,705

2109 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM ADMINISTRATIVE TRUST FUND 399,522

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2110 FIXED CAPITAL OUTLAY
REED ACT BUILDINGS PROJECTS - STATEWIDE
FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 360,000

2111 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM ADMINISTRATIVE TRUST FUND 88,130

TOTAL: AGENCY SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,057,641
FROM TRUST FUNDS 17,689,149

TOTAL POSITIONS 162.50
TOTAL ALL FUNDS 18,746,790

PROGRAM: WORKFORCE SERVICES

PROGRAM SUPPORT

APPROVED SALARY RATE 27,631,848

It is the intent of the Legislature that the administration and delivery of workforce services and programs that are currently provided by agency employees working in One Stop Career Centers operated by the Regional Workforce Boards may be transferred from the Agency for Workforce Innovation to the Regional Workforce Boards. Such transfers shall only occur if the agency determines that the Regional Workforce Boards would more effectively and efficiently deliver services and if such transfers comply with applicable federal regulations. For all transfers made, the agency shall submit budget amendments pursuant to chapter 216, Florida Statutes, to move positions to the Executive Office of the Governor's reserve and realign the budget into the appropriate operating budget appropriation categories to implement the transfer of programs and service delivery to the Regional Workforce Boards.

From the funds in Specific Appropriations 2112 through 2126, the Agency for Workforce Innovation shall determine whether any funds provided for specific workforce programs, projects or initiatives are not an allowable use of federal funds. If the agency finds that any project or initiative for which funds are specifically appropriated in this act is not an allowable use of federal funds, the agency shall notify the Executive Office of the Governor, the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council.

2112 SALARIES AND BENEFITS POSITIONS 806.49
FROM GENERAL REVENUE FUND 60,774
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 37,119,116
FROM WELFARE TRANSITION TRUST FUND 1,093,313

2113 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 5,476,885
FROM WELFARE TRANSITION TRUST FUND 65,313

2114 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 9,619,079
FROM WELFARE TRANSITION TRUST FUND 761,843
FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 50,000

2115 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 112,914
FROM WELFARE TRANSITION TRUST FUND 26,424
FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 425,880

2116 LUMP SUM
ONE STOP MANAGEMENT INFORMATION SYSTEM
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,800,000

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2117 LUMP SUM
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 10,000,000

2118 SPECIAL CATEGORIES
NON CUSTODIAL PARENT PROGRAM
FROM WELFARE TRANSITION TRUST FUND 1,416,000

From the funds provided in Specific Appropriation 2118, $750,000 is provided for the Noncustodial Parent Program in Pinellas, Pasco and Hillsborough counties. The Pinellas Workforce Board (WorkNet) shall administer the funds, which shall be maintained as a single project for the three counties.

From the funds in Specific Appropriation 2118, $666,000 is provided to expand Gulf Coast Community Care's current Noncustodial Parent Program in Miami-Dade County, which shall be administered by the South Florida Workforce Board.

2119 SPECIAL CATEGORIES
CONTRACT PAYMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 15,422,834
FROM WELFARE TRANSITION TRUST FUND 575,000

2120 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,371,483
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 8,313,127

2121 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL WORKFORCE
BOARDS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 144,269,017
FROM WELFARE TRANSITION TRUST FUND 101,813,840

Funds provided in Specific Appropriation 2121 from the Welfare Transition Trust Fund shall be allocated for workforce services based on a plan approved by Workforce Florida, Inc. The plan shall identify funds provided for state-level and discretionary initiatives, and shall maximize funds distributed directly to the Regional Workforce Boards. The plan shall provide for equitable distribution of funds to the boards based on anticipated client caseload and the achievement of performance standards. Copies of the proposed allocation shall be provided to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council.

From the funds in Specific Appropriation 2121, $500,000 from the Employment Security Administration Trust Fund is provided for the Youth Summer Jobs Program in Broward County.

From the funds in Specific Appropriation 2121, $500,000 from Employment Security Administration Trust Fund is provided to continue and expand the Jobs For Our Students Program that was funded in Fiscal Year 2004-2005.

From the non-recurring Welfare Transition Trust Funds in Specific Appropriation 2121, $2,000,000 is provided to continue the Passport to Economic Progress programs in Hillsborough, Manatee, and Sarasota counties. Funds provided to the Regional Workforce Boards in Specific Appropriation 2121 may be used for Passport to Economic Progress programs in other counties contingent upon legislation authorizing statewide expansion becoming law.

2122 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE SERVICES
FROM GENERAL REVENUE FUND 200,000
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 30,789,856

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2123 SPECIAL CATEGORIES
GRANTS AND AIDS - DISPLACED HOMEMAKERS
FROM GENERAL REVENUE FUND 23,676
FROM DISPLACED HOMEMAKER TRUST FUND . . . 2,060,024

2124 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,126,879
FROM WELFARE TRANSITION TRUST FUND 37,080

2125 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 537
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 328,138
FROM WELFARE TRANSITION TRUST FUND 11,426

2125A SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 -
HURRICANE CHARLEY - FEMA DECLARATION #1539
- STATE OPERATIONS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 26,790,588

2126 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,825,866
FROM WELFARE TRANSITION TRUST FUND 200,000

TOTAL: PROGRAM SUPPORT
FROM GENERAL REVENUE FUND 1,656,470
FROM TRUST FUNDS 401,530,442

TOTAL POSITIONS 806.49
TOTAL ALL FUNDS 403,186,912

UNEMPLOYMENT COMPENSATION

APPROVED SALARY RATE 16,463,749

2127 SALARIES AND BENEFITS POSITIONS 461.00
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 22,379,316

2128 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 5,500,000

2129 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 7,500,000

2130 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 314,258

2131 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 26,692,426

2132 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 262,450

2133 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES

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PURCHASED PER STATEWIDE CONTRACT
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 236,888

2134 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 6,484,053

TOTAL: UNEMPLOYMENT COMPENSATION
FROM TRUST FUNDS 69,369,391

TOTAL POSITIONS 461.00
TOTAL ALL FUNDS 69,369,391

WORKFORCE FLORIDA, INC.

APPROVED SALARY RATE 768,680

2135 SALARIES AND BENEFITS POSITIONS 11.00
FROM ADMINISTRATIVE TRUST FUND 998,558

2137 SPECIAL CATEGORIES
WORKFORCE FLORIDA INC. OPERATIONS
FROM GENERAL REVENUE FUND 364,254
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 734,295
FROM WELFARE TRANSITION TRUST FUND 1,005,960
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 150,748

2138 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 393
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,433
FROM WELFARE TRANSITION TRUST FUND 1,084
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 162

2139 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 529
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,929
FROM WELFARE TRANSITION TRUST FUND 1,459
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 219

2140 SPECIAL CATEGORIES
QUICK RESPONSE TRAINING
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 5,000,000

TOTAL: WORKFORCE FLORIDA, INC.
FROM GENERAL REVENUE FUND 365,176
FROM TRUST FUNDS 7,895,847

TOTAL POSITIONS 11.00
TOTAL ALL FUNDS 8,261,023

UNEMPLOYMENT APPEALS COMMISSION

APPROVED SALARY RATE 1,851,764

2141 SALARIES AND BENEFITS POSITIONS 30.00
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 2,261,200

2142 SPECIAL CATEGORIES
UNEMPLOYMENT APPEALS COMMISSION OPERATIONS

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FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 415,569

2143 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 8,832

2144 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 11,656

2145 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 4,050

TOTAL: UNEMPLOYMENT APPEALS COMMISSION
FROM TRUST FUNDS 2,701,307

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 2,701,307

EARLY LEARNING

EARLY LEARNING SERVICES

APPROVED SALARY RATE 3,005,312

2162A SALARIES AND BENEFITS POSITIONS 58.00
FROM GENERAL REVENUE FUND 3,355,399
FROM CHILD CARE AND DEVELOPMENT BLOCK
GRANT TRUST FUND 1,457,123

2162B OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,500
FROM CHILD CARE AND DEVELOPMENT BLOCK
GRANT TRUST FUND 35,000

2162C EXPENSES
FROM GENERAL REVENUE FUND 543,341
FROM CHILD CARE AND DEVELOPMENT BLOCK
GRANT TRUST FUND 872,508

2162D AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND
GRANTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,000,000

2162E OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 32,250
FROM CHILD CARE AND DEVELOPMENT BLOCK
GRANT TRUST FUND 15,000

2162F SPECIAL CATEGORIES
SCHOOL READINESS SERVICES
FROM GENERAL REVENUE FUND 166,400

From the funds in Specific Appropriation 2162F, $166,400 is provided for Parental Workforce Development Childcare Services.

2162G SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL READINESS
SERVICES
FROM GENERAL REVENUE FUND 172,474,148
FROM CHILD CARE AND DEVELOPMENT BLOCK
GRANT TRUST FUND 373,909,382
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,200,000
FROM WELFARE TRANSITION TRUST FUND 111,727,724

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Funds in Specific Appropriation 2162G from the Child Care and Development Block Grant Trust Fund may be used to enhance the quality of child care through the Teacher Education and Compensation Helps Program (T.E.A.C.H.).

A minimum of $750,000 from the Welfare Transition Trust Fund in Specific Appropriation 2162G, along with $200,000 from the General Revenue Fund from Specific Appropriation 2162G, shall be used for the Home Instruction Program for Pre-School Youngsters (HIPPY) at the University of South Florida. From the Welfare Transition Trust Fund in Specific Appropriation 2162G, $150,000 shall be used for the HIPPY program in Desoto County, and $100,000 shall be used for the HIPPY program in Sarasota County.

Funds in Specific Appropriation 2162G from the Child Care and Development Block Grant Trust Fund may be used to provide a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent of the reimbursement rate.

Funds in Specific Appropriation 2162G require a match from local sources for working poor eligible participants of six percent on child care slots. In-kind match is allowable provided there is not a reduction in the number of slots or level of services from the provision of in-kind match. The Agency for Workforce Innovation may adopt a policy to grant a waiver of the six percent match requirement to a rural county that demonstrates a significant hardship in meeting the match requirement.

From the funds in Specific Appropriation 2162G, the Agency for Workforce Innovation shall designate an amount to be used for the Child Care Executive Partnership Program as match to expand the provision of services to low income families at or below 200 percent of poverty as defined in section 409.178, Florida Statutes. Funds for this program may be used to match funds for statewide contracts.

2162H SPECIAL CATEGORIES
GRANTS AND AIDS - DATA SYSTEMS FOR SCHOOL READINESS
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 2,056,925

2162I SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,236
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 10,800

2162J SPECIAL CATEGORIES
GRANTS AND AIDS - VOLUNTARY PREKINDERGARTEN PROGRAM
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 387,137,762

Funds in Specific Appropriation 2162J shall be initially allocated to Early Learning Coalitions as indicated below to fund the voluntary prekindergarten education program established in chapter 1002, Part V, Florida Statutes. Pursuant to the provisions of section 1002.71 (3) (a), Florida Statutes, the base student allocation per full-time equivalent student in the program for the Fiscal Year 2005-2006 shall be $2,500. The allocation includes 5 percent in addition to the base student allocation to fund administrative and other program costs of the Early Learning Coalitions relating to the voluntary prekindergarten education program. The initial allocation is based on estimated student enrollment in each coalition service area. The Agency for Workforce Innovation shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area.

Funds in Specific Appropriation 2162J shall be allocated to the coalitions as follows:

Alachua..... 4,120,540
Bay, Calhoun, Gulf, Franklin, Washington, Holmes, Jackson... 5,638,970

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Brevard..... 9,573,606
Broward..... 43,494,551
Charlotte, DeSoto, Highlands, Hardee..... 4,921,554
Clay, Nassau, Baker, Bradford..... 6,506,785
Columbia, Hamilton, Lafayette, Union, Suwannee..... 2,743,267
Dade, Monroe..... 63,250,365
Dixie, Gilchrist, Levy, Citrus, Sumter..... 4,182,575
Duval..... 21,636,624
Escambia..... 6,289,222
Hendry, Glades, Collier, Lee..... 17,394,671
Hillsborough..... 28,053,359
Jefferson, Liberty, Madison, Wakulla, Taylor..... 1,646,024
Lake..... 4,777,776
Leon, Gadsden..... 6,364,169
Manatee..... 5,973,000
Marion..... 5,422,779
Martin, Okeechobee, Indian River..... 5,116,731
Okaloosa, Walton..... 4,872,231
Orange..... 25,812,151
Osceola..... 5,894,537
Palm Beach..... 27,591,335
Pasco, Hernando..... 10,308,948
Pinellas..... 17,049,025
Polk..... 12,151,157
Putnam, St. Johns..... 4,628,989
St. Lucie..... 4,411,913
Santa Rosa..... 3,066,838
Sarasota..... 5,077,884
Seminole..... 9,752,203
Volusia, Flagler..... 9,413,983

2162K SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 14,061
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 8,256

2162L DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 65,290

TOTAL: EARLY LEARNING SERVICES
FROM GENERAL REVENUE FUND 176,624,335
FROM TRUST FUNDS 879,495,770

TOTAL POSITIONS 58.00
TOTAL ALL FUNDS 1056,120,105

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY AND ADMINISTRATION

FLORIDA BOXING COMMISSION

APPROVED SALARY RATE 131,195

2163 SALARIES AND BENEFITS POSITIONS 3.00
FROM PROFESSIONAL REGULATION TRUST FUND . 209,305

2164 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 60,081

2165 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 94,149

2166 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 14,953

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2167 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . 1,119

TOTAL: FLORIDA BOXING COMMISSION
FROM TRUST FUNDS 379,607

TOTAL POSITIONS 3.00
TOTAL ALL FUNDS 379,607

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 7,952,561

2168 SALARIES AND BENEFITS POSITIONS 169.50
FROM ADMINISTRATIVE TRUST FUND 9,874,413

2169 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 677,920

2170 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 2,549,296

2171 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 77,346

2172 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 20,000

2173 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 504,623

2174 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 88,481

2175 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 1,560

2176 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 84,493

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 13,878,132

TOTAL POSITIONS 169.50
TOTAL ALL FUNDS 13,878,132

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 2,174,356

2177 SALARIES AND BENEFITS POSITIONS 44.00
FROM ADMINISTRATIVE TRUST FUND 2,783,032

2178 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 80,000

2179 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 1,961,230

2180 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 145,000

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From the funds in Specific Appropriation 2180, $120,000 from the Administrative Trust Fund is provided for the purchase and installation of emergency generators at the Customer Contact Center and Northwood Centre Server Room at the Department of Business and Professional Regulation. Prior to release of funds, the department must assess the current emergency power capacity needs and recovery time requirements for the Customer Contact Center and Northwood Centre Server Room. The department shall describe and itemize the type, capacity, and cost of the equipment to be purchased for the project and submit this documentation to the Executive Office of the Governor with the budget amendment requesting release of the funds pursuant to chapter 216, Florida Statutes.

2181 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 28,843

2182 SPECIAL CATEGORIES
TECHNOLOGY SOLUTIONS FOR DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FROM ADMINISTRATIVE TRUST FUND 5,107,608

Funds in Specific Appropriation 2182 shall be placed in reserve by the Executive Office of the Governor. Prior to the release of these funds for the benefit-share payments associated with the Reengineering and Technology Project for the On-Line Licensing System and Call Center Services, the Department of Business and Professional Regulation shall provide a report to the chair and vice chair of the Legislative Budget Commission that identifies and analyzes: the anticipated costs and benefits associated with additions, deletions, and transfers of positions; any adjustments in FTE savings derived from workload adjustments; and any system enhancements or continuous improvement initiatives relating to the Reengineering and Technology project for the On-Line Licensing System and Call Center Services for Fiscal Year 2005-2006. The analysis shall clearly describe the projected costs and prospective funding source(s), the projected savings and benefits and the plans for realizing these benefits, and the impact on the benefit-share payment. Upon submission of this information, the department shall request release approval pursuant to the provisions in chapter 216, Florida Statutes. The department shall provide to the Office of Policy & Budget, the chair and vice chair of the Legislative Budget Commission, and the Joint Legislative Auditing Committee immediate notification of any changes in the assumptions or methodology that may result in an adjustment of 10 percent or more in the semi-annual calculated benefit-share payment under Exhibit C of the contract for the Reengineering and Technology project for the On-Line Licensing System and Call Center Services.

2182A SPECIAL CATEGORIES
DEPARTMENT WIDE DOCUMENT MANAGEMENT SYSTEM
FROM ADMINISTRATIVE TRUST FUND 2,500,000

Funds in Specific Appropriation 2182A are provided for the implementation of a department-wide document management system. Of this amount, $2,400,000 shall be held in the Executive Office of the Governor reserve pending submission of a feasibility study. The study shall (1) perform a comprehensive analysis of the policies, processes, and work flows to identify ways of reducing the amount of paper required to be submitted for licensure and regulation, (2) develop clear requirements for management of documents, and (3) identify and quantify initial and ongoing costs and business benefits of a technology solution for the document management system to produce a positive return on investment. Based on the results of the study, the department is authorized to submit a release request in accordance with the provisions of chapter 216, Florida Statutes.

2183 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 18,238

2184 SPECIAL CATEGORIES
MAINTENANCE AND SUPPORT CONTRACT FOR

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SINGLE LICENSING SYSTEM
FROM ADMINISTRATIVE TRUST FUND 4,550,860

2185 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 100,000

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 17,274,811

TOTAL POSITIONS 44.00
TOTAL ALL FUNDS 17,274,811

PROGRAM: SERVICE OPERATION

CUSTOMER CONTACT CENTER

APPROVED SALARY RATE 2,491,707

2186 SALARIES AND BENEFITS POSITIONS 82.00
FROM ADMINISTRATIVE TRUST FUND 3,254,000

2187 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 225,000

2188 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 523,518

2189 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 3,000

2190 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 7,773

TOTAL: CUSTOMER CONTACT CENTER
FROM TRUST FUNDS 4,013,291

TOTAL POSITIONS 82.00
TOTAL ALL FUNDS 4,013,291

CENTRAL INTAKE

APPROVED SALARY RATE 3,156,162

2191 SALARIES AND BENEFITS POSITIONS 102.50
FROM ADMINISTRATIVE TRUST FUND 4,124,930

2192 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 540,600

2193 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 1,491,410

2194 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 3,000

2195 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 42,675

TOTAL: CENTRAL INTAKE
FROM TRUST FUNDS 6,202,615

TOTAL POSITIONS 102.50
TOTAL ALL FUNDS 6,202,615

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TESTING AND CONTINUING EDUCATION

APPROVED SALARY RATE 1,500,920

2196 SALARIES AND BENEFITS POSITIONS 46.00
FROM PROFESSIONAL REGULATION TRUST FUND . 1,954,428

2197 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 469,138

2198 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 3,000

2199 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION
FROM PROFESSIONAL REGULATION TRUST FUND . 1,407,052

2200 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 2,837

TOTAL: TESTING AND CONTINUING EDUCATION
FROM TRUST FUNDS 3,836,455

TOTAL POSITIONS 46.00
TOTAL ALL FUNDS 3,836,455

PROGRAM: PROFESSIONAL REGULATION

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 7,194,175

2201 SALARIES AND BENEFITS POSITIONS 188.00
FROM PROFESSIONAL REGULATION TRUST FUND . 9,064,466

2202 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 18,750

2203 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,684,375

2204 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 8,340

2205 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND . 216,000

2206 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,180,050

From the funds in Specific Appropriation 2206, up to $300,000 from the Professional Regulation Trust Fund is provided to the Department of Business and Professional Regulation to prevent, combat, and publicize the dangers of unlicensed real estate activity in Florida. The department shall develop, implement, and maintain an unlicensed activity campaign in consultation with a corporation registered under chapter 617, Florida Statutes, as a not-for-profit corporation registered under the Internal Revenue Service Code as a 501(c)(6) corporation that represents the largest number of licensed Florida real estate professionals. The campaign shall encompass media production, advertising, and other techniques that the department may wish to utilize after first consulting with the not-for-profit corporation. Special emphasis shall be placed on the investigation and prosecution of unlicensed real estate activities. To further the purpose of the unlicensed activity campaign, the department shall be authorized to accept in-kind contributions of services, media production, or advertising materials from the not-for-profit corporation. Any advertising, media, or materials produced as a result of contributions

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shall carry acknowledgements of joint production and sponsorship. The department may also coordinate its efforts with other state agencies, including those regulating the mortgage and title insurance industries.

From the funds in Specific Appropriation 2206, up to $200,000 from the Professional Regulation Trust Fund is provided to the Department of Business and Professional Regulation to institute an unlicensed activity campaign for the purpose of informing and educating the public: (1) that public accounting is a regulated profession with requirements of licensure pursuant to chapter 473, Florida Statutes; (2) that some services provided by unlicensed individuals, although legal, are regulated when provided by a licensed Florida Certified Public Accountant; and (3) that certain services may only be performed by a licensed Florida Certified Public Accountant. The department shall develop the campaign in consultation with a corporation registered under chapter 617, Florida Statutes, as a not-for-profit corporation and registered under the Internal Revenue Service Code as a 501 (c)(6) corporation and which represents the largest number of licensed Florida Certified Public Accountants. Any advertising, media, or materials produced as a result of contributions shall carry acknowledgements of joint production and sponsorship. The department may not allocate overhead charges to these unlicensed activity campaign funds.

2207 SPECIAL CATEGORIES
CLAIMS PAYMENTS FROM CONSTRUCTION RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 4,000,000

2208 SPECIAL CATEGORIES
CLAIMS PAYMENT/AUCTIONEER RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 100,000

2209 SPECIAL CATEGORIES
TRANSFER ARCHITECT & INTERIOR DESIGN ACTIVITIES CH. 2002-274
FROM PROFESSIONAL REGULATION TRUST FUND . 525,239

2210 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 213,327

2211 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . 77,630

2212 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 450,000

2213 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM PROFESSIONAL REGULATION TRUST FUND . 45,312

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 17,583,489

TOTAL POSITIONS 188.00
TOTAL ALL FUNDS 17,583,489

STANDARDS AND LICENSURE

APPROVED SALARY RATE 2,142,673

2214 SALARIES AND BENEFITS POSITIONS 48.00
FROM PROFESSIONAL REGULATION TRUST FUND . 2,617,016

2215 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 532,177

2216 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,793,158

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2217 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 14,660

2218 SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . 763,732

2219 SPECIAL CATEGORIES
CONTINUING EDUCATION
FROM PROFESSIONAL REGULATION TRUST FUND . 1,500

2220 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 38,416

2221 SPECIAL CATEGORIES
MINORITY SCHOLARSHIPS - CERTIFIED PUBLIC ACCOUNTING
FROM PROFESSIONAL REGULATION TRUST FUND . 100,000

2222 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . 66,997

2223 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENGINEERING MANAGEMENT CORPORATION (FEMC) CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 2,170,000

2224 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM PROFESSIONAL REGULATION TRUST FUND . 8,546,706

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 16,644,362

TOTAL POSITIONS 48.00
TOTAL ALL FUNDS 16,644,362

PROGRAM: PARI-MUTUEL WAGERING

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 405,231

2224A SALARIES AND BENEFITS POSITIONS 11.00
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 494,531

2224B EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 67,393

2224C SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 26,796

2224D SPECIAL CATEGORIES
PARI-MUTUEL LABORATORY CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 2,360,000

2224E SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 4,467

2224F SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 3,284

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TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 2,956,471

TOTAL POSITIONS 11.00
TOTAL ALL FUNDS 2,956,471

STANDARDS AND LICENSURE

APPROVED SALARY RATE 1,235,576

2224G SALARIES AND BENEFITS POSITIONS 30.00
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,585,889

2224H OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,920,666

From the funds in Specific Appropriation 2224H, $300,000 from the Pari-mutuel Wagering Trust Fund is provided for research that will provide specific recommendations regarding the elimination of performance altering drugs in pari-mutuel industries.

2224I EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 406,179

2224J OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 18,032

2224K SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 24,802

2224L SPECIAL CATEGORIES
GRANTS AND AIDS - STATE UNIVERSITY SYSTEM
(INDUSTRY RESEARCH)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 300,000

Funds in Specific Appropriation 2224L are provided for the pari-mutuel wagering funded research and development program. The University of Florida and the Department of Business and Professional Regulation shall jointly prioritize the programs or projects and administer the distribution of funds.

2224M SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 204,965

2224N SPECIAL CATEGORIES
REGULATION OF PARI-MUTUEL INDUSTRIES
(EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 167,959

2224O SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 41,816

2224P SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 9,851

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 4,680,159

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 4,680,159

TAX COLLECTION

APPROVED SALARY RATE 814,915

2224Q SALARIES AND BENEFITS POSITIONS 21.00
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,097,176

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2224R OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 115,000

2224S EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 194,120

2224T AID TO LOCAL GOVERNMENTS
CARDROOM TAX REVENUE DISTRIBUTED TO LOCAL
GOVERNMENTS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 231,231

2224U SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 3,197

2224V SPECIAL CATEGORIES
TAX COLLECTION (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 60,725

2224W SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 9,443

2224X SPECIAL CATEGORIES
CONTRACT FOR PARI-MUTUEL WAGERING
COMPLIANCE AND AUDIT SYSTEM
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 296,476

2224Y SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 3,284

TOTAL: TAX COLLECTION
FROM TRUST FUNDS 2,010,652

TOTAL POSITIONS 21.00
TOTAL ALL FUNDS 2,010,652

PROGRAM: HOTELS AND RESTAURANTS

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 8,767,365

2239 SALARIES AND BENEFITS POSITIONS 257.00
FROM HOTEL AND RESTAURANT TRUST FUND . . . 11,738,748

2240 OTHER PERSONAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 9,500

2241 EXPENSES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 1,997,302

2242 OPERATING CAPITAL OUTLAY
FROM HOTEL AND RESTAURANT TRUST FUND . . . 8,500

2243 SPECIAL CATEGORIES
TRANSFERS TO DEPARTMENT OF HEALTH FOR
EPIDEMIOLOGICAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 418,416

2244 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL-TO-CAREER
FROM HOTEL AND RESTAURANT TRUST FUND . . . 150,000

2245 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HOTEL AND RESTAURANT TRUST FUND . . . 696,955

2246 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT

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SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM HOTEL AND RESTAURANT TRUST FUND . . . 116,134

2247 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM HOTEL AND RESTAURANT TRUST FUND . . . 784,792

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 15,920,347

TOTAL POSITIONS 257.00
TOTAL ALL FUNDS 15,920,347

PROGRAM: ALCOHOLIC BEVERAGES AND TOBACCO

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 9,130,220

2248 SALARIES AND BENEFITS POSITIONS 205.75
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 12,559,219

2249 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 7,075

2250 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 1,670,097

2251 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 315,644

2252 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL
VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 400,081

2253 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 554,197

2254 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 235,176

2255 SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 140,000

2256 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 81,141

2257 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 117,338

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 16,079,968

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TOTAL POSITIONS 205.75
TOTAL ALL FUNDS 16,079,968

STANDARDS AND LICENSURE

APPROVED SALARY RATE 2,143,360

2258 SALARIES AND BENEFITS POSITIONS 61.00
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 2,845,513

2259 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 800

2260 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 553,201

2261 AID TO LOCAL GOVERNMENTS
BEVERAGE LICENSE TO CITIES AND COUNTIES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 11,244,000

2262 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 5,000

2263 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 12,564

2264 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 24,937

2265 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 352,014

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 15,038,029

TOTAL POSITIONS 61.00
TOTAL ALL FUNDS 15,038,029

TAX COLLECTION

APPROVED SALARY RATE 3,645,238

2266 SALARIES AND BENEFITS POSITIONS 106.00
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 4,812,726

2267 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 803,010

2268 SPECIAL CATEGORIES
CIGARETTE TAX STAMPS
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 559,600

2269 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 10,636

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2270 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 46,900

2272 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 117,338

TOTAL: TAX COLLECTION
FROM TRUST FUNDS 6,350,210

TOTAL POSITIONS 106.00
TOTAL ALL FUNDS 6,350,210

PROGRAM: FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 3,193,781

2273 SALARIES AND BENEFITS POSITIONS 86.00
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 4,085,615

From the funds in Specific Appropriations 2273, 2275, 2276, and 2278, $49,497 and two positions are to be held in reserve pending certification of need by the Department of Business and Professional Regulation. The department shall submit reports on a quarterly basis to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, the chair of the House Fiscal Council, the Senate Regulated Industry Committee, the House Business Regulation Committee, and the Office of Program Policy Analysis and Government Accountability related to its responsibilities defined in section 718.501, Florida Statutes. The quarterly report shall include, but not be limited to the following data: the number of training programs provided for condominium association board members and unit owners; the number of complaints received by type; the number and percent of complaints acknowledged in writing within 30 days as required by section 718.501(1)(m), Florida Statutes; the number and percent of investigations acted upon within 90 days as required by section 718.501(1)(m), Florida Statutes; and the number of investigations that are continuing in excess of the 90-day requirement with reasons that cases required more than 90 days to close.

The department shall monitor caseloads, timeliness of responses to complaints and investigations, and prepare an analysis of the resources and staffing required by the Division of Land Sales, Condominiums, and Mobile Homes to maintain compliance with the requirements of section 718.501, Florida Statutes. In addition, the department shall evaluate core business processes associated with the complaint handling, in order to determine improvements in response time and efficiencies in the complaint review process.

In addition, the department shall evaluate non-jurisdictional complaints to determine if any categories of complaints warrant statutory changes providing additional authority for resolution. The department shall include any recommendations for making such statutory changes in its quarterly reports.

If the department determines that the workload justifies additional staffing, it shall request, through the Executive Office of the Governor, pursuant to section 216.181, Florida Statutes, authorization to release justified positions, associated salary rate, and appropriated funds.

From the funds in Specific Appropriations 2273, 2275, 2276, and 2278, six positions and $444,029 are provided for the Office of the Condominium Ombudsman. Beginning September 30, 2005, the Ombudsman shall provide to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of quarterly expenditures of the office. The report is due on or before the 15th day following the end of the quarter.

2274 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 29,869

2275 EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 860,733

From the funds provided in Specific Appropriation 2275, $50,000 from the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund shall be made available, contingent upon an equal match by private dollars, to support the Center for Timeshare Excellence at the Rosen College of Hospitality Management that will generate industry-based research as well as provide executive development seminars to industry professionals.

2276 OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 12,167

2277 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 35,577

2278 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 47,193

2279 SPECIAL CATEGORIES
GRANTS AND AIDS - CONDOMINIUM/COOPERATIVE ASSOCIATION MANAGEMENT EDUCATION
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 500,000

2280 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 56,260

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 5,627,414

TOTAL POSITIONS 86.00
TOTAL ALL FUNDS 5,627,414

STANDARDS AND LICENSURE

APPROVED SALARY RATE 1,092,000

2281 SALARIES AND BENEFITS POSITIONS 31.00
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 1,469,184

2282 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 15,131

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2283 EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 323,006

2284 OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 4,898

2285 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 21,944

2286 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 12,690

2287 SPECIAL CATEGORIES
AID TO NONPROFIT ORGANIZATIONS - FLORIDA MOBILE HOME RELOCATION CORPORATION
FROM FLORIDA MOBILE HOME RELOCATION TRUST FUND 1,400,000

2288 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 225,039

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 3,471,892

TOTAL POSITIONS 31.00
TOTAL ALL FUNDS 3,471,892

PROGRAM: CITRUS, DEPARTMENT OF

CITRUS RESEARCH

APPROVED SALARY RATE 1,507,591

2289 SALARIES AND BENEFITS POSITIONS 27.00
FROM CITRUS ADVERTISING TRUST FUND 1,866,997

2290 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 53,000

2291 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 4,057,455

2292 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 256,000

2293 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 232,000

2294 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS ADVERTISING TRUST FUND 11,618

TOTAL: CITRUS RESEARCH
FROM TRUST FUNDS 6,477,070

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TOTAL POSITIONS 27.00
TOTAL ALL FUNDS 6,477,070

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,867,809

2295 SALARIES AND BENEFITS POSITIONS 39.00
FROM CITRUS ADVERTISING TRUST FUND 2,534,283

2296 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 78,000

2297 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 2,008,484

2298 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 145,000

2299 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 75,000

2300 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS ADVERTISING TRUST FUND 40,167

2301 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS ADVERTISING TRUST FUND 17,427

2302 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM CITRUS ADVERTISING TRUST FUND 8,000

2303 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM CITRUS ADVERTISING TRUST FUND 22,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 4,928,361

TOTAL POSITIONS 39.00
TOTAL ALL FUNDS 4,928,361

AGRICULTURAL PRODUCTS MARKETING

APPROVED SALARY RATE 1,552,888

2304 SALARIES AND BENEFITS POSITIONS 24.00
FROM CITRUS ADVERTISING TRUST FUND 2,103,617

2305 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 17,000

2306 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 1,524,245

From the funds provided in Specific Appropriation 2306, the Department of Citrus may contract to reimburse the Florida Commission on Tourism/Florida Tourism Industry Marketing Corporation for an amount not to exceed $240,000 for the cost of citrus juice dispensed at the Florida Welcome Stations.

From the funds in Specific Appropriation 2306, $500,000 is provided as payment for the equalization tax settlement agreement pursuant to Consolidated Case No. 2002-CA-4686 in the Circuit Court of the Tenth Judicial Circuit in Polk County. This payment represents the second of four annual installments.

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2307 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 55,457,441

2308 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS ADVERTISING TRUST FUND 19,873

TOTAL: AGRICULTURAL PRODUCTS MARKETING
FROM TRUST FUNDS 59,122,176

TOTAL POSITIONS 24.00
TOTAL ALL FUNDS 59,122,176

FINANCIAL SERVICES, DEPARTMENT OF

From the funds in Specific Appropriations 2309 through 2444, any monies transferred to the Insurance Regulatory Trust Fund under chapter 2004-480, Laws of Florida, from the Florida Hurricane Catastrophe Fund which remain unexpended on December 31, 2005, shall revert to the Florida Hurricane Catastrophe Fund.

PROGRAM: OFFICE OF CHIEF FINANCIAL OFFICER AND ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 6,682,809

2309 SALARIES AND BENEFITS POSITIONS 159.50
FROM GENERAL REVENUE FUND 137,275
FROM ADMINISTRATIVE TRUST FUND 1,198,843
FROM INSURANCE REGULATORY TRUST FUND . . . 7,775,673
FROM REGULATORY TRUST FUND 295,577
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 178,880

2310 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 9,980
FROM INSURANCE REGULATORY TRUST FUND . . . 300,356

2311 EXPENSES
FROM GENERAL REVENUE FUND 258,353
FROM ADMINISTRATIVE TRUST FUND 279,957
FROM ANTI-FRAUD TRUST FUND 59,100
FROM INSURANCE REGULATORY TRUST FUND . . . 1,322,457
FROM REGULATORY TRUST FUND 34,799
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 26,501

2312 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,500
FROM ADMINISTRATIVE TRUST FUND 3,319
FROM INSURANCE REGULATORY TRUST FUND . . . 19,247

2313 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 68,471

2314 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,957
FROM ADMINISTRATIVE TRUST FUND 8,227
FROM INSURANCE REGULATORY TRUST FUND . . . 112,502

2316 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 18,132

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FROM ADMINISTRATIVE TRUST FUND 19,406
FROM INSURANCE REGULATORY TRUST FUND . . . 63,213

2317 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM INSURANCE REGULATORY TRUST FUND . . . 7,783

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 427,217
FROM TRUST FUNDS 11,784,291

TOTAL POSITIONS 159.50
TOTAL ALL FUNDS 12,211,508

LEGAL SERVICES

APPROVED SALARY RATE 4,149,711

2318 SALARIES AND BENEFITS POSITIONS 87.50
FROM GENERAL REVENUE FUND 327,609
FROM ADMINISTRATIVE TRUST FUND 582,507
FROM INSURANCE REGULATORY TRUST FUND . . . 3,286,370
FROM REGULATORY TRUST FUND 70,349
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 657,283
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 290,428

2319 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 269,068

2320 EXPENSES
FROM GENERAL REVENUE FUND 31,421
FROM ADMINISTRATIVE TRUST FUND 44,933
FROM INSURANCE REGULATORY TRUST FUND . . . 749,594
FROM REGULATORY TRUST FUND 9,743
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 59,396
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 39,577

2321 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 1,800
FROM INSURANCE REGULATORY TRUST FUND . . . 3,639
FROM REGULATORY TRUST FUND 1,800

2322 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM INSURANCE REGULATORY TRUST FUND . . . 334,302

2323 SPECIAL CATEGORIES
HOLOCAUST VICTIMS ASSISTANCE ADMINISTRATION
FROM INSURANCE REGULATORY TRUST FUND . . . 308,007

2324 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 15,377

2325 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 389
FROM INSURANCE REGULATORY TRUST FUND . . . 35,135

TOTAL: LEGAL SERVICES
FROM GENERAL REVENUE FUND 359,030
FROM TRUST FUNDS 6,759,697

TOTAL POSITIONS 87.50
TOTAL ALL FUNDS 7,118,727

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INFORMATION TECHNOLOGY

APPROVED SALARY RATE 11,301,419

2326	SALARIES AND BENEFITS POSITIONS 261.00		
	FROM GENERAL REVENUE FUND	7,664,645	
	FROM UNCLAIMED PROPERTY TRUST FUND		263,509
	FROM ADMINISTRATIVE TRUST FUND		354,022
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		44,875
	FROM INSURANCE REGULATORY TRUST FUND		4,088,150
	FROM REGULATORY TRUST FUND		687,403
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		328,230
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		977,913
2327	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	6,559	
	FROM UNCLAIMED PROPERTY TRUST FUND		37,268
	FROM ADMINISTRATIVE TRUST FUND		50,800
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		6,303
	FROM INSURANCE REGULATORY TRUST FUND		1,307,539
	FROM REGULATORY TRUST FUND		42,070
2328	EXPENSES		
	FROM GENERAL REVENUE FUND	6,623,830	
	FROM UNCLAIMED PROPERTY TRUST FUND		166,416
	FROM ADMINISTRATIVE TRUST FUND		312,161
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		34,827
	FROM INSURANCE REGULATORY TRUST FUND		4,151,117
	FROM REGULATORY TRUST FUND		273,629
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		40,313
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		683,860
2329	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	312,424	
	FROM UNCLAIMED PROPERTY TRUST FUND		89,912
	FROM ADMINISTRATIVE TRUST FUND		119,961
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		15,206
	FROM INSURANCE REGULATORY TRUST FUND		629,290
	FROM REGULATORY TRUST FUND		101,497
2330	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	18,646	
	FROM UNCLAIMED PROPERTY TRUST FUND		1,337
	FROM ADMINISTRATIVE TRUST FUND		2,207
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		280
	FROM INSURANCE REGULATORY TRUST FUND		26,195
	FROM REGULATORY TRUST FUND		1,869
2331	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	35,816	
	FROM UNCLAIMED PROPERTY TRUST FUND		1,776
	FROM ADMINISTRATIVE TRUST FUND		2,933
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		372
	FROM INSURANCE REGULATORY TRUST FUND		31,101
	FROM REGULATORY TRUST FUND		2,481
TOTAL: INFORMATION TECHNOLOGY			
	FROM GENERAL REVENUE FUND	14,661,920	
	FROM TRUST FUNDS		14,876,822

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TOTAL POSITIONS	261.00	
TOTAL ALL FUNDS		29,538,742

PROGRAM: TREASURY

DEPOSIT SECURITY

APPROVED SALARY RATE 1,133,478

2332	SALARIES AND BENEFITS POSITIONS 30.00		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		1,391,157
2333	OTHER PERSONAL SERVICES		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		11,129
2334	EXPENSES		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		362,258
2335	OPERATING CAPITAL OUTLAY		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		1,783
2336	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		108,975
2337	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		17,293
TOTAL: DEPOSIT SECURITY			
	FROM TRUST FUNDS		1,892,595
	TOTAL POSITIONS	30.00	
	TOTAL ALL FUNDS		1,892,595

STATE FUNDS MANAGEMENT AND INVESTMENT

APPROVED SALARY RATE 1,031,223

2338	SALARIES AND BENEFITS POSITIONS 27.00		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		1,347,288
2339	OTHER PERSONAL SERVICES		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		120,000
2340	EXPENSES		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		1,249,936
2341	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		13,195
TOTAL: STATE FUNDS MANAGEMENT AND INVESTMENT			
	FROM TRUST FUNDS		2,730,419
	TOTAL POSITIONS	27.00	
	TOTAL ALL FUNDS		2,730,419

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SUPPLEMENTAL RETIREMENT PLAN

APPROVED SALARY RATE 383,754

2342 SALARIES AND BENEFITS POSITIONS 11.50
FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND 527,158

2343 OTHER PERSONAL SERVICES
FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND 100

2344 EXPENSES
FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND 113,745

2345 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND 4,483

TOTAL: SUPPLEMENTAL RETIREMENT PLAN
FROM TRUST FUNDS 645,486

TOTAL POSITIONS 11.50
TOTAL ALL FUNDS 645,486

PROGRAM: FINANCIAL ACCOUNTABILITY FOR PUBLIC FUNDS

STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING

APPROVED SALARY RATE 6,786,384

2346 SALARIES AND BENEFITS POSITIONS 161.00
FROM GENERAL REVENUE FUND 7,938,895
FROM ADMINISTRATIVE TRUST FUND 378,178
FROM INSURANCE REGULATORY TRUST FUND . . . 310,555

2347 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 233,867

From the funds provided in Specific Appropriation 2347, up to $50,000 is to be used to contract for the independent verification of tobacco settlement receipts received by the state.

2348 EXPENSES
FROM GENERAL REVENUE FUND 1,146,256
FROM ADMINISTRATIVE TRUST FUND 147,317

2349 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,000
FROM ADMINISTRATIVE TRUST FUND 17,000

2350 SPECIAL CATEGORIES
POSTCONVICTION CAPITAL COLLATERAL CASES - REGISTRY ATTORNEYS
FROM ADMINISTRATIVE TRUST FUND 2,075,388

2351 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 3,000,000

2352 SPECIAL CATEGORIES
DEBT SERVICE - FLAIR ACCOUNTING AND CASH MANAGEMENT SYSTEM REPLACEMENT
FROM INSURANCE REGULATORY TRUST FUND . . . 17,139,722

2353 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,653

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2353A SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 700

2354 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 53,791
FROM ADMINISTRATIVE TRUST FUND 1,797

2355 SPECIAL CATEGORIES
FLORIDA CLERKS OF COURT OPERATIONS CORPORATION
FROM ADMINISTRATIVE TRUST FUND 2,000,000

TOTAL: STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING
FROM GENERAL REVENUE FUND 9,400,162
FROM TRUST FUNDS 25,069,957

TOTAL POSITIONS 161.00
TOTAL ALL FUNDS 34,470,119

RECOVERY AND RETURN OF UNCLAIMED PROPERTY

APPROVED SALARY RATE 2,150,398

2356 SALARIES AND BENEFITS POSITIONS 58.00
FROM UNCLAIMED PROPERTY TRUST FUND 2,488,452

2357 OTHER PERSONAL SERVICES
FROM UNCLAIMED PROPERTY TRUST FUND 255,219

2358 EXPENSES
FROM UNCLAIMED PROPERTY TRUST FUND 816,908

2359 OPERATING CAPITAL OUTLAY
FROM UNCLAIMED PROPERTY TRUST FUND 7,500

2360 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM UNCLAIMED PROPERTY TRUST FUND 6,160

2361 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM UNCLAIMED PROPERTY TRUST FUND 25,185

TOTAL: RECOVERY AND RETURN OF UNCLAIMED PROPERTY
FROM TRUST FUNDS 3,599,424

TOTAL POSITIONS 58.00
TOTAL ALL FUNDS 3,599,424

PROGRAM: FIRE MARSHAL

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 2,505,369

2362 SALARIES AND BENEFITS POSITIONS 70.50
FROM INSURANCE REGULATORY TRUST FUND . . . 3,172,001

2363 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 25,688

2364 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 609,809

2365 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 9,144

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2366 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND . . . 68,000

2367 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST FUND . . . 8,000

2368 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 28,138

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 3,920,780

TOTAL POSITIONS 70.50
TOTAL ALL FUNDS 3,920,780

FIRE AND ARSON INVESTIGATIONS

APPROVED SALARY RATE 5,794,964

2369 SALARIES AND BENEFITS POSITIONS 131.00
FROM INSURANCE REGULATORY TRUST FUND . . . 7,810,961

2370 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 33,391

2371 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 1,785,958

2372 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 93,280

2373 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND . . . 233,984

2374 SPECIAL CATEGORIES
ON-CALL FEES
FROM INSURANCE REGULATORY TRUST FUND . . . 250,000

2375 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE REGULATORY TRUST FUND . . . 144,174

2376 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST FUND . . . 5,000

2377 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 64,132

TOTAL: FIRE AND ARSON INVESTIGATIONS
FROM TRUST FUNDS 10,420,880

TOTAL POSITIONS 131.00
TOTAL ALL FUNDS 10,420,880

PROFESSIONAL TRAINING AND STANDARDS

APPROVED SALARY RATE 1,064,336

2378 SALARIES AND BENEFITS POSITIONS 30.00
FROM INSURANCE REGULATORY TRUST FUND . . . 1,439,872

2379 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 261,367

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2380 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 733,439

2381 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 23,294

2382 SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM INSURANCE REGULATORY TRUST FUND . . . 400,000

2383 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST FUND . . . 17,500

2384 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 20,752

2385 FIXED CAPITAL OUTLAY
HEATING VENTILATING AND AIR CONDITIONING REPLACEMENT - STATEWIDE
FROM INSURANCE REGULATORY TRUST FUND . . . 118,605

TOTAL: PROFESSIONAL TRAINING AND STANDARDS
FROM TRUST FUNDS 3,014,829

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 3,014,829

FIRE MARSHAL ADMINISTRATIVE AND SUPPORT SERVICES

APPROVED SALARY RATE 873,414

2386 SALARIES AND BENEFITS POSITIONS 22.00
FROM INSURANCE REGULATORY TRUST FUND . . . 1,188,214

2387 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 9,102

2388 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 541,711

2389 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 200,510

2390 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 336,784

2391 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST FUND . . . 7,500

2392 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 7,892

2393 FIXED CAPITAL OUTLAY
HEATING VENTILATING AND AIR CONDITIONING REPLACEMENT - STATEWIDE
FROM INSURANCE REGULATORY TRUST FUND . . . 270,000

TOTAL: FIRE MARSHAL ADMINISTRATIVE AND SUPPORT SERVICES
FROM TRUST FUNDS 2,561,713

TOTAL POSITIONS 22.00
TOTAL ALL FUNDS 2,561,713

SECTION 6
SPECIFIC
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PROGRAM: STATE PROPERTY AND CASUALTY CLAIMS

STATE SELF-INSURED CLAIMS ADJUSTMENT

APPROVED SALARY RATE 3,469,300

2394 SALARIES AND BENEFITS POSITIONS 100.00
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 4,540,847

2395 OTHER PERSONAL SERVICES
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 273,640

2396 EXPENSES
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 1,069,759

2397 OPERATING CAPITAL OUTLAY
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 1,805

2398 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 10,871,000

2399 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 28,092

2400 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 108,464

TOTAL: STATE SELF-INSURED CLAIMS ADJUSTMENT
FROM TRUST FUNDS 16,893,607

TOTAL POSITIONS 100.00
TOTAL ALL FUNDS 16,893,607

PROGRAM: LICENSING AND CONSUMER PROTECTION

INSURANCE COMPANY REHABILITATION AND LIQUIDATION

APPROVED SALARY RATE 479,923

2401 SALARIES AND BENEFITS POSITIONS 9.00
FROM INSURANCE REGULATORY TRUST FUND . . . 761,543

2402 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 241,666

2403 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 173,530

2404 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 1,120

2405 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 58,572

2406 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 3,885

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APPROPRIATION
TOTAL: INSURANCE COMPANY REHABILITATION AND LIQUIDATION
FROM TRUST FUNDS 1,240,316

TOTAL POSITIONS 9.00
TOTAL ALL FUNDS 1,240,316

LICENSURE, SALES APPOINTMENT AND OVERSIGHT

APPROVED SALARY RATE 5,574,498

2407 SALARIES AND BENEFITS POSITIONS 161.00
FROM INSURANCE REGULATORY TRUST FUND . . . 7,003,925

2408 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 3,530,312

2409 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 1,342,817

2410 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 72,000

2411 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND . . . 46,750

2412 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 35,063

2413 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 31,710

TOTAL: LICENSURE, SALES APPOINTMENT AND OVERSIGHT
FROM TRUST FUNDS 12,062,577

TOTAL POSITIONS 161.00
TOTAL ALL FUNDS 12,062,577

INSURANCE FRAUD

APPROVED SALARY RATE 7,492,669

2414 SALARIES AND BENEFITS POSITIONS 171.00
FROM INSURANCE REGULATORY TRUST FUND . . . 9,645,916

2415 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 85,833

2416 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 1,805,237

2417 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 110,600

2418 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND . . . 378,000

2418A SPECIAL CATEGORIES
TRANSFER TO JUSTICE ADMINISTRATION COMMISSION FOR PROSECUTION OF PIP FRAUD
FROM INSURANCE REGULATORY TRUST FUND . . . 132,465

Funds in Specific Appropriation 2418A are provided for transfer to the Miami-Dade State Attorney's Office for the purpose of hiring one attorney and one paralegal specialist to prosecute Personal Injury Protection (PIP) insurance fraud in South Florida.

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2419 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 320,040

2420 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE REGULATORY TRUST FUND . . . 208,660

2421 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 120,569

TOTAL: INSURANCE FRAUD
FROM TRUST FUNDS 12,807,320

TOTAL POSITIONS 171.00
TOTAL ALL FUNDS 12,807,320

CONSUMER ASSISTANCE

APPROVED SALARY RATE 7,036,618

2422 SALARIES AND BENEFITS POSITIONS 198.50
FROM GENERAL REVENUE FUND 83,837
FROM ADMINISTRATIVE TRUST FUND 17,612
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 213,034
FROM INSURANCE REGULATORY TRUST FUND . . . 7,070,648
FROM REGULATORY TRUST FUND 1,451,935

2423 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 966,200

2424 EXPENSES
FROM GENERAL REVENUE FUND 11,593
FROM ADMINISTRATIVE TRUST FUND 11,690
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 23,303
FROM INSURANCE REGULATORY TRUST FUND . . . 1,927,362
FROM REGULATORY TRUST FUND 163,125

2425 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 11,200

2426 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 30,945

2427 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 74,624

TOTAL: CONSUMER ASSISTANCE
FROM GENERAL REVENUE FUND 95,430
FROM TRUST FUNDS 11,961,678

TOTAL POSITIONS 198.50
TOTAL ALL FUNDS 12,057,108

FUNERAL AND CEMETERY SERVICES

2427A LUMP SUM
FUNERAL AND CEMETERIES REGULATION
POSITIONS 17.00
FROM REGULATORY TRUST FUND 1,521,075

Funds in Specific Appropriation 2427A shall not be released until the Department of Financial Services submits an expenditure plan for approval to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council, in accordance with the provisions of sections 216.181(6)(a) and 216.177, Florida Statutes.

PROGRAM: WORKERS' COMPENSATION

WORKERS' COMPENSATION

APPROVED SALARY RATE 12,555,616

2428 SALARIES AND BENEFITS POSITIONS 361.00
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 15,159,448
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 921,905

2429 OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,660,039
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 243,597

2430 EXPENSES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 5,587,917
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 247,195

2431 OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 376,121
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 36,851

2431A SPECIAL CATEGORIES
TRANSFER TO GRANTS AND DONATIONS TRUST
FUND
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 500,000

2432 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 292,976

2433 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 77,545
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 6,502

TOTAL: WORKERS' COMPENSATION
FROM TRUST FUNDS 26,110,096

TOTAL POSITIONS 361.00
TOTAL ALL FUNDS 26,110,096

PROGRAM: FINANCIAL SERVICES COMMISSION

OFFICE OF INSURANCE REGULATION

COMPLIANCE AND ENFORCEMENT - INSURANCE

APPROVED SALARY RATE 11,355,977

2436 SALARIES AND BENEFITS POSITIONS 267.00
FROM INSURANCE REGULATORY TRUST FUND . . . 14,310,861

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2437 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 1,547,750

2438 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 2,605,147

2439 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 2,000

2440 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 269,611

2441 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 67,801

TOTAL: COMPLIANCE AND ENFORCEMENT - INSURANCE

FROM TRUST FUNDS 18,803,170

TOTAL POSITIONS 267.00
TOTAL ALL FUNDS 18,803,170

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 2,124,678

2442 SALARIES AND BENEFITS POSITIONS 38.00
FROM INSURANCE REGULATORY TRUST FUND . . . 2,589,435

2443 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 229,339

2444 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 1,158

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM TRUST FUNDS 2,819,932

TOTAL POSITIONS 38.00
TOTAL ALL FUNDS 2,819,932

OFFICE OF FINANCIAL REGULATION

COMPLIANCE AND ENFORCEMENT - SECURITIES AND FINANCE

APPROVED SALARY RATE 5,749,766

2445 SALARIES AND BENEFITS POSITIONS 138.00
FROM GENERAL REVENUE FUND 2,935,437
FROM REGULATORY TRUST FUND 3,894,666

2446 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 3,038
FROM ANTI-FRAUD TRUST FUND 114,279
FROM REGULATORY TRUST FUND 51,091

2447 EXPENSES
FROM GENERAL REVENUE FUND 405,571
FROM ANTI-FRAUD TRUST FUND 119,358
FROM REGULATORY TRUST FUND 586,793

2448 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,000

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FROM ANTI-FRAUD TRUST FUND 21,201
FROM REGULATORY TRUST FUND 2,631

2449 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,637
FROM REGULATORY TRUST FUND 7,060

2450 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 23,791
FROM REGULATORY TRUST FUND 31,806

TOTAL: COMPLIANCE AND ENFORCEMENT - SECURITIES AND FINANCE
FROM GENERAL REVENUE FUND 3,374,474
FROM TRUST FUNDS 4,828,885

TOTAL POSITIONS 138.00
TOTAL ALL FUNDS 8,203,359

REGULATORY REVIEW - SECURITIES AND FINANCE

APPROVED SALARY RATE 1,663,444

2452 SALARIES AND BENEFITS POSITIONS 45.00
FROM GENERAL REVENUE FUND 1,507,444
FROM REGULATORY TRUST FUND 864,747

2453 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 5,928
FROM REGULATORY TRUST FUND 3,039,114

2454 EXPENSES
FROM GENERAL REVENUE FUND 239,815
FROM ANTI-FRAUD TRUST FUND 13,741
FROM REGULATORY TRUST FUND 1,168,712

From the funds in Specific Appropriation 2454, $800,000 from the Regulatory Trust Fund is provided for the Office of Financial Regulation within the Department of Financial Services to develop a feasibility study and document detailed functional and technical requirements for implementing a licensing enforcement system.

2455 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,566
FROM ANTI-FRAUD TRUST FUND 10,601

2456 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 12,811
FROM REGULATORY TRUST FUND 34,636

2457 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 15,304
FROM REGULATORY TRUST FUND 11,604

TOTAL: REGULATORY REVIEW - SECURITIES AND FINANCE

FROM GENERAL REVENUE FUND 1,782,868
FROM TRUST FUNDS 5,143,155

TOTAL POSITIONS 45.00
TOTAL ALL FUNDS 6,926,023

SECTION 6
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APPROPRIATION
SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM

APPROVED SALARY RATE	5,275,033		
2459 SALARIES AND BENEFITS	POSITIONS	110.00	
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND			6,536,133
2460 OTHER PERSONAL SERVICES			
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND			1,423,822
2461 EXPENSES			
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND			1,189,587
2462 OPERATING CAPITAL OUTLAY			
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND			136,842
2463 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND			21,823
2464 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND			44,232
TOTAL: SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM			
FROM TRUST FUNDS			9,352,439
TOTAL POSITIONS		110.00	
TOTAL ALL FUNDS			9,352,439

FINANCIAL INVESTIGATIONS

APPROVED SALARY RATE	2,757,539		
2465 SALARIES AND BENEFITS	POSITIONS	64.00	
FROM GENERAL REVENUE FUND		1,421,431	
FROM ADMINISTRATIVE TRUST FUND			1,891,686
2466 OTHER PERSONAL SERVICES			
FROM ADMINISTRATIVE TRUST FUND			5,321
2467 EXPENSES			
FROM GENERAL REVENUE FUND		320,065	
FROM ADMINISTRATIVE TRUST FUND			354,831
FROM FEDERAL EQUITABLE SHARING TRUST FUND			51,758
2468 OPERATING CAPITAL OUTLAY			
FROM ADMINISTRATIVE TRUST FUND			10,600
2469 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		3,361	
FROM ADMINISTRATIVE TRUST FUND			4,455
2470 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND		10,398	
FROM ADMINISTRATIVE TRUST FUND			13,627

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APPROPRIATION
TOTAL: FINANCIAL INVESTIGATIONS

FROM GENERAL REVENUE FUND	1,755,255	
FROM TRUST FUNDS		2,332,278
TOTAL POSITIONS	64.00	
TOTAL ALL FUNDS		4,087,533

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE	2,573,057		
2471 SALARIES AND BENEFITS	POSITIONS	47.00	
FROM GENERAL REVENUE FUND		777,676	
FROM ADMINISTRATIVE TRUST FUND			1,904,417
FROM REGULATORY TRUST FUND			366,250
2472 EXPENSES			
FROM GENERAL REVENUE FUND		74,209	
FROM ADMINISTRATIVE TRUST FUND			225,616
FROM REGULATORY TRUST FUND			93,377
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM GENERAL REVENUE FUND		851,885	
FROM TRUST FUNDS			2,589,660
TOTAL POSITIONS		47.00	
TOTAL ALL FUNDS			3,441,545

GOVERNOR, EXECUTIVE OFFICE OF THE

PROGRAM: GENERAL OFFICE

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2473 SALARIES AND BENEFITS	POSITIONS	119.00	
FROM GENERAL REVENUE FUND		7,568,548	
FROM GRANTS AND DONATIONS TRUST FUND			191,635
2474 LUMP SUM			
EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION			
FROM GENERAL REVENUE FUND		2,839,094	
FROM GRANTS AND DONATIONS TRUST FUND			488,236
2475 LUMP SUM			
EXECUTIVE OFFICE OF THE GOVERNOR - WASHINGTON OFFICE			
FROM GENERAL REVENUE FUND		124,874	
2476A SPECIAL CATEGORIES			
GRANTS AND AIDS - CRISIS COUNSELING			
FROM GENERAL REVENUE FUND		1,500,000	
FROM GRANTS AND DONATIONS TRUST FUND			500,000
2478 SPECIAL CATEGORIES			
CONTINGENT - DISCRETIONARY			
FROM GENERAL REVENUE FUND		40,000	
2479 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		51,153	
FROM GRANTS AND DONATIONS TRUST FUND			6,920
2483 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND		44,536	
FROM GRANTS AND DONATIONS TRUST FUND			1,500

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TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 12,168,205
FROM TRUST FUNDS 1,188,291

TOTAL POSITIONS 119.00
TOTAL ALL FUNDS 13,356,496

DRUG CONTROL COORDINATION

2483A SALARIES AND BENEFITS POSITIONS 5.00
FROM GENERAL REVENUE FUND 377,727

2483B LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION
FROM GENERAL REVENUE FUND 82,048

2483C SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,423

2483D SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF JUVENILE JUSTICE
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,000

2483E SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY TRIALS INITIATIVE GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 360,611

2483F SPECIAL CATEGORIES
ENFORCING UNDERAGE DRINKING LAWS - BLOCK GRANT
FROM GRANTS AND DONATIONS TRUST FUND . . . 89,052

2483G SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,319

TOTAL: DRUG CONTROL COORDINATION
FROM GENERAL REVENUE FUND 463,517
FROM TRUST FUNDS 1,449,663

TOTAL POSITIONS 5.00
TOTAL ALL FUNDS 1,913,180

LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND BUDGETING SUBSYSTEM

2484 SALARIES AND BENEFITS POSITIONS 43.00
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 3,568,758

2485 LUMP SUM
LEGISLATIVE APPROPRIATION SYSTEM/PLANNING AND BUDGETING SUBSYSTEM
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 1,263,267

2486 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 20,246

2487 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 14,084

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2488 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 24,000

2489 DATA PROCESSING SERVICES
DEPARTMENT OF FINANCIAL SERVICES DATA CENTER
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 44,550

TOTAL: LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND BUDGETING SUBSYSTEM
FROM TRUST FUNDS 4,934,905

TOTAL POSITIONS 43.00
TOTAL ALL FUNDS 4,934,905

EXECUTIVE PLANNING AND BUDGETING

2489A SALARIES AND BENEFITS POSITIONS 104.00
FROM GENERAL REVENUE FUND 8,314,880

2489B LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF PLANNING AND BUDGETING
FROM GENERAL REVENUE FUND 1,429,650

2489C SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 18,904

2489D SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 44,034

2489E SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 41,389

TOTAL: EXECUTIVE PLANNING AND BUDGETING
FROM GENERAL REVENUE FUND 9,848,857

TOTAL POSITIONS 104.00
TOTAL ALL FUNDS 9,848,857

PROGRAM: OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,120,427

2490 SALARIES AND BENEFITS POSITIONS 21.00
FROM GENERAL REVENUE FUND 650,489
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 436,624
FROM GRANTS AND DONATIONS TRUST FUND . . . 37
FROM TOURISM PROMOTION TRUST FUND 410,314

2491 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 543,699
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 250,000
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 96,012
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,000
FROM TOURISM PROMOTION TRUST FUND 96,194

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2492 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,414
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 4,034
FROM TOURISM PROMOTION TRUST FUND 9,467

2493 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,957
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 3,274
FROM TOURISM PROMOTION TRUST FUND 3,274

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,212,559
FROM TRUST FUNDS 1,339,230

TOTAL POSITIONS 21.00
TOTAL ALL FUNDS 2,551,789

ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS

2494 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 79,525

2495 LUMP SUM
ECONOMIC DEVELOPMENT TOOLS
FROM GENERAL REVENUE FUND 21,505,000
FROM ECONOMIC DEVELOPMENT TRUST FUND . . . 4,876,250

Funds in Specific Appropriation 2495 shall be allocated as follows:

From non-recurring general revenue:
Economic Development Tools..... 21,505,000

From non-recurring trust funds:
Economic Development Tools - Local Match..... 4,876,250

Funds provided in Specific Appropriation 2495 for Economic Development Tools include funding for Qualified Targeted Industries, Qualified Defense Contractors, and High Impact Performance Incentives. These funds shall not be released for any other purpose and shall only be disbursed when projects meet the contracted performance requirements.

From the funds provided in Specific Appropriation 2495 for economic development tools, $3,000,000 from non-recurring general revenue funds shall be used exclusively for aerospace businesses and industries, except that the projected balance of these funds that cannot be expended during Fiscal Year 2005-2006 for Qualified Targeted Industries and Qualified Defense Contractors refunds may also be used for the State of Florida's efforts to help ensure that research, development, and production activities associated with NASA's Crew Exploration Vehicle (CEV), Systems Engineering & Integration (SE&I) activities and other space exploration initiatives occur within Florida.

2496 SPECIAL CATEGORIES
GRANTS AND AIDS - BLACK BUSINESS INVESTMENT BOARD
FROM GENERAL REVENUE FUND 2,051,210

Funds in Specific Appropriation 2496 shall be allocated as follows:

From non-recurring general revenue:
Black Business Investment Board (BBIB) - Operations..... 95,000
BBIB & Statewide BBIC Capitalization Program..... 1,200,000
Hispanic Business Initiative Fund Outreach Program..... 400,000

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From recurring general revenue:
Black Business Investment Board (BBIB) - Operations..... 356,210

Funds in Specific Appropriation 2496 for the Florida Black Business Investment Board (FBBIB) and Statewide Black Business Investment Corporation Capitalization Program shall be allocated equally among each of the Black Business Investment Corporations and the statewide Florida Black Business Investment Board. The release of capitalization funds to the FBBIB for distribution to each corporation is contingent on certification by the FBBIB that the corporations are meeting contractual obligations. The release of capitalization funds to the FBBIB is contingent on certification by the Office of Tourism, Trade and Economic Development that the FBBIB is meeting its statutory mission.

2497 SPECIAL CATEGORIES
QUICK ACTION CLOSING FUND
FROM GENERAL REVENUE FUND 10,000,000

2498 SPECIAL CATEGORIES
GRANTS AND AIDS - ADVOCATING INTERNATIONAL RELATIONSHIPS
FROM GENERAL REVENUE FUND 850,000

Funds provided in Specific Appropriation 2498 shall be allocated as follows:

FL Assoc. of Volunteer Action/Caribbean & Americas (FAVACA). 650,000
SE Japan Association/Florida Korea Economic Coop. Comm..... 150,000
Gulf of Mexico States Accord (GoMSA) Secretariat..... 50,000

2498A SPECIAL CATEGORIES
FLORIDA SMALL BUSINESS DEVELOPMENT CENTER NETWORK
FROM GENERAL REVENUE FUND 500,000

2498B SPECIAL CATEGORIES
ECONOMIC DEVELOPMENT PROJECTS
FROM GENERAL REVENUE FUND 4,165,000

The non-recurring general revenue funds provided in Specific Appropriation 2498B shall be allocated as follows:

Paws On: The Animal Study Zone..... 95,000
State Flag Manufacturing Initiative..... 100,000
Baker County Community Youth Center..... 150,000
Boys and Girls Club of Bay County..... 200,000
Three Servicemen Statue..... 150,000
Fresh Ministries..... 250,000
Boynton Beach Boundless Playground Initiative..... 150,000
Ray Charles Memorial..... 20,000
Enterprise FL- Rural Strategic Marketing Plan..... 2,000,000
Lauderdale Lakes Movie & Film Production Development..... 100,000
Community Advantage Center..... 250,000
Florida Sports Hall of Fame..... 500,000
West Palm Beach City Commons..... 200,000

2499 SPECIAL CATEGORIES
GRANTS AND AIDS - LIFE SCIENCE, INDUSTRY ENHANCEMENT AND PROMOTION
FROM GENERAL REVENUE FUND 2,750,000

From the funds in Specific Appropriation 2499, $250,000 is provided for the Bioscience Education Initiative for BioFlorida in West Palm Beach, and $2,500,000 is provided for the Andrews Institute of Orthopedic Science and Research.

2500 SPECIAL CATEGORIES
SUNSHINE STATE GAMES
FROM GENERAL REVENUE FUND 200,000

2501 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA SPORTS FOUNDATION

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FROM PROFESSIONAL SPORTS DEVELOPMENT
TRUST FUND 2,750,000

2502 SPECIAL CATEGORIES
GRANTS AND AIDS - ENTERPRISE FLORIDA
PROGRAM
FROM GENERAL REVENUE FUND 7,600,000
FROM FLORIDA INTERNATIONAL TRADE AND
PROMOTION TRUST FUND 4,400,000

Funds in Specific Appropriation 2502 shall be allocated as follows:

From non-recurring general revenue:
Expansion, Retention & Recruitment..... 3,400,000
National Marketing..... 2,100,000
Florida Trade and Exhibition Center..... 300,000
Special Needs..... 800,000
International Programs..... 1,000,000

From recurring trust funds:
International Programs..... 4,400,000

2503 SPECIAL CATEGORIES
GRANTS AND AIDS - MILITARY BASE PROTECTION
FROM GENERAL REVENUE FUND 4,400,000

Funds in Specific Appropriation 2503 shall be allocated as follows:

From non-recurring general revenue:
Military Base Protection..... 3,400,000
Defense Reinvestment..... 1,000,000

2504 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COMMISSION ON
TOURISM
FROM GENERAL REVENUE FUND 4,400,000
FROM TOURISM PROMOTION TRUST FUND 20,299,209

From the Tourism Promotion Trust Fund in Specific Appropriation 2504, $2,000,000 is provided to replenish the Economic Risk Recovery Fund used by Visit Florida to address the impacts of the 2004 hurricanes. This $2,000,000 shall be distributed to the Florida Tourism Industry Marketing Corporation established in section 288.1266, Florida Statutes, and held by the corporation in reserve to address marketing needs arising from future hurricanes or other state disasters.

2504A SPECIAL CATEGORIES
TRANSFER TO ENTERTAINMENT INDUSTRY
FINANCIAL INCENTIVE TRUST FUND
FROM GENERAL REVENUE FUND 10,653,296

Funds in Specific Appropriation 2504A are provided for the Entertainment Industry Financial Incentive Trust Fund, contingent upon Senate Bill 114 or similar legislation becoming law to create the Entertainment Industry Financial Incentive Trust Fund.

2505 SPECIAL CATEGORIES
FILM AND ENTERTAINMENT
ENTERTAINMENT INDUSTRY FINANCIAL
INCENTIVE TRUST FUND 10,653,296

Funds in Specific Appropriation 2505 shall be allocated as follows:

From non-recurring trust funds:
Film and Entertainment - Operations..... 653,296
Film and Entertainment - Incentives..... 10,000,000

Funds provided from the Entertainment Industry Financial Incentive Trust Fund in Specific Appropriation 2505 are contingent upon Senate Bill 114 or similar legislation becoming law to create the Entertainment Industry Financial Incentive Trust Fund. In the event that Senate Bill 114 or similar legislation does not become law to create the Entertainment Industry Financial Incentive Trust Fund, then general

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revenue funds in the same amount as appropriated from the trust fund in Specific Appropriation 2505 are hereby appropriated for Specific Appropriation 2505.

2506 SPECIAL CATEGORIES
GRANTS AND AIDS - BROWNFIELDS
REDEVELOPMENT PROJECT
FROM GENERAL REVENUE FUND 825,000
FROM ECONOMIC DEVELOPMENT TRUST FUND . . . 206,250

2507 SPECIAL CATEGORIES
GRANTS AND AIDS - SPACEPORT FLORIDA
AUTHORITY
FROM GENERAL REVENUE FUND 2,900,000

Funds in Specific Appropriation 2507 shall be allocated as follows:

From non-recurring general revenue:
Florida Space Authority - Operations..... 700,000
Florida Space Authority - Space Business Development..... 550,000
Florida Space Authority - Spaceport Planning and Development 550,000
Florida Commercial Space Financing Corporation..... 300,000
Florida Space Research Institute..... 800,000

2508 SPECIAL CATEGORIES
RURAL COMMUNITY DEVELOPMENT
FROM GENERAL REVENUE FUND 400,000
FROM ECONOMIC DEVELOPMENT TRUST FUND . . . 900,000

2509 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SPACE, DEFENSE, AND RURAL INFRASTRUCTURE
FROM GENERAL REVENUE FUND 5,700,000

Funds in Specific Appropriation 2509 shall be allocated as follows:

From non-recurring general revenue:
Defense Infrastructure..... 3,000,000
Rural Infrastructure..... 2,700,000

Funds in Specific Appropriation 2509 for rural infrastructure grants shall be awarded pursuant to section 288.0655, Florida Statutes.

2510 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ECONOMIC DEVELOPMENT TRANSPORTATION
PROJECTS
FROM ECONOMIC DEVELOPMENT TRANSPORTATION
TRUST FUND 10,000,000

A portion of the funds in Specific Appropriation 2510 is allocated as follows:

University Area Community- N. 22nd Main Street- Hillsborough 3,500,000
Platt Bridge - Hillsborough County..... 2,500,000

Funds for the University Area Community - N. 22nd Main Street in Hillsborough County are contingent upon the county providing an equal amount in matching funds.

TOTAL: ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS
FROM GENERAL REVENUE FUND 78,979,031
FROM TRUST FUNDS 54,085,005

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TOTAL ALL FUNDS		133,064,036

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 10,042,239

2511	SALARIES AND BENEFITS POSITIONS	302.00	
	FROM GENERAL REVENUE FUND	4,803	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		13,002,671
	FROM GRANTS AND DONATIONS TRUST FUND . . .		113,237
	FROM LAW ENFORCEMENT TRUST FUND		126,935
2512	OTHER PERSONAL SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		96,785
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
2513	EXPENSES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,374,294
	FROM GRANTS AND DONATIONS TRUST FUND . . .		51,863
	FROM LAW ENFORCEMENT TRUST FUND		7,516
2514	OPERATING CAPITAL OUTLAY		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		324,126
2515	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	7,562	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		68,054
2516	SPECIAL CATEGORIES		
	PAYMENT TO OUTSIDE CONTRACTOR		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		569,191
2517	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		233,617
2518	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,922,563
2519	FIXED CAPITAL OUTLAY		
	MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		641,487
2520	FIXED CAPITAL OUTLAY		
	SPECIAL PROJECTS AND IMPROVEMENTS - ADMINISTRATIVE SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,231,353
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	12,365	
	FROM TRUST FUNDS		19,813,692
	TOTAL POSITIONS	302.00	
	TOTAL ALL FUNDS		19,826,057

PROGRAM: FLORIDA HIGHWAY PATROL

HIGHWAY SAFETY

APPROVED SALARY RATE 94,655,987

2522	SALARIES AND BENEFITS POSITIONS	2,333.00	
	FROM GENERAL REVENUE FUND	111,167,312	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		24,620,271
	FROM GAS TAX COLLECTION TRUST FUND		232,571
	FROM GRANTS AND DONATIONS TRUST FUND . . .		105,083
	FROM LAW ENFORCEMENT TRUST FUND		329,451
2523	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,500	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		8,629,469
	FROM GRANTS AND DONATIONS TRUST FUND . . .		103,000
	FROM LAW ENFORCEMENT TRUST FUND		345,000
2524	EXPENSES		
	FROM GENERAL REVENUE FUND	2,064,083	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		8,363,615
	FROM GRANTS AND DONATIONS TRUST FUND . . .		793,726
	FROM LAW ENFORCEMENT TRUST FUND		118,203
	FROM FEDERAL EQUITABLE SHARING TRUST FUND		193,673
2525	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	169,331	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,233,284
	FROM GRANTS AND DONATIONS TRUST FUND . . .		947,410
	FROM LAW ENFORCEMENT TRUST FUND		203,113
	FROM FEDERAL EQUITABLE SHARING TRUST FUND		263,100
2526	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	2,711,779	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		7,409,574
2527	SPECIAL CATEGORIES		
	800 MHZ RADIO LAW ENFORCEMENT SYSTEM EQUIPMENT AND MAINTENANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,100,000
2528	SPECIAL CATEGORIES		
	OPERATION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	2,628,579	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		6,961,269
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,250
2529	SPECIAL CATEGORIES		
	AUXILLIARY UNIFORMS AND EQUIPMENT		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		150,000
2530	SPECIAL CATEGORIES		
	PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS		
	FROM HIGHWAY PATROL INSURANCE TRUST FUND .		152,000
2531	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	4,245,543	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,713,697
2532	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	1,074,060	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		702,106
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,600
2533	SPECIAL CATEGORIES		
	TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		152,000
2533A	SPECIAL CATEGORIES		
	MOBILE DATA TERMINAL SYSTEM		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		4,592,902
2534	FIXED CAPITAL OUTLAY		
	MINOR RENOVATIONS, REPAIRS, AND		

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IMPROVEMENTS - STATEWIDE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 471,749

2534A FIXED CAPITAL OUTLAY
RENOVATE MIDDLEBURG CLAY COUNTY VEHICLE INSTALLATION FACILITY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 144,691

2534B FIXED CAPITAL OUTLAY
MAJOR DISASTER 2004-05 - HURRICANE CHARLEY - FEMA DECLARATION #1539 - AGENCY MANAGED
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 28,700

2534C FIXED CAPITAL OUTLAY
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE FRANCES - FEMA DECLARATION #1545 - AGENCY MANAGED
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 77,150

TOTAL: HIGHWAY SAFETY
FROM GENERAL REVENUE FUND 124,083,187
FROM TRUST FUNDS 70,172,657

TOTAL POSITIONS 2,333.00
TOTAL ALL FUNDS 194,255,844

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,645,527

2535 SALARIES AND BENEFITS POSITIONS 27.00
FROM GENERAL REVENUE FUND 2,097,486
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 99,183

2536 EXPENSES
FROM GENERAL REVENUE FUND 196,237
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 96,000

2537 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 8,000

2538 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 19,838

2539 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 2,790
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 5,000

2540 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 63,858
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 5,109

2541 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 20,315

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,408,524
FROM TRUST FUNDS 205,292

TOTAL POSITIONS 27.00
TOTAL ALL FUNDS 2,613,816

PROGRAM: LICENSES, TITLES AND REGULATIONS

DRIVER LICENSURE

APPROVED SALARY RATE 34,807,815

2542 SALARIES AND BENEFITS POSITIONS 1,317.00
FROM GENERAL REVENUE FUND 441,814

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FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 45,658,408
FROM GRANTS AND DONATIONS TRUST FUND . . . 87,486

2543 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 546,768
FROM GRANTS AND DONATIONS TRUST FUND . . . 59,850

2544 EXPENSES
FROM GENERAL REVENUE FUND 49,082
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 11,884,444
FROM GRANTS AND DONATIONS TRUST FUND . . . 56,610

2545 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 55,720
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 1,827,137
FROM GRANTS AND DONATIONS TRUST FUND . . . 106,856

2546 SPECIAL CATEGORIES
DISTRIBUTION OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO STATE AGENCIES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 218,900

2547 SPECIAL CATEGORIES
DISTRIBUTIONS OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO NON-PROFIT AGY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 698,000

2548 SPECIAL CATEGORIES
AUTOMATED UNIFORM TRAFFIC ACCOUNTING SYSTEM
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 1,200,000

2549 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 1,103,179

2550 SPECIAL CATEGORIES
PURCHASE OF DRIVER LICENSES
FROM GENERAL REVENUE FUND 588,065
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 8,985,203

2551 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 901,018

2551A SPECIAL CATEGORIES
TRANSFER TO TRANSPORTATION SECURITY ADMINISTRATION AND FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR BACKGROUND CHECKS
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 6,671,000

2552 FIXED CAPITAL OUTLAY
MAJOR REPAIRS OR IMPROVEMENTS STATEWIDE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 1,752,140

2552A FIXED CAPITAL OUTLAY
ADDITION TO DRIVER LICENSES OFFICE - OSCEOLA COUNTY - DMS MGD
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 437,500

2552B FIXED CAPITAL OUTLAY
MAJOR DISASTER 2004-05 - HURRICANE CHARLEY - FEMA DECLARATION #1539 - AGENCY MANAGED
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 85,000

2552C FIXED CAPITAL OUTLAY
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE FRANCES - FEMA DECLARATION #1545 - AGENCY MANAGED
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 213,000

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2552D FIXED CAPITAL OUTLAY
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE IVAN - FEMA DECLARATION #1551 - AGY MGD
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 28,200

2552E FIXED CAPITAL OUTLAY
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE JEANNE - FEMA DECLARATION #1561 AGY MGD
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 10,000

TOTAL: DRIVER LICENSURE
FROM GENERAL REVENUE FUND 1,134,681
FROM TRUST FUNDS 82,530,699

TOTAL POSITIONS 1,317.00
TOTAL ALL FUNDS 83,665,380

MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE

APPROVED SALARY RATE 1,472,239

2553 SALARIES AND BENEFITS POSITIONS 56.00
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 2,026,272

2554 EXPENSES
FROM GENERAL REVENUE FUND 2,367
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 282,365

2555 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 42,392

TOTAL: MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE
FROM GENERAL REVENUE FUND 2,367
FROM TRUST FUNDS 2,351,029

TOTAL POSITIONS 56.00
TOTAL ALL FUNDS 2,353,396

IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS

APPROVED SALARY RATE 6,454,249

2556 SALARIES AND BENEFITS POSITIONS 217.00
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 8,067,432
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 471,272
FROM GRANTS AND DONATIONS TRUST FUND . . . 87,944

2557 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 630,412
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 182,550
FROM GRANTS AND DONATIONS TRUST FUND . . . 490,917

From the Highway Safety Operating Trust Fund in Specific Appropriations 2557, 2558, and 2559, $215,000, $460,000, and $225,000, respectively, are appropriated for the Motorcycle Safety Education Program. However, such funds are appropriated only to the extent that they are not appropriated in House Bill 1697, or similar legislation, if such legislation becomes law and provides funds to the Motorcycle Safety Education Program or to the American Brotherhood Aimed Toward Education.

2558 EXPENSES
FROM GENERAL REVENUE FUND 31,477
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 1,135,781
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 128,540
FROM GRANTS AND DONATIONS TRUST FUND . . . 364,147

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2559 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 429,950
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 7,730
FROM GRANTS AND DONATIONS TRUST FUND . . . 405,428

2560 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 158,215
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 6,056

TOTAL: IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS
FROM GENERAL REVENUE FUND 31,477
FROM TRUST FUNDS 12,566,374

TOTAL POSITIONS 217.00
TOTAL ALL FUNDS 12,597,851

MOBILE HOME COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 1,155,615

2561 SALARIES AND BENEFITS POSITIONS 38.00
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 1,516,417

2562 EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 150,647

2563 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 55,000

2564 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 21,142

TOTAL: MOBILE HOME COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 1,743,206

TOTAL POSITIONS 38.00
TOTAL ALL FUNDS 1,743,206

VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES

APPROVED SALARY RATE 11,869,192

2565 SALARIES AND BENEFITS POSITIONS 413.00
FROM GENERAL REVENUE FUND 84,659
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 12,657,858
FROM GAS TAX COLLECTION TRUST FUND 2,901,774

2566 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 69,516
FROM GAS TAX COLLECTION TRUST FUND 11,438
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,000

2567 EXPENSES
FROM GENERAL REVENUE FUND 11,672
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 4,084,723
FROM GAS TAX COLLECTION TRUST FUND 576,155
FROM GRANTS AND DONATIONS TRUST FUND . . . 170,000

2568 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO SCHOOLS - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 10,500,000

2569 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 6,120,000

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2570 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO CITIES - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 4,880,000

2571 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 737,665
FROM GAS TAX COLLECTION TRUST FUND 65,001
FROM GRANTS AND DONATIONS TRUST FUND . . . 80,000

2572 SPECIAL CATEGORIES
DISTRIBUTION OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO STATE AGENCIES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 245,000

2573 SPECIAL CATEGORIES
DISTRIBUTIONS OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO NON-PROFIT AGY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 285,000

2574 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 2,109,750

2575 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF LICENSE PLATES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 10,632,936

From the funds provided in Specific Appropriation 2575, the Department of Highway Safety and Motor Vehicles shall provide free license plates to National Guard members pursuant to section 320.0846, Florida Statutes, if that section is created by law.

2576 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 193,060
FROM GAS TAX COLLECTION TRUST FUND 35,608

2576A SPECIAL CATEGORIES
TRANSFER TO TRANSPORTATION SECURITY ADMINISTRATION AND FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR BACKGROUND CHECKS
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 143,350

2577 FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 306,157

2578A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE FRANCES - FEMA DECLARATION #1545 - AGENCY MANAGED
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 3,500

TOTAL: VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES
FROM GENERAL REVENUE FUND 96,331
FROM TRUST FUNDS 56,848,491

TOTAL POSITIONS 413.00
TOTAL ALL FUNDS 56,944,822

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,990,589

2579 SALARIES AND BENEFITS POSITIONS 40.00
FROM GENERAL REVENUE FUND 138,245
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 2,438,383

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2580 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 40,000

2581 EXPENSES
FROM GENERAL REVENUE FUND 2,667
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 173,789

2582 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 75,323

2583 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 28,183

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 140,912
FROM TRUST FUNDS 2,755,678

TOTAL POSITIONS 40.00
TOTAL ALL FUNDS 2,896,590

PROGRAM: KIRKMAN DATA CENTER

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 7,388,488

2584 SALARIES AND BENEFITS POSITIONS 192.00
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 9,316,548
FROM GRANTS AND DONATIONS TRUST FUND . . . 51,654

2585 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 327,708
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,830

2586 EXPENSES
FROM GENERAL REVENUE FUND 2,527,019
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 7,291,221
FROM GAS TAX COLLECTION TRUST FUND 230,598
FROM LAW ENFORCEMENT TRUST FUND 3,752

2587 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 630,529

2588 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 53,648

2589 SPECIAL CATEGORIES
TAX COLLECTOR NETWORK - COUNTY SYSTEMS
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 9,290,647

From the funds in Specific Appropriation 2589, the Department of Highway Safety and Motor Vehicles is authorized to procure and replace, by installment purchase, all equipment statewide that comprises the Florida Real-time Vehicle Information System (FRVIS). This system provides computer hardware, software, services, and data circuits to each of the offices maintained by Florida Tax Collectors for the issuance of motor vehicle titles and registrations.

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 2,527,019
FROM TRUST FUNDS 27,205,135

TOTAL POSITIONS 192.00
TOTAL ALL FUNDS 29,732,154

LEGISLATIVE BRANCH

SENATE

2590 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND 36,626,167

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HOUSE OF REPRESENTATIVES

2591 LUMP SUM
HOUSE
FROM GENERAL REVENUE FUND 57,505,476

LEGISLATIVE SUPPORT SERVICES

2592 LUMP SUM
LEGISLATIVE SUPPORT SERVICES - SENATE
FROM GENERAL REVENUE FUND 22,697,605
FROM LEGISLATIVE LOBBYIST REGISTRATION
TRUST FUND 127,677

2593 LUMP SUM
LEGISLATIVE SUPPORT SERVICES - HOUSE
FROM GENERAL REVENUE FUND 22,748,747
FROM LEGISLATIVE LOBBYIST REGISTRATION
TRUST FUND 128,054

2594 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 406,702
FROM LEGISLATIVE LOBBYIST REGISTRATION
TRUST FUND 213

2594A SPECIAL CATEGORIES
ARTICLE V TECHNOLOGY BOARD
FROM GENERAL REVENUE FUND 500,000

TOTAL: LEGISLATIVE SUPPORT SERVICES
FROM GENERAL REVENUE FUND 46,353,054
FROM TRUST FUNDS 255,944

TOTAL ALL FUNDS 46,608,998

ADMINISTRATIVE PROCEDURES COMMITTEE

2595 LUMP SUM
ADMINISTRATIVE PROCEDURES
FROM GENERAL REVENUE FUND 1,232,008

INTERGOVERNMENTAL RELATIONS, LEGISLATIVE COMMITTEE ON

2596 LUMP SUM
LEGISLATIVE COMMITTEE ON INTERGOVERNMENTAL RELATIONS
FROM GENERAL REVENUE FUND 868,044

OFFICE OF PUBLIC COUNSEL

2600 LUMP SUM
PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 2,193,074

ETHICS, COMMISSION ON

2601 LUMP SUM
LOBBY REGISTRATION
FROM EXECUTIVE BRANCH LOBBY REGISTRATION
TRUST FUND 120,628

2602 LUMP SUM
ETHICS COMMISSION
FROM GENERAL REVENUE FUND 2,170,305

2603 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 42,726

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2604 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EXECUTIVE BRANCH LOBBY REGISTRATION
TRUST FUND 134

TOTAL: ETHICS, COMMISSION ON
FROM GENERAL REVENUE FUND 2,213,031
FROM TRUST FUNDS 120,762

TOTAL ALL FUNDS 2,333,793

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

2605 EXPENSES
FROM GENERAL REVENUE FUND 75,474

PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF

2606 LUMP SUM
PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY
FROM GENERAL REVENUE FUND 8,265,359

2607 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,394

TOTAL: PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF
FROM GENERAL REVENUE FUND 8,271,753

TOTAL ALL FUNDS 8,271,753

AUDITOR GENERAL

2608 LUMP SUM
AUDITOR GENERAL
FROM GENERAL REVENUE FUND 37,692,129

2608A SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,453,250

2609 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 305,347

TOTAL: AUDITOR GENERAL
FROM GENERAL REVENUE FUND 37,997,476
FROM TRUST FUNDS 1,453,250

TOTAL ALL FUNDS 39,450,726

AUDITING COMMITTEE

2610 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 357,865

2611 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 269

TOTAL: AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 358,134

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TOTAL ALL FUNDS 358,134

LOTTERY, DEPARTMENT OF THE

PROGRAM: LOTTERY OPERATIONS

APPROVED SALARY RATE 17,257,786

2612 SALARIES AND BENEFITS POSITIONS 440.00
FROM ADMINISTRATIVE TRUST FUND 23,762,184

2613 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,073,296

2614 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 12,152,846

From the funds provided in Specific Appropriation 2614, the Department of Lottery is directed to continue to develop a plan to consolidate its lease of office space where economical and sublet excess office and warehouse space to suitable tenants. In addition, the department shall continue to report its progress, at least annually, to the President of the Senate, the Speaker of the House of Representatives, the Office of Program Policy Analysis and Government Accountability, and the Joint Legislative Auditing Committee.

2615 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 154,461

The Department of Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2615 in the event a draw machine becomes inoperable and must be replaced.

2616 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 200,000

2617 SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM ADMINISTRATIVE TRUST FUND 46,429,100

The Department of Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2617 in the event instant ticket sales are greater than the projected sales used to calculate the amount appropriated.

2618 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM ADMINISTRATIVE TRUST FUND 34,869,453

From the funds in Specific Appropriation 2618, the Department of Lottery is authorized to utilize up to $1,300,000 for the purpose of contracting with an appropriate Florida organization to conduct a compulsive gambling program.

2619 SPECIAL CATEGORIES
ONLINE GAMES CONTRACT
FROM ADMINISTRATIVE TRUST FUND 26,073,587

The Department of Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2619 in the event on-line sales are greater than the projected sales used to calculate the amount appropriated.

The Department of Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2619 to acquire up to 1,000 additional gaming system terminals to increase the size of the lottery retailer network and generate additional sales.

2620 SPECIAL CATEGORIES
RETAILER INCENTIVES
FROM ADMINISTRATIVE TRUST FUND 2,500,000

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2621 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 350,469

2622 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 23,400

2622A SPECIAL CATEGORIES
TRANSFER TO EDUCATIONAL ENHANCEMENT TRUST FUND
FROM ADMINISTRATIVE TRUST FUND 60,000,000

Specific Appropriation 2622A provides for the transfer of the unencumbered cash which has accumulated in the Administrative Trust Fund during Fiscal Year 2004-2005. From the funds provided, $40,000,000 shall be transferred by July 30, 2005. Any remaining unencumbered cash balance shall be transferred by December 31, 2005. In the event the June 30, 2005, unencumbered cash balance exceeds $60,000,000, the Department of Lottery shall submit a budget amendment in accordance with chapter 216, Florida Statutes, and, upon approval, transfer the remaining balance by December 31, 2005.

2623 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 169,976

TOTAL: PROGRAM: LOTTERY OPERATIONS
FROM TRUST FUNDS 207,758,772

TOTAL POSITIONS 440.00
TOTAL ALL FUNDS 207,758,772

MANAGEMENT SERVICES, DEPARTMENT OF

PROGRAM: ADMINISTRATION PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 3,904,103

2624 SALARIES AND BENEFITS POSITIONS 81.50
FROM ADMINISTRATIVE TRUST FUND 5,054,070

2625 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 8,700

2626 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 700,121

2627 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 71,240

2628 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 27,981

2629 SPECIAL CATEGORIES
MAIL SERVICES
FROM ADMINISTRATIVE TRUST FUND 200,016

2630 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 27,132

2631 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 33,729

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2632 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM ADMINISTRATIVE TRUST FUND 447,080

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 6,570,069

TOTAL POSITIONS 81.50
TOTAL ALL FUNDS 6,570,069

STATE EMPLOYEE LEASING

APPROVED SALARY RATE 454,274

2633 SALARIES AND BENEFITS POSITIONS 7.00
FROM ADMINISTRATIVE TRUST FUND 653,677

2634 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 3,596

TOTAL: STATE EMPLOYEE LEASING
FROM TRUST FUNDS 657,273

TOTAL POSITIONS 7.00
TOTAL ALL FUNDS 657,273

PROGRAM: FACILITIES PROGRAM

FACILITIES MANAGEMENT

APPROVED SALARY RATE 9,490,854

2635 SALARIES AND BENEFITS POSITIONS 308.50
FROM SUPERVISION TRUST FUND 12,374,305

2636 OTHER PERSONAL SERVICES
FROM SUPERVISION TRUST FUND 17,000

2637 EXPENSES
FROM SUPERVISION TRUST FUND 11,651,098

2638 OPERATING CAPITAL OUTLAY
FROM SUPERVISION TRUST FUND 80,000

2639 SPECIAL CATEGORIES
TRANSFER TO THE FLORIDA DEPARTMENT OF LAW
ENFORCEMENT - CAPITOL POLICE
FROM SUPERVISION TRUST FUND 5,047,733

2640 SPECIAL CATEGORIES
DEPARTMENT OF MANAGEMENT SERVICES
PROVISIONS FOR FACILITIES SECURITY
FROM SUPERVISION TRUST FUND 1,472,854

2640A SPECIAL CATEGORIES
INTERIOR REFURBISHMENT - LEASE SPACE
FROM SUPERVISION TRUST FUND 1,397,385

2640B SPECIAL CATEGORIES
MASTER LEASE SPACE TENANT IMPROVEMENT
FUNDS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,629,130

Funds in Specific Appropriation 2640B are contingent upon the development of a project plan by the Department of Management Services in conjunction with each agency for which an improvement project is proposed. The department is authorized to request release of the funds pursuant to the provisions of chapter 216, Florida Statutes. The release request shall be accompanied by the plan including, but not limited to, all expenditures related to the proposed projects, the associated funding sources, and if applicable, a plan for ensuring continuity of service operations. The plan shall also include a prioritization of all outstanding requests by agencies for improvement projects in spaces leased under the Tallahassee area private sector master leases and identify out-year projects required to improve and maintain the leased space for the duration of the 15-year leases.

2641 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM SUPERVISION TRUST FUND 325,705

2642 SPECIAL CATEGORIES
STATE UTILITY PAYMENTS
FROM SUPERVISION TRUST FUND 14,224,461

2643 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM SUPERVISION TRUST FUND 169,862

2644 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM SUPERVISION TRUST FUND 72,452

2644A FIXED CAPITAL OUTLAY
PLANNING AND DESIGN - CAPITAL CIRCLE
OFFICE COMPLEX - LEON COUNTY - DMS MGD
FROM PUBLIC FACILITIES FINANCING TRUST
FUND 1,000,000

Funds in Specific Appropriation 2644A are provided for the Department of Management Services to initiate the planning and design phase of an office building at the Capital Circle Office Complex. The expenditure of such funds must be used toward fulfilling the requirements of the April 16, 1999, Special Warranty Deed, that prevents the automatic reversion of Parcels 3 and 4 to the St. Joe Company by commencing construction of an office building on Parcel 2 on or before January 1, 2008.

2645 FIXED CAPITAL OUTLAY
COMPLIANCE WITH THE AMERICANS WITH
DISABILITIES ACT
FROM SUPERVISION TRUST FUND 32,000

2646 FIXED CAPITAL OUTLAY
LIFE SAFETY CODE COMPLIANCE PROJECTS
STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 408,673

2648 FIXED CAPITAL OUTLAY
ENVIRONMENTAL PROJECTS - DMS MGD
FROM SUPERVISION TRUST FUND 416,680

2649 FIXED CAPITAL OUTLAY
STATEWIDE CAPITAL DEPRECIATION - GENERAL -
DMS MGD
FROM SUPERVISION TRUST FUND 7,166,482

Funds provided in Specific Appropriation 2649 are for projects identified in the Department of Management Services' Capital Improvements Program Plan submitted March 2005 to the Executive Office of the Governor. In the event the department receives reimbursement for any of the projects on the list, the department shall use the funds to address deferred projects in the September 2004 Capital Improvements Program Plan.

2649A FIXED CAPITAL OUTLAY
CAPITOL FIRE ALARM RENOVATION - DMS MGD
FROM GENERAL REVENUE FUND 1,190,305
FROM SUPERVISION TRUST FUND 182,695

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2650 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM FLORIDA FACILITIES POOL CLEARING
TRUST FUND 30,738,731

TOTAL: FACILITIES MANAGEMENT
FROM GENERAL REVENUE FUND 1,190,305
FROM TRUST FUNDS 88,407,246

TOTAL POSITIONS 308.50
TOTAL ALL FUNDS 89,597,551

BUILDING CONSTRUCTION

APPROVED SALARY RATE 527,677

Funds in Specific Appropriations 2651 through 2656 from the Architects Incidental Trust Fund are based on an assessment against each fixed capital outlay appropriation in which the Department of Management Services serves as the owner-representative on behalf of the state. The assessments for appropriations made for the 2005-2006 fiscal year shall be calculated in accordance with the formula submitted by the department to the Executive Office of the Governor on October 7, 1991, as required by chapter 91-193, Laws of Florida.

2651 SALARIES AND BENEFITS POSITIONS 11.00
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 824,821

2652 EXPENSES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 235,196

2652A AID TO LOCAL GOVERNMENTS
CITY OF MIAMI BEACH - PROJECT MANAGEMENT
SERVICES
FROM GENERAL REVENUE FUND 139,239

From the funds in Specific Appropriation 2652A, $139,239 from the General Revenue Fund is provided to the City of Miami Beach for project management services.

2653 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 50,000

2654 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 1,113

2655 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 11,577

2656 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 33,951

2657 FIXED CAPITAL OUTLAY
SUPPLEMENTAL CONTRACTS - PROJECTS LESS
THAN $100,000 STATEWIDE - DMS MGD
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 700,000

TOTAL: BUILDING CONSTRUCTION
FROM GENERAL REVENUE FUND 139,239
FROM TRUST FUNDS 1,856,658

TOTAL POSITIONS 11.00
TOTAL ALL FUNDS 1,995,897

SECTION 6
SPECIFIC
APPROPRIATION
PROGRAM: SUPPORT PROGRAM

AIRCRAFT MANAGEMENT

APPROVED SALARY RATE 836,922

2658 SALARIES AND BENEFITS POSITIONS 15.00
FROM BUREAU OF AIRCRAFT TRUST FUND 932,358

2659 OTHER PERSONAL SERVICES
FROM BUREAU OF AIRCRAFT TRUST FUND 39,420

2660 EXPENSES
FROM GENERAL REVENUE FUND 71,000
FROM BUREAU OF AIRCRAFT TRUST FUND 1,315,506

2661 OPERATING CAPITAL OUTLAY
FROM BUREAU OF AIRCRAFT TRUST FUND 551,200

2662 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM BUREAU OF AIRCRAFT TRUST FUND 2,831

2663 SPECIAL CATEGORIES
AIRCRAFT PURCHASE
FROM GENERAL REVENUE FUND 3,188,193

2664 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM BUREAU OF AIRCRAFT TRUST FUND 6,391

2665 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM BUREAU OF AIRCRAFT TRUST FUND 9,494

TOTAL: AIRCRAFT MANAGEMENT
FROM GENERAL REVENUE FUND 3,259,193
FROM TRUST FUNDS 2,857,200

TOTAL POSITIONS 15.00
TOTAL ALL FUNDS 6,116,393

FEDERAL PROPERTY ASSISTANCE

APPROVED SALARY RATE 167,318

2666 SALARIES AND BENEFITS POSITIONS 5.00
FROM SURPLUS PROPERTY REVOLVING TRUST
FUND 205,292

2667 EXPENSES
FROM SURPLUS PROPERTY REVOLVING TRUST
FUND 65,489

2668 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM SURPLUS PROPERTY REVOLVING TRUST
FUND 2,365

2670 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM SURPLUS PROPERTY REVOLVING TRUST
FUND 2,446

2671 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM SURPLUS PROPERTY REVOLVING TRUST
FUND 5,280

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TOTAL: FEDERAL PROPERTY ASSISTANCE
FROM TRUST FUNDS 280,872

TOTAL POSITIONS 5.00
TOTAL ALL FUNDS 280,872

MOTOR VEHICLE AND WATERCRAFT MANAGEMENT

APPROVED SALARY RATE 438,567

2672 SALARIES AND BENEFITS POSITIONS 9.00
FROM GRANTS AND DONATIONS TRUST FUND . . . 698,551

2673 EXPENSES
FROM GRANTS AND DONATIONS TRUST FUND . . . 232,750

2674 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,491

2675 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,596

2676 SPECIAL CATEGORIES
PAYMENT OF EXPENSES FROM SALE OF AGENCY VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 650,000

2677 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM GRANTS AND DONATIONS TRUST FUND . . . 262,500

TOTAL: MOTOR VEHICLE AND WATERCRAFT MANAGEMENT
FROM TRUST FUNDS 1,852,888

TOTAL POSITIONS 9.00
TOTAL ALL FUNDS 1,852,888

PURCHASING OVERSIGHT

APPROVED SALARY RATE 2,668,975

2678 SALARIES AND BENEFITS POSITIONS 57.00
FROM GENERAL REVENUE FUND 565,305
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,864,229

From the funds in Specific Appropriations 2678, 2680, and 2684, five positions and $220,659 from the Grants and Donations Trust Fund shall be held in reserve pending the Department of Management Services' justification for increased staffing to provide statewide purchasing oversight. If the department determines that additional staffing is necessary, it is authorized to request, through the Executive Office of the Governor, pursuant to chapter 216, Florida Statutes, release of justified positions, associated salary rate, and appropriated funds.

2679 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,956
FROM GRANTS AND DONATIONS TRUST FUND . . . 35,000

2680 EXPENSES
FROM GENERAL REVENUE FUND 404,418
FROM GRANTS AND DONATIONS TRUST FUND . . . 549,865

From the funds in Specific Appropriation 2680, $100,000 in non-recurring general revenue is provided to the Department of Management Services to contract with a private entity to develop a business case proposal that compares the operating costs of state and privately operated prison beds. The study shall also include an analysis of both the state and private prison per diem rates to determine the cost differences. In addition, the Department of Corrections and all private prison vendors shall furnish the private entity conducting the study with all the data needed to complete this project.

2681 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 76,000

2683 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,938
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,876

2683A SPECIAL CATEGORIES
3RD PARTY MONITORING - WEB-BASED E-PROCUREMENT SYSTEM CONTRACT
FROM GRANTS AND DONATIONS TRUST FUND . . . 238,500

2683B SPECIAL CATEGORIES
WEB-BASED E-PROCUREMENT SYSTEM
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,457,000

Funds provided in Specific Appropriation 2683B are contingent upon the deposit into the Department of Management Services' Grants and Donations Trust Fund of the transaction fee authorized under section 287.057(23)(c), Florida Statutes, collected subsequent to the date of this act and the amount of transaction fee revenue available for payment of the MyFloridaMarketPlace contract after all expenditures for the department's purchasing functions have been satisfied. The department may request release of funds pursuant to the provisions of chapter 216, Florida Statutes. Such a request shall document that transaction fee revenues are available for payment of the contract. Should revenues available for payment under the contract exceed the amount of budget authority appropriated, the department is authorized to request a budget amendment pursuant to the provisions of chapter 216, Florida Statutes.

2684 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 3,112
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,036

2685 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM GRANTS AND DONATIONS TRUST FUND . . . 400,128

TOTAL: PURCHASING OVERSIGHT
FROM GENERAL REVENUE FUND 984,729
FROM TRUST FUNDS 19,646,634

TOTAL POSITIONS 57.00
TOTAL ALL FUNDS 20,631,363

OFFICE OF SUPPLIER DIVERSITY

APPROVED SALARY RATE 753,509

2686 SALARIES AND BENEFITS POSITIONS 19.00
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,001,064

2687 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000

2688 EXPENSES
FROM GRANTS AND DONATIONS TRUST FUND . . . 292,213

2689 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,809

2690 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT

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APPROPRIATION

SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,598

TOTAL: OFFICE OF SUPPLIER DIVERSITY
FROM TRUST FUNDS 1,306,684

TOTAL POSITIONS 19.00
TOTAL ALL FUNDS 1,306,684

WORKFORCE PROGRAMS

PROGRAM: HUMAN RESOURCE MANAGEMENT

APPROVED SALARY RATE 2,306,265

2691 SALARIES AND BENEFITS POSITIONS 45.00
FROM GENERAL REVENUE FUND 367,444
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 2,692,362

Funds in Specific Appropriations 2691 through 2702 from the State Personnel System Trust Fund are based upon a human resources services assessment to state entities at the following rates:

FTE	$392.82
OPS	$131.22
Justice Administrative Commission	$287.14
State Court System	$249.07
County Health Department	$287.14

2692 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 180,000
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 10,000

2693 EXPENSES
FROM GENERAL REVENUE FUND 308,930
FROM GRANTS AND DONATIONS TRUST FUND . . . 533,002
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 516,937

2694 OPERATING CAPITAL OUTLAY
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 5,000

2695 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 150,000

2696 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 600
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 3,340

2696A SPECIAL CATEGORIES
HUMAN RESOURCES OUTSOURCING PROJECT MANAGEMENT
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 450,000

2697 SPECIAL CATEGORIES
SPECIAL NEEDS ADOPTION INCENTIVES
FROM GENERAL REVENUE FUND 888,623

2699 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,200
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 16,378

2700 SPECIAL CATEGORIES
HUMAN RESOURCES SERVICES / STATEWIDE CONTRACT
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 44,153,424

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The Department of Management Services shall submit a report on the performance of the PeopleFirst System to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 15, 2005, and quarterly thereafter. At a minimum, the report shall include the system's compliance with the performance metrics, the progress of key system enhancements, the performance of the customer service center, a description of the department's efforts to improve project management and oversight, and the extent to which the department is continuing to use the Insurance Benefits Administration Program and the Cooperative Personnel Employment Subsystem (COPES) programming staff that were previously anticipated to be eliminated.

2701 SPECIAL CATEGORIES
STATE EMPLOYEE'S CHARITABLE CAMPAIGN
FROM GENERAL REVENUE FUND 17,000

2702 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 39,999

TOTAL: PROGRAM: HUMAN RESOURCE MANAGEMENT
FROM GENERAL REVENUE FUND 1,583,797
FROM TRUST FUNDS 48,750,442

TOTAL POSITIONS 45.00
TOTAL ALL FUNDS 50,334,239

PROGRAM: INSURANCE BENEFITS ADMINISTRATION

APPROVED SALARY RATE 2,244,001

2703 SALARIES AND BENEFITS POSITIONS 53.00
FROM PRETAX BENEFITS TRUST FUND 742,174
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 51,880
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 2,265,268
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 24,695

2704 OTHER PERSONAL SERVICES
FROM PRETAX BENEFITS TRUST FUND 385,866
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 423,107

2705 EXPENSES
FROM PRETAX BENEFITS TRUST FUND 89,973
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 17,647
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 559,534
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 28,049

2706 OPERATING CAPITAL OUTLAY
FROM PRETAX BENEFITS TRUST FUND 67,482
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 44,773

2707 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 6,773

2708 SPECIAL CATEGORIES
ADMINISTRATIVE SERVICES ONLY CONTRACT FOR HEALTH INSURANCE
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 38,600,000

2709 SPECIAL CATEGORIES
PRESCRIPTION DRUG CLAIMS ADMINISTRATION

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FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 73,864

2710 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PRETAX BENEFITS TRUST FUND 8,165
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 1,361
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 25,854
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 680

2711 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PRETAX BENEFITS TRUST FUND 1,200
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 6,786

2712 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM PRETAX BENEFITS TRUST FUND 152,760
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 14,107
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 340,842
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 26,136

TOTAL: PROGRAM: INSURANCE BENEFITS ADMINISTRATION
FROM TRUST FUNDS 43,958,976

TOTAL POSITIONS 53.00
TOTAL ALL FUNDS 43,958,976

PROGRAM: RETIREMENT BENEFITS ADMINISTRATION

APPROVED SALARY RATE 7,240,677

2713 SALARIES AND BENEFITS POSITIONS 194.00
FROM OPERATING TRUST FUND 8,811,346
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 91,143
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 599,487
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 36,224

Funds in Specific Appropriations 2713 through 2722 from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.

2714 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 6,029
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 100

2715 EXPENSES
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND 14,766
FROM OPERATING TRUST FUND 3,564,011
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 49,133
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 139,286
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 11,370

2716 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 179,697

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FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 4,000
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 2,500

2717 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM OPERATING TRUST FUND 68,173

2718 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 2,660,000

2719 SPECIAL CATEGORIES
OVERTIME
FROM OPERATING TRUST FUND 133,000

2720 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 56,162

2721 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 73,785
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 800
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 3,596
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 400

2722 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM OPERATING TRUST FUND 10,000
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 20,000
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 12,416

2723 PENSIONS AND BENEFITS
DISABILITY BENEFITS TO JUSTICES AND JUDGES
FROM GENERAL REVENUE FUND 1,133,000

2724 PENSIONS AND BENEFITS
FLORIDA NATIONAL GUARD
FROM GENERAL REVENUE FUND 11,360,000

2725 PENSIONS AND BENEFITS
SPECIAL PENSIONS AND RELIEF ACTS
FROM GENERAL REVENUE FUND 3,864

2726 PENSIONS AND BENEFITS
STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)
FROM GENERAL REVENUE FUND 1,550,000

2727 PENSIONS AND BENEFITS
TEACHER'S SPECIAL PENSIONS
FROM GENERAL REVENUE FUND 8,600

TOTAL: PROGRAM: RETIREMENT BENEFITS ADMINISTRATION
FROM GENERAL REVENUE FUND 14,055,464
FROM TRUST FUNDS 16,547,424

TOTAL POSITIONS 194.00
TOTAL ALL FUNDS 30,602,888

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APPROPRIATION
PROGRAM: TECHNOLOGY PROGRAM

TELECOMMUNICATIONS SERVICES

APPROVED SALARY RATE 3,633,301

2728 SALARIES AND BENEFITS POSITIONS 76.00
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 4,109,771

2729 OTHER PERSONAL SERVICES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 31,995

2730 EXPENSES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,101,153
FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND 731,207

2731 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO COUNTIES - WIRELESS 911 TELEPHONE SYSTEMS
FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND 31,552,068

2732 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO SERVICE PROVIDERS - WIRELESS 911 TELEPHONE SYSTEMS
FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND 36,298,597

2733 OPERATING CAPITAL OUTLAY
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 100,000

2734 SPECIAL CATEGORIES
CENTREX AND SUNCOM PAYMENTS
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 129,663,826

2736 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 9,030

2736A SPECIAL CATEGORIES
SUNCOM THIRD PARTY MONITOR
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 450,000

2737 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 30,962

2738 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,028,162

TOTAL: TELECOMMUNICATIONS SERVICES
FROM TRUST FUNDS 205,106,771

TOTAL POSITIONS 76.00
TOTAL ALL FUNDS 205,106,771

WIRELESS SERVICES

APPROVED SALARY RATE 904,338

2739 SALARIES AND BENEFITS POSITIONS 16.00
FROM GENERAL REVENUE FUND 346,237

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FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 172,782
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 716,150

2740 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,000

2741 EXPENSES
FROM GENERAL REVENUE FUND 19,000
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 12,517
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 484,810

2741A AID TO LOCAL GOVERNMENTS
PINELLAS COUNTY MOBILE COMMAND AND COMMUNICATIONS VEHICLE
FROM GENERAL REVENUE FUND 500,000

2742 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,000
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 20,000

2743 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 3,321,857

2744 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 57
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 915
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 884

2745 SPECIAL CATEGORIES
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM CONTRACT PAYMENT
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 18,220,000

Second quarter release of funds provided in Specific Appropriation 2745 is contingent upon the Department of Management Services providing a quarterly status report on the Statewide Law Enforcement Radio System Project and a plan for transitioning, reducing, and reassigning project staff and resources upon project completion. The project shall be completed in December 2005 with the replacement of the original Phase 1 and Phase 2 Motorola radios. The plan shall describe the roles and responsibilities of the remaining staff in the ongoing management and administration of the statewide law enforcement radio system contract. The plan shall be submitted to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council no later than September 30, 2005.

2746 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,691
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 2,307
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 3,613

TOTAL: WIRELESS SERVICES
FROM GENERAL REVENUE FUND 872,985
FROM TRUST FUNDS 22,955,835

TOTAL POSITIONS 16.00
TOTAL ALL FUNDS 23,828,820

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INFORMATION SERVICES

APPROVED SALARY RATE 2,981,338

The rates charged to Shared Resource Data Center customers shall be reduced to reflect administrative efficiencies. The Department of Management Services shall submit a report no later than September 30, 2005, to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council containing the reduced data center rates for Fiscal Year 2005-2006, a comparison of the rates charged in Fiscal Year 2004-2005, an itemization of overhead charges, and a listing of customers by application supported and the associated estimated billings.

2747 SALARIES AND BENEFITS POSITIONS 61.00
FROM GENERAL REVENUE FUND 197,005
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,116
FROM WORKING CAPITAL TRUST FUND 4,954,136

2748 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 700,549

The Department of Management Services is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriations 2748, 2749, 2750, 2752, 2754A, and 2754B, from the Working Capital Trust Fund, in order to provide services to user agencies. Budget amendment requests must be justified with signed service level agreements from the user agencies.

2749 EXPENSES
FROM GENERAL REVENUE FUND 19,534
FROM WORKING CAPITAL TRUST FUND 6,529,899

2750 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 238,088

2751 SPECIAL CATEGORIES
SECURE ACCESS FOR FLORIDA'S ENTERPRISE
RESOURCES SYSTEM CONTRACTUAL LIABILITY
FROM GENERAL REVENUE FUND 529,214

Funds in Specific Appropriation 2751 are provided to liquidate an outstanding contractual liability incurred by the State Technology Office in 2003.

2752 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,369,831
FROM WORKING CAPITAL TRUST FUND 877,716

2753 SPECIAL CATEGORIES
STATE PORTAL DEVELOPMENT
FROM GENERAL REVENUE FUND 363,000

By December 1, 2005, the Department of Management Services shall prepare a detailed three-year plan for the portal describing the business objectives, expected outcomes, project milestones, deliverables, and anticipated expenditures for the project. The plan shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

No funds in Specific Appropriation 2753 shall be used to implement the outsourced development or operation of an enterprise portal service.

2754 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 44,070

2754A SPECIAL CATEGORIES
APPLICATIONS MANAGEMENT CONTRACT FOR DATA
CENTER
FROM WORKING CAPITAL TRUST FUND 3,500,000

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2754B SPECIAL CATEGORIES
DATA PROCESSING CONTRACTS FOR DATA CENTER
FROM WORKING CAPITAL TRUST FUND 2,500,000

2754C SPECIAL CATEGORIES
DISASTER RECOVERY SERVICES CONTRACT
FROM WORKING CAPITAL TRUST FUND 456,468

2755 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,166
FROM WORKING CAPITAL TRUST FUND 36,903

2756 SPECIAL CATEGORIES
HEALTH INSURANCE PORTABILITY AND
ACCOUNTABILITY ACT (HIPAA) IMPLEMENTATION
FROM GENERAL REVENUE FUND 87,000

2757 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM WORKING CAPITAL TRUST FUND 1,000

TOTAL: INFORMATION SERVICES
FROM GENERAL REVENUE FUND 1,196,919
FROM TRUST FUNDS 21,210,776

TOTAL POSITIONS 61.00
TOTAL ALL FUNDS 22,407,695

PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION

PUBLIC EMPLOYEES RELATIONS

APPROVED SALARY RATE 2,086,525

2764 SALARIES AND BENEFITS POSITIONS 35.00
FROM GENERAL REVENUE FUND 1,496,583
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 1,159,983

2765 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 40,777
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 55,863

2766 EXPENSES
FROM GENERAL REVENUE FUND 202,871
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 265,084

2767 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,399
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 5,721

2768 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,561
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 1,560

2769 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 8,243
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 6,674

2770 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE

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FROM GENERAL REVENUE FUND	22,630	
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		17,498
TOTAL: PUBLIC EMPLOYEES RELATIONS		
FROM GENERAL REVENUE FUND	1,780,064	
FROM TRUST FUNDS		1,512,383
TOTAL POSITIONS	35.00	
TOTAL ALL FUNDS		3,292,447

PROGRAM: COMMISSION ON HUMAN RELATIONS

From the funds provided in Specific Appropriations 2771 through 2779, the Commission on Human Relations shall provide information and data to the Office of Program Policy Analysis and Government Accountability (OPPAGA) as requested by OPPAGA and sufficient to allow OPPAGA to conduct a performance review of the commission. The purpose of the review is to determine the effectiveness of the commission and whether the program duplicates or overlaps other related programs. The review shall consider the consequences of eliminating the commission and its related responsibilities. OPPAGA shall submit a report on this review to the Speaker of the House of Representatives, the President of the Senate, and the Executive Office of the Governor by December 31, 2005.

HUMAN RELATIONS

APPROVED SALARY RATE 2,508,218

2771	SALARIES AND BENEFITS POSITIONS	71.00	
	FROM GENERAL REVENUE FUND	2,664,998	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		720,337
2772	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	37,800	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		77,040
2773	EXPENSES		
	FROM GENERAL REVENUE FUND	467,141	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		167,514
2774	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,736	
2775	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	656,851	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		261,814
2776	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		36,000
2777	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	16,534	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,991
2778	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	24,637	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,391
2779	DATA PROCESSING SERVICES		
	STATE TECHNOLOGY OFFICE		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		100,000
TOTAL: HUMAN RELATIONS			
	FROM GENERAL REVENUE FUND	3,869,697	
	FROM TRUST FUNDS		1,371,087
	TOTAL POSITIONS	71.00	
	TOTAL ALL FUNDS		5,240,784

ADMINISTRATIVE HEARINGS

PROGRAM: ADJUDICATION OF DISPUTES

APPROVED SALARY RATE 5,345,446

2780	SALARIES AND BENEFITS POSITIONS	71.00	
	FROM ADMINISTRATIVE TRUST FUND		6,603,784
2781	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		476,742
2782	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		1,181,287
2783	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		71,550
2784	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND		43,521
2785	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM ADMINISTRATIVE TRUST FUND		30,656
TOTAL: PROGRAM: ADJUDICATION OF DISPUTES			
	FROM TRUST FUNDS		8,407,540
	TOTAL POSITIONS	71.00	
	TOTAL ALL FUNDS		8,407,540

PROGRAM: WORKERS' COMPENSATION APPEALS - JUDGES OF COMPENSATION CLAIMS

APPROVED SALARY RATE 9,529,480

2786	SALARIES AND BENEFITS POSITIONS	214.00	
	FROM ADMINISTRATIVE TRUST FUND		13,136,229

From the funds in Specific Appropriations 2786, 2788, 2789, and 2791, the Office of the Judges of Compensation Claims is provided twenty additional positions and $1,637,461 for claims workload. Beginning September 30, 2005, the office shall submit a quarterly report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives showing the improvement to workers' compensation dispute resolution resulting from these new positions.

2787	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		999,362
2788	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		3,556,612
2789	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		68,396
2790	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND		279,338
2791	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM ADMINISTRATIVE TRUST FUND		88,224

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TOTAL: PROGRAM: WORKERS' COMPENSATION APPEALS - JUDGES OF COMPENSATION CLAIMS
FROM TRUST FUNDS 18,128,161

TOTAL POSITIONS 214.00
TOTAL ALL FUNDS 18,128,161

MILITARY AFFAIRS, DEPARTMENT OF

From the funds in Specific Appropriation 2819, any expenditures from the Temporary Assistance for Needy Families (TANF) Block Grant must be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the Department of Children and Family Services, each provider shall identify the number of clients to be served and certify their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified.

The agency head or a designee shall certify that controls are in place to ensure that such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

PROGRAM: READINESS AND RESPONSE

DRUG INTERDICTION AND PREVENTION

2792 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND 49,750

2793 EXPENSES
FROM GENERAL REVENUE FUND 148,250
FROM COOPERATIVE AGREEMENT TRUST FUND . . 5,075,000
FROM FEDERAL EQUITABLE SHARING TRUST FUND 425,000

2794 OPERATING CAPITAL OUTLAY
FROM FEDERAL EQUITABLE SHARING TRUST FUND 100,000

TOTAL: DRUG INTERDICTION AND PREVENTION
FROM GENERAL REVENUE FUND 198,000
FROM TRUST FUNDS 5,600,000

TOTAL ALL FUNDS 5,798,000

MILITARY READINESS AND RESPONSE

APPROVED SALARY RATE 2,991,646

2795 SALARIES AND BENEFITS POSITIONS 93.00
FROM GENERAL REVENUE FUND 2,819,473
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 952,994

From the general revenue funds in Specific Appropriations 2795, 2797 and 2798, 3 FTE positions, $119,302 in Salaries and Benefits, $2,875,298 in Expenses, and $5,400 in Operating Capital Outlay are provided to reimburse Florida National Guard service members for the life insurance payments that are deducted from their military salaries for Service Member's Group Life Insurance, obtained through the United States Department of Defense. Of these funds, $2,800,000 provided in Specific Appropriation 2797 is for the payment of the insurance premiums. If the amount provided is insufficient to cover the entire cost of the premium for each service member participating in the program, then the amount provided may be prorated. The three positions shall be used to administer the quarterly payments for the service members who would benefit from this program.

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2796 OTHER PERSONAL SERVICES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 118,172

2797 EXPENSES
FROM GENERAL REVENUE FUND 7,020,744
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 896,425

2798 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,477
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 186,853

2799 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 303,000

2800 SPECIAL CATEGORIES
NATIONAL GUARD TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 3,481,900

2801 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 1,701

2802 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 57,297

2803 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 31,010
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 12,406

2804 FIXED CAPITAL OUTLAY
FLORIDA READINESS CENTERS REVITALIZATION PLAN - STATEWIDE
FROM GENERAL REVENUE FUND 7,295,000

Funds in Specific Appropriation 2804 include $195,000 for the Florida National Guard 146th Signal Battalion Building, Normandy Boulevard, Jacksonville, Florida. The Florida National Guard is to develop memorandums of understanding with appropriate postsecondary institutions to ensure that the renovated buildings are used for training programs that can be translated into college credit or certification for civilians.

If life insurance benefits comparable to those provided with the $2,800,000 of funds in Specific Appropriation 2797 are provided by the federal government, then the unexpended balance of the $2,800,000 from the General Revenue Fund in Specific Appropriation 2797 is hereby reverted and reappropriated to Specific Appropriation 2804 for the Readiness Centers Revitalization Plan. The Department of Military Affairs shall notify the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council of the amount of funds reverted and reappropriated.

TOTAL: MILITARY READINESS AND RESPONSE
FROM GENERAL REVENUE FUND 20,655,604
FROM TRUST FUNDS 2,528,848

TOTAL POSITIONS 93.00
TOTAL ALL FUNDS 23,184,452

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 2,494,709

2805 SALARIES AND BENEFITS POSITIONS 51.00
FROM GENERAL REVENUE FUND 3,151,842
FROM COOPERATIVE AGREEMENT TRUST FUND . . 287,001

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2806 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 94,525

2807 EXPENSES
FROM GENERAL REVENUE FUND 1,655,415
FROM COOPERATIVE AGREEMENT TRUST FUND . . 13,054
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 23,030

2808 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 189,424
FROM COOPERATIVE AGREEMENT TRUST FUND . . 15,000
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 48,000

2809 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 45,770

2810 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 6,994

2811 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 225,330

2812 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 21,563

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 5,390,863
FROM TRUST FUNDS 386,085

TOTAL POSITIONS 51.00
TOTAL ALL FUNDS 5,776,948

FEDERAL/STATE COOPERATIVE AGREEMENTS

APPROVED SALARY RATE 5,408,676

2813 SALARIES AND BENEFITS POSITIONS 174.00
FROM COOPERATIVE AGREEMENT TRUST FUND . . 6,901,596

2814 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 150,000
FROM COOPERATIVE AGREEMENT TRUST FUND . . 2,047,000

2815 EXPENSES
FROM GENERAL REVENUE FUND 168,400
FROM COOPERATIVE AGREEMENT TRUST FUND . . 15,434,478

2816 OPERATING CAPITAL OUTLAY
FROM COOPERATIVE AGREEMENT TRUST FUND . . 449,450

2817 FOOD PRODUCTS
FROM COOPERATIVE AGREEMENT TRUST FUND . . 250,000

2818 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM COOPERATIVE AGREEMENT TRUST FUND . . 10,209

2819 SPECIAL CATEGORIES
GRANTS AND AIDS - WAGES CONTRACTING WITH MILITARY AFFAIRS
FROM GENERAL REVENUE FUND 1,250,000
FROM WELFARE TRANSITION TRUST FUND 3,800,000

2820 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT

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SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM COOPERATIVE AGREEMENT TRUST FUND . . 63,947

TOTAL: FEDERAL/STATE COOPERATIVE AGREEMENTS
FROM GENERAL REVENUE FUND 1,568,400
FROM TRUST FUNDS 28,956,680

TOTAL POSITIONS 174.00
TOTAL ALL FUNDS 30,525,080

PUBLIC SERVICE COMMISSION

PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE

APPROVED SALARY RATE 16,501,857

2821 SALARIES AND BENEFITS POSITIONS 349.00
FROM REGULATORY TRUST FUND 20,694,228

2822 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 400,588

2823 EXPENSES
FROM REGULATORY TRUST FUND 4,322,990

2824 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 387,546

2825 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM REGULATORY TRUST FUND 72,055

2826 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM REGULATORY TRUST FUND 2,315

2827 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 102,864

2828 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 141,250

2829 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM REGULATORY TRUST FUND 76,708

TOTAL: PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE
FROM TRUST FUNDS 26,200,544

TOTAL POSITIONS 349.00
TOTAL ALL FUNDS 26,200,544

REVENUE, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 14,794,785

2830 SALARIES AND BENEFITS POSITIONS 331.00
FROM GENERAL REVENUE FUND 11,002,116
FROM ADMINISTRATIVE TRUST FUND 2,338,628
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,416,553

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2831 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	230,558	
FROM ADMINISTRATIVE TRUST FUND		207,182
2832 EXPENSES		
FROM GENERAL REVENUE FUND	1,526,226	
FROM ADMINISTRATIVE TRUST FUND		1,342,138
FROM GRANTS AND DONATIONS TRUST FUND . . .		742,754
2833 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	106,929	
FROM ADMINISTRATIVE TRUST FUND		120,235
2834 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	264,265	
FROM ADMINISTRATIVE TRUST FUND		189,433
2835 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	280,673	
FROM ADMINISTRATIVE TRUST FUND		221,553
FROM GRANTS AND DONATIONS TRUST FUND . . .		13,270
2836 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	1,040,854	
FROM ADMINISTRATIVE TRUST FUND		349,062
FROM GRANTS AND DONATIONS TRUST FUND . . .		738,689
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	14,451,621	
FROM TRUST FUNDS		11,679,497
TOTAL POSITIONS	331.00	
TOTAL ALL FUNDS		26,131,118

PROGRAM: PROPERTY TAX ADMINISTRATION PROGRAM

COMPLIANCE DETERMINATION

APPROVED SALARY RATE 5,188,556

2837 SALARIES AND BENEFITS POSITIONS	124.75	
FROM GENERAL REVENUE FUND	6,490,675	
2838 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	37,170	
2839 EXPENSES		
FROM GENERAL REVENUE FUND	1,368,100	
2840 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	46,012	
2841 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	45,933	
TOTAL: COMPLIANCE DETERMINATION		
FROM GENERAL REVENUE FUND	7,987,890	
TOTAL POSITIONS	124.75	
TOTAL ALL FUNDS		7,987,890

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COMPLIANCE RESOLUTION

APPROVED SALARY RATE 550,799

2842 SALARIES AND BENEFITS POSITIONS	13.20	
FROM GENERAL REVENUE FUND	714,623	
2843 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	205,000	
2844 EXPENSES		
FROM GENERAL REVENUE FUND	121,167	
2845 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	4,835	
TOTAL: COMPLIANCE RESOLUTION		
FROM GENERAL REVENUE FUND	1,045,625	
TOTAL POSITIONS	13.20	
TOTAL ALL FUNDS		1,045,625

COMPLIANCE ASSISTANCE

APPROVED SALARY RATE 1,587,208

2846 SALARIES AND BENEFITS POSITIONS	39.05	
FROM GENERAL REVENUE FUND	2,189,227	
2847 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	250,000	
2848 EXPENSES		
FROM GENERAL REVENUE FUND	365,118	
2849 AID TO LOCAL GOVERNMENTS		
AERIAL PHOTOGRAPHY AND MAPPING		
FROM GENERAL REVENUE FUND	1,516,266	
2850 AID TO LOCAL GOVERNMENTS		
COUNTY TAX FORMS		
FROM GENERAL REVENUE FUND	175,000	
2851 SPECIAL CATEGORIES		
PROPERTY APPRAISER AND TAX COLLECTOR CERTIFICATION PROGRAM		
FROM CERTIFICATION PROGRAM TRUST FUND . .		450,000
2852 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	14,337	
TOTAL: COMPLIANCE ASSISTANCE		
FROM GENERAL REVENUE FUND	4,509,948	
FROM TRUST FUNDS		450,000
TOTAL POSITIONS	39.05	
TOTAL ALL FUNDS		4,959,948

PROGRAM: CHILD SUPPORT ENFORCEMENT PROGRAM

CASE PROCESSING

APPROVED SALARY RATE 42,378,027

2853 SALARIES AND BENEFITS POSITIONS	1,402.00	
FROM GENERAL REVENUE FUND	10,909,345	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		6,696,607
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		638,355
FROM GRANTS AND DONATIONS TRUST FUND . . .		35,414,912

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APPROPRIATION

2854 OTHER PERSONAL SERVICES		
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		59,699
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		119,398
FROM GRANTS AND DONATIONS TRUST FUND . . .		477,771
2855 EXPENSES		
FROM GENERAL REVENUE FUND	3,229,734	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,211,584
FROM GRANTS AND DONATIONS TRUST FUND . . .		8,636,894
2856 OPERATING CAPITAL OUTLAY		
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		94,312
FROM GRANTS AND DONATIONS TRUST FUND . . .		183,073
2857 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	5,342,757	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		587,858
FROM GRANTS AND DONATIONS TRUST FUND . . .		19,489,554
2858 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	233,769	
FROM GRANTS AND DONATIONS TRUST FUND . . .		453,779
2859 DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	978,045	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,186,799
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,205,148
TOTAL: CASE PROCESSING		
FROM GENERAL REVENUE FUND	20,693,650	
FROM TRUST FUNDS		79,455,743
TOTAL POSITIONS	1,402.00	
TOTAL ALL FUNDS		100,149,393

REMITTANCE AND DISTRIBUTION

APPROVED SALARY RATE 1,337,041

2860 SALARIES AND BENEFITS POSITIONS	48.00	
FROM GENERAL REVENUE FUND	429,131	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		261,289
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		24,914
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,388,536
2861 OTHER PERSONAL SERVICES		
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		8,298
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		16,596
FROM GRANTS AND DONATIONS TRUST FUND . . .		48,322
2862 EXPENSES		
FROM GENERAL REVENUE FUND	126,924	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		47,509
FROM GRANTS AND DONATIONS TRUST FUND . . .		338,846
2863 OPERATING CAPITAL OUTLAY		
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		3,283
FROM GRANTS AND DONATIONS TRUST FUND . . .		6,372
2864 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	6,513,289	

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FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,350,721
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		1,800,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		22,596,097
2865 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	8,152	
FROM GRANTS AND DONATIONS TRUST FUND . . .		15,826
2866 FINANCIAL ASSISTANCE PAYMENTS		
CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS		
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		750,000
2867 DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	838,775	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,173,648
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		10,022
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,899,052
TOTAL: REMITTANCE AND DISTRIBUTION		
FROM GENERAL REVENUE FUND	7,916,271	
FROM TRUST FUNDS		33,739,331
TOTAL POSITIONS	48.00	
TOTAL ALL FUNDS		41,655,602

ESTABLISHMENT

APPROVED SALARY RATE 12,878,782

2868 SALARIES AND BENEFITS POSITIONS	444.00	
FROM GENERAL REVENUE FUND	3,424,708	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		2,085,339
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		198,887
FROM GRANTS AND DONATIONS TRUST FUND . . .		11,081,838
2869 OTHER PERSONAL SERVICES		
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		17,162
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		34,324
FROM GRANTS AND DONATIONS TRUST FUND . . .		99,944
2870 EXPENSES		
FROM GENERAL REVENUE FUND	988,854	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		365,043
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,630,002
2871 OPERATING CAPITAL OUTLAY		
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		29,955
FROM GRANTS AND DONATIONS TRUST FUND . . .		58,148
2872 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	3,931,582	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		3,758,524
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		308,934
FROM GRANTS AND DONATIONS TRUST FUND . . .		21,869,926
2873 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	74,722	
FROM GRANTS AND DONATIONS TRUST FUND . . .		145,047

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2874	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	9,875	
2875	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND	1,624,570	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		153,418
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,453,692
TOTAL: ESTABLISHMENT			
	FROM GENERAL REVENUE FUND	10,054,311	
	FROM TRUST FUNDS		46,290,183
	TOTAL POSITIONS	444.00	
	TOTAL ALL FUNDS		56,344,494

COMPLIANCE

APPROVED SALARY RATE 12,126,165

2876	SALARIES AND BENEFITS POSITIONS	439.00	
	FROM GENERAL REVENUE FUND	3,504,651	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		2,134,061
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		203,665
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,340,795
2877	OTHER PERSONAL SERVICES		
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		16,841
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		33,682
	FROM GRANTS AND DONATIONS TRUST FUND . . .		98,072
2878	EXPENSES		
	FROM GENERAL REVENUE FUND	1,240,342	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		464,269
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,311,299
2879	OPERATING CAPITAL OUTLAY		
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		29,531
	FROM GRANTS AND DONATIONS TRUST FUND . . .		57,326
2880	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
	FROM GENERAL REVENUE FUND	2,557,604	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		2,327,293
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND		171,449
	FROM GRANTS AND DONATIONS TRUST FUND . . .		13,085,762
2881	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	74,293	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		144,218
2882	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND	1,628,102	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND .		153,756
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,461,207
TOTAL: COMPLIANCE			
	FROM GENERAL REVENUE FUND	9,004,992	
	FROM TRUST FUNDS		37,033,226
	TOTAL POSITIONS	439.00	
	TOTAL ALL FUNDS		46,038,218

PROGRAM: GENERAL TAX ADMINISTRATION PROGRAM

TAX PROCESSING

APPROVED SALARY RATE 13,214,175

2883	SALARIES AND BENEFITS POSITIONS	468.00	
	FROM GENERAL REVENUE FUND	15,954,654	
	FROM ADMINISTRATIVE TRUST FUND		2,991,730
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,747,248
2884	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	85,099	
	FROM ADMINISTRATIVE TRUST FUND		98,314
	FROM GRANTS AND DONATIONS TRUST FUND . . .		39,404
2885	EXPENSES		
	FROM GENERAL REVENUE FUND	3,460,287	
	FROM ADMINISTRATIVE TRUST FUND		1,619,391
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,051,380
2886	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AID TO LOCAL GOVERNMENT/ DISTRIBUTION TO CLERKS OF COURT		
	FROM THE DEPARTMENT OF REVENUE CLERKS OF THE COURT TRUST FUND		30,000,000
2887	AID TO LOCAL GOVERNMENTS		
	EMERGENCY DISTRIBUTIONS		
	FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		16,407,042
2888	AID TO LOCAL GOVERNMENTS		
	INMATE SUPPLEMENTAL DISTRIBUTION		
	FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		592,958
2889	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	241,988	
	FROM ADMINISTRATIVE TRUST FUND		190,466
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,377
2890	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - COLLECTION AGENCIES		
	FROM ADMINISTRATIVE TRUST FUND		97,049
2891	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	86,572	
	FROM ADMINISTRATIVE TRUST FUND		33,398
TOTAL: TAX PROCESSING			
	FROM GENERAL REVENUE FUND	19,828,600	
	FROM TRUST FUNDS		55,873,757
	TOTAL POSITIONS	468.00	
	TOTAL ALL FUNDS		75,702,357

TAXPAYER AID

APPROVED SALARY RATE 6,547,949

2892	SALARIES AND BENEFITS POSITIONS	188.00	
	FROM GENERAL REVENUE FUND	6,409,909	
	FROM ADMINISTRATIVE TRUST FUND		1,201,946
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,103,724
2893	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	34,198	
	FROM ADMINISTRATIVE TRUST FUND		28,255
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,835

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2894 EXPENSES		
FROM GENERAL REVENUE FUND	1,509,235	
FROM ADMINISTRATIVE TRUST FUND		652,721
FROM GRANTS AND DONATIONS TRUST FUND . . .		422,503
2895 OPERATING CAPITAL OUTLAY		
FROM ADMINISTRATIVE TRUST FUND		54,485
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,161
2896 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - COLLECTION AGENCIES		
FROM ADMINISTRATIVE TRUST FUND		39,000
2897 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	34,788	
FROM ADMINISTRATIVE TRUST FUND		13,422
TOTAL: TAXPAYER AID		
FROM GENERAL REVENUE FUND	7,988,130	
FROM TRUST FUNDS		3,534,052
TOTAL POSITIONS	188.00	
TOTAL ALL FUNDS		11,522,182

COMPLIANCE DETERMINATION

APPROVED SALARY RATE 48,992,679

2898 SALARIES AND BENEFITS POSITIONS	1,204.00	
FROM GENERAL REVENUE FUND	41,029,923	
FROM ADMINISTRATIVE TRUST FUND		7,679,891
FROM GRANTS AND DONATIONS TRUST FUND . . .		7,072,977
2899 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	219,130	
FROM ADMINISTRATIVE TRUST FUND		181,052
FROM GRANTS AND DONATIONS TRUST FUND . . .		101,463
2900 EXPENSES		
FROM GENERAL REVENUE FUND	9,637,098	
FROM ADMINISTRATIVE TRUST FUND		4,212,755
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,707,077
2901 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	350	
FROM ADMINISTRATIVE TRUST FUND		318,788
FROM GRANTS AND DONATIONS TRUST FUND . . .		13,845
2902 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - COLLECTION AGENCIES		
FROM ADMINISTRATIVE TRUST FUND		249,900
2903 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	222,920	
FROM ADMINISTRATIVE TRUST FUND		86,001
TOTAL: COMPLIANCE DETERMINATION		
FROM GENERAL REVENUE FUND	51,109,421	
FROM TRUST FUNDS		22,623,749
TOTAL POSITIONS	1,204.00	
TOTAL ALL FUNDS		73,733,170

COMPLIANCE RESOLUTION

APPROVED SALARY RATE 17,711,785

2904 SALARIES AND BENEFITS POSITIONS	551.00	
FROM GENERAL REVENUE FUND	18,752,203	
FROM ADMINISTRATIVE TRUST FUND		3,516,326
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,228,973

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APPROPRIATION

2905 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	100,006	
FROM ADMINISTRATIVE TRUST FUND		82,631
FROM GRANTS AND DONATIONS TRUST FUND . . .		46,308
2906 EXPENSES		
FROM GENERAL REVENUE FUND	4,366,869	
FROM ADMINISTRATIVE TRUST FUND		1,958,808
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,235,734
2907 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	22,218	
FROM ADMINISTRATIVE TRUST FUND		109,342
FROM GRANTS AND DONATIONS TRUST FUND . . .		6,318
2908 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - COLLECTION AGENCIES		
FROM ADMINISTRATIVE TRUST FUND		114,051
2909 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	101,736	
FROM ADMINISTRATIVE TRUST FUND		39,251
TOTAL: COMPLIANCE RESOLUTION		
FROM GENERAL REVENUE FUND	23,343,032	
FROM TRUST FUNDS		10,337,742
TOTAL POSITIONS	551.00	
TOTAL ALL FUNDS		33,680,774

PROGRAM: INFORMATION SERVICES PROGRAM

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 7,160,343

2910 SALARIES AND BENEFITS POSITIONS	181.00	
FROM GENERAL REVENUE FUND	6,644,043	
FROM ADMINISTRATIVE TRUST FUND		2,008,260
FROM GRANTS AND DONATIONS TRUST FUND . . .		580,709
2911 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	328,260	
FROM ADMINISTRATIVE TRUST FUND		483,408
2912 EXPENSES		
FROM GENERAL REVENUE FUND	3,303,861	
FROM ADMINISTRATIVE TRUST FUND		4,153,313
FROM GRANTS AND DONATIONS TRUST FUND . . .		996,539
2913 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	312,664	
FROM ADMINISTRATIVE TRUST FUND		426,872
FROM GRANTS AND DONATIONS TRUST FUND . . .		34,094
2914 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	14,573	
FROM ADMINISTRATIVE TRUST FUND		9,913
2915 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	154,714	
FROM ADMINISTRATIVE TRUST FUND		229,286
2916 DATA PROCESSING SERVICES		
STATE TECHNOLOGY OFFICE		
FROM GENERAL REVENUE FUND	167,761	
FROM ADMINISTRATIVE TRUST FUND		186,812
TOTAL: INFORMATION TECHNOLOGY		
FROM GENERAL REVENUE FUND	10,925,876	
FROM TRUST FUNDS		9,109,206

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TOTAL POSITIONS	181.00	
TOTAL ALL FUNDS		20,035,082

STATE, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY AND
ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 2,743,534

2917 SALARIES AND BENEFITS POSITIONS	57.00	
FROM GENERAL REVENUE FUND	3,313,795	
FROM GRANTS AND DONATIONS TRUST FUND . . .		82,383
2918 EXPENSES		
FROM GENERAL REVENUE FUND	467,734	
2919 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	5,000	
2920 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	4,630	
2921 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	8,622	
2922 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	14,235	
2923 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	43,173	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	3,857,189	
FROM TRUST FUNDS		82,383
TOTAL POSITIONS	57.00	
TOTAL ALL FUNDS		3,939,572

PROGRAM: ELECTIONS

ELECTIONS

APPROVED SALARY RATE 1,444,390

2924 SALARIES AND BENEFITS POSITIONS	59.00	
FROM GENERAL REVENUE FUND	1,529,401	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,362,189
2925 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	87,150	
2926 EXPENSES		
FROM GENERAL REVENUE FUND	1,184,258	
FROM GRANTS AND DONATIONS TRUST FUND . . .		541,066
2927 AID TO LOCAL GOVERNMENTS		
PETITION SIGNATURE VERIFICATION		
FROM GENERAL REVENUE FUND	75,000	
2928 AID TO LOCAL GOVERNMENTS		
SPECIAL ELECTIONS		
FROM GENERAL REVENUE FUND	200,000	

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2929 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	73,086	
FROM GRANTS AND DONATIONS TRUST FUND . . .		12,500
2930 SPECIAL CATEGORIES		
VOTER INFORMATION		
FROM GENERAL REVENUE FUND	75,000	
2931 SPECIAL CATEGORIES		
VOTING SYSTEMS ASSISTANCE		
FROM GRANTS AND DONATIONS TRUST FUND . . .		17,525,000

From the funds in Specific Appropriation 2931, $17,000,000 shall be distributed to reimburse counties that have already purchased voting systems that meet Help America Vote Act accessibility requirements for voters with disabilities.

2933 SPECIAL CATEGORIES		
LITIGATION EXPENSES		
FROM GENERAL REVENUE FUND	100,000	
2934 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	52,757	
2936 SPECIAL CATEGORIES		
ELECTION FRAUD PREVENTION		
FROM GENERAL REVENUE FUND	600,000	
2937 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	14,542	
2938 SPECIAL CATEGORIES		
VOTER EDUCATION		
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,000,000

The funds in Specific Appropriation 2938 shall be distributed to county supervisors of elections for the following purposes relating to voter education: mailing or publishing sample ballots; conducting activities pursuant to the Standards for Nonpartisan Voter Education as provided in Rule 1S-2.033, F.A.C.; print, radio, or television advertising to voters; and other innovative voter education programs, as approved by the Department of State. No supervisor of elections shall receive any funds until the supervisor of elections provides to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented.

The department shall distribute an amount to each eligible county supervisor equal to the funding level per voter multiplied by the number of registered voters in the county for the 2004 General Election. The department shall determine the funding level per voter based on the number of registered voters in the state for the 2004 General Election.

In order for a county supervisor of elections to be eligible to receive state funding for voter education, the county must certify to the Division of Elections that the county will provide matching funds for voter education in the amount equal to fifteen percent of the amount to be received from the state. Additionally, to be eligible, a county must segregate state voter education distributions and required county matching dollars in a separate account established to hold only such funds. Funds in this account must be used only for the activities for which the funds were received. Any funds remaining in the fund at the end of the fiscal year shall remain in the account to be used for the same purposes for subsequent years or until such funds are expended.

2939 SPECIAL CATEGORIES		
GRANTS AND AIDS - POLL WORKER RECRUITMENT AND TRAINING		
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,000,000

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From the funds in Specific Appropriation 2939, $3,000,000 shall be distributed to county supervisors of elections to assist with recruiting and training individuals as poll workers. These funds shall be distributed to each eligible county supervisor in an amount equal to the funding level per voter multiplied by the number of registered voters in the county for the 2004 General Election. The Division of Elections shall determine the funding level per voter based on the number of registered voters in the state for the 2004 General Election. The county must certify to the Division of Elections that the county will provide matching funds for poll worker recruitment and training in the amount equal to fifteen percent of the amount to be received from the state. The county must also submit training plans to the department for approval to ensure consistency of training across the state.

From the funds in Specific Appropriation 2939, $1,000,000 shall be used by the Department of State for oversight of poll worker training to ensure uniformity in the training of poll workers statewide. This oversight will include developing a curriculum to be used by each county supervisor of elections for the training of poll workers and the training of Department of State staff to assist with this training.

TOTAL: ELECTIONS
FROM GENERAL REVENUE FUND 3,991,194
FROM TRUST FUNDS 26,440,755

TOTAL POSITIONS 59.00
TOTAL ALL FUNDS 30,431,949

PROGRAM: HISTORICAL RESOURCES

HISTORICAL RESOURCES PRESERVATION AND EXHIBITION

APPROVED SALARY RATE 2,940,828

2940 SALARIES AND BENEFITS POSITIONS 88.00
FROM GENERAL REVENUE FUND 2,589,060
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,128,809
FROM OPERATING TRUST FUND 288,401

2941 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 34,516
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,452,614
FROM OPERATING TRUST FUND 506,051

2942 EXPENSES
FROM GENERAL REVENUE FUND 1,549,502
FROM GRANTS AND DONATIONS TRUST FUND . . . 607,592
FROM OPERATING TRUST FUND 518,423

2943 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 150,000
FROM OPERATING TRUST FUND 22,500

2944 SPECIAL CATEGORIES
GRANTS AND AIDS - HISTORIC MUSEUM GRANTS
FROM GENERAL REVENUE FUND 1,750,000

2945 SPECIAL CATEGORIES
GRANTS AND AIDS - HISTORIC PRESERVATION GRANTS
FROM GENERAL REVENUE FUND 2,000,000
FROM OPERATING TRUST FUND 85,870

2946 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 14,667
FROM OPERATING TRUST FUND 15,521

2947 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 29,165

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FROM GRANTS AND DONATIONS TRUST FUND . . . 5,645
FROM OPERATING TRUST FUND 4,835

2948 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 34,746

2948A FIXED CAPITAL OUTLAY
ARCHAEOLOGY AND HISTORICAL FACILITIES - DMS MGD
FROM GENERAL REVENUE FUND 300,000

Funds in Specific Appropriation 2948A are provided for the planning and designing of a state Archaeology Curation and Conservation Facility.

2949 FIXED CAPITAL OUTLAY
MISSION SAN LUIS FORT CONSTRUCTION
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,381,100

The funds in Specific Appropriation 2949 shall be used to complete construction of the seventeenth century Spanish Fort at Mission San Luis. The Department of State shall contract with the Department of Management Services for administration of this project.

2949A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIAL CATEGORIES - ACQUISITION, RESTORATION OF HISTORIC PROPERTIES
FROM GENERAL REVENUE FUND 12,804,000

From the funds in Specific Appropriation 2949A, $12,500,000 is provided to fund the historical preservation projects that were selected in accordance with chapter 1A-35.007, Florida Administrative Code.

From the funds in Specific Appropriation 2949A, $304,000 is provided for the Cuban Club Rehabilitation Project in Hillsborough County.

2949B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIFIC CULTURAL AND HISTORIC PROJECTS
FROM GENERAL REVENUE FUND 872,000

Funds in Specific Appropriation 2949B from the General Revenue Fund shall be allocated as follows:

Florida African American Heritage..... 250,000
Myrtle Ave Landmark Jacksonville..... 122,000
Digitize University Museum Collections..... 500,000

TOTAL: HISTORICAL RESOURCES PRESERVATION AND EXHIBITION
FROM GENERAL REVENUE FUND 21,977,656
FROM TRUST FUNDS 8,167,361

TOTAL POSITIONS 88.00
TOTAL ALL FUNDS 30,145,017

PROGRAM: CORPORATIONS

COMMERCIAL RECORDINGS AND REGISTRATIONS

APPROVED SALARY RATE 5,284,772

2950 SALARIES AND BENEFITS POSITIONS 160.00
FROM GENERAL REVENUE FUND 7,219,794

2951 EXPENSES
FROM GENERAL REVENUE FUND 4,369,996

2952 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 30,000

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2953 SPECIAL CATEGORIES
RICO ACT - ALIEN CORPORATIONS
FROM GENERAL REVENUE FUND 200,000

2954 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 75,116

2955 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 71,112

2956 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 249,361

TOTAL: COMMERCIAL RECORDINGS AND REGISTRATIONS
FROM GENERAL REVENUE FUND 12,215,379

TOTAL POSITIONS 160.00
TOTAL ALL FUNDS 12,215,379

PROGRAM: LIBRARY AND INFORMATION SERVICES

LIBRARY, ARCHIVES AND INFORMATION SERVICES

APPROVED SALARY RATE 3,820,074

2957 SALARIES AND BENEFITS POSITIONS 114.00
FROM GENERAL REVENUE FUND 2,479,280
FROM LIBRARY SERVICES TRUST FUND 1,266,073
FROM RECORDS MANAGEMENT TRUST FUND 1,218,542

2958 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 169,916
FROM LIBRARY SERVICES TRUST FUND 302,826
FROM RECORDS MANAGEMENT TRUST FUND 52,412

2959 EXPENSES
FROM GENERAL REVENUE FUND 2,147,225
FROM LIBRARY SERVICES TRUST FUND 826,379
FROM RECORDS MANAGEMENT TRUST FUND 650,785

2960 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HISTORICAL RECORDS GRANTS
FROM LIBRARY SERVICES TRUST FUND 25,000

2961 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY COOPERATIVES
FROM GENERAL REVENUE FUND 1,800,000

2962 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY GRANTS
FROM GENERAL REVENUE FUND 31,849,233
FROM LIBRARY SERVICES TRUST FUND 3,641,637

2963 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS COMMUNITY LIBRARIES IN CARING
FROM GENERAL REVENUE FUND 200,000

2964 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,000
FROM LIBRARY SERVICES TRUST FUND 7,522
FROM RECORDS MANAGEMENT TRUST FUND 47,848

2965 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 611,389
FROM LIBRARY SERVICES TRUST FUND 1,773,197

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2966 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,820

2967 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 27,922
FROM LIBRARY SERVICES TRUST FUND 6,915
FROM RECORDS MANAGEMENT TRUST FUND 15,806

2967A FIXED CAPITAL OUTLAY
LIBRARY CONSTRUCTION GRANTS
FROM GENERAL REVENUE FUND 7,500,000

Funds in Specific Appropriation 2967A from the General Revenue Fund are provided for library construction projects that are in compliance with section 257.191, Florida Statutes. Of the funds in Specific Appropriation 2967A, $6,500,000 is provided for the thirteen highest ranked projects that have been priority ranked under chapter 1B-2.011, Florida Administrative Code, and $1,000,000 is provided for projects that had previously been awarded a library construction grant but were subsequently withdrawn or vacated.

2967B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
LIBRARY PROJECTS
FROM GENERAL REVENUE FUND 3,081,779

Funds in Specific Appropriation 2967B shall be allocated as follows:

Library/Renovation Expansion Project in Bay County..... 2,500,000
Library Construction - Trinity, Pasco County..... 431,779
Lauderdale Lakes Educational & Cultural Resource Center..... 150,000

TOTAL: LIBRARY, ARCHIVES AND INFORMATION SERVICES
FROM GENERAL REVENUE FUND 49,909,564
FROM TRUST FUNDS 9,834,942

TOTAL POSITIONS 114.00
TOTAL ALL FUNDS 59,744,506

PROGRAM: CULTURAL AFFAIRS

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 720,918

2968 SALARIES AND BENEFITS POSITIONS 19.00
FROM GENERAL REVENUE FUND 588,999
FROM FINE ARTS COUNCIL TRUST FUND 282,835

2969 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 59,750
FROM FINE ARTS COUNCIL TRUST FUND 20,600

2970 EXPENSES
FROM GENERAL REVENUE FUND 176,881
FROM FINE ARTS COUNCIL TRUST FUND 195,891

From the funds in Specific Appropriation 2970, the Department of State shall study and make recommendations to the 2006 legislature regarding a methodology for financing a master plan expansion for Florida zoos. The criteria for such methodology shall include local support, a demonstrable impact on the local economy and accreditation by the American Zoological Parks and Aquarium Association.

2971 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,000

2972 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,658

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2973 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,774
FROM FINE ARTS COUNCIL TRUST FUND 2,727

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 837,062
FROM TRUST FUNDS 502,053

TOTAL POSITIONS 19.00
TOTAL ALL FUNDS 1,339,115

CULTURAL SUPPORT AND DEVELOPMENT GRANTS

2974 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ARTS GRANTS
FROM GENERAL REVENUE FUND 2,718,750
FROM FINE ARTS COUNCIL TRUST FUND 200,279

2975 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCIENCES GRANTS
FROM GENERAL REVENUE FUND 500,000

2976 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ARTS IN EDUCATION GRANTS
FROM GENERAL REVENUE FUND 550,000

2977 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL ARTS AGENCIES/ STATE SERVICE ORGANIZATIONS
FROM GENERAL REVENUE FUND 400,000

2978 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - YOUTH AND CHILDREN'S MUSEUMS GRANTS
FROM GENERAL REVENUE FUND 250,000

2978A SPECIAL CATEGORIES
GRANTS AND AIDS - FINE ARTS ENDOWMENT
FROM GENERAL REVENUE FUND 960,000

Funds in Specific Appropriation 2978A are provided for the Cultural Endowment Program in accordance with sections 265.601-606, Florida Statutes and chapter 1T-1.001, Florida Administrative Code and shall be allocated as follows:

Murray Dranoff Foundation..... 240,000
Zoological Society of the Palm Beaches..... 240,000
Dunedin Fine Arts and Cultural Center..... 240,000
Tampa Bay Performing Arts Center..... 240,000

2978B SPECIAL CATEGORIES
GRANTS AND AIDS - CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 280,776

Funds in Specific Appropriation 2978B are provided for Challenge Grants that are in compliance with section 265.286, Florida Statutes, and are priority ranked under chapter 1T-1.001, Florida Administrative Code.

2979 SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL EXCHANGE PROGRAM
FROM GENERAL REVENUE FUND 250,000

2980 SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL INSTITUTIONS
FROM GENERAL REVENUE FUND 6,495,872

2981 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES
FROM GENERAL REVENUE FUND 215,000

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2982 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE TOURING PROGRAM
FROM GENERAL REVENUE FUND 200,000

2982A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIAL CATEGORIES - CULTURAL FACILITIES PROGRAM
FROM GENERAL REVENUE FUND 11,738,950

Funds in Specific Appropriation 2982A are provided for the cultural facility projects that were selected in accordance with chapter 1T-1.001, Florida Administrative Code, and section 265.701, Florida Statutes.

2982B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - REGIONAL CULTURAL FACILITIES
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 2982B are provided for a regional cultural facility project that is in compliance with section 265.702, Florida Statutes, and is priority ranked under chapter 1T-1.001, Florida Administrative Code.

2982C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIFIC CULTURAL AND HISTORIC PROJECTS
FROM GENERAL REVENUE FUND 350,000

Funds in Specific Appropriation 2982C shall be allocated as follows:

Rhoda L. Martin Cultural Heritage Museum..... 200,000
Bay of Pigs Museum..... 100,000
Lauderhill Performing Arts Center..... 50,000

2982D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SALVADOR DALI MUSEUM RELOCATION (#2818)
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000,000

Funds in Specific Appropriation 2982D shall not be released until the Salvador Dali Museum provides the Department of State sufficient evidence that the Salvador Dali Museum has raised $4,000,000 from private sources to match the state appropriation by January 1, 2006. Any contract for the use of funds appropriated for the Salvador Dali Museum shall require the recordation of a restrictive covenant by the owners of the facility housing the Salvador Dali Museum to ensure that the facility continues to be used as a cultural facility for a period of 10 years following the receipt of the Fiscal Year 2005-2006 appropriation. If the facility ceases to be used as a cultural facility during the 10 years following the receipt of the Fiscal Year 2005-2006 appropriation, the owners of the facility housing the Salvador Dali Museum shall repay the appropriated funds to the Department of State.

TOTAL: CULTURAL SUPPORT AND DEVELOPMENT GRANTS
FROM GENERAL REVENUE FUND 25,409,348
FROM TRUST FUNDS 4,200,279

TOTAL ALL FUNDS 29,609,627

TOTAL OF SECTION 6 POSITIONS 19,545.24

FROM GENERAL REVENUE FUND 1400,353,196

FROM TRUST FUNDS 3602,038,251

TOTAL ALL FUNDS 5002,391,447

SECTION 7 - JUDICIAL BRANCH

SECTION 7
SPECIFIC
APPROPRIATION
STATE COURT SYSTEM

PROGRAM: SUPREME COURT

COURT OPERATIONS - SUPREME COURT

APPROVED SALARY RATE 5,119,315

2983 SALARIES AND BENEFITS POSITIONS 91.00
FROM GENERAL REVENUE FUND 6,320,608

2984 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 132,585

2985 EXPENSES
FROM GENERAL REVENUE FUND 959,676

2986 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,478

2987 SPECIAL CATEGORIES
DISCRETIONARY FUNDS OF THE CHIEF JUSTICE
FROM GENERAL REVENUE FUND 20,000

Funds in Specific Appropriation 2987 may be spent at the discretion of the Chief Justice to carry out the official duties of the court. These funds shall be disbursed by the Chief Financial Officer upon receipt of vouchers authorized by the Chief Justice.

2988 SPECIAL CATEGORIES
SUPREME COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 267,215

2988A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 744

2988B FIXED CAPITAL OUTLAY
VOLTAGE SYSTEM CONVERSION - DMS MGD
FROM GENERAL REVENUE FUND 240,000

2989A FIXED CAPITAL OUTLAY
SUPREME COURT - COURT ROOM RENOVATION - DMS MGD
FROM GENERAL REVENUE FUND 200,000

2989B FIXED CAPITAL OUTLAY
AIR CONDITIONING SYSTEM REFRESH - DMS MGD
FROM GENERAL REVENUE FUND 223,000

2989C FIXED CAPITAL OUTLAY
SITE HARDENING - DMS MGD
FROM GENERAL REVENUE FUND 1,814,000

2989D FIXED CAPITAL OUTLAY
GENERATOR REPLACEMENT-SUPREME COURT BUILDING - DMS MGD
FROM GENERAL REVENUE FUND 350,000

2989E FIXED CAPITAL OUTLAY
ELEVATOR RENOVATION - SUPREME COURT BUILDING - DMS MGD
FROM GENERAL REVENUE FUND 65,000

2989F FIXED CAPITAL OUTLAY
EMERGENCY DOOR REPLACEMENT - DMS MGD
FROM GENERAL REVENUE FUND 98,000

2989G FIXED CAPITAL OUTLAY
ACCESS/SURVEILLANCE SYSTEM REPLACEMENT - DMS MGD
FROM GENERAL REVENUE FUND 160,000

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2989H FIXED CAPITAL OUTLAY
ROOF MAINTENANCE - SUPREME COURT BUILDING - DMS MGD
FROM GENERAL REVENUE FUND 105,000

2989I FIXED CAPITAL OUTLAY
SUB-BASEMENT REMEDIATION-SUPREME COURT BUILDING - DMS MGD
FROM GENERAL REVENUE FUND 130,000

2989J FIXED CAPITAL OUTLAY
LEGAL RESEARCH FACILITY - SUPREME COURT - DMS MGD
FROM GENERAL REVENUE FUND 65,000

2989K FIXED CAPITAL OUTLAY
WATER INTRUSION - SUPREME COURT - DMS MGD
FROM GENERAL REVENUE FUND 550,000

TOTAL: COURT OPERATIONS - SUPREME COURT
FROM GENERAL REVENUE FUND 11,727,306

TOTAL POSITIONS 91.00
TOTAL ALL FUNDS 11,727,306

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 7,487,410

2990 SALARIES AND BENEFITS POSITIONS 153.50
FROM GENERAL REVENUE FUND 7,380,308
FROM COURT EDUCATION TRUST FUND 895,840
FROM MEDIATION AND ARBITRATION TRUST FUND 380,920
FROM GRANTS AND DONATIONS TRUST FUND . . . 630,566

2991 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 144,296
FROM COURT EDUCATION TRUST FUND 208,577
FROM MEDIATION AND ARBITRATION TRUST FUND 265,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 171,664

2992 EXPENSES
FROM GENERAL REVENUE FUND 1,668,668
FROM COURT EDUCATION TRUST FUND 1,611,740
FROM MEDIATION AND ARBITRATION TRUST FUND 270,207
FROM GRANTS AND DONATIONS TRUST FUND . . . 368,371

2993 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 673,555
FROM COURT EDUCATION TRUST FUND 41,587
FROM MEDIATION AND ARBITRATION TRUST FUND 103,600
FROM GRANTS AND DONATIONS TRUST FUND . . . 33,303

2994 SPECIAL CATEGORIES
FLORIDA CASES SOUTHERN 2ND REPORTER
FROM GENERAL REVENUE FUND 476,035

2995 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 61,068

2996 SPECIAL CATEGORIES
COMPUTER SUBSCRIPTION SERVICES
FROM GENERAL REVENUE FUND 189,010

2997 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

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FROM GENERAL REVENUE FUND	819,539	
FROM COURT EDUCATION TRUST FUND		500
FROM MEDIATION AND ARBITRATION TRUST FUND		248

2998 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES

FROM GENERAL REVENUE FUND	924,088	
FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000

Funds in Specific Appropriation 2998 from the General Revenue Fund along with recurring funds of $509,500 and non-recurring funds of $2,520,500 from other data processing services from the General Revenue Fund as provided for in Section 26 of House Bill 1877, may be used by the Office of State Courts Administrator (OSCA) to accomplish the statewide deployment of the Judicial Inquiry System. The purpose of these funds is to provide for network access to the Department of Corrections, each county clerk database, and circuit and county courts. OSCA shall submit to the chairs of the Senate Ways and Means Committee and House Fiscal Council by August 15, 2005, a plan detailing how the deployment will be accomplished. The plan shall include a projected timeline and expenditure for each deliverable. OSCA shall submit to the chairs of the Senate Ways and Means Committee and House Fiscal Council a quarterly project status report describing the progress made to date, actual completion dates, actual costs incurred and current issues and risks being managed. Where appropriate, the status reports should address how the Judicial Inquiry System will comply with any applicable recommendations identified in the Article V Technology Board reports provided to the Legislature.

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM GENERAL REVENUE FUND	12,336,567	
FROM TRUST FUNDS		5,022,123
TOTAL POSITIONS	153.50	
TOTAL ALL FUNDS		17,358,690

ADMINISTERED FUNDS - JUDICIAL

COURT OPERATIONS - ADMINISTERED FUNDS

2998A AID TO LOCAL GOVERNMENTS
SMALL COUNTY COURTHOUSE FACILITIES
FROM GENERAL REVENUE FUND 5,500,000

Funds in Specific Appropriation 2998A from non-recurring general revenue are provided for renovations and repairs to court facilities in the following counties:

Dixie	250,000
Franklin	300,000
Gilchrist	250,000
Glades	250,000
Gulf	300,000
Hamilton Courthouse and Annex	250,000
Hardee	350,000
Hendry	200,000
Holmes	300,000
Jackson	500,000
Jefferson Courthouse and Annex	500,000
Levy	250,000
Liberty Justice Complex	850,000
Nassau	150,000
Okeechobee	300,000
Putnam	500,000

2999 SPECIAL CATEGORIES
DUE PROCESS CONTINGENCY FUND
POSITIONS 33.00
FROM GENERAL REVENUE FUND 774,334

Funds in Specific Appropriation 2999 are provided as contingency funds pursuant to section 29.016, Florida Statutes.

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Upon certification by the Office of State Courts Administrator that sufficient surplus funds are available that will not be needed by the courts, funds in Specific Appropriation 2999 may be transferred to the Justice Administrative Commission to address shortfalls for due process costs, including court appointed counsel, if the contingency fund provided in the Justice Administrative Commission is insufficient to cover all unanticipated shortfalls.

The positions authorized in Specific Appropriation 2999 shall be held in reserve as a contingency in the event the state courts determine that some portion of Article V due process services needs to be shifted from a contractual basis to an employee model in one or more judicial circuits. The Chief Justice of the Supreme Court may request transfer of these positions to the salaries and benefits appropriation category within any of the state courts budget entities, consistent with requests for transfers of funds into those same budget entities. Such transfers are subject to the notice, review, and objection provisions of section 216.177, Florida Statutes.

TOTAL: COURT OPERATIONS - ADMINISTERED FUNDS

FROM GENERAL REVENUE FUND	6,274,334	
TOTAL POSITIONS	33.00	
TOTAL ALL FUNDS		6,274,334

PROGRAM: DISTRICT COURTS OF APPEAL

COURT OPERATIONS - APPELLATE COURTS

APPROVED SALARY RATE 27,264,551

3000 SALARIES AND BENEFITS	POSITIONS 438.00	
FROM GENERAL REVENUE FUND	34,208,526	
3001 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	488,321	
3002 EXPENSES		
FROM GENERAL REVENUE FUND	2,599,852	
3003 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	168,520	
3004 SPECIAL CATEGORIES		
COMPENSATION TO RETIRED JUDGES		
FROM GENERAL REVENUE FUND	173,480	
3005 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	116,266	
3006 SPECIAL CATEGORIES		
DISTRICT COURT OF APPEAL LAW LIBRARY		
FROM GENERAL REVENUE FUND	600,188	
3007 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	992	
3007A FIXED CAPITAL OUTLAY		
1ST DISTRICT COURT OF APPEALS - ARCHITECT SERVICES FOR BUILDING EXPANSION - DMS MGD		
FROM GENERAL REVENUE FUND	100,000	
3007B FIXED CAPITAL OUTLAY		
3RD DISTRICT COURT OF APPEALS - COURT ROOF REPAIRS DMS MDG - DMS MGD		
FROM GENERAL REVENUE FUND	204,782	
3007C FIXED CAPITAL OUTLAY		
4TH DISTRICT COURT OF APPEALS - AIR		

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CONDITIONING DUCT RENOVATIONS - DMS MGD
FROM GENERAL REVENUE FUND 45,000

3007D FIXED CAPITAL OUTLAY
BUILDING, FACILITIES MAINTENANCE AND OPERATIONAL UPKEEP - DISTRICT COURT OF APPEALS - DMS MGD
FROM GENERAL REVENUE FUND 119,420

TOTAL: COURT OPERATIONS - APPELLATE COURTS
FROM GENERAL REVENUE FUND 38,825,347

TOTAL POSITIONS 438.00
TOTAL ALL FUNDS 38,825,347

PROGRAM: TRIAL COURTS

COURT OPERATIONS - CIRCUIT COURTS

APPROVED SALARY RATE 168,003,540

3008 SALARIES AND BENEFITS POSITIONS 2,751.00
FROM GENERAL REVENUE FUND 204,640,126
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,928,914

3009 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 727,871

3010 EXPENSES
FROM GENERAL REVENUE FUND 20,710,375
FROM GRANTS AND DONATIONS TRUST FUND . . . 395,164

3011 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 136,600
FROM GRANTS AND DONATIONS TRUST FUND . . . 33,600

3013 SPECIAL CATEGORIES
CIVIL TRAFFIC INFRACTION HEARING OFFICERS
FROM GENERAL REVENUE FUND 2,892,848

3013A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ADVOCACY CENTERS
FROM GENERAL REVENUE FUND 150,000

3014 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND 2,664,927

3015 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO JURORS AND WITNESSES
FROM GENERAL REVENUE FUND 4,536,910

3016 SPECIAL CATEGORIES
MEALS AND LODGING FOR JURORS
FROM GENERAL REVENUE FUND 215,825

3017 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 767,639

3018 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND 157,914

3019 SPECIAL CATEGORIES
MEDIATION/ARBITRATION SERVICES
FROM GENERAL REVENUE FUND 739,040
FROM MEDIATION AND ARBITRATION TRUST FUND 2,229,292

3020 SPECIAL CATEGORIES
STATE COURTS DUE PROCESS COSTS
FROM GENERAL REVENUE FUND 16,852,621

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Funds in Specific Appropriation 3020 are provided for state courts due process costs, as specified in section 29.004, Florida Statutes. The Trial Court Budget Commission shall apportion these funds for use in each judicial circuit, and the Office of State Courts Administrator is authorized to pay such fees and expenses, subject to all specifications and limitations as provided by law. The Office of State Courts Administrator shall submit quarterly reports of these due process payments to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council, which shall include, but not be limited to, information on requests for payments received, court orders received directing payment, and actual encumbrances and disbursements from this special appropriations category. These reports shall provide this information by judicial circuit.

3021 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 243,075
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,843

3022 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 108,500

TOTAL: COURT OPERATIONS - CIRCUIT COURTS
FROM GENERAL REVENUE FUND 255,544,271
FROM TRUST FUNDS 13,600,813

TOTAL POSITIONS 2,751.00
TOTAL ALL FUNDS 269,145,084

COURT OPERATIONS - COUNTY COURTS

APPROVED SALARY RATE 43,618,232

3022A SALARIES AND BENEFITS POSITIONS 560.00
FROM GENERAL REVENUE FUND 56,847,067

3022B EXPENSES
FROM GENERAL REVENUE FUND 4,144,128

3022C SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND 275,855

Funds are provided in Specific Appropriation 3022C for county judges assigned to active judicial service in any of the courts created by Article V of the State Constitution. Such funds shall be paid as additional compensation for such service, and shall be computed based on the salary paid to a judge of the court to which the assignment is made, and shall be computed on the basis of an eight hour day, or major fraction thereof.

3022D SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 54,423

3022E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
DADE COUNTY COURTHOUSE COURTROOM RESTORATION PROJECT
FROM GENERAL REVENUE FUND 75,000

TOTAL: COURT OPERATIONS - COUNTY COURTS
FROM GENERAL REVENUE FUND 61,396,473

TOTAL POSITIONS 560.00
TOTAL ALL FUNDS 61,396,473

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PROGRAM: JUDICIAL QUALIFICATIONS COMMISSION

JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS

	APPROVED SALARY RATE	168,515	
3023	SALARIES AND BENEFITS	POSITIONS 3.00	
	FROM GENERAL REVENUE FUND	216,333	
3024	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	224,522	
3025	EXPENSES		
	FROM GENERAL REVENUE FUND	151,735	
3026	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,706	
3027	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,114	
3028	SPECIAL CATEGORIES		
	LITIGATION EXPENSES		
	FROM GENERAL REVENUE FUND	223,300	

Funds in Specific Appropriation 3028 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorneys fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process.

TOTAL: JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS			
FROM GENERAL REVENUE FUND		819,710	
TOTAL POSITIONS		3.00	
TOTAL ALL FUNDS			819,710
TOTAL OF SECTION 7	POSITIONS	4,029.50	
FROM GENERAL REVENUE FUND		386,924,008	
FROM TRUST FUNDS			18,622,936
TOTAL ALL FUNDS			405,546,944

SECTION 8. COMPENSATION AND BENEFITS - Fiscal Year 2005-2006

Statement of Purpose

This section provides instructions for implementing the Fiscal Year 2005-2006 salary and benefit increases provided in Specific Appropriation 2086. All allocations and distributions of these funds are to be made in strict accordance with the provisions of this act. For the purpose of calculating and distributing allocations to agencies, all references to "base salary" in this section refer to the base rate of pay as of July 1, 2004, modified to include the 2004-2005 fiscal year appropriated salary increases. References to "eligible" employees refer to employees who are, at a minimum, meeting their required performance standards. If an ineligible employee achieves performance standards subsequent to the salary increase implementation date but on or before the end of the fiscal year, the employee may receive an increase; however, such increase shall be effective on the date the employee becomes eligible but not retroactively.

Pay Grade Adjustments

It is the intent of the Legislature that, effective August 1, 2005, the minimums for each pay grade and pay band shall be increased by 2.0 percent and the maximums for each pay grade and pay band shall be increased by 5.0 percent. After the maximum of the pay grade or pay band is increased, if an employee's base rate of pay is equal to or

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greater than the adjusted maximum of the employee's pay grade and pay band, the employee will be granted a one-time, lump-sum payment in lieu of an increase to the employee's base rate of pay. When an employee's base rate of pay is less than the adjusted maximum of the employee's pay grade or pay band and the increase to the base rate of pay will be greater than the adjusted maximum, the employee's salary will be increased to the adjusted maximum and the portion of the increase that exceeds the adjusted maximum shall be granted instead in a one-time lump-sum payment.

(1) SALARY INCREASES

(a) CAREER SERVICE AND EMPLOYEES SUBJECT TO THE CAREER SERVICE

Funds are provided in Specific Appropriation 2086 for pay increases for all eligible employees represented by: (1) the Florida Police Benevolent Association, (2) the International Union of Police Associations, (3) the Florida Nurses Association, (4) the American Federation of State, County, and Municipal Employees, Council 79, and (5) the Florida State Fire Service Association, as well as all other eligible Career Service employees not included in a represented collective bargaining unit. Funds are to be distributed as follows:

Effective August 1, 2005, for all eligible unit and non-unit Career Service employees, funds are provided to grant a competitive pay adjustment of 3.6 percent on each employee's July 31, 2005, base rate of pay.

(b) FLORIDA BOARD OF EDUCATION AND BOARD OF GOVERNORS

1. Generally

Effective August 1, 2005, from the funds in Specific Appropriation 2086, funds are provided to grant each eligible employee of the State University System a competitive pay adjustment of 3.6 percent on each employee's July 31, 2005, base rate of pay. No funds in Specific Appropriation 2086 have been provided for salary increases for personnel employed by the developmental research schools associated with the universities.

2. Graduate Assistants and House Staff

Effective August 1, 2005, from the funds in Specific Appropriation 2086, funds are provided to grant each eligible graduate assistant and graduate health profession assistant a 3.6 percent competitive pay adjustment on each employee's July 31, 2005, base rate of pay.

(c) EXEMPT FROM CAREER SERVICE

1. Elected officers and full-time members of commissions:

Specific Appropriation 2086 includes funding to provide salary increases on base salary, effective August 1, 2005. The following officers shall be paid at the annual rate shown below for the period indicated; however, these salaries may be reduced on a voluntary basis:

	7/1/05	8/1/05
Governor	$124,575	129,060
Lieutenant Governor	119,390	123,688
Chief Financial Officer	123,331	127,771
Attorney General	123,331	127,771
Agriculture, Commissioner of	123,331	127,771
Supreme Court Justice	155,150	160,735
Judges-District Courts of Appeal	143,363	148,524
Judges-Circuit Courts	134,650	139,497
Judges-County Courts	121,325	130,693
Commissioner-Public Service Commission	124,348	128,825
Public Employees Relations Commission Chair	91,599	94,897
Public Employees Relations Commission Commissioners	86,755	89,878
Commissioner-Parole and Probation	86,755	89,878

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State Attorneys:
Circuits with 1,000,000 Population or less..... 138,586 148,524
Circuits over 1,000,000 Population..... 143,363 148,524

Public Defenders:
Circuits with 1,000,000 Population or less..... 133,096 148,524
Circuits over 1,000,000 Population..... 137,684 148,524

None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

2. Senior Management Service and Selected Exempt Service:

Effective August 1, 2005, funds are provided in Specific Appropriation 2086 to grant each eligible employee of the Senior Management Service and each eligible unit and non-unit employee of the Selected Exempt Service a competitive pay adjustment of 3.6 percent on each employee's July 31, 2005, base rate of pay.

(d) CAREER SERVICE EXEMPT AND THE FLORIDA NATIONAL GUARD:

Effective August 1, 2005, funds in Specific Appropriation 2086 are provided to grant each eligible employee a competitive pay adjustment of 3.6 percent on each employee's July 31, 2005, base rate of pay.

(e) JUDICIAL

Effective August 1, 2005, funds provided in Specific Appropriation 2086 are to grant each eligible employee a competitive pay adjustment of 3.6 percent on each employee's July 31, 2005, base rate of pay.

(f) LOTTERY EXECUTIVE MANAGEMENT SERVICE AND LOTTERY EXEMPT SERVICE

Effective August 1, 2005, from funds provided in Specific Appropriation 2086, funds are provided to grant each eligible Lottery Executive Management Service employee and each unit and non-unit Lottery Exempt Service employee a competitive pay adjustment of 3.6 percent on each employee's July 31, 2005, base rate of pay.

(g) FLORIDA SCHOOL FOR THE DEAF AND THE BLIND:

Effective August 1, 2005, funds are provided in Specific Appropriation 2086 for non-career service employees of the School for the Deaf and the Blind to receive competitive pay adjustments of 3.6 percent on each employee's July 31, 2005, base rate of pay. Distribution of the funds for unit employees shall be pursuant to the negotiated collective bargaining agreement, and distribution of the funds for non-unit employees shall be at the discretion of the Board of Trustees.

(h) SPECIAL PAY ISSUES

Increases authorized in this paragraph shall not be included in any employee's July 31, 2005, base rate of pay.

a. Effective August 1, 2005, from funds in Specific Appropriation 2086, $52,189 from the General Revenue Fund is provided to the judicial branch to fund competitive pay adjustments to deputy clerk personnel as described in the judicial branch's legislative budget request (issue code 4400A10).

b. Effective August 1, 2005, from funds in Specific Appropriation 2086, $81,742 from the General Revenue Fund is provided to the judicial branch to fund competitive pay adjustments to court security personnel as described in the judicial branch's legislative budget request (issue code 4400A10).

c. Effective August 1, 2005, from funds in Specific Appropriation 2086, $19,646 from the General Revenue Fund is provided to the judicial branch to fund competitive pay adjustments to maintenance personnel as described in the judicial branch's legislative budget request (issue code 4400A10).

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d. Effective August 1, 2005, from funds in Specific Appropriation 2086, $32,712 from the General Revenue Fund is provided to the judicial branch to fund competitive pay adjustments to library personnel as described in the judicial branch's legislative budget request (issue code 4400A10).

e. Effective August 1, 2005, from funds in Specific Appropriation 2086, $151,748 from the General Revenue Fund is provided to the judicial branch to fund competitive pay adjustments to Supreme Court staff attorney personnel as described in the judicial branch's legislative budget request (issue code 4400A10).

f. Effective August 1, 2005, from funds in Specific Appropriation 2086, $5,977,525 from the General Revenue Fund and $2,199,220 from trust funds are provided to fund critical class adjustments and retention adjustments for unit and non-unit personnel within the professional health care pay plan consistent with the agreement between the State of Florida and the professional health care bargaining unit. To be eligible to receive a salary increase from these funds, the employee must have been in a professional health care position continuously between July 1, 2005, and August 1, 2005.

g. Effective August 1, 2005, from funds in Specific Appropriation 2086, $1,446,969 from the General Revenue Fund and $508,395 from the Administrative Trust Fund are provided to the Department of Revenue to implement the pay enhancements requested by the department as a result of its study "Business Case for Technology-Based Pay Package" dated January 14, 2005.

h. From funds in Specific Appropriation 2086, $500,000 from the General Revenue Fund is provided to the Florida School for the Deaf and Blind to be used to supplement salaries of instructional personnel at the school.

i. From funds in Specific Appropriation 2086, $1,226,042 from the General Revenue Fund and $246,583 from the Highway Safety Operating Trust Fund are provided to the Department of Highway Safety to implement a salary compression adjustment for the unit and non-unit employees of the law enforcement collective bargaining unit serving in the Florida Highway Patrol, effective August 1, 2005. The adjustments shall be a $600 adjustment to the annual base rate of pay for each eligible employee with at least 5 years of service but not more than 8 years of service, a $900 adjustment to the annual base rate of pay for each eligible employee with at least 8 years of service but not more than 12 years of service, and a $1200 adjustment to the annual base rate of pay for each eligible employee with more than 12 years of service. No employee shall receive more than one compression adjustment during the fiscal year.

j. From funds in Specific Appropriation 2086, $8,250,000 from the General Revenue Fund is provided to implement a retention adjustment for the unit and non-unit employees of the security services collective bargaining unit, effective August 1, 2005. Each eligible employee with at least 5 years of service shall receive an increase of 2 percent to the employee's July 31, 2005, base rate of pay.

(2) BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE

(a) LIFE INSURANCE AND DISABILITY INSURANCE - Funds are provided in each agency's budget to continue paying the current state share of life and disability insurance premiums. Additionally, $4,400,000 shall be transferred from the State Employees' Disability Insurance Trust Fund to the State Employees Life Insurance Trust Fund.

(b) HEALTH INSURANCE FOR THE PERIOD OF JULY 1, 2005, THROUGH DECEMBER 31, 2005

1. For the period of July 1, 2005, through December 31, 2005, all benefits as provided in the current State Employees' PPO Plan Group Health Insurance Plan Booklet and Benefit Document, current Health Maintenance Organization contracts, and other such health insurance benefits as approved by the Legislature shall remain in effect.

2. For the period of July 1, 2005, through December 31, 2005, the state share of the State Group Health Insurance Plan premiums and the state

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share of the state-contracted health maintenance organization premiums to the executive, legislative and judicial branch agencies shall continue at $322.44 per month for individual coverage and $666.84 per month for family coverage.

3. For the period of July 1, 2005, through December 31, 2005, the employee's share of health insurance premiums shall continue at $48.68 per month for individual coverage and $175.14 per month for family coverage.

4. For the period of July 1, 2005, through December 31, 2005, premiums for COBRA, Medicare, and early retiree participant's shall continue at the premium levels in effect on May 1, 2005.

(c) HEALTH INSURANCE FOR THE PERIOD OF JANUARY 1, 2006, THROUGH JUNE 30, 2006

1. For the period January 1, 2006, through June 30, 2006, the Department of Management Services shall establish within the State Group Insurance Program a State Group Health Insurance Standard Plan, a State Group Health Insurance High Deductible Health Plan, a state-contracted Health Maintenance Organization Standard Plan, and a state-contracted Health Maintenance Organization High Deductible Health Plan. The state-contracted Health Maintenance High Deductible Health Plan may be offered by each of the health maintenance organizations under contract with the Department of Management Services for the 2006 plan year.

2. The benefits provided under the State Group Health Insurance Standard Plan and the state-contracted Health Maintenance Organization Standard Plan, as appropriate, shall be those benefits as provided in the current State Employees' PPO Plan Group Health Insurance Plan Booklet and Benefit Document, current Health Maintenance Organization contracts, and other such health insurance benefits as approved by the Legislature.

3. The State Group Health Insurance High Deductible Plan and the state-contracted Health Maintenance Organization High Deductible Plan shall include a health savings account feature. Such plans and accounts shall be administered in accordance with the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. The state shall make a monthly contribution to an employee's health savings account equal to $41.66 for individual coverage and $83.33 for family coverage.

4. The benefit attributes offered under the State Group Health Insurance High Deductible Plan shall include:

In-Network Deductible - $1,250 for individual and $2,500 for family
Out-of-Network Deductible - $2,500 for individual and $5,000 for family
In-Network Coinsurance - 20 percent
Out-of-Network Coinsurance - 40 percent
In-Network Physician Office Visit Coinsurance - 20% Primary/20 percent Specialist
Out-of-Network Physician Office Visit Coinsurance - 40% Primary/40 percent Specialist
In-Network Emergency Room Visit Coinsurance - 20 percent
Out-of-Network Emergency Room Visit Coinsurance - 40 percent
In-Network Per Hospital Per Admission Coinsurance - 20 percent
Out-of-Network Per Hospital Per Admission Co-payment - $1,000, then coinsurance
In-Network Out-of-Pocket Maximum - $3,000 individual/$6,000 family
Out-of-Network Out-of-Pocket Maximum - $7,500 individual/$15,000 family
Retail Coinsurance for Generic Drugs with Card - 30 percent
Retail Coinsurance for Preferred Brand Name Drugs with Card - 30 percent
Retail Coinsurance for Non-Preferred Brand Name Drugs with Card - 50 percent
Mail Order Coinsurance for Generic Drugs - 30 percent
Mail Order Coinsurance for Preferred Brand Name Drugs - 30 percent
Mail Order Coinsurance for Non-Preferred Brand Name Drugs - 50 percent

Pharmacy coinsurance is applied after the individual or family deductible has been satisfied.

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5. The benefit attributes offered under the state-contracted Health Maintenance Organization High Deductible Plan shall include:

In-Network Deductible - $1,250 individual/$2,500 family
In-Network Coinsurance - 20 percent
In-Network Physician Office Visit Coinsurance - 20 percent Primary/ 20 percent Specialist
In-Network Emergency Room Visit Coinsurance - 20 percent
In-Network Per Hospital Per Admission Coinsurance - 20 percent
In-Network Out-of-Pocket Maximum - $3,000 individual / $6,000 family
Retail Coinsurance for Generic Drugs - 30 percent
Retail Coinsurance for Preferred Brand Name Drugs - 30 percent
Retail Coinsurance for Non-Preferred Brand Name Drugs - 50 percent
Mail Order Coinsurance for Generic Drugs - 30 percent
Mail Order Coinsurance for Preferred Brand Name Drugs - 30 percent
Mail Order Coinsurance for Non-Preferred Brand Name Drugs - 50 percent

Pharmacy coinsurance is applied after the individual or family deductible has been satisfied.

(d) PREMIUMS FOR HEALTH INSURANCE COVERAGE DURING THE 2006 PLAN YEAR

1. State Paid Premiums

a. For the period January 1, 2006, through June 30, 2006, funds are provided in Specific Appropriation 2087 to pay the state share of the State Group Health Insurance Program premiums to the executive, legislative and judicial branch agencies which shall increase, effective January 1, 2006, from $322.44 per month to $346.16 per month for individual coverage and from $666.84 per month to $715.92 per month for family coverage.

b. The agencies shall continue to pay premiums on behalf of employees exempt from making contributions, including those employees participating in the Spouse Program in accordance with section 60P-2.0036, Florida Administrative code, and those employees filling positions with "agency pay all" benefits.

2. Premiums paid by Employees

a. For the period January 1, 2006, through June 30, 2006, the employee's share of health insurance premiums for the standard plans shall increase from $48.68 per month to $50 per month for individual coverage and from $175.14 per month to $180 per month for family coverage.

b. For the period January 1, 2006, through June 30, 2006, the employee's share of the health insurance premiums for the high deductible plans shall be $15 per month for individual coverage and $64.30 per month for family coverage.

c. An employee participating in a pay plan class which is not required to make contributions towards health insurance coverage, including participants of the Spouse Program in accordance with section 60P-2.0036, Florida Administrative Code, effective January 1, 2006, will continue to be exempt from making contributions.

3. Premiums paid by Medicare Participants

a. For the period January 1, 2006, through June 30, 2006, the monthly premiums for Medicare participants participating in the State Group Health Insurance Standard Plan shall be $210.34 for "one eligible", $606.50 for "one under/one over", and $420.69 for "both eligible".

b. For the period January 1, 2006, through June 30, 2006, it is the intent of the Legislature that the premiums for Medicare participants participating in the Health Maintenance Organization Standard Plan shall increase by no more than 12 percent over the 2005 plan year premiums. If the Department of Management Services is not able to limit such increases to less than 12 percent, the Secretary of the Department of Management Services shall notify the presiding officers of the Legislature in writing of the circumstances.

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c. For the period January 1, 2006, through June 30, 2006, the monthly premiums for Medicare participants participating in the State Group Health Insurance High Deductible Plan shall be $154.16 for "one eligible", $515.32 for "one under/one over", and $308.32 for "both eligible".

d. For the period January 1, 2006, through June 30, 2006, the monthly premiums for Medicare participants participating in the Health Maintenance Organization High Deductible Plan shall be equal to the amounts specified for such coverage by the selected health maintenance organization.

4. Premiums paid by Other Participants

a. For the period January 1, 2006, through June 30, 2006, a COBRA participant participating in a standard plan shall continue to pay a monthly premium equal to 102 percent of the total premium charged (state and employee contributions) for an active employee participating in the standard plan.

b. For the period January 1, 2006, through June 30, 2006, a COBRA participant participating in a high deductible plan shall pay $325.88 per month for single coverage and $710.82 for family coverage.

c. For the period January 1, 2006, through June 30, 2006, an "early retiree" participant participating in a standard plan shall pay a monthly premium equal to 100 percent of the total premium charged (state and employee contributions) for an active employee participating in the standard plan.

d. For the period January 1, 2006, through June 30, 2006, an "early retiree" participant participating in a high deductible plan shall pay $319.48 per month for single coverage and $696.88 for family coverage.

(e) STATE EMPLOYEES' PRESCRIPTION DRUG PROGRAM

Under the State Employees' Prescription Drug Program, the following shall apply:

1. Supply limits shall continue as provided in section 110.12315, Florida Statutes.

2. Co-payments and coinsurance shall be charged as provided in section 110.12315(7), Florida Statutes.

3. The Department of Management Services shall maintain the preferred brand name drug list to be used in the administration of the State Employees' Prescription Drug Program.

(f) OTHER PROVISIONS

1. Any proposed changes in the benefits provided under the State Group Health Insurance Program shall be accompanied by a statement signed by an actuary indicating the amount by which monthly premiums would need to change if the proposal were enacted and the benefit changes were to be exclusively funded by a change in plan premiums, unless both the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council determine that such a statement is not necessary.

2. The sum of $1 million is appropriated from the State Employees Health Insurance Trust Fund to develop and implement a state employee education and awareness campaign directed to actively advise state employees of changes to the state employee health insurance program including high deductible health insurance options with health savings accounts. The education and awareness campaign shall be implemented no later than September 19, 2005.

3. The Department of Management Services may contract with a Tricare Supplement vendor offering such a product on a group basis with group rates. Such benefit offering is to be considered part of the State Group Health Insurance Program. Enrollment is to be in lieu of the State Group Health Insurance Standard Plan, the State Group Health Insurance High Deductible Health Plan, the state-contracted Health Maintenance Organization Standard Plan or the state-contracted Health Maintenance Organization High Deductible Health Plan. Eligibility and administration is to be consistent with other offerings under the State Health Insurance Program. To fund the premium charged for the supplement, the employing agency shall contribute an amount equal to the contribution paid by the employing agency for other state-sponsored health insurance benefits to the State Employee Health Insurance Trust Fund. The employee shall be responsible for any premium in excess of the contribution paid by the employing agency.

(3) OTHER PROVISIONS

The following items shall be implemented in accordance with the provisions of this act and with the negotiated collective bargaining agreements:

(a) The state shall provide up to six (6) credit hours of tuition-free courses per term at a state university or community college to full-time employees on a space available basis as authorized by law.

(b) Continue to reimburse employees, at current levels, for replacement of personal property.

(c) Continue to provide, at current levels, clothing allowances and uniform maintenance and shoe allowances.

(d) Continue to pay employees on-call fees at the current level.

(4) COLLECTIVE BARGAINING ISSUES AT IMPASSE

(a) Collective bargaining issues at impasse between the State of Florida and AFSCME Council 79, the Federation of Public Employees, the International Union of Police Associations, the Federation of Physicians and Dentists, the Florida State Fire Service Association, the Police Benevolent Association, and the State Employees Attorney Guild relating to wages shall be resolved herein pursuant to the instructions provided under Item "(1) SALARY INCREASES".

(b) Collective bargaining issues at impasse between the State of Florida and AFSCME Council 79, the Federation of Public Employees, the International Union of Police Associations, the Federation of Physicians and Dentists, the Florida State Fire Service Association, the Police Benevolent Association, and the State Employees Attorney Guild relating to insurance shall be resolved herein pursuant to the instructions provided under Item "(2) BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE" and the relevant provisions of any legislation enacted to implement this act.

(5) STUDIES, REPORTS AND OTHER PROVISIONS

(a) All state branches, departments, and agencies which have established or approved personnel policies for employees relating to the payment of accumulated and unused annual leave shall not provide payment which exceeds a maximum of 480 hours of actual payment to each employee for accumulated and unused annual leave.

(b) Upon termination of employees in the Senior Management Service, Selected Exempt Service, or positions with comparable benefits, payment for unused annual leave credits accrued on the member's last anniversary date shall be prorated at the rate of one-twelfth (1/12) of the last annual amount credited for each month, or portion thereof, worked subsequent to the member's last anniversary date.

(c) Effective July 1, 2005, the Legislature ratifies the minimum and maximum pay grades and pay bands established by the Department of Management Services and in effect on May 1, 2005. The Department of Management Services is directed to adjust the minimums and maximums of the pay grades and pay bands, effective August 1, 2005, as directed in this act.

(d) Funds in this act may be expended for bar dues and for legal education courses for attorneys employed by the State as legal staff.

SECTION 8. COMPENSATION AND BENEFITS
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(e) From the funds in Specific Appropriation 2091, $500,000 is appropriated from the General Revenue Fund to the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida to fund the increased employer contribution for the IFAS retirement plan.

SECTION 9. The unexpended balance of funds provided to Tallahassee Community College in Specific Appropriation 22 of chapter 2004-268, Laws of Florida, relating to Student Services and Cafeteria Building - Criminal Justice Institute complete (ce) for $1,761,316, is hereby reverted and reappropriated for the conversion of the old administration building into a defensive tactics training facility, provide roadwork to the Academy firing range, and other general renovations.

SECTION 10. The unexpended balance of funds provided to Valencia Community College in Specific Appropriation 9G of chapter 2000-166, Laws of Florida, relating to Classrooms, Vocational and Technical Labs Building 8 - East w/local match complete (ce) for $6,000,000, is hereby reverted and reappropriated for needed general renovation/ remodeling Collegewide.

SECTION 11. The unexpended balance of funds provided to Valencia Community College in Specific Appropriation 12D of chapter 2003-397, Laws of Florida, relating to Technical Sciences Building 3 IT/WF - Osceola complete (ce) for $1,487,441, is hereby reverted and reappropriated for use in the Gymnasium conversion to Classrooms project on West Campus and the Workforce Development Building 9 on East Campus.

SECTION 12. Funds provided to Broward Community College in Specific Appropriation 12C of chapter 2003-397, Laws of Florida, relating to Remodeling/Renovation of Building 7 for changing the Student Services to the Sciences Building - Central partial for $5,713,141, may be used for an addition to the Building during remodeling as recommended by the architect for space efficiency.

SECTION 13. The unexpended balance of funds provided to Miami-Dade College in Specific Appropriation 25A of chapter 2004-268, Laws of Florida, relating to land & facilities acquisition - Hialeah for $9,500,000 is hereby reverted and reappropriated to acquire land/facilities and/or construct/remodel/renovate facilities of classrooms, labs, office, support facilities and parking for the State Board of Education approved West Campus.

SECTION 14. The unexpended balances of funds provided to Central Florida Community College in Specific Appropriation 17 of chapter 2001-253, Laws of Florida, relating to Workforce Technical Building with remodeling and renovation - Hampton Special Purpose Center complete (pce) for $1,942,000, and Specific Appropriation 12C of chapter 2003-397, Laws of Florida, relating to Workforce Instructional Building 40 (known as Century Center Project) - Main complete (ce) for $2,191,618, is hereby reverted and reappropriated for the Remodeling/Renovation of Building 5, Bryant Union Project on Main Campus.

SECTION 15. The unexpended balance of funds up to $1,000,000 provided to Miami Dade College in Specific Appropriation 12C of chapter 2003-397, Laws of Florida, relating to Remodeling /Renovation Labs/classrooms, support facilities, & building systems Facility 5 & 15 - North partial (ce) for $5,980,602 is hereby reverted and reappropriated to remodel and renovate Facility 1, Scott Hall to provide new testing suite areas on North Campus.

SECTION 16. The funds provided to Broward Community College in the Specific Appropriation 25A of chapter 2004-268, Laws of Florida, relating to Automotive Technology Facility for $225,000, are hereby reverted and reappropriated for matching funds for the named project in the amount of $200,000 for remodeling and equipment and for the Teaching Auditorium/Performing Arts Theatre-South Campus in the amount of $25,000 for remodeling and equipment.

SECTION 17. Funds provided in Specific Appropriation 21B of chapter 2002-394, Laws of Florida, to The Florida State University and allocated by the Board of Trustees of The Florida State University to match funds

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appropriated to the West Coast Symphony Hall and reverted and reappropriated in section 17 of chapter 2003-397, Laws of Florida, are hereby reverted and are appropriated to the Florida State University for maintenance, renovations, and repairs associated with the Florida State University/Asolo Center for the Performing Arts Building.

SECTION 18. Pursuant to section 1013.40, Florida Statutes, the specified community colleges are authorized to acquire or construct the following facilities from non-PECO sources. This authorization does not obligate the Legislature to provide general revenue funds to operate or maintain these facilities. If existing facilities are part of these projects, each such building or site must be certified to be free of asbestos or other hazardous materials before the stated community college may acquire or expend construction funds on the facility. If the property to be acquired is not adjacent to an existing approved center or campus, then all necessary approvals from the State Board of Education must be received before any funds may be expended to acquire the property.

1. Tallahassee Community College - Acquire and/or construct facilities of classrooms, labs, offices, support facilities and parking for a Special Purpose Center in Quincy.

2. Daytona Community College - Acquire adjacent land and facilities for future development of classrooms, labs, offices, support facilities and parking at the Daytona Campus.

3. Daytona Community College - Acquire land for the State Board of Education approved proposed Special Purpose Center in Southwest Volusia County for future development of classrooms, labs, offices, support facilities and parking for corporate and cultural training center.

4. Daytona Community College - Acquire additional facilities space through a joint venture agreement with the Flagler County School District to build classrooms for dual enrollment programs and other College and District enrollment needs at the Flagler Palm Coast Center.

5. Polk Community College - Acquire land and/or facilities for the State Board of Education approved proposed Northeast Center (North Ridge Center) in Polk County for future development of classrooms, labs, offices, support facilities and parking.

6. Hillsborough Community College - Acquire land and facilities to house the Ybor City Campus Auto Collision Repair program at a new Special Purpose Center.

7. Miami Dade College - Acquire land/facilities and/or construct/ remodel/renovate facilities of classrooms, labs offices, support facilities and parking for the State Board of Education approved West Campus.

8. Miami Dade College - Acquire land/facilities and/or construct/ remodel/renovate facilities of classrooms, labs, offices, support facilities and parking for the State Board of Education approved Hialeah Campus.

9. Miami Dade College - Acquire land/facilities and/or construct/ remodel/renovate facilities of classrooms, labs, offices, support facilities and parking for the State Board of Education approved North Campus.

10. Miami Dade College - Acquire land/facilities and/or construct/ remodel/renovate facilities of classrooms, labs, offices, support facilities and parking for the State Board of Education approved Kendall Campus.

11. Miami Dade College - Acquire land/facilities and/or construct/ remodel/renovate facilities of classrooms, labs, offices, support facilities and parking for the State Board of Education approved Entrepreneurial Education Center.

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12. Central Florida Community College - Acquire additional facilities for the Ewers Century Center project to build the Enterprise Center for additional classrooms, labs, offices, support facilities and conference space on the Ocala Campus.

SECTION 19. Pursuant to sections 1013.74 and 1013.78, Florida Statutes, the following facilities may be constructed or acquired from non-appropriated sources. This authorization does not obligate the Legislature to provide general revenue funds to operate and maintain these facilities. If existing sites are a part of these projects, each site must be certified to be free of hazardous materials before it is accepted by the university.

1. UF - Minor Projects for UF Facilities
2. UF/HSC - Minor Projects for HSC Facilities
3. UF/IFAS - Minor Projects for IFAS Facilities
4. FSU - Student Services Building
5. FSU - Landis Hall
6. FSU - Master Craftsman Studio
7. FSU - Classroom Building
8. FSU - President's Residence
9. USF - Health Care and Education Center
10 USF - Athletic Facility
11. USF - Center for Aging and Brain Repair
12. UCF - Convocation Center
13. UCF - University Tower
14. UCF - Bio-Molecular Annex
15. UCF - Career Resource Center
16. FAU - Aristotle Center
17. FAU - Alumni Center
18. FIU - EC Classroom Expansion
19. FIU - Artist Studio
20. FGCU - North Lake Swimming Pool

SECTION 20. Pursuant to sections 1004.28(6), 1001.74 (5), 1013.78, 1013.171, 1013.15, 1013.74, 1013.16, 1013.17 and 1010.60 (2), Florida Statutes, the following fixed capital outlay projects may be constructed, acquired, and financed by a university certified direct support organization. Projects which do not receive specific legislative approval such as provided herein may not be financed by or on behalf of a university or its direct support organization through any financing mechanism, including, but not limited to, revenue bonds, promissory notes, certificates of participation, lease-purchase agreements or any other form of indebtedness. This authorization does not obligate the Legislature to provide general revenue funds to operate and maintain these facilities.

1. UF - Baseball/Football Locker Room Facilities and Lemerand Center Renovations
2. FSU - Campus Landscaping Improvements
3. FSU - Research and Development Facility Number Three
4. FSU - Research and Development Facility Number Four
5. FSU - French Study Center
6. FSU - Spanish Study Center
7. FSU - Panama Study Center
8. FSU - Italian Study Center
9. FSU - South Africa Student Center
10. FSU - President's Residence
11. USF - Parking Structure IV
12. USF - Health Care and Education Center
13. USF - Marshall Center
14. USF - Student Health Center
15. USF - Residence Hall Renovation
16. USF - Student Residence Facility Phase IV
17. USF - Office Building
18. USF/St. Petersburg - Residential Facilities
19. USF/St. Petersburg - Parking Structure
20. USF/St. Petersburg - Multi-Purpose Student Center
21. USF/Sarasota/Manatee - Multi-Purpose Facility
22. UCF - Intercollegiate Athletic Node
23. UCF - Alumni Center
24. UCF - Convocation Center
25. UCF - Student Housing Phase I
26. UCF - Student Housing Phase II

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27. UCF - Parking Garage I
28. UCF - Parking Garage II
29. UCF - Retail Facility
30. UCF - Career Resource Center
31. FAU - Pine Jog Environmental Educational Center
32. FAU - Aristotle Center
33. FAU - Alumni Center
34. FIU - Community Stadium Renovation and Expansion
35. FIU - General Office Building
36. UNF - Housing Facility
37. UNF - Student Life Building
38. UNF - Parking Garage
39. FGCU - Student Housing Phase VII
40. FGCU - Parking Garage
41. FGCU - Research Center
42. FGCU - Charter School
43. FGCU - Conference Center
44. FGCU - Asian Studies Facility
45. NC - Residence Halls and Student Activity Center
46. UCF - Athletic Stadium

SECTION 21. Pursuant to Article VII, Section 11(d) of the Florida Constitution, and sections 1010.60 through 1010.619, Florida Statutes, bonds supported by Student Building Fees and Capital Improvement Fees may be issued to finance all or a portion of projects authorized by the 2005-2006 General Appropriations Act in Specific Appropriation 15. This bond issue is authorized to be subsequently refinanced through the issuance of refunding bonds.

SECTION 22. The Board of Governors is hereby authorized to approve the construction or acquisition of the following projects which are to be financed entirely or partially from revenue bonds issued pursuant to section 11(d), Art. VII of the State Constitution and are hereby authorized to be subsequently refinanced through the issuance of refunding bonds:

1. UF - Baseball/Football Locker Room Facilities and Lemerand Center Renovations
2. FSU - Parking Improvements
3. FSU - Parking Garage No. 4
4. FSU - French Study Center
5. FSU - Spanish Study Center
6. FSU - Panama Study Center
7. FSU - Italian Study Center
8. FSU - South Africa Study Center
9. FSU - Landis Hall Renovation
10. FSU - Food Service Improvements
11. FSU - New Residence Hall
12. FSU - Parking Garage No. 5
13. FSU - New Residence Hall
14. FSU - Health and Wellness Center
15. FSU - Research and Development Facility Number Three
16. FSU - Research and Development Facility Number Four
17. FAMU - Bragg Stadium Renovation
18. FAMU - Housing Phase IV
19. FAMU - Foundation Building
20. FAMU - Housing Facilities Renovation
21. FAMU - Housing Phase V
22. USF - Parking Structure IV
23. USF - Health Care and Education Center
24. USF - Marshall Center
25. USF - Student Health Center
26. USF - Residence Hall Renovation
27. USF - Student Resident Facility Phase IV
28. USF - Office Building
29. USF/St. Petersburg - Residential Facilities
30. USF/St. Petersburg - Parking Structure
31. USF/St. Petersburg - Multi-Purpose Student Center
32. USF/Sarasota-Manatee - Multi-Purpose Facility
33. UCF - Parking Garage V
34. UCF - Marketplace Addition
35. UCF - Food Court
36. UCF - Special Purpose Housing and Parking Garage
37. UCF - Parking Garage VI

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38. UCF - Parking Garage VII
39. UCF - Parking Deck Academic Villages
40. UCF - Parking Deck Athletics Complex
41. FAU - Parking Garage
42. FAU - Jupiter Housing Phase III
43. FAU - Student Housing Boca Raton Campus
44. FIU - Lakeview Housing
45. FIU - Parking Garage V
46. FIU - Parking Garage VI
47. UNF - Housing Facility
48. UNF - Student Life Building
49. UNF - Parking Garage
50. FGCU - Student Housing Phase VII
51. FGCU - Parking Garage
52. FGCU - Research Center
53. FGCU - Charter School
54. FGCU - Conference Center
55. FGCU - Asian Studies Facility
56. NC - Residence Halls and Student Activity Center

SECTION 23. Funds provided in Specific Appropriation 12B of chapter 2003-397, Laws of Florida, and allocated to the Miami-Dade County School Board that remain in reserve are hereby reverted and reappropriated to the Miami-Dade County School Board for survey recommended needs pursuant to section 1013.64, Florida Statutes.

SECTION 24. The unexpended balance in the separate account for the sales tax exemption matching program authorized in section 212.08(5)(j), Florida Statutes, within the Trust Fund for University Major Gifts, is transferred to the General Revenue Fund.

SECTION 25. The Department of Children and Family Services may transfer up to $3,500,000 from the department's unrestricted cash in the Administrative Trust Fund to the Grants and Donations Trust Fund in the Justice Administration Commission for the purpose of funding the Dependency Counsel Program.

SECTION 26. There is hereby appropriated the sum of $132,178,638 in non-recurring general revenue, $202,922,964 from the Medical Care Trust Fund, and $62,012,199 from the Grants and Donations Trust Fund to the Agency for Health Care Administration to cover Fiscal Year 2004-2005 Medicaid program costs. This section shall take effect upon becoming law.

SECTION 27. The unexpended balances of $807,031 from the General Revenue Fund and $998,988 from the Grants and Donations Trust Fund appropriated in Specific Appropriation 1197 of chapter 2004-269, Laws of Florida, provided for the Integrated Criminal History System (ICHS) shall revert and are reappropriated.

SECTION 28. The Chief Financial Officer is hereby authorized to transfer $92,000,000 in general revenue funds to the Budget Stabilization Fund for Fiscal Year 2005-2006 as required in section 19(g), Article III of the Constitution of the State of Florida.

SECTION 29. The unexpended balance of funds provided to the Department of Financial Services in Specific Appropriation 2070A of chapter 2004-268, Laws of Florida, and placed in the Insurance Regulatory Trust Fund of the Professional Training and Standards budget entity, within the State Fire Marshal Program, on August 12, 2004, by approved budget amendment EOG# 0059, for strengthening Domestic Security support by State Fire Marshal response teams shall revert and is hereby reappropriated to the Department of Financial Services.

SECTION 30. The unexpended balance of funds provided to the Department of Financial Services in Specific Appropriation 1949B of chapter 2003-397, Laws of Florida, and placed in the Insurance Regulatory Trust Fund of the Professional Training and Standards budget entity, within the State Fire Marshal Program, approved by the Legislative Budget Commission on September 22, 2004, by approved budget amendment EOG# 0133, for strengthening Domestic Security support by State Fire Marshal response teams shall revert and is hereby reappropriated to the Department of Financial Services.

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SECTION 31. The unexpended balances of funds provided to the Department of Management Services/State Technology Office in Specific Appropriation 2070A of chapter 2004-268, Laws of Florida, and placed in the Grants and Donations Trust Fund of the Wireless Services budget entity on August 12, 2004, by approved budget amendment EOG #0059, for standardization of communications equipment in state and local mobile command posts, shall revert and is reappropriated to the Department of Management Services to continue this project.

SECTION 32. The unexpended balance of funds provided to the Department of Management Services/State Technology Office in Specific Appropriation 2070A of chapter 2004-268, Laws of Florida, and placed in the Grants and Donations Trust Fund of the Wireless Services budget entity on August 12, 2004, by approved budget amendment EOG #0059, for statewide infrastructure build out of mutual aid emergency communication channels, shall revert and is reappropriated to the Department of Management Services to continue this project.

SECTION 33. Effective upon this act becoming law, $297,280 from the Marine Resources Conservation Trust Fund in Specific Appropriation 1941S of chapter 2004-268, Laws of Florida, is hereby reverted. Further, $297,280 is appropriated in Fixed Capital Outlay to the Fish and Wildlife Conservation Commission to replace two modular buildings for office and laboratory space.

SECTION 34. The Department of Environmental Protection is authorized to request a budget amendment pursuant to section 216.181, Florida Statutes, to transfer up to $12,500,000 from the Working Capital Fund to the Internal Improvement Trust Fund in the department. The department is authorized to request up to $12,500,000 in budget authority from the Internal Improvement Trust Fund. These monies shall be used to settle all related claims with the Coastal Petroleum Company for leases of sovereignty submerged lands in the Gulf of Mexico, and shall require specific approval by the Legislative Budget Commission.

SECTION 35. The Department of Agriculture and Consumer Services is authorized to request a budget amendment pursuant to section 216.181, Florida Statutes, to transfer up to $10,000,000 from the Working Capital Fund to the Agricultural Emergency Eradication Trust Fund in the department. The department is authorized to request up to $10,000,000 in budget authority from the Agricultural Emergency Eradication Trust Fund. These monies shall be used to pay for such citrus canker eradication, control and prevention pursuant to section 581.184, Florida Statutes, and to fund the department's efforts through the end of the 2005-06 fiscal year. This transfer and budget authority shall require specific approval by the Legislative Budget Commission.

SECTION 36. The Department of Agriculture and Consumer Services is authorized to request a budget amendment pursuant to section 216.181, Florida Statutes, to transfer up to $10,000,000 from the Working Capital Fund to the General Inspection Trust Fund in the department. The department is authorized to request up to $10,000,000 in budget authority from the General Inspection Trust Fund. These monies shall be used for compensation pursuant to section 581.1845, Florida Statutes, for trees removed from residential property prior to July 1, 2005, and for which no other compensation has been appropriated. This transfer and budget authority shall require specific approval by the Legislative Budget Commission.

SECTION 37. The unexpended balance of funds provided in Specific Appropriation 2377A, of the 2003-2004 General Appropriations Act, chapter 2003-397, Laws of Florida, is hereby reverted and reappropriated for the purpose of the original appropriation within the Department of Highway Safety and Motor Vehicles.

SECTION 38. There is hereby appropriated to the Agency for Workforce Innovation $5,529,274 from the Special Employment Security Administration Trust Fund, to be transferred to the Employment Security Administration Trust Fund for Fiscal Year 2004-2005. This section shall be effective upon this act becoming law.

SECTION 39. If the Agency for Workforce Innovation is required during Fiscal Year 2005-2006 to reimburse the federal government for disallowed

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expenditures, either through a negotiated settlement or a judicial order, the Agency, through the Executive Office of the Governor, may submit a budget amendment for consideration by the Legislative Budget Commission to authorize the appropriation, release and expenditure of funds from the Working Capital Fund to reimburse the federal government.

SECTION 40. The unexpended balance of funds provided to the Department of Community Affairs for domestic security issues in Specific Appropriation 2070A and section 26 of Chapter 2004-268, Laws of Florida, and subsequently distributed to the Department of Community Affairs pursuant to budget amendments EOG# 0059 and EOG #0005 respectively, are hereby reverted and reappropriated for the purpose of the original appropriations within the Department of Community Affairs.

SECTION 41. In the event that a Florida location is selected as the site for an engineering center for work on aircraft previously sold to U.S. airlines, the Office of Tourism, Trade and Economic Development is authorized to request a budget amendment to transfer up to $17 million from the Working Capital Fund to the Grants and Donations Trust Fund in the Executive Office of the Governor. Such transfer, along with the associated budget authority from the Grants and Donations Trust Fund to award these funds, shall require specific approval by the Legislative Budget Commission.

SECTION 42. For the information technology projects listed in this section, the named agencies are authorized to request budget amendments for Legislative Budget Commission approval. The amendments may utilize trust funds provided in Specific Appropriation 2091A, as well as general revenue funds transferred from the Working Capital Fund, pursuant to section 216.292(7), Florida Statutes, in the indicated amounts. However, the agencies are authorized to process amendments for the first two months operating expenses, which shall be subject to fourteen day consultation as provided in section 216.177, Florida Statutes.

DEPARTMENT/PROJECT	TRUST FUNDS	GENERAL REVENUE
Dept. Financial Services		
Aspire	$40,981,776	
Dept. Children and Family Services		
HomeSafenet	$ 7,139,829	$4,213,802
FLORIDA	$ 3,794,788	
Office of Insurance Regulation		
Workflow Companies and Related Entities Project	$ 1,950,000	
Dept. of Revenue		
Child Support Automated Management System-Phase I	$17,942,242	
Child Support Automated Management System-Phase II	$ 2,500,000	
Dept. of Environmental Protection		
Integrated Database for Regulatory Applications	$2,237,325	
Dept. of Highway Safety and Motor Vehicles		
Commercial Vehicle Info System and Networks Electronic Credentialing	$ 613,547	
Agency for Workforce Innovation		
One-Stop Management Information System	$ 681,417	
Early Learning Info System - Development of Functional Requirements and Implementation Processes		$1,000,000
Early Learning Info System - Implementation		$4,987,000
Dept. of State		
Help America Vote Act Info System	$9,826,022	
Agency for Health Care Administration		
Florida Health Information Network (FHIN)		$1,531,737

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Dept. of Law Enforcement
Integrated Criminal History System-ICHS $2,500,079

From the funds provided in Section 42, $20,306,620 for the Aspire Project is a reappropriation of funds provided in Specific Appropriation 2321 of chapter 2004-268, Laws of Florida. The reappropriation is contingent upon appropriation reversions on June 30, 2005, of $20,056,620 from the Administrative Trust Fund and $250,000 from the Insurance Regulatory Trust Fund.

Funds provided to the Department of Financial Services in Section 42 and Specific Appropriation 2352 are specifically for the replacement of the state accounting and cash management system, Aspire Project, and the department is prohibited from making budgetary transfers to provide this funding for any other purpose or program of the department.

The funds provided in Section 42 for the Workflow Companies and Related Entities Project, $1,950,000, represent a reappropriation of funds provided in Fiscal Year 2004-2005. The reappropriation is contingent upon appropriation reversions on June 30, 2005, from the Insurance Regulatory Trust Fund.

From the funds provided in Section 42, for the Child Support Automated Management System - Phase I, $4,930,630 is a reappropriation of funds provided in Fiscal Year 2004-2005. The reappropriation is contingent upon appropriation reversions on June 30, 2005, of $1,676,414 in the Child Support Incentive Trust Fund and $3,254,216 in the Grants and Donations Trust Fund.

SECTION 43. From the general revenue funds provided in sections 5 and 7 of chapter 2004-474, Laws of Florida, the following amounts from unexpended balances are reverted: $7 million from the funds provided in section 5, and $8 million from the funds provided in section 7. This total of $15 million is reappropriated from the General Revenue Fund to reimburse the following local governments for revenue losses resulting from the 2004 hurricanes:

Brevard County	364,065
Charlotte County	2,829,123
DeSoto County	674,465
Escambia County	5,522,439
Hardee County	632,043
Highlands County	402,277
Indian River County	1,173,715
Martin County	305,717
Okeechobee County	86,087
Polk County	505,057
Santa Rosa County	1,209,694
St. Lucie County	1,295,318

SECTION 44. Any section of this act, or any appropriation herein contained, if found to be invalid shall in no way affect other sections or specific appropriations contained in this act.

SECTION 45. Except as otherwise provided herein, this act shall take effect July 1, 2005, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2005, then it shall operate retroactively to July 1, 2005.

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS 116,232.99

FROM GENERAL REVENUE FUND 25750,084,368

FROM TRUST FUNDS 37326,004,124

TOTAL ALL FUNDS 63076,088,492

On motion by Senator Carlton, the Conference Committee Report was adopted and **SB 2600** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2602

The Honorable Tom Lee May 4, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2602, same being:

An act relating to appropriations implementing bill; provides legislative intent; provides for use of specified calculations relating to the Florida Education Finance Program; provides for budget of Council for Education Policy Research and Improvement to be administered by Auditor General; provides that council is otherwise independent; authorizes Department of Children and Family Services to transfer funds within family safety program; requires that Workforce Florida, Inc., offer incentive bonuses; provides requirements for same, etc.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton
Chair
s/Dave Aronberg
s/Michael S. "Mike" Bennett
s/Charlie Clary
s/Victor D. Crist
s/Paula Dockery
s/Rudy Garcia
s/Dennis L. Jones
s/Ron Klein
s/Evelyn J. Lynn
s/Lesley "Les" Miller, Jr.
s/Ken Pruitt
s/Burt L. Saunders
s/Gary Siplin
s/J. Alex Villalobos
s/Frederica S. Wilson

s/Nancy Argenziano
s/JD Alexander
s/Carey Baker
s/Larcenia J. Bullard
s/Lee Constantine
s/M. Mandy Dawson
s/Mike Fasano
s/Anthony C. "Tony" Hill, Sr.
s/James E. "Jim" King, Jr.
s/Alfred "Al" Lawson, Jr.
s/Gwen Margolis
s/Durell Peaden, Jr.
s/Nan Rich
s/Jim Sebesta
s/Rod Smith
s/Daniel Webster
s/Stephen R. Wise

Managers on the part of the Senate

s/Joe Negron
Vice Chair
s/Rafael "Ralph" Arza
s/Loranne Ausley
s/Dennis K. Baxley

s/Sandra "Sandy" Adams
s/Thad Altman
s/Frank Attkisson
s/Gustavo A. Barreiro
s/Aaron P. Bean

s/Dorothy Bendross-Mindingall
s/Kimberly Berfield
s/Ellyn Setnor Bogdanoff
s/Donald D. "Don" Brown
s/Dean Cannon
s/Donna Clarke
s/Don Davis
s/Greg Evers
s/Anitere Flores
s/Anne M. "Annie" Gannon
s/Andy Gardiner
s/Hugh H. Gibson III
s/Ron L. Greenstein
s/Alan D. Hays
s/Arthenia L. Joyner
s/Will S. Kendrick
Dick Kravitz
s/Marcelo Llorente
s/Mark Mahon
s/David J. Mealor
s/Mitch Needelman
s/Joe H. Pickens
s/L. Ralph Poppell
s/Ron Reagan
s/David Rivera
s/Marco Rubio
s/Franklin Sands
s/John P. "Jack" Seiler
s/Eleanor Sobel
s/A. Trey Traviesa
s/Shelley Vana

s/Anna Holliday "Holly" Benson
s/Gus Michael Bilirakis
s/Marsha L. "Marty" Bowen
s/Frederick C. "Fred" Brummer
s/Jennifer "JC" Carroll
s/Joyce Cusack
s/Mike Davis
s/Frank Farkas
s/Bill Galvano
s/Rene Garcia
s/Dan Gelber
s/J. Dudley Goodlette
s/Adam Hasner
s/Edward L. "Ed" Jennings, Jr.
s/Charlie Justice
s/Jeffrey D. "Jeff" Kottkamp
s/Kenneth W. "Ken" Littlefield
s/Richard A. Machek
s/Stan Mayfield
s/Dave Murzin
s/Pat Patterson
s/Juan-Carlos "J.C." Planas
s/John "Q" Quinones
s/Curtis B. Richardson
s/Yolly Roberson
s/Timothy M. "Tim" Ryan
s/Ray Sansom
s/David Simmons
s/Dwight Stansel
s/Baxter G. Troutman
s/Leslie Waters

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

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

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

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

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

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

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

216.292 Appropriations nontransferable; exceptions.—

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

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

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

287.057 Procurement of commodities or contractual services.—

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

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

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

402.305 Licensing standards; child care facilities.—

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

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

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

402.33 Department authority to charge fees for services provided.—

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

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

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

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

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

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

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

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

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

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

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

Section 11. *In order to implement Specific Appropriations 604 through 614 of the 2005-2006 General Appropriations Act, the Agency for Persons with Disabilities shall submit quarterly status reports to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council regarding the financial status of the Home and Community Based Services Waiver, including but not limited to information about the number of current clients being served through the waiver and actual and projected cost information as compared with the appropriation available to the program. If at any time, based upon an analysis by the agency, the cost of*

waiver services is expected to exceed the appropriated amount, based upon the current rates as implemented November 1, 2003, the agency shall implement any adjustment necessary pursuant to section 393.0661(4), Florida Statutes, to stay within the appropriation. This section expires July 1, 2006.

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

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

(15)

(d) "Employee" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. A person who performs services as a sports official for an entity sponsoring an interscholastic sports event or for a public entity or private, nonprofit organization that sponsors an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term "sports official" means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.

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

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

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

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

216.262 Authorized positions.—

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

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

287.057 Procurement of commodities or contractual services.—

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

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

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

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

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

932.7055 Disposition of liens and forfeited property.—

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

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

Section 20. *In order to implement Specific Appropriations 1442 and 1444 of the 2005-2006 General Appropriations Act and notwithstanding any provision of chapter 287 or chapter 337, Florida Statutes, from the funds appropriated to the Department of Agriculture and Consumer Services for the 2002-2003, 2003-2004, 2004-2005, and 2005-2006 fiscal years for the purpose of constructing and operating an agricultural interdiction station on Interstate 10 in Escambia County, the Department of Agriculture and Consumer Services shall enter into an agreement with the Department of Transportation wherein the Department of Transportation, on behalf of the Department of Agriculture and Consumer Services, shall proceed with the construction of the station under the authority established in chapter 337, Florida Statutes. The Department of Agriculture and Consumer Services shall be authorized to execute all contracts resulting from such Department of Transportation selection of contractors in compliance with chapter 337, Florida Statutes. This section expires July 1, 2006.*

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

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

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

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

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

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

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

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

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

287.17 Limitation on use of motor vehicles and aircraft.—

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

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

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

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

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

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

This section expires July 1, 2006.

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

375.041 Land Acquisition Trust Fund.—

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

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

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

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

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

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

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

373.4137 Mitigation requirements.—

(4) Prior to December 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. This plan shall also address significant invasive plant problems within wetlands and other surface waters. In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs and shall focus on activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) waterbodies and lands identified for potential acquisition for preservation, restoration, and enhancement, to the extent that such activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344. In determining the activities to be included in such plans, the districts shall also consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include such purchase as a part of the mitigation plan when such purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be preliminarily approved by the water management district governing board

and shall be submitted to the secretary of the Department of Environmental Protection for review and final approval. The preliminary approval by the water management district governing board does not constitute a decision that affects substantial interests as provided by s. 120.569. At least 30 days prior to preliminary approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy.

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

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

120.551 Internet publication.—

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

Section 32. In order to implement Specific Appropriations 1629-1635 of the 2005-2006 General Appropriations Act and notwithstanding the repeal of subsections (1), (2), (3), and (4) of section 373.4145, Florida Statutes, scheduled for July 1, 2005, those subsections are reenacted, and subsection (6) of that section is amended, to read:

373.4145 Interim part IV permitting program for the Northwest Florida Water Management District.—

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

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

(b) Rules adopted pursuant to the authority of ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, in effect prior to July 1, 1994, shall remain in full force and effect, and shall be implemented by the department. However, the department is authorized to establish additional exemptions and general permits for dredging and filling, if such exemptions or general permits do not allow significant adverse impacts to occur individually or cumulatively. However, for the purpose of chapter 17-312, Florida Administrative Code, the landward extent of surface waters of the state identified in rule 17-312.030(2), Florida Administrative Code, shall be determined in accordance with the methodology in rules 17-340.100 through 17-340.600, Florida Administrative Code, as ratified in s. 373.4211, upon the effective date of such ratified methodology. In implementing s. 373.421(2), the department shall determine the extent of those surface waters and wetlands within the regulatory authority of the department as described in this paragraph. At the request of the petitioner, the department shall also determine the extent of surface waters and wetlands which can be delineated by the methodology ratified in s. 373.4211, but which are not subject to the regulatory authority of the department as described in this paragraph.

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

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

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

(4) If the United States Environmental Protection Agency approves an assumption of the federal program to regulate the discharge of dredged or fill material by the department or the water management districts, or both, pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.; the United States Army Corps of Engineers issues one or more state programmatic general permits under the referenced statutes; or the United States Environmental Protection Agency or the United States Corps of Engineers approves any other delegation of regulatory authority under the referenced statutes, then the department may implement any permitting authority granted in this part within the Northwest Florida Water Management District which is prescribed as a condition of granting such assumption, general permit, or delegation.

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

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

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

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

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

(4) This section expires July 1, 2006.

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

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

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

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

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

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

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

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

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

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

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

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

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

445.048 Passport to Economic Progress ~~demonstration~~ program.—

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

(2) WAIVERS.—If Workforce Florida, Inc., in consultation with the Department of Children and Family Services, finds that federal waivers would facilitate implementation of the ~~demonstration~~ program, the department shall immediately request such waivers, and Workforce Florida, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives if any refusal of the federal government to grant such waivers prevents the implementation of the ~~demonstration~~ program. If Workforce Florida, Inc., finds that federal waivers to provisions of the Food Stamp Program would facilitate implementation of the ~~demonstration~~ program, the Department of Children and Family Services shall immediately request such waivers in accordance with s. 414.175.

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

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

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

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

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

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

(4)~~(5)~~ *INCENTIVES TO ECONOMIC SELF-SUFFICIENCY* ~~WAGE SUPPLEMENTATION~~.—

(a) The Legislature finds that:

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

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

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

(b) Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation,

shall *offer performance-based incentive bonuses* ~~create a transitional wage supplementation program by November 1, 2001,~~ as a component of the Passport to Economic Progress ~~demonstration~~ program ~~in the areas designated for the demonstration program. This wage supplementation program does not constitute an entitlement to wage supplementation~~. *The bonuses do not represent a program entitlement and shall be contingent on achieving specific benchmarks prescribed in the self-sufficiency plan.* If *the* funds appropriated *for this purpose* are insufficient to provide *this financial incentive* ~~wage supplementation~~, the board of directors of Workforce Florida, Inc., may *reduce or suspend the bonuses in order not to exceed the appropriation or may direct the regional boards to use resources otherwise given to the regional workforce to pay such bonuses if such payments comply with applicable state and federal laws* ~~limit wage supplementation or otherwise establish priorities for wage supplementation~~.

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

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

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

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

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

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

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

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

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

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

253.034 State-owned lands; uses.—

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

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

402.3017 Teacher Education and Compensation Helps (TEACH) scholarship program.—

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

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

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

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

Section 41. In order to implement Specific Appropriation 2982D of the 2005-2006 General Appropriations Act, paragraph (g) is added to subsection (11) of section 259.032, Florida Statutes, to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(11)

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

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

311.22 Additional authorization for funding certain dredging projects.—

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

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

(3) This section expires July 1, 2006.

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

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

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

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

320.0846 Free motor vehicle license plates to active members of the Florida National Guard.—

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

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

(3) This section expires July 1, 2006.

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

216.292 Appropriations nontransferable; exceptions.—

(5)

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

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

380.511 Florida Communities Trust Fund.—

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

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

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

420.0005 State Housing Trust Fund; State Housing Fund.—

(1) There is hereby established in the State Treasury a separate trust fund to be named the "State Housing Trust Fund." There shall be deposited in the fund all moneys appropriated by the Legislature, or moneys received from any other source, for the purpose of this chapter, and all proceeds derived from the use of such moneys. The fund shall be administered by the Florida Housing Finance Corporation on behalf of the department, as specified in this chapter. Money deposited to the fund and appropriated by the Legislature must, notwithstanding the provisions of chapter 216 or s. 420.504(3), be transferred quarterly in advance, to the extent available, or, if not so available, as soon as received into the State Housing Trust Fund, and subject to the provisions of s. 420.5092(6)(a) and (b) by the Chief Financial Officer to the corporation upon certification by the Secretary of Community Affairs that the corporation is in compliance with the requirements of s. 420.0006. The certification made by the secretary shall also include the split of funds among programs administered by the corporation and the department as specified in chapter 92-317, Laws of Florida, as amended. Moneys advanced by the Chief Financial Officer must be deposited by the corporation into a separate fund established with a qualified public depository meeting the requirements of chapter 280 to be named the "State Housing Fund" and used for the purposes of this chapter. Administrative and personnel costs incurred in implementing this chapter may be paid from the State Housing Fund, but such costs may not exceed 5 percent of the moneys deposited into such fund. To the State Housing Fund shall be credited all loan repayments, penalties, and other fees and charges accruing to such fund under this chapter. It is the intent of this chapter that all loan repayments, penalties, and other fees and charges collected be credited in full to the program account from which the loan originated. Moneys in the State Housing Fund which are not currently needed for the purposes of this chapter shall be invested in such manner as is provided for by statute. The interest received on any such investment shall be credited to the State Housing Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 49. *In order to implement Specific Appropriation 1543A of the 2005-2006 General Appropriations Act, and for the 2005-2006 fiscal year only, any unappropriated balance in the Grants and Donations Trust Fund of the Department of Community Affairs may be transferred by the General Appropriations Act to the Emergency Management Preparedness and Assistance Trust Fund. This section expires July 1, 2006.*

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

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

215.32 State funds; segregation.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

216.181 Approved budgets for operations and fixed capital outlay.—

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

Section 54. *A section of this act that implements a specific appropriation or specifically identified proviso language in the 2005-2006 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2005-2006 General Appro-*

priations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

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

Section 56. *The agency performance measures and standards in the document entitled "Performance Measures and Standards Approved by the Legislature for Fiscal Year 2005-2006" dated May 3, 2005, and filed with the Secretary of the Senate are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2005-2006, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their long-range program plans required under section 216.013, Florida Statutes, to be consistent with these performance measures and standards.*

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act implementing the 2005-2006 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; creating s. 1004.065, F.S.; providing a limitation on university and direct-support organization financings; disbanding the Miami-Dade Land Acquisition and Facilities Maintenance Operation Advisory Board; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a forensic mental health treatment facility; amending s. 402.305, F.S.; providing for the child care competency examination to be given in Spanish; amending s. 402.33, F.S.; suspending authority of the Department of Children and Family Services to use funds in excess of fee collections; amending s. 394.76, F.S.; providing a local match ratio for contracted community alcohol and mental health services and programs funded through the Department of Children and Family Services; amending s. 215.18, F.S.; authorizing extension of repayment periods for moneys transferred between funds as a result of hurricanes striking the state in 2004; requiring the Agency for Persons with Disabilities to report to the Governor and the Legislature with respect to the financial status of the Home and Community Based Services Waiver; providing for budget adjustments; amending s. 440.02, F.S.; redefining the term "employee," for purposes of workers' compensation, to exclude certain Medicaid-enrolled clients enrolled in workshop settings for the purpose of training; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 287.057, F.S.; authorizing the Department of Management Services to issue an invitation to negotiate for additional beds at specified correctional facilities; providing guidelines on such negotiation; providing a time requirement for any additional bed procurement; requiring reports with respect to adding such additional beds; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due-process appropriations; providing for expenditure of funds from the Working Capital Fund to offset deficiencies in due-process services; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; amending s. 932.7055, F.S.; allowing municipalities to reimburse their general funds from moneys they advanced to their own special law enforcement trust funds; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction of an agricultural interdiction station in Escambia County; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 287.17, F.S.; authorizing the use of state aircraft for commuting; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; amending s. 375.041, F.S.; providing for use of funds allocated to the Land Acquisition Trust Fund for water quality issues; creating s. 376.30715, F.S.; providing conditions on state financial assistance in restoration of contaminated petroleum storage or retail sites; amending s. 376.3071, F.S.; providing for use of funds from the Inland Protection Trust Fund to clean up certain petroleum-contaminated sites and to purchase generators for emergency fuel supply; amending s. 373.4137, F.S.; providing for water management districts to use specified funds in certain surface water improvement and management or invasive plant control projects; amending s. 120.551, F.S.; continuing Internet publication of certain notices of the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund; amending s. 373.4145, F.S.; prescribing an interim permitting program for the Northwest Florida Water Management District; authorizing the appropriation of moneys in the Conservation and Recreation Lands Trust Fund to pay for replacement of motor vehicles for the Department of Agriculture and Consumer Services; creating the Florida Pork Producers Transition Grant Program within the Department of Agriculture and Consumer Services; entitling certain persons using farming methods described in the Florida Constitution on a certain date to apply for a grant; providing a cap on such grants and authorizing the department to adopt rules to implement the grant program; amending s. 11.151, F.S.; increasing the contingency fund for the legislative presiding officers; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determing eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 259.032, F.S.; providing for use of certain funds for constructing replacement museum facilities; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 339.135, F.S.; authorizing increased appropriations for certain projects in the Department of Transportation; creating s. 320.0846, F.S.; providing for free motor vehicle license plates for active members of the Florida National Guard; amending s. 216.292, F.S.; authorizing the Governor to recommend fixed capital outlay projects funded by Federal Emergency Management Agency grants; providing for review by the Legislative Budget Commission; amending s. 380.511, F.S.; providing for transfer of unappropriated balances from the Florida Communities Trust Fund to the Emergency Management Preparedness and Assistance Trust Fund; amending s. 420.0005, F.S.; providing for transfer of unappropriated balances from the State Housing Trust Fund in the Department of Community Affairs to the Emergency Management Preparedness and Assistance Trust Fund; amending s. 420.36, F.S.; providing for transfer of unappropriated balances from the Energy Consumption Trust Fund to the Emergency Management Preparedness and Assistance Trust Fund; providing for transfer of unappropriated balances from the Grants and Donations Trust Fund of the Department of Community Affairs to the Emergency

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

On motion by Senator Carlton, the Conference Committee Report was adopted and **SB 2602** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

BILLS ON THIRD READING, continued

On motion by Senator Webster, by unanimous consent—

HB 1931—A bill to be entitled An act relating to negligence; creating s. 768.0755, F.S.; providing that a person seeking damages for a slip and fall on a transitory foreign substance in a commercial establishment must prove that the commercial establishment had actual knowledge of the condition or constructive knowledge of the condition; defining "constructive knowledge"; providing that constructive knowledge may be proven by circumstantial evidence; amending s. 768.81, F.S.; redefining the term "negligence cases" as it relates to comparative fault to include claims for negligent security in which the defendant is sued for failing to prevent the commission of an intentional tort; providing that the apportionment of damages does not apply to any action in which an intentional tortfeasor is sued and seeks to apportion fault to a negligent tortfeasor; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; reenacting s. 25.077, F.S., relating to the duty of the clerk of court to report certain information concerning negligence cases, to incorporate the amendment made to s. 768.81, F.S., in a reference thereto; providing an effective date.

—as amended May 5 was taken up out of order and read the third time by title.

On motion by Senator Webster, **HB 1931** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Baker	Clary
Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Dawson
Atwater	Carlton	Diaz de la Portilla
Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise
King	Rich	
Klein	Saunders	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Peaden the Senate reconsidered the vote by which—

HCB 6003 (for HB's 1869, 1871, 1873, 1875)—A bill to be entitled An act relating to Medicaid reform; providing a popular name; providing legislative findings and intent; providing waiver authority to the Agency for Health Care Administration; providing for implementation of demonstration projects; providing definitions; identifying categorical groups for eligibility under the waiver; establishing the choice counseling process; providing for disenrollment in a plan during a specified period of time; providing conditions for changes; requiring managed care plans to include mandatory Medicaid services; requiring managed care plans to provide a wellness and disease management program, pharmacy benefits, behavioral health care benefits, and a grievance resolution process; authorizing the agency to establish enhanced benefit coverage and providing procedures therefor; establishing flexible spending accounts; providing for cost sharing by recipients, and requirements; requiring the agency to submit a report to the Legislature relating to enforcement of Medicaid copayment requirements and other measures; providing for the agency to establish a catastrophic coverage fund or purchase stop-loss coverage to cover certain services; requiring a managed care plan to have a certificate of operation from the agency before operating under the waiver; providing certification requirements; providing for reimbursement of provider service networks; providing an exemption from competitive bid requirements for provider service networks under certain circumstances; providing for continuance of contracts previously awarded for a specified period of time; requiring the agency to have accountability and quality assurance standards; requiring the agency to establish a medical care database; providing data collection requirements; requiring certain entities certified to operate a managed care plan to comply with ss. 641.3155 and 641.513, F.S.; providing for the agency to develop a rate setting and risk adjustment system; authorizing the agency to allow recipients to opt out of Medicaid and purchase health care coverage through an employer-sponsored insurer; requiring the agency to apply and enforce certain provisions of law relating to Medicaid fraud and abuse; providing penalties; requiring the agency to develop a reimbursement system for school districts participating in the certified school match program; providing for integrated fixed payment delivery system for Medicaid recipients who are a certain age; authorizing the agency to implement the system in certain counties; providing exceptions; requiring the agency to provide a choice of managed care plans to recipients; providing requirements for managed care plans; requiring the agency to withhold certain funding contingent upon the performance of a plan; requiring the plan to rebate certain profits to the agency; authorizing the agency to limit the number of enrollees in a plan under certain circumstances; providing for eligibility determination and choice counseling for persons who are a certain age; requiring the agency to evaluate the medical loss ratios of certain managed care plans; authorizing the agency to adopt rules for minimum loss ratios; providing for imposition of liquidated damages; authorizing the agency to grant a modification of certificate-of-need conditions to nursing homes under certain circumstances; requiring integration of Medicare and Medicaid services; providing legislative intent; providing for awarding of funds for managed care delivery system development, contingent upon an appropriation; requiring the Office of Program Policy Analysis and Government Accountability conduct a study of the feasibility of establishing a Medicaid buy-in program for certain non-Medicaid eligible persons; requiring the office to submit a report to the Legislature; providing applicability; granting rulemaking authority to the agency; requiring legislative authority to implement the waiver; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the Medicaid reform waiver and issue reports; requiring the agency to submit

status reports; requiring the agency to contract for certain evaluation comparisons; providing for future review and repeal of the act; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation for the purpose of contracting to monitor and evaluate clinical practice patterns; providing an appropriation for the purpose of contracting for the database to review real-time utilization of Medicaid services; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing appropriations; providing an effective date.

—passed as amended this day.

On motion by Senator Peaden, the Senate reconsidered the vote by which engrossed **Senate Amendment 1 (841196)** was adopted this day.

Senators Peaden, Carlton, Saunders, Atwater, Campbell and Rich offered the following amendments to engrossed **Senate Amendment 1** which were moved by Senator Peaden and adopted by two-thirds vote:

Amendment 1A (792910)—On page 52, line 15 through page 53, line 2, delete those lines and insert:

(1) The agency is authorized to seek experimental, pilot, or demonstration project waivers, pursuant to s. 1115 of the Social Security Act, to create a statewide initiative to provide for a more efficient and effective service delivery system that enhances quality of care and client outcomes in the Florida Medicaid program pursuant to this section. Phase one of the demonstration shall be implemented in two geographic areas. One demonstration site shall include only Broward County. A second demonstration site shall initially include Duval County and shall be expanded to include Baker, Clay, and Nassau Counties within 1 year after the Duval County program becomes operational. This waiver authority is contingent upon federal approval to preserve the upper-payment-limit funding mechanism for hospitals, including a guarantee of a reasonable growth factor, a methodology to allow the use of a portion of these funds to serve as a risk pool for demonstration sites, provisions to preserve the state's ability to use intergovernmental transfers, and provisions to protect the disproportionate share program authorized pursuant to this chapter. Upon completion of the evaluation conducted under section 3 of this act, the agency may request statewide expansion of the demonstration projects. Statewide phase-in to additional counties shall be contingent upon review and approval by the Legislature.

Amendment 1B (921356)—On page 67, line 30 through page 68, line 1, delete those lines and insert: *2008.*

Engrossed **Senate Amendment 1 (841196)** as amended was adopted by two-thirds vote.

MOTION

On motion by Senator Peaden, the rules were waived and **CS for CS for SB 838** was removed from the table and the Senate reconsidered the vote by which **HCB 6003 (for HB's 1869, 1871, 1873, 1875)** was substituted for **CS for CS for SB 838** as amended this day.

Senators Peaden, Carlton, Saunders, Atwater, Campbell and Rich offered the following amendment which was moved by Senator Peaden and adopted by two-thirds vote:

Amendment 1 (653330)(with title amendment) to engrossed **CS for CS for SB 838**—Delete everything after the enacting clause and insert:

Section 1. Section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. *The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation*

with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. *The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care.* The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. *The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913.* The agency *may* ~~is authorized to~~ seek federal waivers necessary to *administer these policies* ~~implement this policy~~.

(1) The agency shall work with the Department of Children and Family Services to ensure access of children and families in the child protection system to needed and appropriate mental health and substance abuse services.

(2) The agency may enter into agreements with appropriate agents of other state agencies or of any agency of the Federal Government and accept such duties in respect to social welfare or public aid as may be necessary to implement the provisions of Title XIX of the Social Security Act and ss. 409.901-409.920.

(3) The agency may contract with health maintenance organizations certified pursuant to part I of chapter 641 for the provision of services to recipients.

(4) The agency may contract with:

(a) An entity that provides no prepaid health care services other than Medicaid services under contract with the agency and which is owned and operated by a county, county health department, or county-owned and operated hospital to provide health care services on a prepaid or fixed-sum basis to recipients, which entity may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services entities must be licensed under parts I and III by January 1, 1998, and until then are exempt from the provisions of part I of chapter 641. An entity recognized under this paragraph which demonstrates to the satisfaction of the Office of Insurance Regulation of the Financial Services Commission that it is backed by the full faith and credit of the county in which it is located may be exempted from s. 641.225.

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must be licensed under chapter 624, chapter 636, or chapter 641 and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody prior to enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a managed care plan in an AHCA area. Each entity must offer sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph shall require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations, to be expended for the provision of behavioral health care services. In the event the managed care plan expends less than 80 percent of the capitation paid pursuant to this paragraph for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the managed care plan with a certification letter indicating the amount of capitation paid during each calendar year for the provision of behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations shall be eligible to compete. Managed care plans contracting with the agency under subsection (3) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authoriza-

tion, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider shall not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. For fiscal year 2004-2005, all Medicaid eligible children, except children in areas 1 and 6, whose cases are open for child welfare services in the HomeSafeNet system, shall be enrolled in MediPass or in Medicaid fee-for-service and all their behavioral health care services including inpatient, outpatient psychiatric, community mental health, and case management shall be reimbursed on a fee-for-service basis. Beginning July 1, 2005, such children, who are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies either through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency is authorized to seek any federal waivers to implement this initiative.

(c) A federally qualified health center or an entity owned by one or more federally qualified health centers or an entity owned by other migrant and community health centers receiving non-Medicaid financial support from the Federal Government to provide health care services on a prepaid or fixed-sum basis to recipients. Such prepaid health care services entity must be licensed under parts I and III of chapter 641, but shall be prohibited from serving Medicaid recipients on a prepaid basis, until such licensure has been obtained. However, such an entity is exempt from s. 641.225 if the entity meets the requirements specified in subsections (17) and (18).

(d) A provider service network may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. *Any contract previously awarded to a provider service network operated by a hospital pursuant to this subsection shall remain in effect for a period of 3 years following the current contract-expiration date, regardless of any contractual provisions to the contrary. A provider service network is a network established or organized and operated by a health care provider, or group of affiliated health care providers, which provides a substantial proportion of the health care items and services under a contract directly through the provider or affiliated group of providers and may make arrangements with physicians or other health care professionals, health care institutions, or any combination of such individuals or institutions to assume all or part of the financial risk on a prospective basis for the provision of basic health services by the physicians, by other health professionals, or through the institutions. The health care providers must have a controlling interest in the governing body of the provider service network organization.*

(e) An entity that provides only comprehensive behavioral health care services to certain Medicaid recipients through an administrative services organization agreement. Such an entity must possess the clinical systems and operational competence to provide comprehensive health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. Any contract awarded under this paragraph must be competitively procured. The agency must ensure that Medicaid recipients have available the choice of at least two managed care plans for their behavioral health care services.

(f) An entity that provides in-home physician services to test the cost-effectiveness of enhanced home-based medical care to Medicaid recipients with degenerative neurological diseases and other diseases or disabling conditions associated with high costs to Medicaid. The program shall be designed to serve very disabled persons and to reduce Medicaid reimbursed costs for inpatient, outpatient, and emergency department services. The agency shall contract with vendors on a risk-sharing basis.

(g) Children's provider networks that provide care coordination and care management for Medicaid-eligible pediatric patients, primary care, authorization of specialty care, and other urgent and emergency care through organized providers designed to service Medicaid eligibles under age 18 and pediatric emergency departments' diversion programs. The networks shall provide after-hour operations, including evening and weekend hours, to promote, when appropriate, the use of the children's networks rather than hospital emergency departments.

(h) An entity authorized in s. 430.205 to contract with the agency and the Department of Elderly Affairs to provide health care and social services on a prepaid or fixed-sum basis to elderly recipients. Such prepaid health care services entities are exempt from the provisions of part I of chapter 641 for the first 3 years of operation. An entity recognized under this paragraph that demonstrates to the satisfaction of the Office of Insurance Regulation that it is backed by the full faith and credit of one or more counties in which it operates may be exempted from s. 641.225.

(i) A Children's Medical Services Network, as defined in s. 391.021.

(5) *By December 1, 2005, the Agency for Health Care Administration, in partnership with the Department of Elderly Affairs, shall create an integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The Agency for Health Care Administration shall implement the integrated system initially on a pilot basis in two areas of the state. In one of the areas enrollment shall be on a voluntary basis. The program must transfer all Medicaid services for eligible elderly individuals who choose to participate into an integrated-care management model designed to serve Medicaid recipients in the community. The program must combine all funding for Medicaid services provided to individuals 60 years of age or older into the integrated system, including funds for Medicaid home and community-based waiver services; all Medicaid services authorized in ss. 409.905 and 409.906, excluding funds for Medicaid nursing home services unless the agency is able to demonstrate how the integration of the funds will improve coordinated care for these services in a less costly manner; and Medicare coinsurance and deductibles for persons dually eligible for Medicaid and Medicare as prescribed in s. 409.908(13).*

(a) Individuals who are 60 years of age or older and enrolled in the the developmental disabilities waiver program, the family and supported-living waiver program, the project AIDS care waiver program, the traumatic brain injury and spinal cord injury waiver program, the consumer-directed care waiver program, and the program of all-inclusive care for the elderly program, and residents of institutional care facilities for the developmentally disabled, must be excluded from the integrated system.

(b) The program must use a competitive-procurement process to select entities to operate the integrated system. Entities eligible to submit bids

include managed care organizations licensed under chapter 641, including entities eligible to participate in the nursing home diversion program, other qualified providers as defined in s. 430.703(7), community care for the elderly lead agencies, and other state-certified community service networks that meet comparable standards as defined by the agency, in consultation with the Department of Elderly Affairs and the Office of Insurance Regulation, to be financially solvent and able to take on financial risk for managed care. Community service networks that are certified pursuant to the comparable standards defined by the agency are not required to be licensed under chapter 641.

(c) The agency must ensure that the capitation-rate-setting methodology for the integrated system is actuarially sound and reflects the intent to provide quality care in the least-restrictive setting. The agency must also require integrated-system providers to develop a credentialing system for service providers and to contract with all Gold Seal nursing homes, where feasible, and exclude, where feasible, chronically poor-performing facilities and providers as defined by the agency. The integrated system must provide that if the recipient resides in a noncontracted residential facility licensed under chapter 400 at the time the integrated system is initiated, the recipient must be permitted to continue to reside in the noncontracted facility as long as the recipient desires. The integrated system must also provide that, in the absence of a contract between the integrated-system provider and the residential facility licensed under chapter 400, current Medicaid rates must prevail. The agency and the Department of Elderly Affairs must jointly develop procedures to manage the services provided through the integrated system in order to ensure quality and recipient choice.

(d) Within 24 months after implementation, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, shall comprehensively evaluate the pilot project for the integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The evaluation must include assessments of cost savings; consumer education, choice, and access to services; coordination of care; and quality of care. The evaluation must describe administrative or legal barriers to the implementation and operation of the pilot program and include recommendations regarding statewide expansion of the pilot program. The office shall submit an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than June 30, 2008.

(e) The agency may seek federal waivers and adopt rules as necessary to administer the integrated system. The agency must receive specific authorization from the Legislature prior to implementing the waiver for the integrated system. ~~By October 1, 2003, the agency and the department shall, to the extent feasible, develop a plan for implementing new Medicaid procedure codes for emergency and crisis care, supportive residential services, and other services designed to maximize the use of Medicaid funds for Medicaid-eligible recipients. The agency shall include in the agreement developed pursuant to subsection (4) a provision that ensures that the match requirements for these new procedure codes are met by certifying eligible general revenue or local funds that are currently expended on these services by the department with contracted alcohol, drug abuse, and mental health providers. The plan must describe specific procedure codes to be implemented, a projection of the number of procedures to be delivered during fiscal year 2003-2004, and a financial analysis that describes the certified match procedures, and accountability mechanisms, projects the earnings associated with these procedures, and describes the sources of state match. This plan may not be implemented in any part until approved by the Legislative Budget Commission. If such approval has not occurred by December 31, 2003, the plan shall be submitted for consideration by the 2004 Legislature.~~

(6) The agency may contract with any public or private entity otherwise authorized by this section on a prepaid or fixed-sum basis for the provision of health care services to recipients. An entity may provide prepaid services to recipients, either directly or through arrangements with other entities, if each entity involved in providing services:

(a) Is organized primarily for the purpose of providing health care or other services of the type regularly offered to Medicaid recipients;

(b) Ensures that services meet the standards set by the agency for quality, appropriateness, and timeliness;

(c) Makes provisions satisfactory to the agency for insolvency protection and ensures that neither enrolled Medicaid recipients nor the agency will be liable for the debts of the entity;

(d) Submits to the agency, if a private entity, a financial plan that the agency finds to be fiscally sound and that provides for working capital in the form of cash or equivalent liquid assets excluding revenues from Medicaid premium payments equal to at least the first 3 months of operating expenses or $200,000, whichever is greater;

(e) Furnishes evidence satisfactory to the agency of adequate liability insurance coverage or an adequate plan of self-insurance to respond to claims for injuries arising out of the furnishing of health care;

(f) Provides, through contract or otherwise, for periodic review of its medical facilities and services, as required by the agency; and

(g) Provides organizational, operational, financial, and other information required by the agency.

(7) The agency may contract on a prepaid or fixed-sum basis with any health insurer that:

(a) Pays for health care services provided to enrolled Medicaid recipients in exchange for a premium payment paid by the agency;

(b) Assumes the underwriting risk; and

(c) Is organized and licensed under applicable provisions of the Florida Insurance Code and is currently in good standing with the Office of Insurance Regulation.

(8) The agency may contract on a prepaid or fixed-sum basis with an exclusive provider organization to provide health care services to Medicaid recipients provided that the exclusive provider organization meets applicable managed care plan requirements in this section, ss. 409.9122, 409.9123, 409.9128, and 627.6472, and other applicable provisions of law.

(9) The Agency for Health Care Administration may provide cost-effective purchasing of chiropractic services on a fee-for-service basis to Medicaid recipients through arrangements with a statewide chiropractic preferred provider organization incorporated in this state as a not-for-profit corporation. The agency shall ensure that the benefit limits and prior authorization requirements in the current Medicaid program shall apply to the services provided by the chiropractic preferred provider organization.

(10) The agency shall not contract on a prepaid or fixed-sum basis for Medicaid services with an entity which knows or reasonably should know that any officer, director, agent, managing employee, or owner of stock or beneficial interest in excess of 5 percent common or preferred stock, or the entity itself, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere, or guilty, to:

(a) Fraud;

(b) Violation of federal or state antitrust statutes, including those proscribing price fixing between competitors and the allocation of customers among competitors;

(c) Commission of a felony involving embezzlement, theft, forgery, income tax evasion, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or

(d) Any crime in any jurisdiction which directly relates to the provision of health services on a prepaid or fixed-sum basis.

(11) The agency, after notifying the Legislature, may apply for waivers of applicable federal laws and regulations as necessary to implement more appropriate systems of health care for Medicaid recipients and reduce the cost of the Medicaid program to the state and federal governments and shall implement such programs, after legislative approval, within a reasonable period of time after federal approval. These programs must be designed primarily to reduce the need for inpatient care, custodial care and other long-term or institutional care, and other high-cost services.

(a) Prior to seeking legislative approval of such a waiver as authorized by this subsection, the agency shall provide notice and an opportunity for public comment. Notice shall be provided to all persons who have made requests of the agency for advance notice and shall be published

in the Florida Administrative Weekly not less than 28 days prior to the intended action.

(b) Notwithstanding s. 216.292, funds that are appropriated to the Department of Elderly Affairs for the Assisted Living for the Elderly Medicaid waiver and are not expended shall be transferred to the agency to fund Medicaid-reimbursed nursing home care.

(12) The agency shall establish a postpayment utilization control program designed to identify recipients who may inappropriately overuse or underuse Medicaid services and shall provide methods to correct such misuse.

(13) The agency shall develop and provide coordinated systems of care for Medicaid recipients and may contract with public or private entities to develop and administer such systems of care among public and private health care providers in a given geographic area.

(14)*(a)* The agency shall operate or contract for the operation of utilization management and incentive systems designed to encourage cost-effective use services.

(b) The agency shall develop a procedure for determining whether health care providers and service vendors can provide the Medicaid program using a business case that demonstrates whether a particular good or service can offset the cost of providing the good or service in an alternative setting or through other means and therefore should receive a higher reimbursement. The business case must include, but need not be limited to:

1. A detailed description of the good or service to be provided, a description and analysis of the agency's current performance of the service, and a rationale documenting how providing the service in an alternative setting would be in the best interest of the state, the agency, and its clients.

2. A cost-benefit analysis documenting the estimated specific direct and indirect costs, savings, performance improvements, risks, and qualitative and quantitative benefits involved in or resulting from providing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions that must be implemented to realize expected benefits. The Secretary of Health Care Administration shall verify that all costs, savings, and benefits are valid and achievable.

(c) If the agency determines that the increased reimbursement is cost-effective, the agency shall recommend a change in the reimbursement schedule for that particular good or service. If, within 12 months after implementing any rate change under this procedure, the agency determines that costs were not offset by the increased reimbursement schedule, the agency may revert to the former reimbursement schedule for the particular good or service.

(15)(a) The agency shall operate the Comprehensive Assessment and Review for Long-Term Care Services (CARES) nursing facility preadmission screening program to ensure that Medicaid payment for nursing facility care is made only for individuals whose conditions require such care and to ensure that long-term care services are provided in the setting most appropriate to the needs of the person and in the most economical manner possible. The CARES program shall also ensure that individuals participating in Medicaid home and community-based waiver programs meet criteria for those programs, consistent with approved federal waivers.

(b) The agency shall operate the CARES program through an interagency agreement with the Department of Elderly Affairs. The agency, in consultation with the Department of Elderly Affairs, may contract for any function or activity of the CARES program, including any function or activity required by 42 C.F.R. part 483.20, relating to preadmission screening and resident review.

(c) Prior to making payment for nursing facility services for a Medicaid recipient, the agency must verify that the nursing facility preadmission screening program has determined that the individual requires nursing facility care and that the individual cannot be safely served in community-based programs. The nursing facility preadmission screening program shall refer a Medicaid recipient to a community-based program if the individual could be safely served at a lower cost and the recipient chooses to participate in such program. *For individuals whose nursing home stay is initially funded by Medicare and Medicare coverage is being terminated for lack of progress towards rehabilitation, CARES staff shall consult with the person making the determination of progress toward rehabilitation to ensure that the recipient is not being inappropriately disqualified from Medicare coverage. If, in their professional judgment, CARES staff believes that a Medicare beneficiary is still making progress toward rehabilitation, they may assist the Medicare beneficiary with an appeal of the disqualification from Medicare coverage. The use of CARES teams to review Medicare denials for coverage under this section is authorized only if it is determined that such reviews qualify for federal matching funds through Medicaid. The agency shall seek or amend federal waivers as necessary to implement this section.*

(d) For the purpose of initiating immediate prescreening and diversion assistance for individuals residing in nursing homes and in order to make families aware of alternative long-term care resources so that they may choose a more cost-effective setting for long-term placement, CARES staff shall conduct an assessment and review of a sample of individuals whose nursing home stay is expected to exceed 20 days, regardless of the initial funding source for the nursing home placement. CARES staff shall provide counseling and referral services to these individuals regarding choosing appropriate long-term care alternatives. This paragraph does not apply to continuing care facilities licensed under chapter 651 or to retirement communities that provide a combination of nursing home, independent living, and other long-term care services.

(e) By January 15 of each year, the agency shall submit a report to the Legislature and the Office of Long-Term-Care Policy describing the operations of the CARES program. The report must describe:

1. Rate of diversion to community alternative programs;

2. CARES program staffing needs to achieve additional diversions;

3. Reasons the program is unable to place individuals in less restrictive settings when such individuals desired such services and could have been served in such settings;

4. Barriers to appropriate placement, including barriers due to policies or operations of other agencies or state-funded programs; and

5. Statutory changes necessary to ensure that individuals in need of long-term care services receive care in the least restrictive environment.

(f) The Department of Elderly Affairs shall track individuals over time who are assessed under the CARES program and who are diverted from nursing home placement. By January 15 of each year, the department shall submit to the Legislature and the Office of Long-Term-Care Policy a longitudinal study of the individuals who are diverted from nursing home placement. The study must include:

1. The demographic characteristics of the individuals assessed and diverted from nursing home placement, including, but not limited to, age, race, gender, frailty, caregiver status, living arrangements, and geographic location;

2. A summary of community services provided to individuals for 1 year after assessment and diversion;

3. A summary of inpatient hospital admissions for individuals who have been diverted; and

4. A summary of the length of time between diversion and subsequent entry into a nursing home or death.

(g) By July 1, 2005, the department and the Agency for Health Care Administration shall report to the President of the Senate and the Speaker of the House of Representatives regarding the impact to the state of modifying level-of-care criteria to eliminate the Intermediate II level of care.

(16)(a) The agency shall identify health care utilization and price patterns within the Medicaid program which are not cost-effective or medically appropriate and assess the effectiveness of new or alternate methods of providing and monitoring service, and may implement such methods as it considers appropriate. Such methods may include disease management initiatives, an integrated and systematic approach for managing the health care needs of recipients who are at risk of or diagnosed with a specific disease by using best practices, prevention

strategies, clinical-practice improvement, clinical interventions and protocols, outcomes research, information technology, and other tools and resources to reduce overall costs and improve measurable outcomes.

(b) The responsibility of the agency under this subsection shall include the development of capabilities to identify actual and optimal practice patterns; patient and provider educational initiatives; methods for determining patient compliance with prescribed treatments; fraud, waste, and abuse prevention and detection programs; and beneficiary case management programs.

1. The practice pattern identification program shall evaluate practitioner prescribing patterns based on national and regional practice guidelines, comparing practitioners to their peer groups. The agency and its Drug Utilization Review Board shall consult with the Department of Health and a panel of practicing health care professionals consisting of the following: the Speaker of the House of Representatives and the President of the Senate shall each appoint three physicians licensed under chapter 458 or chapter 459; and the Governor shall appoint two pharmacists licensed under chapter 465 and one dentist licensed under chapter 466 who is an oral surgeon. Terms of the panel members shall expire at the discretion of the appointing official. The panel shall begin its work by August 1, 1999, regardless of the number of appointments made by that date. The advisory panel shall be responsible for evaluating treatment guidelines and recommending ways to incorporate their use in the practice pattern identification program. Practitioners who are prescribing inappropriately or inefficiently, as determined by the agency, may have their prescribing of certain drugs subject to prior authorization or may be terminated from all participation in the Medicaid program.

2. The agency shall also develop educational interventions designed to promote the proper use of medications by providers and beneficiaries.

3. The agency shall implement a pharmacy fraud, waste, and abuse initiative that may include a surety bond or letter of credit requirement for participating pharmacies, enhanced provider auditing practices, the use of additional fraud and abuse software, recipient management programs for beneficiaries inappropriately using their benefits, and other steps that will eliminate provider and recipient fraud, waste, and abuse. The initiative shall address enforcement efforts to reduce the number and use of counterfeit prescriptions.

4. By September 30, 2002, the agency shall contract with an entity in the state to implement a wireless handheld clinical pharmacology drug information database for practitioners. The initiative shall be designed to enhance the agency's efforts to reduce fraud, abuse, and errors in the prescription drug benefit program and to otherwise further the intent of this paragraph.

5. By April 1, 2006, the agency shall contract with an entity to design a database of clinical utilization information or electronic medical records for Medicaid providers. This system must be web-based and allow providers to review on a real-time basis the utilization of Medicaid services, including, but not limited to, physician office visits, inpatient and outpatient hospitalizations, laboratory and pathology services, radiological and other imaging services, dental care, and patterns of dispensing prescription drugs in order to coordinate care and identify potential fraud and abuse.

6.~~5.~~ The agency may apply for any federal waivers needed to *administer* ~~implement~~ this paragraph.

(17) An entity contracting on a prepaid or fixed-sum basis shall, in addition to meeting any applicable statutory surplus requirements, also maintain at all times in the form of cash, investments that mature in less than 180 days allowable as admitted assets by the Office of Insurance Regulation, and restricted funds or deposits controlled by the agency or the Office of Insurance Regulation, a surplus amount equal to one-and-one-half times the entity's monthly Medicaid prepaid revenues. As used in this subsection, the term "surplus" means the entity's total assets minus total liabilities. If an entity's surplus falls below an amount equal to one-and-one-half times the entity's monthly Medicaid prepaid revenues, the agency shall prohibit the entity from engaging in marketing and preenrollment activities, shall cease to process new enrollments, and shall not renew the entity's contract until the required balance is achieved. The requirements of this subsection do not apply:

(a) Where a public entity agrees to fund any deficit incurred by the contracting entity; or

(b) Where the entity's performance and obligations are guaranteed in writing by a guaranteeing organization which:

1. Has been in operation for at least 5 years and has assets in excess of $50 million; or

2. Submits a written guarantee acceptable to the agency which is irrevocable during the term of the contracting entity's contract with the agency and, upon termination of the contract, until the agency receives proof of satisfaction of all outstanding obligations incurred under the contract.

(18)(a) The agency may require an entity contracting on a prepaid or fixed-sum basis to establish a restricted insolvency protection account with a federally guaranteed financial institution licensed to do business in this state. The entity shall deposit into that account 5 percent of the capitation payments made by the agency each month until a maximum total of 2 percent of the total current contract amount is reached. The restricted insolvency protection account may be drawn upon with the authorized signatures of two persons designated by the entity and two representatives of the agency. If the agency finds that the entity is insolvent, the agency may draw upon the account solely with the two authorized signatures of representatives of the agency, and the funds may be disbursed to meet financial obligations incurred by the entity under the prepaid contract. If the contract is terminated, expired, or not continued, the account balance must be released by the agency to the entity upon receipt of proof of satisfaction of all outstanding obligations incurred under this contract.

(b) The agency may waive the insolvency protection account requirement in writing when evidence is on file with the agency of adequate insolvency insurance and reinsurance that will protect enrollees if the entity becomes unable to meet its obligations.

(19) An entity that contracts with the agency on a prepaid or fixed-sum basis for the provision of Medicaid services shall reimburse any hospital or physician that is outside the entity's authorized geographic service area as specified in its contract with the agency, and that provides services authorized by the entity to its members, at a rate negotiated with the hospital or physician for the provision of services or according to the lesser of the following:

(a) The usual and customary charges made to the general public by the hospital or physician; or

(b) The Florida Medicaid reimbursement rate established for the hospital or physician.

(20) When a merger or acquisition of a Medicaid prepaid contractor has been approved by the Office of Insurance Regulation pursuant to s. 628.4615, the agency shall approve the assignment or transfer of the appropriate Medicaid prepaid contract upon request of the surviving entity of the merger or acquisition if the contractor and the other entity have been in good standing with the agency for the most recent 12-month period, unless the agency determines that the assignment or transfer would be detrimental to the Medicaid recipients or the Medicaid program. To be in good standing, an entity must not have failed accreditation or committed any material violation of the requirements of s. 641.52 and must meet the Medicaid contract requirements. For purposes of this section, a merger or acquisition means a change in controlling interest of an entity, including an asset or stock purchase.

(21) Any entity contracting with the agency pursuant to this section to provide health care services to Medicaid recipients is prohibited from engaging in any of the following practices or activities:

(a) Practices that are discriminatory, including, but not limited to, attempts to discourage participation on the basis of actual or perceived health status.

(b) Activities that could mislead or confuse recipients, or misrepresent the organization, its marketing representatives, or the agency. Violations of this paragraph include, but are not limited to:

1. False or misleading claims that marketing representatives are employees or representatives of the state or county, or of anyone other than the entity or the organization by whom they are reimbursed.

2. False or misleading claims that the entity is recommended or endorsed by any state or county agency, or by any other organization which has not certified its endorsement in writing to the entity.

3. False or misleading claims that the state or county recommends that a Medicaid recipient enroll with an entity.

4. Claims that a Medicaid recipient will lose benefits under the Medicaid program, or any other health or welfare benefits to which the recipient is legally entitled, if the recipient does not enroll with the entity.

(c) Granting or offering of any monetary or other valuable consideration for enrollment, except as authorized by subsection (24).

(d) Door-to-door solicitation of recipients who have not contacted the entity or who have not invited the entity to make a presentation.

(e) Solicitation of Medicaid recipients by marketing representatives stationed in state offices unless approved and supervised by the agency or its agent and approved by the affected state agency when solicitation occurs in an office of the state agency. The agency shall ensure that marketing representatives stationed in state offices shall market their managed care plans to Medicaid recipients only in designated areas and in such a way as to not interfere with the recipients' activities in the state office.

(f) Enrollment of Medicaid recipients.

(22) The agency may impose a fine for a violation of this section or the contract with the agency by a person or entity that is under contract with the agency. With respect to any nonwillful violation, such fine shall not exceed $2,500 per violation. In no event shall such fine exceed an aggregate amount of $10,000 for all nonwillful violations arising out of the same action. With respect to any knowing and willful violation of this section or the contract with the agency, the agency may impose a fine upon the entity in an amount not to exceed $20,000 for each such violation. In no event shall such fine exceed an aggregate amount of $100,000 for all knowing and willful violations arising out of the same action.

(23) A health maintenance organization or a person or entity exempt from chapter 641 that is under contract with the agency for the provision of health care services to Medicaid recipients may not use or distribute marketing materials used to solicit Medicaid recipients, unless such materials have been approved by the agency. The provisions of this subsection do not apply to general advertising and marketing materials used by a health maintenance organization to solicit both non-Medicaid subscribers and Medicaid recipients.

(24) Upon approval by the agency, health maintenance organizations and persons or entities exempt from chapter 641 that are under contract with the agency for the provision of health care services to Medicaid recipients may be permitted within the capitation rate to provide additional health benefits that the agency has found are of high quality, are practicably available, provide reasonable value to the recipient, and are provided at no additional cost to the state.

(25) The agency shall utilize the statewide health maintenance organization complaint hotline for the purpose of investigating and resolving Medicaid and prepaid health plan complaints, maintaining a record of complaints and confirmed problems, and receiving disenrollment requests made by recipients.

(26) The agency shall require the publication of the health maintenance organization's and the prepaid health plan's consumer services telephone numbers and the "800" telephone number of the statewide health maintenance organization complaint hotline on each Medicaid identification card issued by a health maintenance organization or prepaid health plan contracting with the agency to serve Medicaid recipients and on each subscriber handbook issued to a Medicaid recipient.

(27) The agency shall establish a health care quality improvement system for those entities contracting with the agency pursuant to this section, incorporating all the standards and guidelines developed by the Medicaid Bureau of the Health Care Financing Administration as a part of the quality assurance reform initiative. The system shall include, but need not be limited to, the following:

(a) Guidelines for internal quality assurance programs, including standards for:

1. Written quality assurance program descriptions.

2. Responsibilities of the governing body for monitoring, evaluating, and making improvements to care.

3. An active quality assurance committee.

4. Quality assurance program supervision.

5. Requiring the program to have adequate resources to effectively carry out its specified activities.

6. Provider participation in the quality assurance program.

7. Delegation of quality assurance program activities.

8. Credentialing and recredentialing.

9. Enrollee rights and responsibilities.

10. Availability and accessibility to services and care.

11. Ambulatory care facilities.

12. Accessibility and availability of medical records, as well as proper recordkeeping and process for record review.

13. Utilization review.

14. A continuity of care system.

15. Quality assurance program documentation.

16. Coordination of quality assurance activity with other management activity.

17. Delivering care to pregnant women and infants; to elderly and disabled recipients, especially those who are at risk of institutional placement; to persons with developmental disabilities; and to adults who have chronic, high-cost medical conditions.

(b) Guidelines which require the entities to conduct quality-of-care studies which:

1. Target specific conditions and specific health service delivery issues for focused monitoring and evaluation.

2. Use clinical care standards or practice guidelines to objectively evaluate the care the entity delivers or fails to deliver for the targeted clinical conditions and health services delivery issues.

3. Use quality indicators derived from the clinical care standards or practice guidelines to screen and monitor care and services delivered.

(c) Guidelines for external quality review of each contractor which require: focused studies of patterns of care; individual care review in specific situations; and followup activities on previous pattern-of-care study findings and individual-care-review findings. In designing the external quality review function and determining how it is to operate as part of the state's overall quality improvement system, the agency shall construct its external quality review organization and entity contracts to address each of the following:

1. Delineating the role of the external quality review organization.

2. Length of the external quality review organization contract with the state.

3. Participation of the contracting entities in designing external quality review organization review activities.

4. Potential variation in the type of clinical conditions and health services delivery issues to be studied at each plan.

5. Determining the number of focused pattern-of-care studies to be conducted for each plan.

6. Methods for implementing focused studies.

7. Individual care review.

8. Followup activities.

(28) In order to ensure that children receive health care services for which an entity has already been compensated, an entity contracting with the agency pursuant to this section shall achieve an annual Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Service screening rate of at least 60 percent for those recipients continuously enrolled for at least 8 months. The agency shall develop a method by which the EPSDT screening rate shall be calculated. For any entity which does not achieve the annual 60 percent rate, the entity must submit a corrective action plan for the agency's approval. If the entity does not meet the standard established in the corrective action plan during the specified timeframe, the agency is authorized to impose appropriate contract sanctions. At least annually, the agency shall publicly release the EPSDT Services screening rates of each entity it has contracted with on a prepaid basis to serve Medicaid recipients.

(29) The agency shall perform enrollments and disenrollments for Medicaid recipients who are eligible for MediPass or managed care plans. Notwithstanding the prohibition contained in paragraph (21)(f), managed care plans may perform preenrollments of Medicaid recipients under the supervision of the agency or its agents. For the purposes of this section, "preenrollment" means the provision of marketing and educational materials to a Medicaid recipient and assistance in completing the application forms, but shall not include actual enrollment into a managed care plan. An application for enrollment shall not be deemed complete until the agency or its agent verifies that the recipient made an informed, voluntary choice. The agency, in cooperation with the Department of Children and Family Services, may test new marketing initiatives to inform Medicaid recipients about their managed care options at selected sites. The agency shall report to the Legislature on the effectiveness of such initiatives. The agency may contract with a third party to perform managed care plan and MediPass enrollment and disenrollment services for Medicaid recipients and is authorized to adopt rules to implement such services. The agency may adjust the capitation rate only to cover the costs of a third-party enrollment and disenrollment contract, and for agency supervision and management of the managed care plan enrollment and disenrollment contract.

(30) Any lists of providers made available to Medicaid recipients, MediPass enrollees, or managed care plan enrollees shall be arranged alphabetically showing the provider's name and specialty and, separately, by specialty in alphabetical order.

(31) The agency shall establish an enhanced managed care quality assurance oversight function, to include at least the following components:

(a) At least quarterly analysis and followup, including sanctions as appropriate, of managed care participant utilization of services.

(b) At least quarterly analysis and followup, including sanctions as appropriate, of quality findings of the Medicaid peer review organization and other external quality assurance programs.

(c) At least quarterly analysis and followup, including sanctions as appropriate, of the fiscal viability of managed care plans.

(d) At least quarterly analysis and followup, including sanctions as appropriate, of managed care participant satisfaction and disenrollment surveys.

(e) The agency shall conduct regular and ongoing Medicaid recipient satisfaction surveys.

The analyses and followup activities conducted by the agency under its enhanced managed care quality assurance oversight function shall not duplicate the activities of accreditation reviewers for entities regulated under part III of chapter 641, but may include a review of the finding of such reviewers.

(32) Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the Florida Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. 435.03.

(33) The agency shall, by rule, develop a process whereby a Medicaid managed care plan enrollee who wishes to enter hospice care may be disenrolled from the managed care plan within 24 hours after contacting the agency regarding such request. The agency rule shall include a methodology for the agency to recoup managed care plan payments on a pro rata basis if payment has been made for the enrollment month when disenrollment occurs.

(34) The agency and entities *that* ~~which~~ contract with the agency to provide health care services to Medicaid recipients under this section or *ss. 409.91211 and* ~~s.~~ 409.9122 must comply with the provisions of s. 641.513 in providing emergency services and care to Medicaid recipients and MediPass recipients. *Where feasible, safe, and cost-effective, the agency shall encourage hospitals, emergency medical services providers, and other public and private health care providers to work together in their local communities to enter into agreements or arrangements to ensure access to alternatives to emergency services and care for those Medicaid recipients who need nonemergent care. The agency shall coordinate with hospitals, emergency medical services providers, private health plans, capitated managed care networks as established in s. 409.91211, and other public and private health care providers to implement the provisions of ss. 395.1041(7), 409.91255(3)(g), 627.6405, and 641.31097 to develop and implement emergency department diversion programs for Medicaid recipients.*

(35) All entities providing health care services to Medicaid recipients shall make available, and encourage all pregnant women and mothers with infants to receive, and provide documentation in the medical records to reflect, the following:

(a) Healthy Start prenatal or infant screening.

(b) Healthy Start care coordination, when screening or other factors indicate need.

(c) Healthy Start enhanced services in accordance with the prenatal or infant screening results.

(d) Immunizations in accordance with recommendations of the Advisory Committee on Immunization Practices of the United States Public Health Service and the American Academy of Pediatrics, as appropriate.

(e) Counseling and services for family planning to all women and their partners.

(f) A scheduled postpartum visit for the purpose of voluntary family planning, to include discussion of all methods of contraception, as appropriate.

(g) Referral to the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

(36) Any entity that provides Medicaid prepaid health plan services shall ensure the appropriate coordination of health care services with an assisted living facility in cases where a Medicaid recipient is both a member of the entity's prepaid health plan and a resident of the assisted living facility. If the entity is at risk for Medicaid targeted case management and behavioral health services, the entity shall inform the assisted living facility of the procedures to follow should an emergent condition arise.

(37) The agency may seek and implement federal waivers necessary to provide for cost-effective purchasing of home health services, private duty nursing services, transportation, independent laboratory services, and durable medical equipment and supplies through competitive bidding pursuant to s. 287.057. The agency may request appropriate waivers from the federal Health Care Financing Administration in order to competitively bid such services. The agency may exclude providers not selected through the bidding process from the Medicaid provider network.

(38) The agency shall enter into agreements with not-for-profit organizations based in this state for the purpose of providing vision screening.

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. Medicaid prescribed-drug coverage for brand-name drugs for adult Medicaid recipients is limited to the dispensing of four brand-

name drugs per month per recipient. Children are exempt from this restriction. Antiretroviral agents are excluded from this limitation. No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, severe depression, or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available without restriction for persons with mental illnesses include atypical antipsychotic medications, conventional antipsychotic medications, selective serotonin reuptake inhibitors, and other medications used for the treatment of serious mental illnesses. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply. The agency shall continue to provide unlimited generic drugs, contraceptive drugs and items, and diabetic supplies. Although a drug may be included on the preferred drug formulary, it would not be exempt from the four-brand limit. The agency may authorize exceptions to the brand-name-drug restriction based upon the treatment needs of the patients, only when such exceptions are based on prior consultation provided by the agency or an agency contractor, but the agency must establish procedures to ensure that:

a. There will be a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation;

b. A 72-hour supply of the drug prescribed will be provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.; and

c. Except for the exception for nursing home residents and other institutionalized adults and except for drugs on the restricted formulary for which prior authorization may be sought by an institutional or community pharmacy, prior authorization for an exception to the brand-name-drug restriction is sought by the prescriber and not by the pharmacy. When prior authorization is granted for a patient in an institutional setting beyond the brand-name-drug restriction, such approval is authorized for 12 months and monthly prior authorization is not required for that patient.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus 15.4 percent, the wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease-management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers. *The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.*

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug formulary in accordance with 42 U.S.C. s. 1396r-8, and, pursuant to the establishment of such formulary, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug formulary. However, a pharmaceutical manufacturer is not guaranteed placement on the formulary by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

8. The agency shall establish an advisory committee for the purposes of studying the feasibility of using a restricted drug formulary for nursing home residents and other institutionalized adults. The committee shall be comprised of seven members appointed by the Secretary of Health Care Administration. The committee members shall include two physicians licensed under chapter 458 or chapter 459; three pharmacists licensed under chapter 465 and appointed from a list of recommendations provided by the Florida Long-Term Care Pharmacy Alliance; and two pharmacists licensed under chapter 465.

9. The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

10. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

11.a. The agency shall implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program shall include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

c. If the agency is unable to negotiate a contract with one or more manufacturers to finance and guarantee savings associated with a behavioral drug management program by September 1, 2004, the four-brand drug limit and preferred drug list prior-authorization requirements shall apply to mental health-related drugs, notwithstanding any provision in subparagraph 1. The agency is authorized to seek federal waivers to implement this policy.

12.a. The agency shall implement a Medicaid prescription-drug-management system. The agency may contract with a vendor that has experience in operating prescription-drug-management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug-management system must be designed to improve the quality of care and prescribing practices based on best-practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the development and adoption of best-practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best-practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best-practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best-practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

(V) Track spending trends for prescription drugs and deviation from best-practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement disease-management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.

13.~~12.~~ The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

14.~~13.~~ The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

15.~~14.~~ The agency may require prior authorization for the off-label use of Medicaid-covered prescribed drugs as specified in the General Appropriations Act. The agency may, but is not required to, preauthorize the use of a product for an indication not in the approved labeling. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the off-label use of a drug.

16.~~15.~~ The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a $5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. *The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more prescription drugs are not destroyed which could safely be reused. The agency's conclusion and recommendations shall be reported to the Legislature by December 1, 2005.*

(b) The agency shall implement this subsection to the extent that funds are appropriated to administer the Medicaid prescribed-drug spending-control program. The agency may contract all or any part of this program to private organizations.

(c) The agency shall submit quarterly reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives which must include, but need not be limited to, the progress made in implementing this subsection and its effect on Medicaid prescribed-drug expenditures.

(40) Notwithstanding the provisions of chapter 287, the agency may, at its discretion, renew a contract or contracts for fiscal intermediary services one or more times for such periods as the agency may decide; however, all such renewals may not combine to exceed a total period longer than the term of the original contract.

(41) The agency shall provide for the development of a demonstration project by establishment in Miami-Dade County of a long-term-care facility licensed pursuant to chapter 395 to improve access to health care for a predominantly minority, medically underserved, and medically complex population and to evaluate alternatives to nursing home care and general acute care for such population. Such project is to be located in a health care condominium and colocated with licensed facilities providing a continuum of care. The establishment of this project is not subject to the provisions of s. 408.036 or s. 408.039. The agency shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2003.

(42) The agency shall develop and implement a utilization management program for Medicaid-eligible recipients for the management of

occupational, physical, respiratory, and speech therapies. The agency shall establish a utilization program that may require prior authorization in order to ensure medically necessary and cost-effective treatments. The program shall be operated in accordance with a federally approved waiver program or state plan amendment. The agency may seek a federal waiver or state plan amendment to implement this program. The agency may also competitively procure these services from an outside vendor on a regional or statewide basis.

(43) The agency may contract on a prepaid or fixed-sum basis with appropriately licensed prepaid dental health plans to provide dental services.

(44) The Agency for Health Care Administration shall ensure that any Medicaid managed care plan as defined in s. 409.9122(2)(h), whether paid on a capitated basis or a shared savings basis, is cost-effective. For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31 of each year. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(45) Subject to the availability of funds, the agency shall mandate a recipient's participation in a provider lock-in program, when appropriate, if a recipient is found by the agency to have used Medicaid goods or services at a frequency or amount not medically necessary, limiting the receipt of goods or services to medically necessary providers after the 21-day appeal process has ended, for a period of not less than 1 year. The lock-in programs shall include, but are not limited to, pharmacies, medical doctors, and infusion clinics. The limitation does not apply to emergency services and care provided to the recipient in a hospital emergency department. The agency shall seek any federal waivers necessary to implement this subsection. The agency shall adopt any rules necessary to comply with or administer this subsection.

(46) The agency shall seek a federal waiver for permission to terminate the eligibility of a Medicaid recipient who has been found to have committed fraud, through judicial or administrative determination, two times in a period of 5 years.

(47) The agency shall conduct a study of available electronic systems for the purpose of verifying the identity and eligibility of a Medicaid recipient. The agency shall recommend to the Legislature a plan to implement an electronic verification system for Medicaid recipients by January 31, 2005.

(48) A provider is not entitled to enrollment in the Medicaid provider network. The agency may implement a Medicaid fee-for-service provider network controls, including, but not limited to, competitive procurement and provider credentialing. If a credentialing process is used, the agency may limit its provider network based upon the following considerations: beneficiary access to care, provider availability, provider quality standards and quality assurance processes, cultural competency, demographic characteristics of beneficiaries, practice standards, service wait times, provider turnover, provider licensure and accreditation history, program integrity history, peer review, Medicaid policy and billing compliance records, clinical and medical record audit findings, and such other areas that are considered necessary by the agency to ensure the integrity of the program.

(49) The agency shall contract with established minority physician networks that provide services to historically underserved minority patients. The networks must provide cost-effective Medicaid services, comply with the requirements to be a MediPass provider, and provide their primary care physicians with access to data and other management tools necessary to assist them in ensuring the appropriate use of services, including inpatient hospital services and pharmaceuticals.

(a) The agency shall provide for the development and expansion of minority physician networks in each service area to provide services to Medicaid recipients who are eligible to participate under federal law and rules.

(b) The agency shall reimburse each minority physician network as a fee-for-service provider, including the case management fee for primary care, or as a capitated rate provider for Medicaid services. Any savings shall be shared with the minority physician networks pursuant to the contract.

(c) For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(d) The agency may apply for any federal waivers needed to implement this subsection.

(50) To the extent permitted by federal law and as allowed under s. 409.906, the agency shall provide reimbursement for emergency mental health care services for Medicaid recipients in crisis-stabilization facilities licensed under s. 394.875 as long as those services are less expensive than the same services provided in a hospital setting.

Section 2. Section 409.91211, Florida Statutes, is created to read:

409.91211 Medicaid managed care pilot program.—

(1) The agency is authorized to seek experimental, pilot, or demonstration project waivers, pursuant to s. 1115 of the Social Security Act, to create a statewide initiative to provide for a more efficient and effective service delivery system that enhances quality of care and client outcomes in the Florida Medicaid program pursuant to this section. Phase one of the demonstration shall be implemented in two geographic areas. One demonstration site shall include only Broward County. A second demonstration site shall initially include Duval County and shall be expanded to include Baker, Clay, and Nassau Counties within 1 year after the Duval County program becomes operational. This waiver authority is contingent upon federal approval to preserve the upper-payment-limit funding mechanism for hospitals, including a guarantee of a reasonable growth factor, a methodology to allow the use of a portion of these funds to serve as a risk pool for demonstration sites, provisions to preserve the state's ability to use intergovernmental transfers, and provisions to protect the disproportionate share program authorized pursuant to this chapter. Upon completion of the evaluation conducted under section 3 of this act, the agency may request statewide expansion of the demonstration projects. Statewide phase-in to additional counties shall be contingent upon review and approval by the Legislature.

(2) The Legislature intends for the capitated managed care pilot program to:

(a) Provide recipients in Medicaid fee-for-service or the MediPass program a comprehensive and coordinated capitated managed care system for all health care services specified in ss. 409.905 and 409.906.

(b) Stabilize Medicaid expenditures under the pilot program compared to Medicaid expenditures in the pilot area for the 3 years before implementation of the pilot program, while ensuring:

1. Consumer education and choice.

2. Access to medically necessary services.

3. Coordination of preventative, acute, and long-term care.

4. Reductions in unnecessary service utilization.

(c) Provide an opportunity to evaluate the feasibility of statewide implementation of capitated managed care networks as a replacement for the current Medicaid fee-for-service and MediPass systems.

(3) The agency shall have the following powers, duties, and responsibilities with respect to the development of a pilot program:

(a) To develop and recommend a system to deliver all mandatory services specified in s. 409.905 and optional services specified in s. 409.906, as approved by the Centers for Medicare and Medicaid Services and the Legislature in the waiver pursuant to this section. Services to recipients under plan benefits shall include emergency services provided under s. 409.9128.

(b) To recommend Medicaid-eligibility categories, from those specified in ss. 409.903 and 409.904, which shall be included in the pilot program.

(c) To determine and recommend how to design the managed care pilot program in order to take maximum advantage of all available state and federal funds, including those obtained through intergovernmental transfers, the upper-payment-level funding systems, and the disproportionate share program.

(d) To determine and recommend actuarially sound, risk-adjusted capitation rates for Medicaid recipients in the pilot program which can be separated to cover comprehensive care, enhanced services, and catastrophic care.

(e) To determine and recommend policies and guidelines for phasing in financial risk for approved provider service networks over a 3-year period. These shall include an option to pay fee-for-service rates that may include a savings-settlement option for at least 2 years. This model may be converted to a risk-adjusted capitated rate in the third year of operation. Federally qualified health centers may be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid primary care services.

(f) To determine and recommend provisions related to stop-loss requirements and the transfer of excess cost to catastrophic coverage that accommodates the risks associated with the development of the pilot program.

(g) To determine and recommend a process to be used by the Social Services Estimating Conference to determine and validate the rate of growth of the per-member costs of providing Medicaid services under the managed care pilot program.

(h) To determine and recommend program standards and credentialing requirements for capitated managed care networks to participate in the pilot program, including those related to fiscal solvency, quality of care, and adequacy of access to health care providers. It is the intent of the Legislature that, to the extent possible, any pilot program authorized by the state under this section include any federally qualified health center, federally qualified rural health clinic, county health department, or other federally, state, or locally funded entity that serves the geographic areas within the boundaries of the pilot program that requests to participate. This paragraph does not relieve an entity that qualifies as a capitated managed care network under this section from any other licensure or regulatory requirements contained in state or federal law which would otherwise apply to the entity. The standards and credentialing requirements shall be based upon, but are not limited to:

1. Compliance with the accreditation requirements as provided in s. 641.512.

2. Compliance with early and periodic screening, diagnosis, and treatment screening requirements under federal law.

3. The percentage of voluntary disenrollments.

4. Immunization rates.

5. Standards of the National Committee for Quality Assurance and other approved accrediting bodies.

6. Recommendations of other authoritative bodies.

7. Specific requirements of the Medicaid program, or standards designed to specifically meet the unique needs of Medicaid recipients.

8. Compliance with the health quality improvement system as established by the agency, which incorporates standards and guidelines developed by the Centers for Medicare and Medicaid Services as part of the quality assurance reform initiative.

9. The network's infrastructure capacity to manage financial transactions, recordkeeping, data collection, and other administrative functions.

10. The network's ability to submit any financial, programmatic, or patient-encounter data or other information required by the agency to determine the actual services provided and the cost of administering the plan.

(i) To develop and recommend a mechanism for providing information to Medicaid recipients for the purpose of selecting a capitated managed care plan. For each plan available to a recipient, the agency, at a minimum shall ensure that the recipient is provided with:

1. A list and description of the benefits provided.

2. Information about cost sharing.

3. Plan performance data, if available.

4. An explanation of benefit limitations.

5. Contact information, including identification of providers participating in the network, geographic locations, and transportation limitations.

6. Any other information the agency determines would facilitate a recipient's understanding of the plan or insurance that would best meet his or her needs.

(j) To develop and recommend a system to ensure that there is a record of recipient acknowledgment that choice counseling has been provided.

(k) To develop and recommend a choice counseling system to ensure that the choice counseling process and related material are designed to provide counseling through face-to-face interaction, by telephone, and in writing and through other forms of relevant media. Materials shall be written at the fourth-grade reading level and available in a language other than English when 5 percent of the county speaks a language other than English. Choice counseling shall also use language lines and other services for impaired recipients, such as TTD/TTY.

(l) To develop and recommend a system that prohibits capitated managed care plans, their representatives, and providers employed by or contracted with the capitated managed care plans from recruiting persons eligible for or enrolled in Medicaid, from providing inducements to Medicaid recipients to select a particular capitated managed care plan, and from prejudicing Medicaid recipients against other capitated managed care plans. The system shall require the entity performing choice counseling to determine if the recipient has made a choice of a plan or has opted out because of duress, threats, payment to the recipient, or incentives promised to the recipient by a third party. If the choice counseling entity determines that the decision to choose a plan was unlawfully influenced or a plan violated any of the provisions of s. 409.912(21), the choice counseling entity shall immediately report the violation to the agency's program integrity section for investigation. Verification of choice counseling by the recipient shall include a stipulation that the recipient acknowledges the provisions of this subsection.

(m) To develop and recommend a choice counseling system that promotes health literacy and provides information aimed to reduce minority health disparities through outreach activities for Medicaid recipients.

(n) To develop and recommend a system for the agency to contract with entities to perform choice counseling. The agency may establish standards and performance contracts, including standards requiring the contractor to hire choice counselors who are representative of the state's diverse population and to train choice counselors in working with culturally diverse populations.

(o) To determine and recommend descriptions of the eligibility assignment processes which will be used to facilitate client choice while ensuring pilot programs of adequate enrollment levels. These processes shall ensure that pilot sites have sufficient levels of enrollment to conduct a valid test of the managed care pilot program within a 2-year timeframe.

(p) To develop and recommend a system to monitor the provision of health care services in the pilot program, including utilization and quality of health care services for the purpose of ensuring access to medically necessary services. This system shall include an encounter data-information system that collects and reports utilization information. The system shall include a method for verifying data integrity within the database and within the provider's medical records.

(q) To recommend a grievance-resolution process for Medicaid recipients enrolled in a capitated managed care network under the pilot program modeled after the subscriber assistance panel, as created in s. 408.7056. This process shall include a mechanism for an expedited review of no greater than 24 hours after notification of a grievance if the life of a Medicaid recipient is in imminent and emergent jeopardy.

(r) To recommend a grievance-resolution process for health care providers employed by or contracted with a capitated managed care network under the pilot program in order to settle disputes among the provider and the managed care network or the provider and the agency.

(s) To develop and recommend criteria to designate health care providers as eligible to participate in the pilot program. The agency and capitated managed care networks must follow national guidelines for selecting health care providers, whenever available. These criteria must include at a minimum those criteria specified in s. 409.907.

(t) To develop and recommend health care provider agreements for participation in the pilot program.

(u) To require that all health care providers under contract with the pilot program be duly licensed in the state, if such licensure is available, and meet other criteria as may be established by the agency. These criteria shall include at a minimum those criteria specified in s. 409.907.

(v) To develop and recommend agreements with other state or local governmental programs or institutions for the coordination of health care to eligible individuals receiving services from such programs or institutions.

(w) To develop and recommend a system to oversee the activities of pilot program participants, health care providers, capitated managed care networks, and their representatives in order to prevent fraud or abuse, overutilization or duplicative utilization, underutilization or inappropriate denial of services, and neglect of participants and to recover overpayments as appropriate. For the purposes of this paragraph, the terms "abuse" and "fraud" have the meanings as provided in s. 409.913. The agency must refer incidents of suspected fraud, abuse, overutilization and duplicative utilization, and underutilization or inappropriate denial of services to the appropriate regulatory agency.

(x) To develop and provide actuarial and benefit design analyses that indicate the effect on capitation rates and benefits offered in the pilot program over a prospective 5-year period based on the following assumptions:

1. Growth in capitation rates which is limited to the estimated growth rate in general revenue.

2. Growth in capitation rates which is limited to the average growth rate over the last 3 years in per-recipient Medicaid expenditures.

3. Growth in capitation rates which is limited to the growth rate of aggregate Medicaid expenditures between the 2003-2004 fiscal year and the 2004-2005 fiscal year.

(y) To develop a mechanism to require capitated managed care plans to reimburse qualified emergency service providers, including, but not limited to, ambulance services, in accordance with ss. 409.908 and 409.9128. The pilot program must include a provision for continuing fee-for-service payments for emergency services, including but not limited to, individuals who access ambulance services or emergency departments and who are subsequently determined to be eligible for Medicaid services.

(z) To develop a system whereby school districts participating in the certified school match program pursuant to ss. 409.908(21) and 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services as authorized in s. 1011.70, as provided for in s. 409.9071, regardless of whether the child is enrolled in a capitated managed care network. Capitated managed care networks must make a good-faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 must be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in a capitated managed care network. Capitated managed care networks must make a good-faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's capitated managed care network provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.

(aa) To develop and recommend a mechanism whereby Medicaid recipients who are already enrolled in a managed care plan or the Medi-Pass program in the pilot areas shall be offered the opportunity to change to capitated managed care plans on a staggered basis, as defined by the agency. All Medicaid recipients shall have 30 days in which to make a choice of capitated managed care plans. Those Medicaid recipients who do not make a choice shall be assigned to a capitated managed care plan in accordance with paragraph (4)(a). To facilitate continuity of care for a Medicaid recipient who is also a recipient of Supplemental Security Income (SSI), prior to assigning the SSI recipient to a capitated managed care plan, the agency shall determine whether the SSI recipient has an ongoing relationship with a provider or capitated managed care plan, and if so, the agency shall assign the SSI recipient to that provider or capitated managed care plan where feasible. Those SSI recipients who do not have such a provider relationship shall be assigned to a capitated managed care plan provider in accordance with paragraph (4)(a).

(bb) To develop and recommend a service delivery alternative for children having chronic medical conditions which establishes a medical home project to provide primary care services to this population. The project shall provide community-based primary care services that are integrated with other subspecialties to meet the medical, developmental, and emotional needs for children and their families. This project shall include an evaluation component to determine impacts on hospitalizations, length of stays, emergency room visits, costs, and access to care, including specialty care and patient, and family satisfaction.

(cc) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to persons with developmental disabilities sufficient to meet the medical, developmental, and emotional needs of these persons.

(dd) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to Medicaid-eligible children in foster care. These services must be coordinated with community-based care providers as specified in s. 409.1675, where available, and be sufficient to meet the medical, developmental, and emotional needs of these children.

(4)(a) A Medicaid recipient in the pilot area who is not currently enrolled in a capitated managed care plan upon implementation is not eligible for services as specified in ss. 409.905 and 409.906, for the amount of time that the recipient does not enroll in a capitated managed care network. If a Medicaid recipient has not enrolled in a capitated managed care plan within 30 days after eligibility, the agency shall assign the Medicaid recipient to a capitated managed care plan based on the assessed needs of the recipient as determined by the agency. When making assignments, the agency shall take into account the following criteria:

1. A capitated managed care network has sufficient network capacity to meet the need of members.

2. The capitated managed care network has previously enrolled the recipient as a member, or one of the capitated managed care network's primary care providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular capitated managed care network as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The capitated managed care network's primary care providers are geographically accessible to the recipient's residence.

(b) When more than one capitated managed care network provider meets the criteria specified in paragraph (3)(h), the agency shall make recipient assignments consecutively by family unit.

(c) The agency may not engage in practices that are designed to favor one capitated managed care plan over another or that are designed to influence Medicaid recipients to enroll in a particular capitated managed care network in order to strengthen its particular fiscal viability.

(d) After a recipient has made a selection or has been enrolled in a capitated managed care network, the recipient shall have 90 days in which to voluntarily disenroll and select another capitated managed care network. After 90 days, no further changes may be made except for cause. Cause shall include, but not be limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, inordinate or inappropriate changes of primary care providers, service access impairments due to significant changes in the geographic location of services, or fraudulent enrollment. The agency may require a recipient to use the capitated managed care network's grievance process as specified in paragraph (3)(g) prior to the agency's determination of cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, when used, must be completed in time to permit the recipient to disenroll no later than the first day of the second month after the month the disenrollment request was made. If the capitated managed care network, as a result of the grievance process, approves an enrollee's request to disenroll, the agency is not required to make a determination in the case. The agency must make a determination and take final action on a recipient's request so that disenrollment occurs no later than the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

(e) The agency shall apply for federal waivers from the Centers for Medicare and Medicaid Services to lock eligible Medicaid recipients into a capitated managed care network for 12 months after an open enrollment period. After 12 months of enrollment, a recipient may select another capitated managed care network. However, nothing shall prevent a Medicaid recipient from changing primary care providers within the capitated managed care network during the 12-month period.

(f) The agency shall apply for federal waivers from the Centers for Medicare and Medicaid Services to allow recipients to purchase health care coverage through an employer-sponsored health insurance plan instead of through a Medicaid-certified plan. This provision shall be known as the opt-out option.

1. A recipient who chooses the Medicaid opt-out option shall have an opportunity for a specified period of time, as authorized under a waiver granted by the Centers for Medicare and Medicaid Services, to select and enroll in a Medicaid-certified plan. If the recipient remains in the employer-sponsored plan after the specified period, the recipient shall remain in the opt-out program for at least 1 year or until the recipient no longer has access to employer-sponsored coverage, until the employer's open enrollment period for a person who opts out in order to participate in employer-sponsored coverage, or until the person is no longer eligible for Medicaid, whichever time period is shorter.

2. Notwithstanding any other provision of this section, coverage, cost sharing, and any other component of employer-sponsored health insurance shall be governed by applicable state and federal laws.

(5) This section does not authorize the agency to implement any provision of s. 1115 of the Social Security Act experimental, pilot, or demonstration project waiver to reform the state Medicaid program in any part of the state other than the two geographic areas specified in this section unless approved by the Legislature.

(6) The agency shall develop and submit for approval applications for waivers of applicable federal laws and regulations as necessary to implement the managed care pilot project as defined in this section. The agency shall post all waiver applications under this section on its Internet website 30 days before submitting the applications to the United States Centers for Medicare and Medicaid Services. All waiver applications shall be provided for review and comment to the appropriate committees of the Senate and House of Representatives for at least 10 working days prior to submission. All waivers submitted to and approved by the United States Centers for Medicare and Medicaid Services under this section must be approved by the Legislature. Federally approved waivers must be submitted to the President of the Senate and the Speaker of the House of Representatives for referral to the appropriate legislative committees. The appropriate committees shall recommend whether to approve the implementation of any waivers to the Legislature as a whole. The agency shall submit a plan containing a recommended timeline for implementation of any waivers and budgetary projections of the effect of the pilot program under this section on the total Medicaid budget for the 2006-2007 through 2009-2010 state fiscal years. This implementation plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives at the same time any waivers are submitted for consideration by the Legislature.

(7) Upon review and approval of the applications for waivers of applicable federal laws and regulations to implement the managed care pilot program by the Legislature, the agency may initiate adoption of rules pursuant to ss. 120.536(1) and 120.54 to implement and administer the managed care pilot program as provided in this section.

Section 3. *The Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, shall comprehensively evaluate the two managed care pilot programs created under section 409.91211, Florida Statutes. The evaluation shall begin with the implementation of the managed care model in the pilot areas and continue for 24 months after the two pilot programs have enrolled Medicaid recipients and started providing health care services. The evaluation must include assessments of cost savings; consumer education, choice, and access to services; coordination of care; and quality of care by each eligibility category and managed care plan in each pilot site. The evaluation must describe administrative or legal barriers to the implementation and operation of each pilot program and include recommendations regarding statewide expansion of the managed care pilot programs. The office shall submit an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than June 30, 2008.*

Section 4. Section 409.9062, Florida Statutes, is amended to read:

409.9062 Lung transplant services for Medicaid recipients.—Subject to the availability of funds and subject to any limitations or directions provided for in the General Appropriations Act or chapter 216, the Agency for Health Care Administration Medicaid program shall pay for medically necessary lung transplant services for Medicaid recipients. *These payments must be used to reimburse approved lung transplant facilities a global fee for providing lung transplant services to Medicaid recipients.*

Section 5. *The sums of $401,098 from the General Revenue Fund and $593,058 from the Medical Care Trust Fund are appropriated to the Agency for Health Care Administration for the purpose of implementing section 4 during the 2005-2006 fiscal year.*

Section 6. Paragraphs (a) and (j) of subsection (2) of section 409.9122, Florida Statutes, are amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)(a) The agency shall enroll in a managed care plan or MediPass all Medicaid recipients, except those Medicaid recipients who are: in an institution; enrolled in the Medicaid medically needy program; or eligible for both Medicaid and Medicare. Upon enrollment, individuals will be able to change their managed care option during the 90-day opt out period required by federal Medicaid regulations. The agency is authorized to seek the necessary Medicaid state plan amendment to implement this policy. However, to the extent permitted by federal law, the agency may enroll in a managed care plan or MediPass a Medicaid recipient who is exempt from mandatory managed care enrollment, provided that:

1. The recipient's decision to enroll in a managed care plan or MediPass is voluntary;

2. If the recipient chooses to enroll in a managed care plan, the agency has determined that the managed care plan provides specific

programs and services which address the special health needs of the recipient; and

3. The agency receives any necessary waivers from the federal *Centers for Medicare and Medicaid Services* ~~Health Care Financing Administration~~.

The agency shall develop rules to establish policies by which exceptions to the mandatory managed care enrollment requirement may be made on a case-by-case basis. The rules shall include the specific criteria to be applied when making a determination as to whether to exempt a recipient from mandatory enrollment in a managed care plan or MediPass. School districts participating in the certified school match program pursuant to ss. 409.908(21) and 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services as authorized in s. 1011.70, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 shall be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's managed care plan or MediPass provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.

(j) The agency shall apply for a federal waiver from the *Centers for Medicare and Medicaid Services* ~~Health Care Financing Administration~~ to lock eligible Medicaid recipients into a managed care plan or MediPass for 12 months after an open enrollment period. After 12 months' enrollment, a recipient may select another managed care plan or MediPass provider. However, nothing shall prevent a Medicaid recipient from changing primary care providers within the managed care plan or MediPass program during the 12-month period.

Section 7. Subsection (2) of section 409.913, Florida Statutes, is amended, and subsection (36) is added to that section, to read:

409.913 Oversight of the integrity of the Medicaid program.—The agency shall operate a program to oversee the activities of Florida Medicaid recipients, and providers and their representatives, to ensure that fraudulent and abusive behavior and neglect of recipients occur to the minimum extent possible, and to recover overpayments and impose sanctions as appropriate. Beginning January 1, 2003, and each year thereafter, the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs shall submit a joint report to the Legislature documenting the effectiveness of the state's efforts to control Medicaid fraud and abuse and to recover Medicaid overpayments during the previous fiscal year. The report must describe the number of cases opened and investigated each year; the sources of the cases opened; the disposition of the cases closed each year; the amount of overpayments alleged in preliminary and final audit letters; the number and amount of fines or penalties imposed; any reductions in overpayment amounts negotiated in settlement agreements or by other means; the amount of final agency determinations of overpayments; the amount deducted from federal claiming as a result of overpayments; the amount of overpayments recovered each year; the amount of cost of investigation recovered each year; the average length of time to collect from the time the case was opened until the overpayment is paid in full; the amount determined as uncollectible and the portion of the uncollectible amount subsequently reclaimed from the Federal Government; the number of providers, by type, that are terminated from participation in the Medicaid program as a result of fraud and abuse; and all costs associated with discovering and prosecuting cases of Medicaid overpayments and making recoveries in such cases. The report must also document actions taken to prevent overpayments and the number of providers prevented from enrolling in or reenrolling in the Medicaid program as a result of documented Medicaid fraud and abuse and must recommend changes necessary to prevent or recover overpayments.

(2) The agency shall conduct, or cause to be conducted by contract or otherwise, reviews, investigations, analyses, audits, or any combination thereof, to determine possible fraud, abuse, overpayment, or recipient neglect in the Medicaid program and shall report the findings of any overpayments in audit reports as appropriate. *At least 5 percent of all audits shall be conducted on a random basis.*

(36) The agency shall provide to each Medicaid recipient or his or her representative an explanation of benefits in the form of a letter that is mailed to the most recent address of the recipient on the record with the Department of Children and Family Services. The explanation of benefits must include the patient's name, the name of the health care provider and the address of the location where the service was provided, a description of all services billed to Medicaid in terminology that should be understood by a reasonable person, and information on how to report inappropriate or incorrect billing to the agency or other law enforcement entities for review or investigation.

Section 8. *The Agency for Health Care Administration shall submit to the Legislature by December 15, 2005, a report on the legal and administrative barriers to enforcing section 409.9081, Florida Statutes. The report must describe how many services require copayments, which providers collect copayments, and the total amount of copayments collected from recipients for all services required under section 409.9081, Florida Statutes, by provider type for the 2001-2002 through 2004-2005 fiscal years. The agency shall recommend a mechanism to enforce the requirement for Medicaid recipients to make copayments which does not shift the copayment amount to the provider. The agency shall also identify the federal or state laws or regulations that permit Medicaid recipients to declare impoverishment in order to avoid paying the copayment and extent to which these statements of impoverishment are verified. If claims of impoverishment are not currently verified, the agency shall recommend a system for such verification. The report must also identify any other cost-sharing measures that could be imposed on Medicaid recipients.*

Section 9. *The Agency for Health Care Administration shall submit to the Legislature by January 15, 2006, recommendations to ensure that Medicaid is the payer of last resort as required by section 409.910, Florida Statutes. The report must identify the public and private entities that are liable for primary payment of health care services and recommend methods to improve enforcement of third-party liability responsibility and repayment of benefits to the state Medicaid program. The report must estimate the potential recoveries that may be achieved through third-party liability efforts if administrative and legal barriers are removed. The report must recommend whether modifications to the agency's contingency-fee contract for third-party liability could enhance third-party liability for benefits provided to Medicaid recipients.*

Section 10. *By January 15, 2006, the Office of Program Policy Analysis and Government Accountability shall submit to the Legislature a study of the long-term care community diversion pilot project authorized under sections 430.701-430.709, Florida Statutes. The study may be conducted by staff of the Office of Program Policy Analysis and Government Accountability or by a consultant obtained through a competitive bid pursuant to the provisions of chapter 287, Florida Statutes. The study must use a statistically-valid methodology to assess the percent of persons served in the project over a 2-year period who would have required Medicaid nursing home services without the diversion services, which services are most frequently used, and which services are least frequently used. The study must determine whether the project is cost-effective or is an expansion of the Medicaid program because a preponderance of the project enrollees would not have required Medicaid nursing home services within a 2-year period regardless of the availability of the project or that the enrollees could have been safely served through another Medicaid program at a lower cost to the state.*

Section 11. *The Agency for Health Care Administration shall identify how many individuals in the long-term care diversion programs who receive care at home have a patient-responsibility payment associated with their participation in the diversion program. If no system is available to assess this information, the agency shall determine the cost of creating a system to identify and collect these payments and whether the cost of developing a system for this purpose is offset by the amount of patient-responsibility payments which could be collected with the system. The agency shall report this information to the Legislature by December 1, 2005.*

Section 12. *The Office of Program Policy Analysis and Government Accountability shall conduct a study of state programs that allow non-Medicaid eligible persons under a certain income level to buy into the*

Medicaid program as if it was private insurance. The study shall examine Medicaid buy-in programs in other states to determine if there are any models that can be implemented in Florida which would provide access to uninsured Floridians and what effect this program would have on Medicaid expenditures based on the experience of similar states. The study must also examine whether the Medically Needy program could be redesigned to be a Medicaid buy-in program. The study must be submitted to the Legislature by January 1, 2006.

Section 13. *The Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General, Medicaid Fraud Control Unit and the Auditor General, shall conduct a study to examine issues related to the amount of state and federal dollars lost due to fraud and abuse in the Medicaid prescription drug program. The study shall focus on examining whether pharmaceutical manufacturers and their affiliates and wholesale pharmaceutical manufacturers and their affiliates that participate in the Medicaid program in this state, with respect to rebates for prescription drugs, are inflating the average wholesale price that is used in determining how much the state pays for prescription drugs for Medicaid recipients. The study shall also focus on examining whether the manufacturers and their affiliates are committing other deceptive pricing practices with regard to federal and state rebates for prescription drugs in the Medicaid program in this state. The study, including findings and recommendations, shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives by January 1, 2006.*

Section 14. *The sums of $7,129,241 in recurring General Revenue Funds, $9,076,875 in nonrecurring General Revenue Funds, $8,608,242 in recurring funds from the Administrative Trust Fund, and $9,076,874 in nonrecurring funds from the Administrative Trust Fund are appropriated and 11 full time equivalent positions are authorized for the purpose of implementing this act.*

Section 15. *The amendments made to section 393.0661, Florida Statutes, by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 are repealed.*

Section 16. *The amendments made to section 409.907, Florida Statutes, by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 are repealed.*

Section 17. *The amendments made to the introductory provision only of section 409.908, Florida Statutes, by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 are repealed.*

Section 18. *Section 409.9082, Florida Statutes, as created by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404, is repealed.*

Section 19. *Section 23 of the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 is repealed.*

Section 20. Subsection (2) of section 409.9124, F.S., as amended by section 18 of the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 is amended, and subsection (6) is added to that section, to read:

409.9124 Managed care reimbursement.—

(2) Each year prior to establishing new managed care rates, the agency shall review all prior year adjustments for changes in trend, and shall reduce or eliminate those adjustments which are not reasonable and which reflect policies or programs which are not in effect. In addition, the agency shall apply only those policy reductions applicable to the fiscal year for which the rates are being set, which can be accurately estimated and verified by an independent actuary, and which have been implemented prior to or will be implemented during the fiscal year. The agency shall pay rates at per-member, per-month averages that ~~equal, but~~ do not exceed~~,~~ the amounts allowed for in the General Appropriations Act applicable to the fiscal year for which the rates will be in effect.

(6) For the 2005-2006 fiscal year only, the agency shall make an additional adjustment in calculating the capitation payments to prepaid health plans, excluding prepaid mental health plans. This adjustment must result in an increase of 2.8 percent in the average per-member, per-month rate paid to prepaid health plans, excluding prepaid mental health plans, which are funded from Specific Appropriations 225 and 226 in the 2005-2006 General Appropriations Act.

Section 21. *The Senate Select Committee on Medicaid Reform shall study how provider rates are established and modified, how provider agreements and administrative rulemaking effect those rates, the discretion allowed by federal law for the setting of rates by the state, and the impact of litigation on provider rates. The committee shall issue a report containing recommendations by March 1, 2006, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 22. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide a business case demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; allowing dispensing practitioners to participate in Medicaid; requiring that the agency implement a Medicaid prescription-drug-management system; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; authorizing the agency to pay for emergency mental health services provided through licensed crisis-stabilization facilities; creating s. 409.91211, F.S.; specifying waiver authority for the Agency for Health Care Administration to establish a Medicaid reform program contingent on federal approval to preserve the upper-payment-limit finding mechanism for hospitals and contingent on protection of the disproportionate share program authorized pursuant to ch. 409, F.S.; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency submit any waivers to the Legislature for approval before implementation; allowing the agency to develop rules; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9062, F.S.; requiring the Agency for Health Care Administration to reimburse lung transplant facilities a global fee for services provided to Medicaid recipients; providing an appropriation; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the

Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation and authorizing positions to implement this act; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General and the Auditor General, to conduct a study to examine whether state and federal dollars are lost due to fraud and abuse in the Medicaid prescription drug program; providing duties; requiring that a report with findings and recommendations be submitted to the Governor and the Legislature by a specified date; repealing the amendments made to ss. 393.0661, 409.907, and 409.9082, F.S., and the amendments made to the introductory provision of s. 409.908, F.S., by the Conference Committee Report on CS for CS for SB 404, relating to provider agreements and provider methodologies; repealing s. 23 of the Conference Committee Report on CS for CS for SB 404, relating to legislative intent; amending s. 409.9124, F.S., as amended by the Conference Committee Report on CS for CS for SB 404; revising provisions requiring the Agency for Health Care Administration to pay certain rates for managed care reimbursement; requiring that the agency make an additional adjustment in calculating the rates paid to prepaid health plans for the 2005-2006 fiscal year; requiring that the Senate Select Committee on Medicaid Reform study various issues concerning Medicaid provider rates and issue a report to the Governor and the Legislature; providing an effective date.

On motion by Senator Peaden, **CS for CS for SB 838** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—1

Jones

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2646, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2646—A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the terms "compensation" and "lobbying firm"; amending definitions for the terms "lobbying" and "principal"; requiring each principal upon the registration of the principal's designated lobbyist to identify the principal's main business; requiring each lobbying firm and principal to maintain certain records and documents for a specified period; specifying judicial jurisdiction for enforcing the right to inspect certain documents and records; conditionally prohibiting convicted felons from registering as a legislative lobbyist; modifying the aggregate reporting categories on lobbying expenditure reporting forms; requiring lobbying expenditure reporting forms to include the name and address of each person to whom an expenditure for food and beverages was made, date of the expenditure, and the name and title of the legislator or employee for whom the expenditure was made; requiring each lobbyist to report the general areas of the principal's legislative interest and specific issues lobbied; requiring each lobbying firm to file quarterly compensation reports; requiring each lobbying firm to report certain compensation information in dollar categories and specific dollar amounts; requiring certain lobbying firms to report the name and address of the principal originating lobbying work; providing for certification of compensation reports; requiring the Division of Legislative Information Services to aggregate certain compensation information; revising the period for filing compensation and expenditure reporting statements; prescribing procedures for determining late-filing fines for compensation reports; prescribing fines and penalties for compensation-reporting violations; providing exceptions; prohibiting lobbying expenditures, except for certain food and beverages and novelty items; prohibiting principals from providing lobbying compensation to any individual or business entity other than a lobbying firm; providing for the Legislature to adopt rules to maintain and make publicly available all advisory opinions and reports relating to lobbying firms, to conform; providing for the Legislature to adopt rules authorizing legislative committees to investigate certain person and entities engaged in legislative lobbying; requiring compensation and expenditure reports to be filed electronically; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists and lobbying firms filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be certified as accurate and complete; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to certain data; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the compensation reports filed by legislative and executive lobbyists; prescribing conditions for the random selection; directing the Auditor General to adopt audit and field investigation guidelines; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that legislative lobbying audit reports be forwarded to the Legislature and executive lobbying audit reports be sent to the Florida Commission on Ethics; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report as required; defining the terms "compensation" and "lobbying firm"; amending definitions for the terms "lobbies" and "principal"; conditionally prohibiting convicted felons from registering as an executive branch lobbyist; requiring each principal upon the registration of the principal's designated lobbyist to identify the principal's main business; modifying the aggregate reporting categories on lobbying expenditure reporting forms; requiring lobbying expenditure reporting forms to include the name and address of each person to whom an expenditure for food and beverages was made, date of the expenditure, and the name and title of the agency official, member, or employee for whom the expenditure was made; requiring each lobbyist to report the general areas of the principal's lobbying interest and specific issues lobbied; requiring each lobbying firm to file quarterly compensation reports; requiring each lobbying firm to report certain compensation information in dollar categories and specific dollar amounts; requiring certain lobbying firms to report the name and address of the principal originating lobbying work; providing for certification of compensation reports; requiring the Florida Commission on Ethics to aggregate certain compensation information; revising the period for filing compensation and expenditure reporting statements; authorizing the commission to adopt procedural rules for determining late-filing fines for compensation reports; prescribing fines and penalties for compensation-reporting violations; providing exceptions; requiring each lobbying firm and principal to maintain certain records and documents for a specified period; specifying judicial jurisdiction for enforcing the right of inspection; prohibiting lobbying expenditures, except for certain food and beverages and novelty items; prohibiting principals from providing lobbying compensation to any individual or business entity other than a lobbying firm; providing for the commission to investigate certain lobbying firms for compensation-reporting violations; providing procedures for disposing of compensation-reporting investigations and proceedings; providing penalties; providing for public access to certain records; authorizing the commission to adopt administration rules and forms relating to compensation reporting; requiring compensation and

expenditure reports to be filed electronically; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists and lobbying firms filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be certified as accurate and complete; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to certain data; specifying the initial reporting period that is subject to the requirements of the act; providing an effective date.

WHEREAS, restoring the public's trust in government is a top priority of the Florida Legislature, and

WHEREAS, it is a fundamental right for people to redress their government for grievances, and,

WHEREAS, in many cases, lobbyists assist people in the exercise of this fundamental right, and,

WHEREAS, lobbyists can add value to the system by introducing informed perspectives and alternative points of view, and,

WHEREAS, despite the value added by such lobbyists, the public's confidence has been shaken by a perceived culture of improper influence promulgated in Tallahassee and elsewhere in the State by lobbyists representing powerful special interests, and,

WHEREAS, that public perception is grounded in lobbyist advocacy that is cloaked in secrecy and conducted out of the sunshine, and,

WHEREAS, Floridians have a right to know what the Legislature and executive agencies are doing and with whom, so that they can gauge the influence and the role of special interests in the development and implementation of public policy, and,

WHEREAS, the Florida Legislature believes that fuller, fairer, and more open disclosure will help restore the public trust in government,

WHEREAS, the Florida Legislature has fashioned a narrowly-tailored system for furthering the State's compelling governmental interest in regulating lobbying before the Florida Legislature and administrative agencies, employing the least intrusive means available, NOW, THEREFORE,

House Amendment 1 (751873)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 11.045, Florida Statutes, is amended to read:

11.045 Lobbyists; registration and reporting; exemptions; penalties.—

(1) As used in this section, unless the context otherwise requires:

(a) "Committee" means the committee of each house charged by the presiding officer with responsibility for ethical conduct of lobbyists.

(b) "Compensation" means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal.

(c)~~(b)~~ "Division" means the Division of Legislative Information Services within the Office of Legislative Services.

(d)~~(c)~~ "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. *A contribution made to a political party regulated under chapter 103 is not deemed an expenditure for purposes of this section.*

(e)~~(d)~~ "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(f)~~(e)~~ "Lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature. *Food and beverages paid for or provided, directly or indirectly, by a lobbyist or principal to, or for the benefit of, a member or employee of the Legislature is deemed an attempt to obtain the goodwill of the member or employee unless the lobbyist or principal is the member's or employee's parent, spouse, child, or sibling.*

(g) "Lobbying firm" means any business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(h)~~(f)~~ "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

(i)~~(g)~~ "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist*, including a lobbying firm that subcontracts work*.

(2) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, for the registration of lobbyists who lobby the Legislature. The rule may provide for the payment of a registration fee. The rule may provide for exemptions from registration or registration fees. The rule shall provide that:

(a) Registration is required for each principal represented.

(b) Registration shall include a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal.

(c) A registrant shall promptly send a written statement to the division canceling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the division may remove the name of a registrant from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal.

(d) Every registrant shall be required to state the extent of any direct business association or partnership with any current member of the Legislature.

(e)*1.* Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the Legislature. The right of inspection may be enforced *in circuit court* ~~by appropriate writ issued by any court of competent jurisdiction~~.

2. Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation.

(f) All registrations shall be open to the public.

(g) Any person who is exempt from registration under the rule shall not be considered a lobbyist for any purpose.

(3) Each house of the Legislature shall provide by rule the following reporting requirements:

(a) Statements shall be filed by all registered lobbyists two times per year, which must disclose all lobbying expenditures by the lobbyist and the principal and the source of funds for such expenditures. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be made on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures

made by the lobbyist. Expenditures made must be reported *in the aggregate in either the category "food and beverages" or "novelty items."* ~~by the category of the expenditure, including, but not limited to, the categories of food and beverages, entertainment, research, communication, media advertising, publications, travel, and lodging.~~ Lobbying expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The designated lobbyist's expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist. Each lobbyist shall file an expenditure report for each period during any portion of which he or she was registered, and each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(c)1. Each lobbyist, including a designated lobbyist, shall identify on the expenditure report all general areas of the principal's legislative interest that were lobbied during the reporting period.

2. For each general area of legislative interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.

(d)1. Each lobbying firm shall file a compensation statement with the division for each reporting period during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm; and

b. Name of each of the firm's lobbyists.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation for lobbying in this state provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: $0; less than $25,000; $25,001 to $50,000; 50,001 to $75,000; $75,001 to $100,000; $100,001 to $125,000; $125,001 to $150,000; $150,001 or more. If the category "$150,001 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest $1,000; and

c. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e)~~(c)~~ For each reporting period the division shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Further, the division shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. *For each principal represented by more than one lobbying firm, the division shall also aggregate the reporting-period compensation reported as provided or owed by the principal.*

(f)~~(d)~~ The *compensation and expenditure* reporting statements shall be filed no later than 45 days after the end of *each* ~~the~~ reporting period. The first report shall include the *compensation and* expenditures for the period from January 1 through June 30. The second report shall disclose expenditures for the period from July 1 through December 31. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements may be filed by electronic means, when feasible.

~~(e) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.~~

(g)~~(f)~~ Each house of the Legislature shall provide by rule, or both houses may provide by joint rule, a procedure by which a *lobbying firm or* lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the *lobbying firm or* lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day, not to exceed $5,000 per report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

4. A fine shall not be assessed against a *lobbying firm or*lobbyist the first time any reports for which the *lobbying firm or* lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the *lobbying firm or* lobbyist is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any *lobbying firm or* lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the *lobbying firm or* lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.

6. A lobbyist~~, a lobbyist's legal representative,~~ or the principal of a lobbyist may request that the filing of an expenditure report be waived upon good cause shown, based on unusual circumstances. *A lobbying firm may request that the filing of a compensation report be waived upon good cause shown, based on unusual circumstances.* The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request.

7. The registration of a lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid or waived. *All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically*

suspended until the fine is paid or waived; the division shall promptly notify all affected principals of any suspension or reinstatement.

8.~~7.~~ The person designated to review the timeliness of reports shall notify the director of the division of the failure of a *lobbying firm or* lobbyist to file a report after notice or of the failure of a *lobbying firm or* lobbyist to pay the fine imposed.

(4)(a) Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any lobbying expenditure, except for:

1. Food and beverages:

a. Consumed at a single sitting or meal;

b. Paid for solely by lobbyists or principals who are present for the duration of the sitting or meal;

c. Where the actual value attributable to members and employees of the Legislature is determinable;

d. Provided that the actual gross value attributable to a member or employee of the Legislature from all lobbyists and principals paying for the food and beverages, including any value attributable pursuant to paragraph (b), does not exceed $100.

2. Novelty items having an individual retail value of $25 or less provided to members of the Senate or House of Representatives during any regular or special session, or provided during any week during which the Senate or House has scheduled committee meetings. Such novelty items may also be distributed to the staff of either or both houses, subject to the same timing constraints.

(b) The value of any food and beverages provided to a spouse or child of a member or employee of the Legislature shall be attributed to the member or employee, as appropriate.

(c) No principal shall provide compensation for lobbying to any individual or business entity that is not a lobbying firm.

(5)~~(4)~~ Each house of the Legislature shall provide by rule a procedure by which a person, when in doubt about the applicability and interpretation of this section in a particular context, may submit in writing the facts for an advisory opinion to the committee of either house and may appear in person before the committee. The rule shall provide a procedure by which:

(a) The committee shall render advisory opinions to any person who seeks advice as to whether the facts in a particular case would constitute a violation of this section.

(b) The committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions.

(c) All advisory opinions of the committee shall be numbered, dated, and open to public inspection.

(6)~~(5)~~ Each house of the Legislature shall *provide by rule for keeping* ~~keep~~ all advisory opinions of the committees relating to *lobbying firms,* lobbyists, and lobbying activities.~~, as well as~~ *The rule shall also provide that each house keep* a current list of registered lobbyists and their respective reports required under this section, *along with reports required of lobbying firms under this section,* all of which shall be open for public inspection.

(7)~~(6)~~ *Each house of the Legislature shall provide by rule that* the committee of either house ~~shall~~ investigate any *lobbying firm or lobbyist* ~~person engaged in legislative lobbying~~ upon receipt of a sworn complaint alleging a violation of this section, s. 112.3148, or s. 112.3149 by such person. Such proceedings shall be conducted pursuant to the rules of the respective houses. If the committee finds that there has been a violation of this section, s. 112.3148, or s. 112.3149, it shall report its findings to the President of the Senate or the Speaker of the House of Representatives, as appropriate, together with a recommended penalty, to include a fine of not more than $5,000, reprimand, censure, probation, or prohibition from lobbying for a period of time not to exceed 24 months. Upon the receipt of such report, the President of the Senate or the Speaker of the House of Representatives shall cause the committee report and recommendations to be brought before the respective house and a final determination shall be made by a majority of said house.

(8)~~(7)~~ Any person required to be registered or to provide information pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to disclose any material fact required by this section or by rules established in conformity with this section, or who knowingly provides false information on any report required by this section or by rules established in conformity with this section, commits a noncriminal infraction, punishable by a fine not to exceed $5,000. Such penalty shall be in addition to any other penalty assessed by a house of the Legislature pursuant to subsection *(7)*~~(6)~~.

(9)~~(8)~~ There is hereby created the Legislative Lobbyist Registration Trust Fund, to be used for the purpose of funding any office established for the administration of the registration of lobbyist lobbying the Legislature, including the payment of salaries and other expenses, and for the purpose of paying the expenses incurred by the Legislature in providing services to lobbyists. The trust fund is not subject to the service charge to general revenue provisions of chapter 215. Fees collected pursuant to rules established in accordance with subsection (2) shall be deposited into the Legislative Lobbyist Registration Trust Fund.

Section 2. Effective August 1, 2006, section 11.0455, Florida Statutes, is created to read:

11.0455 Electronic filing of compensation and expenditure reports.—

(1) As used in this section, the term "electronic filing system" means an Internet system for recording and reporting lobbying compensation, expenditures, and other required information by reporting period.

(2) Each lobbying firm or lobbyist who is required to file reports with the Division of Legislative Information Services pursuant to s. 11.045 must file such reports with the division by means of the division's electronic filing system.

(3) A report filed pursuant to this section must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in s. 11.045. A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under s. 11.045(3).

(4) Each report filed pursuant to this section is considered to be certified to the best of the filer's knowledge as accurate and complete by the lobbyist, the lobbying firm, or the designated lobbyist and principal, whichever is applicable, and such persons are subject to the provisions of s. 11.045(7) and s. 11.045(8). Persons given a secure sign-on to the electronic filing system are responsible for protecting it from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.

(5) The electronic filing system developed by the division must:

(a) Be based on access by means of the Internet.

(b) Be accessible by anyone with Internet access using standard web-browsing software.

(c) Provide for direct entry of compensation-report and expenditure-report information as well as upload of such information from software authorized by the division.

(d) Provide a method that prevents unauthorized access to electronic filing system functions.

(6) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, procedures to implement and administer this section, including, but not limited to:

(a) Alternate filing procedures in case the division's electronic filing system is not operable.

(b) The issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.

(7) Each house of the Legislature shall provide by rule that the division make all the data filed available on the Internet in an easily under-

stood and accessible format. The Internet website shall also include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, the affiliations between lobbyists and principals.

Section 3. Section 112.3215, Florida Statutes, is amended to read:

112.3215 *Lobbying* ~~Lobbyists~~ before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(1) For the purposes of this section:

(a) "Agency" means the Governor, Governor and Cabinet, or any department, division, bureau, board, commission, or authority of the executive branch. In addition, "agency" shall mean the Constitution Revision Commission as provided by s. 2, Art. XI of the State Constitution.

(b) "Compensation" means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal.

(c)~~(b)~~ "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. *A contribution made to a political party regulated under chapter 103 is not deemed an expenditure for purposes of this section.*

(d)~~(c)~~ "Fund" means the Executive Branch Lobby Registration Trust Fund.

(e)1.~~(d)~~ "Lobbies" means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee. "Lobbies" also means influencing or attempting to influence, on behalf of another, the Constitution Revision Commission's action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Constitution Revision Commission.

2. Food and beverages paid for or provided, directly or indirectly, by a lobbyist or principal to, or for the benefit of, an agency official or employee or a member or employee of the Constitution Revision Commission is deemed an attempt to obtain such person's goodwill unless the lobbyist or principal is the person's parent, spouse, child, or sibling.

(f) "Lobbying firm" means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(g)~~(e)~~ "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. "Lobbyist" does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.

2. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.

3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.

4. A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017(1)(a).

(h)~~(f)~~ "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist*, including a lobbying firm that subcontracts work*.

(2) The Executive Branch Lobby Registration Trust Fund is hereby created within the commission to be used for the purpose of funding any office established to administer the registration of lobbyists lobbying an agency, including the payment of salaries and other expenses. The trust fund is not subject to the service charge to General Revenue provisions of chapter 215. All annual registration fees collected pursuant to this section shall be deposited into such fund.

(3) A person may not lobby an agency until such person has registered as a lobbyist with the commission. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar year basis thereafter. Upon registration the person shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. The registration shall require *each* ~~the~~ lobbyist to disclose, under oath, the following information:

(a) Name and business address;

(b) The name and business address of each principal represented;

(c) His or her area of interest;

(d) The agencies before which he or she will appear; and

(e) The existence of any direct or indirect business association, partnership, or financial relationship with any employee of an agency with which he or she lobbies, or intends to lobby, as disclosed in the registration.

(4) The annual lobbyist registration fee shall be set by the commission by rule, not to exceed $40 for each principal represented.

(5)(a) A registered lobbyist must also submit to the commission, biannually, a signed expenditure report summarizing all lobbying expenditures by the lobbyist and the principal for each 6-month period during any portion of which the lobbyist is registered. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported *in the aggregate in either the category "food and beverages" or "novelty items."* ~~by the category of the expenditure, including, but not limited to, the categories of food and beverages, entertainment, research, communication, media advertising, publications, travel, and lodging.~~ Lobby expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) A principal who is represented by two or more lobbyists shall designate one lobbyist whose expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist.

(c)1. Each lobbyist, including a designated lobbyist, shall identify on the expenditure report all general areas of the principal's lobbying interest that were lobbied during the reporting period.

2. For each general area of lobbying interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.

(d)1. Each lobbying firm shall file a compensation statement with the commission for each reporting period during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm; and

b. Name of each of the firm's lobbyists.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall also include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation for lobbying in this state provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: $0; less than $25,000; $25,001 to $50,000; 50,001 to $75,000; $75,001 to $100,000; $100,001 to $125,000; $125,001 to $150,000; $150,001 or more. If the category "$150,001 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest $1,000; and

c. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e)~~(c)~~ For each reporting period the commission shall aggregate the expenditures of all lobbyists for a principal represented by more than one lobbyist. Further, the commission shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. *For each principal represented by more than one lobbying firm, the commission shall also aggregate the reporting-period compensation reported as provided or owed by the principal.*

(f)~~(d)~~ The *compensation and expenditure* reporting statements shall be filed no later than 45 days after the end of each reporting period. ~~and shall include the expenditures for the period~~ *The first report shall include the compensation and expenditures for the period* from January 1 through June 30, and July 1 through December 31, respectively.

(g)~~(e)~~ Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(h)~~(f)~~ The commission shall provide by rule a procedure by which a *lobbying firm or* lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the *lobbying firm or* lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day up to a maximum of $5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a *lobbying firm or* lobbyist the first time any reports for which the *lobbying firm or* lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the *lobbying firm or* lobbyist is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any *lobbying firm or* lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the *lobbying firm or* lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

6. The person designated to review the timeliness of reports shall notify the commission of the failure of a *lobbying firm or* lobbyist to file a report after notice or of the failure of a *lobbying firm or* lobbyist to pay the fine imposed.

7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the *lobbying firm's or* lobbyist's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

(i)~~(g)~~ The commission shall adopt a rule which allows reporting statements to be filed by electronic means, when feasible.

(j)1.~~(h)~~ Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the commission. The right of inspection may be enforced *in circuit court* ~~by appropriate writ issued by any court of competent jurisdiction~~.

2. Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation.

(6)(a) Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no agency official, member, or employee shall knowingly accept, directly or indirectly, any lobbying expenditure, except for:

1. Food and beverages:

a. Consumed at a single sitting or meal;

b. Paid for solely by lobbyists or principals who are present for the duration of the sitting or meal;

c. Where the actual value attributable to officials, members, and employees of the agency or commission is determinable;

d. Provided that the actual gross value attributable to an agency official, member, or employee from all lobbyists and principals paying for the food and beverages, including any value attributable pursuant to paragraph (b), does not exceed $100.

(b) The value of any food and beverages provided to a spouse or child of an agency official, member, or employee shall be attributed to such official, member, or employee.

(c) No principal shall provide compensation for lobbying to any individual or business entity that is not a lobbying firm.

(7)~~(6)~~ A lobbyist shall promptly send a written statement to the commission canceling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the commission may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal. Each lobbyist

is responsible for filing an expenditure report for each period during any portion of which he or she was registered, and each principal is responsible for seeing that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(8)(a)~~(7)~~ The commission shall investigate every sworn complaint that is filed with it alleging that a person covered by this section has failed to register, has failed to submit *a compensation or* ~~an~~ expenditure report, or has knowingly submitted false information in any report or registration required in this section.

(b) All proceedings, the complaint, and other records relating to the investigation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any meetings held pursuant to an investigation are exempt from the provisions of s. 286.011(1) and s. 24(b), Art. I of the State Constitution either until the alleged violator requests in writing that such investigation and associated records and meetings be made public or until the commission determines, based on the investigation, whether probable cause exists to believe that a violation has occurred.

(9)~~(8)~~ If the commission finds no probable cause to believe that a violation of this section occurred, it shall dismiss the complaint, whereupon the complaint, together with a written statement of the findings of the investigation and a summary of the facts, shall become a matter of public record, and the commission shall send a copy of the complaint, findings, and summary to the complainant and the alleged violator. If the commission finds probable cause to believe that a violation occurred, it shall report the results of its investigation to the Governor and Cabinet and send a copy of the report to the alleged violator by certified mail. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the Governor and Cabinet in writing, any person whom the commission finds probable cause to believe has violated any provision of this section shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification. However, the Governor and Cabinet may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

(10)~~(9)~~ If the Governor and Cabinet finds that a violation occurred, it may reprimand the violator, censure the violator, or prohibit the violator from lobbying all agencies for a period not to exceed 2 years. *If the violator is a lobbying firm, the Governor and Cabinet may also assess a fine of not more than $5,000 to be deposited in the Executive Branch Lobby Registration Trust Fund.*

(11)~~(10)~~ Any person, when in doubt about the applicability and interpretation of this section to himself or herself in a particular context, may submit in writing the facts of the situation to the commission with a request for an advisory opinion to establish the standard of duty. An advisory opinion shall be rendered by the commission and, until amended or revoked, shall be binding on the conduct of the person who sought the opinion, unless material facts were omitted or misstated in the request.

(12)~~(11)~~ Agencies shall be diligent to ascertain whether persons required to register pursuant to this section have complied. An agency may not knowingly permit a person who is not registered pursuant to this section to lobby the agency.

(13)~~(12)~~ Upon discovery of violations of this section an agency or any person may file a sworn complaint with the commission.

(14)~~(13)~~ The commission shall adopt rules to administer this section, which shall prescribe forms for registration*, compensation,* and expenditure reports, procedures for registration, and procedures that will prevent disclosure of information that is confidential as provided in this section.

Section 4. Effective August 1, 2006, subsection (5) of section 112.3215, Florida Statutes, as amended by this act, is amended to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(5)(a) A registered lobbyist must also submit to the commission, quarterly, a signed expenditure report summarizing all lobbying expenditures by the lobbyist and the principal for each 3-month period during any portion of which the lobbyist is registered. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported in the aggregate in either the category "food and beverages" or "novelty items." Lobby expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) A principal who is represented by two or more lobbyists shall designate one lobbyist whose expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist.

(c)1. Each lobbyist, including a designated lobbyist, shall identify on the expenditure report all general areas of the principal's lobbying interest that were lobbied during the reporting period.

2. For each general area of lobbying interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.

(d)1. Each lobbying firm shall file a compensation statement with the commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm; and

b. Name of each of the firm's lobbyists.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall also include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation for lobbying in this state provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: $0; less than $25,000; $25,001 to $50,000; 50,001 to $75,000; $75,001 to $100,000; $100,001 to $125,000; $125,001 to $150,000; $150,001 or more. If the category "$150,001 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest $1,000; and

c. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e) For each reporting period the commission shall aggregate the expenditures of all lobbyists for a principal represented by more than one lobbyist. Further, the commission shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. For each principal represented by more than one lobbying firm, the division shall also aggregate the reporting-period compensation reported as provided or owed by the principal.

(f) The compensation and expenditure reporting statements shall be filed no later than 45 days after the end of each reporting period. The first report shall include the compensation and expenditures for the period from January 1 through June 30, and July 1 through December 31, respectively. *Reporting statements must be filed by electronic means as provided in s. 112.32155.*

~~(g) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.~~

(g)~~(h)~~ The commission shall provide by rule a procedure by which a lobbying firm or lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm or lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day up to a maximum of $5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. *When the electronic receipt issued pursuant to s. 112.32155 is dated.* ~~When the report is postmarked.~~

~~c. When the certificate of mailing is dated.~~

~~d. When the receipt from an established courier company is dated.~~

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm or lobbyist the first time any reports for which the lobbying firm or lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm or lobbyist is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm or lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm or lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

6. The person designated to review the timeliness of reports shall notify the commission of the failure of a lobbying firm or lobbyist to file a report after notice or of the failure of a lobbying firm or lobbyist to pay the fine imposed.

7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the lobbying firm's or lobbyist's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

~~(i) The commission shall adopt a rule which allows reporting statements to be filed by electronic means, when feasible.~~

(h)~~(j)~~1. Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the commission. The right of inspection may be enforced in circuit court.

2. Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation.

Section 5. Effective August 1, 2006, section 112.32155, Florida Statutes, is created to read:

112.32155 Electronic filing of compensation and expenditure reports.—

(1) As used in this section, the term "electronic filing system" means an Internet system for recording and reporting lobbying compensation, expenditures, and other required information by reporting period.

(2) Each lobbying firm or lobbyist who is required to file reports with the Commission on Ethics pursuant to s. 112.3215 must file such reports with the commission by means of the electronic filing system.

(3) A report filed pursuant to this section must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in s. 112.3215. A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under s. 112.3215(5).

(4) Each report filed pursuant to this section is considered to be certified to the best of the filer's knowledge as accurate and complete by the lobbyist, the lobbying firm, or the designated lobbyist and principal, whichever is applicable. Persons given a secure sign-on to the electronic filing system are responsible for protecting it from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.

(5) The electronic filing system must:

(a) Be based on access by means of the Internet.

(b) Be accessible by anyone with Internet access using standard web-browsing software.

(c) Provide for direct entry of compensation-report and expenditure-report information as well as upload of such information from software authorized by the commission.

(d) Provide a method that prevents unauthorized access to electronic filing system functions.

(6) The commission shall provide by rule procedures to implement and administer this section, including, but not limited to:

(a) Alternate filing procedures in case the electronic filing system is not operable.

(b) The issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.

(7) The commission shall make all the data filed available on the Internet in an easily understood and accessible format. The Internet web site shall also include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, affiliations between lobbyists and principals.

Section 6. *The first compensation and expenditure reports subject to the amended reporting requirements in this act must be filed by August 14, 2006 and encompass the reporting period from January 1, 2006, through June 30, 2006.*

Section 7. Except as otherwise provided, this act shall take effect January 1, 2006.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the terms "compensation" and "lobbying firm"; amending definitions for the terms "lobbying", "expenditure", and "principal"; requiring each lobbying firm and principal to maintain certain records and documents for a specified period; specifying judicial jurisdiction for enforcing the right to inspect certain documents and records; modifying the aggregate reporting categories on lobbying expenditure reporting forms; requiring each lobbyist to report the general areas of the principal's legislative interest and specific issues lobbied; requiring each lobbying firm to file compensation reports for each reporting period; requiring certain lobbying firms to report the name and address of the principal originating lobbying work; providing for certification of compensation reports; requiring the Division of Legislative Information Services to aggregate certain compensation information; removing a provision relating to timely filed reports; prescribing procedures for determining late-filing fines for compensation reports; prescribing fines and penalties for compensation-reporting violations; providing exceptions; prohibiting lobbying expenditures, except for certain food and beverages and novelty items; prohibiting principals from providing lobbying compensation to any individual or business entity other than a lobbying firm; providing for the Legislature to adopt rules to maintain and make publicly available all advisory opinions and reports relating to lobbying firms, to conform; providing for the Legislature to adopt rules authorizing legislative committees to investigate certain persons and entities engaged in legislative lobbying; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists and lobbying firms filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be certified as accurate and complete; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to certain data; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report as required; defining the terms "compensation" and "lobbying firm"; amending definitions for the terms "expenditure", "lobbies", and "principal"; modifying the aggregate reporting categories on lobbying expenditure reporting forms; requiring each lobbyist to report the general areas of the principal's lobbying interest and specific issues lobbied; requiring each lobbying firm to file compensation reports for each reporting period; requiring certain lobbying firms to report the name and address of the principal originating lobbying work; providing for certification of compensation reports; requiring the Florida Commission on Ethics to aggregate certain compensation information; authorizing the commission to adopt procedural rules for determining late-filing fines for compensation reports; prescribing fines and penalties for compensation-reporting violations; providing exceptions; requiring each lobbying firm and principal to maintain certain records and documents for a specified period; specifying judicial jurisdiction for enforcing the right of inspection; prohibiting lobbying expenditures, except for certain food and beverages and novelty items; prohibiting principals from providing lobbying compensation to any individual or business entity other than a lobbying firm; providing penalties; providing for public access to certain records; authorizing the commission to adopt administration rules and forms relating to compensation reporting; requiring compensation and expenditure reports to be filed electronically; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists and lobbying firms filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be certified as accurate and complete; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to certain data; specifying the initial reporting period that is subject to the requirements of the act; providing effective dates.

WHEREAS, restoring the public's trust in government is a top priority of the Florida Legislature, and

WHEREAS, it is a fundamental right for people to redress their government for grievances, and

WHEREAS, in many cases, lobbyists assist people in the exercise of this fundamental right, and

WHEREAS, lobbyists can add value to the system by introducing informed perspectives and alternative points of view, and

WHEREAS, despite the value added by such lobbyists, the public's confidence has been shaken by a perceived culture of improper influence promulgated in Tallahassee and elsewhere in the State by lobbyists representing powerful special interests, and

WHEREAS, that public perception is grounded in lobbyist advocacy that is cloaked in secrecy and conducted out of the sunshine, and

WHEREAS, Floridians have a right to know what the Legislature and executive agencies are doing and with whom, so that they can gauge the influence and the role of special interests in the development and implementation of public policy, and

WHEREAS, the Florida Legislature believes that fuller, fairer, and more open disclosure will help restore the public trust in government, and

WHEREAS, the Florida Legislature has fashioned a narrowly-tailored system for furthering the State's compelling governmental interest in regulating lobbying before the Florida Legislature and administrative agencies, employing the least intrusive means available, NOW, THEREFORE,

On motion by Senator Sebesta, the Senate refused to concur in the House amendment to **CS for SB 2646** and the House was requested to recede. The action of the Senate was certified to the House.

BILLS ON THIRD READING, continued

HJR 1723—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution to require that any proposed amendment to or revision of the State Constitution be approved by at least 60 percent of the electors voting on the measure.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 5 of Article XI of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2006:

ARTICLE XI

AMENDMENTS

Section 1. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) A proposed amendment or revision of this constitution, or any part of it, by initiative shall be submitted to the electors at the general election provided the initiative petition is filed with the custodian of state records no later than February 1 of the year in which the general election is held.

(c) The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment proposed by initiative pursuant to section 3.

(d) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(e) *Unless otherwise specifically provided for elsewhere in this constitution,* if the proposed amendment or revision is approved by vote of *at least sixty percent of* the electors *voting on the measure*, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

BE IT FURTHER RESOLVED that the title and substance of the amendment proposed herein shall appear on the ballot as follows:

REQUIRING BROADER PUBLIC SUPPORT FOR

CONSTITUTIONAL AMENDMENTS OR REVISIONS

Proposes an amendment to Section 5 of Article XI of the State Constitution to require that any proposed amendment to or revision of the State Constitution, whether proposed by the Legislature, by initiative, or by any other method, must be approved by at least 60 percent of the voters of the state voting on the measure, rather than by a simple majority. This proposed amendment would not change the current requirement that a proposed constitutional amendment imposing a new state tax or fee be approved by at least 2/3 of the voters of the state voting in the election in which such an amendment is considered.

—was read the third time in full.

On motion by Senator King, **HJR 1723** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Peaden
Alexander	Diaz de la Portilla	Posey
Argenziano	Dockery	Pruitt
Aronberg	Fasano	Rich
Atwater	Garcia	Saunders
Baker	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wise
Constantine	Lynn	
Crist	Margolis	

Nays—3

Hill	Miller	Wilson

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

CS for CS for CS for SB 1174—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.2415, F.S.; requiring the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation to maintain certain records regarding injuries and the disposition of greyhounds that race in this state; providing guidelines and requirements for injury and disposition report forms; providing for the adoption of rules; providing penalties; creating ch. 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by a local referendum; providing definitions; providing powers and duties of the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; clarifying the authority of local law enforcement agencies; providing for licensure to conduct slot machine gaming; providing for slot machine licensure renewal; providing for a license fee, machine fee, and tax rate; providing for a local supplemental tax; requiring occupational licenses and application fees; prohibiting certain business relationships; prohibiting certain acts and providing penalties; providing an exception to prohibitions relating to slot machines; providing for the exclusion of certain persons from facilities; prohibiting minors under 21 years of age from playing slot machines; designating slot machine gaming areas; prohibiting automated teller machines on the property of a slot machine licensee; providing for days and hours of operation; providing penalties; providing a compulsive gambling treatment program; providing for a fee; providing for a caterer's license; providing for rulemaking; providing for the conduct of a referendum election for slot machines; providing for elections for ratification of slot machine licensing; authorizing additional positions and providing appropriations; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 1174** to **HB 1901**.

Pending further consideration of **CS for CS for CS for SB 1174** as amended, on motion by Senator Jones, by two-thirds vote **HB 1901** was withdrawn from the Committees on Regulated Industries; Judiciary; and Ways and Means.

On motion by Senator Jones, the rules were waived and—

HB 1901—A bill to be entitled An act relating to pari-mutuel wagering; creating the Keep the Promise Act of 2005 to implement s. 23, Art. X of the State Constitution; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; amending s. 20.165, F.S.; establishing a Division of Slot Machines in the Department of Business and Professional Regulation; amending s. 550.5251, F.S.; revising licensing and permit requirements relating to required operating days for certain thoroughbred racing permitholders; revising timeframe for application of certain requirements; deleting requirement that certain thoroughbred permitholders operate the full number of days; providing for validity of certain permits; creating chapter 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by local referendum; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; providing definitions; providing legislative intent; providing powers and duties of the division; providing for construction of such provisions; directing the division to adopt rules necessary to implement, administer, and regulate slot machine gaming; requiring such rules to include application procedures, certain technical requirements, procedures relating to revenue, certain regulation and management and auditing procedures, certain bond requirements, and requirements for record maintenance, and payouts; providing for investigations by the division, the Department of Law Enforcement, and local law enforcement; providing for the investigation of violations in conjunction with other agencies; providing specified law enforcement powers to the division; providing for access to slot machine licensee facilities by the division, the Department of Law Enforcement, or local law enforcement; authorizing the division, the Department of Law Enforcement, or local law enforcement to make certain inspections and examinations; authorizing the division to collect certain monies and deny, revoke, suspend, or place conditions on the license under certain circumstances; providing for suspension or revocation of the license of an unqualified applicant or licensee; authorizing the division to adopt emergency rules for the regulation of slot machine gaming; providing for licensure to conduct slot machine gaming; prohibiting the division from accepting applications or issuing slot machine licenses prior to adoption of rules; providing for application for licensure; providing conditions for conducting slot machine gaming; providing requirements for receiving and maintaining a license which include compliance with slot machine regulations and regulations relating to pari-mutuel wagering, maintaining the pari-mutuel permit and license, conducting a certain number of live races or games, allowing access by the division, and submission of security plans; requiring prior approval by the division of certain changes in ownership of slot machine licenses; requiring notice to the division of certain changes in ownership; requiring permitholders to submit certain information and certification relating to games to the division and the Department of Law Enforcement; requiring review and approval of games by division; requiring a slot machine licensee to submit internal control procedures to the division for review and approval; authorizing the amendment of a pari-mutuel license within a specified time; providing for a reduction in the required number of live races or games under certain circumstances; prohibiting transfer of a license; providing a limit on the number of slot machines at a facility; requiring slot machine licensees to maintain certain reports for submission to the

division; providing for an audit by an independent certified public accountant of the receipt and distribution of slot machine revenues; providing for annual renewal of the license; providing for a renewal application and procedures for approval; requiring corporate slot machine licensees to apply for and be issued a certificate of status; specifying the payment of state and local taxes as a condition for a slot machine license; requiring certification by the Department of Revenue of the payment of certain state and local taxes by a slot machine licensee; directing the division to revoke, suspend, or refuse to renew the license for failure to pay such taxes; requiring the slot machine licensee pay to the division an initial and annual license fee; providing for deposit of the fee into the Slot Machine Administrative Trust Fund for certain purposes; requiring the division to evaluate the license fee and make recommendations to the Legislature; providing for a tax on slot machine revenues to be deposited into the Educational Enhancement Trust Fund; requiring that slot machine taxes shall be used to supplement and not supplant public education dollars; requiring tax proceeds be first used to fund a grant program for laptop computers for certain students; directing the State Board of Education to adopt rules to implement such program; providing payment procedures; providing penalties for failure to make payments; providing for submission of funds by electronic funds transfer; providing for general, professional, and business occupational licenses; prohibiting transfer of such licenses; prohibiting a slot machine licensee from employing or doing business with persons or businesses unless such person or business is properly licensed; requiring occupational licensees to display identification cards under certain circumstances; providing for application forms, fees, and procedures; authorizing the division to adopt rules relating to applications, licensure, and renewal of licensure and fees therefor; requiring slot machine licensee to pay licensure fees of general occupational licensees; providing for reciprocal disciplinary actions with other jurisdictions; providing for disciplinary actions against a licensee for certain violations of regulations or laws; requiring fingerprints and criminal records checks of applicants or licensees; requiring certain costs of the records check be borne by the applicant or licensee; requiring licensees to provide equipment for electronic submission of fingerprints; authorizing the retention of fingerprints for the purposes of entering fingerprints into the statewide automated fingerprint identification system by a certain date; requiring licensees to inform the division of conviction of disqualifying criminal offenses; requiring certain racetracks and frontons to pay an annual fee; authorizing the Department of Law Enforcement to adopt rules relating to fingerprinting costs and procedures; requiring periodic additional criminal history checks for purposes of screening following issuance of a license; providing for distribution of funds into the Slot Machine Administrative Trust Fund; prohibiting certain relationships between employees of the division or board and licensees of the division; prohibiting division employees and occupational licensees and certain of their relatives from wagering on slot machines at certain facilities; prohibiting contracts that provide for revenue sharing between a manufacturer or distributor and slot machine licensees; prohibiting ownership or financial interests in slot machine licensees by certain manufacturers or distributors; prohibiting licensees or any entity conducting business on or within a licensed slot operation from employing employees of certain law enforcement or regulatory agencies; prohibiting certain false statements, exclusion of revenue for certain purposes, cheating, and theft of proceeds; providing penalties; providing for arrest and recovery; limiting liability for arrest and detention; providing penalties for resisting recovery efforts; authorizing manufacture, sale, distribution, possession, and operation of slot machines under certain circumstances; authorizing the division to exclude any person from licensed facilities under certain circumstances; directing the division to require certain signage in designated gaming areas and require certain equipment or facilities relating to races or games within the gaming area; requiring permitholder to provide office space; prohibiting a licensee and employees and agents of the licensee from allowing a person under a certain age to operate slot machines or to have access to the gaming area; prohibiting complimentary alcoholic beverages, loans or credit, acceptance or cashing of third-party checks, and automatic teller machines; authorizing the suspension of play of slot machines by the division or the Department of Law Enforcement for suspicion of tampering or manipulation; limiting linkage of operating systems; prohibiting certain player enticements; providing for the hours of operation of slot machines; providing that the slot machine licensee is eligible for a caterer license under specified provisions; requiring the slot machine licensee maintain certain purchasing and hiring policies, use a certain job listing service provided by the Agency for Workforce Innovation, and implement certain equal employment opportunities; providing penalties for certain violations by a licensee; providing for deposit of fines collected; creating the State Slot Machine Gaming Board within the division; providing that the board is not a state entity; providing for public meetings and records of the board; providing for offices and personnel of the board; requiring the board comply with specified ethics provisions; providing for expenditures of state funds derived from regulatory fees; requiring the division provide administrative support for the board; providing purpose of the board; providing for membership of the board; providing for appointment and confirmation and terms of members; requiring financial disclosure; prohibiting interests in any slot machine licensee or the gambling industry; providing that members are state officers for specified purposes; authorizing per diem and travel expenses; providing for removal of members; providing for organization and meetings of the board; providing powers and duties of the board; authorizing the board to receive certain information and testimony; providing for evaluations, recommendations, and reports; directing the division to provide the board with certain proposed rules for review and response; requiring the board to prepare an annual report to be submitted to the Governor and Legislature; providing for content of the report; directing the Office of Program Policy Analysis and Government Accountability to conduct an annual performance audit of the board, the division, and slot machine licensees; providing for content of the audit; directing that office to submit the audit's findings and recommendations to the Governor and the Legislature; requiring the chief law enforcement officer of certain counties and municipalities to annually execute and transmit to the board an affidavit relating to certain funding; requiring the governing body of certain counties and municipalities and tourist development councils to annually adopt and transmit to the board a resolution relating to the operations of slot machine gaming; authorizing other governing bodies to transmit such a resolution to the board; authorizing the division to contract for a compulsive gambling treatment and prevention program; amending s. 849.15, F.S.; providing for transportation of certain gaming devices in accordance with federal law; amending s. 895.02, F.S.; providing that specified violations related to slot machine gaming constitute racketeering activity; providing that certain debt incurred in violation of specified provisions relating to slot machine gaming constitutes unlawful debt; preempting slot machine regulation to the state; providing for referenda deauthorizing slot machine operations as an undue burden; authorizing referenda declaring slot machine operations an undue burden; requiring a petition for a referendum; providing for ratification of tribal-state compacts by the Legislature; directing the Department of Transportation to conduct a study on the access roads to pari-mutuel facilities and Indian reservation lands where gaming activities occur; providing for content of the study; requiring a report to the Governor and the Legislature; providing appropriations for the Department of Business and Professional Regulation, the Department of Law Enforcement, and the Office of the State Attorney to carry out the provisions of the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1174** as amended and read the second time by title.

Senators Jones, Geller and Posey offered the following amendment which was moved by Senator Jones:

Amendment 1 (873066)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective July 1, 2005, subsection (6) of section 550.2415, Florida Statutes, is amended to read:

550.2415 Racing of animals under certain conditions prohibited; penalties; exceptions.—

(6)(a) It is the intent of the Legislature that animals that participate in races in this state on which pari-mutuel wagering is conducted and animals that are bred and trained in this state for racing be treated humanely, both on and off racetracks, throughout the lives of the animals.

(b) The division shall, by rule, establish the procedures for euthanizing greyhounds. However, a greyhound may not be put to death by any means other than by lethal injection of the drug sodium pentobarbital. A greyhound may not be removed from this state for the purpose of being destroyed.

(c) It is a violation of this chapter for an occupational licensee to train a greyhound using live or dead animals. A greyhound may not be taken from this state for the purpose of being trained through the use of live or dead animals.

(d) A conviction of cruelty to animals pursuant to s. 828.12 involving a racing animal constitutes a violation of this chapter.

(e) The division shall maintain accurate records and statistics regarding injuries incurred by greyhounds that race in this state. The division shall adopt rules requiring the reporting of injuries incurred by greyhounds while racing in this state, including schooling races. Such reports must include:

1. The greyhound's registered name and right and left ear tattoo numbers.

2. The name, business address, and telephone number of the greyhound owner, trainer, and kennel operator.

3. The color, weight, and sex of the greyhound.

4. The specific type of injury, the cause of the injury, the estimated recovery time, and the location of the injury on the greyhound.

5. Where the injury occurred, whether on a racing track or in another area.

6. If the injury occurred while the greyhound was racing, the racetrack where the injury occurred; the distance, grade, race, and post position when the injury occurred; and the weather conditions, time, temperature, and track condition at the time of the injury.

7. A certification by the racetrack veterinarian that the form is correct.

(f) The division shall maintain accurate records and statistics regarding the disposition of greyhounds that participate in racing in this state. The division shall adopt rules requiring the reporting of the disposition of greyhounds that race in this state, including schooling races. As used in the reporting requirement, the term "disposition" means death, transfer to another jurisdiction, retirement, adoption, sale, or donation for medical research or another purpose. Such reports must include:

1. The greyhound's registered name and right and left ear tattoo numbers; the name, business address, and telephone number of the greyhound owner, trainer, and kennel operator; and the name and address of the race track where the greyhound last raced prior to disposition.

2. If the greyhound was transferred to another track, the name and address of the track that received the greyhound and the name, business address, telephone number, and driver's license number and state of issuance of the person who received the greyhound on behalf of that track.

3. If the greyhound was retired for breeding, the name and address of the facility that received the greyhound and the name, business address, telephone number, and driver's license number and state of issuance of the person who received the greyhound on behalf of that facility.

4. If the greyhound was adopted or placed for adoption, the name and address of the person that received the greyhound and, if applicable, the name, business address, telephone number, and driver's license number and state of issuance of the person who received the greyhound on behalf of the adoption facility.

5. If the greyhound was euthanized, the name, address, professional title, professional affiliation of the person performing the euthanasia, method of euthanasia, and reason the greyhound was euthanized rather than adopted.

6. If the greyhound was sold or donated, the name of the person to whom the greyhound was sold or donated, and if donated, the name, business address, telephone number, and driver's license number and state of issuance of the person who received the greyhound on behalf of the donee.

7. If the disposition of the greyhound does not fit into any of the above categories, the name of the person to whom the greyhound was transferred, and the name, business address, telephone number, and driver's license number and state of issuance of the person who received the greyhound.

8. Certification by the owner, trainer, and kennel operator that the disposition forms are correct.

(g) The division shall maintain injury and disposition records for 7 years.

(h) In addition to other penalties imposed by law, a person who knowingly makes a false statement on an injury or disposition form commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who knowingly makes a false statement on an injury or disposition form on a second or subsequent occasion commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Chapter 551, Florida Statutes, consisting of sections 551.101, 551.102, 551.103, 551.104, 551.105, 551.106, 551.107, 551.108, 551.109, 551.110, 551.111, 551.112, 551.113, 551.114, 551.116, 551.117, 551.118, 551.119, 551.120, and 551.121, is created to read:

CHAPTER 551

SLOT MACHINES

551.101 Slot machine gaming authorized.—Any existing, licensed pari-mutuel facility located in Miami-Dade County or Broward County at the time of adoption of s. 23, Art. X of the State Constitution which has conducted live racing or games during calendar years 2002 and 2003 may possess slot machines and conduct slot machine gaming at the location where the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder's valid pari-mutuel permit provided a majority of voters in a countywide referendum have approved the possession of slot machines at such facility in the respective county. Notwithstanding any other provision of law, it is not a crime for a person to participate in slot machine gaming at a pari-mutuel facility licensed to possess and conduct slot machine gaming or to participate in slot machine gaming described in this chapter.

551.102 Definitions.—As used in this chapter, the term:

(1) "Central control computer" means a central site computer controlled and accessible by the division to which all slot machines at a gaming facility communicate for the purposes of auditing capacity; real-time information retrieval of the details of any financial event that occurs in the operation of a slot machine, including, but not limited to, coin in, coin out, ticket in, ticket out, jackpots, machine door openings and power failure; daily collection of taxes, and remote machine activation and disabling of slot machines.

(2) "Designated slot machine gaming area" means the areas of an eligible facility, which may include any addition, alteration, or new structure located on the premises described in the pari-mutuel permit issued by the division for the conduct of pari-mutuel wagering, in which slot machine gaming may be conducted in accordance with the provisions of this chapter.

(3) "Distributor" means any person that sells, leases, or offers, or otherwise provides, distributes, or services, any slot machine or associated equipment for use or play of slot machines in this state. A manufacturer may be a distributor within the state.

(4) "Division" means the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation.

(5) "Eligible facility" means any existing licensed pari-mutuel facility located in Miami-Dade County or Broward County at the time of adoption of s. 23, Art. X of the State Constitution which has conducted live racing or games during calendar years 2002 and 2003 and has been approved by a majority of voters in a countywide referendum to have slot machines at such facility in the respective county.

(6) "Independent testing laboratory" means a laboratory of national reputation which is demonstrably competent and qualified to scientifically test and evaluate slot machines for compliance with this chapter and to otherwise perform the functions assigned to it in this chapter. An independent testing laboratory shall not be owned or controlled by a licensee. The use of an independent testing laboratory for any purpose related to the conduct of slot machine gaming by a licensee under this chapter shall be made from a list of one or more laboratories approved by the division.

(7) "Manufacturer" means any person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or otherwise

makes modifications to any slot machine or associated equipment for use or play of slot machines in this state for gaming purposes. A manufacturer may be a distributor within the state.

(8) "Progressive system" means a computerized system linking slot machines in one or more licensed facilities within this state and offering one or more common progressive payouts based on the amounts wagered.

(9) "Slot machine" means any mechanical or electrical contrivance, terminal, machine, or other device that, upon insertion of a coin, bill, ticket, token, or similar object or upon payment of any consideration whatsoever, including the use of any electronic payment system except a credit card or debit card, is available to play or operate, the play or operation of which, whether by reason of skill or application of the element of chance or both, may deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually. A slot machine:

(a) May use spinning reels or video displays or both.

(b) May or may not dispense coins, tickets, or tokens to winning patrons.

(c) May use an electronic credit system for receiving wagers and making payouts.

(d) May use a progressive system.

The term includes associated equipment necessary to conduct the operation of the contrivance, terminal, machine, or other device. A slot machine is not a "coin-operated amusement machine" as defined in s. 212.02(24), and slot machines are not subject to the tax imposed by s. 212.05(1)(h).

(10) "Slot machine license" means a license issued by the division authorizing an slot machine licensee to place and operate slot machines as required by the provisions of this chapter and the rules.

(11) "Slot machine licensee" means a pari-mutuel permitholder who holds a license issued by the division pursuant to this chapter which authorizes such person to possess a slot machine within facilities specified in s. 23, Art. X of the State Constitution and allows slot machine gaming.

(12) "Slot machine operator" means a person employed or contracted by the owner of an eligible facility to conduct slot machine gaming at that eligible facility.

(13) "Slot machine owner" means a person who holds a material interest in the slot machines.

(14) "Slot machine revenues" means the total of all cash and property received by the slot machine licensee from slot machine gaming operations less the amount of cash, cash equivalents, credits, and prizes paid to winners of slot machine gaming.

551.103 Powers and duties.—

(1) The division shall adopt, pursuant to the provisions of ss. 120.536(1) and 120.54, all rules necessary to implement, administer, and regulate slot machine gaming as authorized in this chapter. Such rules shall include:

(a) Procedures for applying for a license and renewal of a license.

(b) Procedures for establishing technical requirements in addition to the qualifications that are necessary to receive a slot machine license or slot machine occupational license.

(c) Procedures relating to slot machine revenues, including verifying and accounting for such revenues, auditing, and collecting taxes and fees consistent with this chapter.

(d) Procedures for regulating, managing, and auditing the operation, financial data, and program information relating to slot machines through the central control computer that shall allow the division and the Florida Department of Law Enforcement to audit the operation, financial data, and program information of a slot machine licensee, as required by the division or the Florida Department of Law Enforcement and shall provide the division and the Florida Department of Law Enforcement with the ability to monitor on a real-time basis at any time wagering patterns, payouts, tax collection, and compliance with any rules adopted by the division for the regulation and control of slot machines operated under this section. Such continuous and complete access on a real-time basis at any time shall include the ability to immediately suspend play on particular slot machines if monitoring of the computer operating system indicates possible tampering or manipulation of those slot machines or the entire operation if the tampering or manipulation is of the computer operating system itself.

(e) Procedures for requiring each licensee at his or her own cost and expense to supply the division with a bond having the penal sum not to exceed $2 million payable to the Governor and his or her successors in office for the licensee's first year of slot machine operations to cover incidental tax collections. Any bond shall be issued by a surety or sureties to be approved by the division and the Chief Financial Officer, conditioned to faithfully make the payments to the Chief Financial Officer in his or her capacity as treasurer of the division. The licensee shall be required to keep its books and records and make reports as provided in this chapter and to conduct its slot machine operations in conformity with this chapter and all other provisions of law. The division may review the bond for adequacy and require adjustments each fiscal year. Such bond shall be separate and distinct from the bond required in s. 550.125.

(f) Procedures for requiring licensees to maintain specified records and submit any data, information, record, or report, including financial and income records, required by this chapter or determined by the division to be necessary to the proper implementation and enforcement of this chapter.

(g) Procedures for requiring that the payout percentage of a slot machine shall be no less than 85 percent per facility.

(2) The division shall conduct such investigations as the division determines necessary to fulfill its responsibilities under the provisions of this chapter.

(3) The division, the Department of Law Enforcement, and local law enforcement agencies shall have concurrent jurisdiction to investigate criminal violations of this chapter and may investigate any other criminal violation of law occurring on the facilities of a slot machine licensee, and such investigations may be conducted in conjunction with the appropriate state attorney. The division and its employees and agents shall have such other law enforcement powers as specified in ss. 943.04 and 943.10.

(4)(a) The division, the Department of Law Enforcement, and local law enforcement agencies shall have unrestricted access to the slot machine licensee facility at all times and shall require of each slot machine licensee strict compliance with the laws of this state relating to the transaction of such business. The division, the Department of Law Enforcement, and local law enforcement agencies:

1. May inspect and examine premises where slot machines are offered for play.

2. May inspect slot machines and related equipment and supplies.

(b) In addition, the division:

1. May collect taxes, assessments, fees, and penalties.

2. May deny, revoke, suspend, or place conditions on the license of a person who violates any provision of this chapter or rule adopted pursuant thereto.

(5) The division shall revoke or suspend the license of any person who is no longer qualified or who is found, after receiving a license, to have been unqualified at the time of application for the license.

(6) Nothing in this section shall be construed to:

(a) Prohibit the Department of Law Enforcement or any law enforcement authority whose jurisdiction includes a slot machine licensee facility from conducting criminal investigations occurring on the facilities of the slot machine licensee;

(b) Restrict access to the slot machine licensee facility by the Department of Law Enforcement or any local law enforcement authority whose jurisdiction includes the slot machine licensee facility; or

(c) Restrict access to information and records necessary to the investigation of criminal activity that is contained within the slot machine licensee facility by the Department of Law Enforcement or local law enforcement authorities.

551.104 License to conduct slot machine gaming.—

(1) Upon application and a finding by the division after investigation that the application is complete and the applicant is qualified and payment of the initial license fee, the division shall issue a license to conduct slot machine gaming in the designated slot machine gaming area of the slot machine licensee's facility. Once licensed, slot machine gaming may be conducted subject to the requirements of this chapter and rules adopted pursuant thereto.

(2) An application may be approved by the division only after the voters of the county where the applicant's facility is located have authorized by referendum slot machines within pari-mutuel facilities in that county as specified in s. 23, Art. X of the State Constitution.

(3) A slot machine license may be issued only to a licensed pari-mutuel permitholder, and slot machine gaming may be conducted only at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities.

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(a) Continue to be in compliance with this chapter.

(b) Continue to be in compliance with chapter 550, where applicable, and maintain the pari-mutuel permit and license in good standing pursuant to the provisions of chapter 550. Notwithstanding any contrary provision of law and in order to expedite the operation of slot machines at eligible facilities, any eligible facility shall be entitled within 60 days after the effective date of this act to amend its 2005-2006 license issued by the Division of Pari-mutuel Wagering and shall be granted the requested changes in its authorized performances pursuant to such amendment. The Division of Pari-mutuel Wagering shall issue a new license to the eligible facility to effectuate an amendment.

(c) Conduct no less than the greater number of live races or games which were conducted at that pari-mutuel facility in calendar year 2002 or calendar year 2003. However, a permitholder's failure to conduct such number of live races or games in any year shall be reduced by the number of such races or games which cannot be conducted due to the direct result of fire, war, or other disaster or event beyond the ability of the permitholder to control.

(d)1. Upon approval of any changes relating to the pari-mutuel permit by the division, be responsible for providing appropriate current and accurate documentation on a timely basis to the division in order to continue the slot machine license in good standing.

2. Changes in ownership or interest of a slot machine gaming license of 5 percent or more of the stock or other evidence of ownership or equity in the slot machine license or any parent corporation or other business entity that in any way owns or controls the slot machine license shall be approved by the division prior to such change, unless the owner is an existing holder of that license who was previously approved by the division. Changes in ownership or interest of a slot machine license of less than 5 percent shall be reported to the division within 20 days after the change. The division may then conduct an investigation to ensure that the license is properly updated to show the change in ownership or interest. No reporting is required if the person is holding five percent or less equity or securities of a corporate owner of the slot machine licensee which has its securities registered pursuant to s. 12 of the security exchange act of 1934, 15. U.S.C. ss. 78a-78kk, and if such corporation or entity files with the United States Securities and Exchange Commission the reports required by s. 13 of that act or if the securities of the corporation or entity are regularly traded on an established securities market in the United States.

(e) Allow unrestricted access and right of inspection by the division to facilities of a slot machine licensee in which any activity relative to the conduct of slot machine gaming is conducted.

(f) Submit a security plan, including a slot machine floor plan, location of security cameras, and the listing of security equipment that is capable of observing and electronically recording activities being conducted in the designated slot machine gaming area.

(g) The slot machine licensee shall create and file with the division a written policy for:

1. Creating opportunities to purchase from vendors in this state;

2. Creating opportunities to purchase from minority vendors;

3. Creating opportunities for employment of residents of this state;

4. Creating opportunities for employment of minorities; and

5. Ensuring that opportunities for employment are offered on an equal non-discriminatory basis.

The slot machine licensee shall use the internet-based job listing system of the Agency for Workforce Innovation in advertising employment opportunities.

(5) A slot machine license is not transferable.

(6) A slot machine licensee shall keep and maintain permanent daily records of its slot machine operation and shall maintain such records for a period of not less than 5 years. These records shall include all financial transactions and contain sufficient detail to determine compliance with the requirements of this section. All records shall be available for audit and inspection by the division, the Department of Law Enforcement, or other law enforcement agencies during the licensee's regular business hours. The information required in such records shall be determined by division rule.

(7) A slot machine licensee shall file with the division a report containing the required records of such slot machine operation. A slot machine licensee shall file such report monthly. The required reports shall be submitted on forms prescribed by the division and shall be due at the same time as the monthly pari-mutuel reports are due to the Division of Pari-mutuel Wagering, and the reports shall be deemed public records once filed.

(8) A slot machine licensee shall file with the division an audit of the receipt and distribution of all slot machine revenues provided by an independent certified public accountant verifying compliance with all statutes and regulations imposed by this chapter and the rules promulgated hereunder. The audit shall include verification of compliance with all statutes and regulations regarding all required records of slot machine operations. Such audit shall be filed within 60 days after the completion of the permitholder's pari-mutuel meet.

(9) The division may share any information with the Department of Law Enforcement or any other law enforcement agency having jurisdiction over slot machine gaming or pari-mutuel activities. Any law enforcement agency having jurisdiction over slot machine gaming or pari-mutuel activities may share any information obtained or developed by it with the division.

551.105 Slot machine license renewal.—

(1) Slot machine licenses shall be renewed annually. The application for renewal shall contain all revisions to the information submitted in the prior year's application which is necessary to maintain such information as both accurate and current.

(2) The applicant for renewal shall attest that any information changes do not affect the applicant's qualifications for license renewal.

(3) Upon determination by the division that the application for renewal is complete and qualifications have been met, including payment of the renewal fee, the slot machine license shall be renewed annually.

551.106 License fee; tax rate.—

(1) Upon approval of the application for a slot machine license, the licensee must pay to the division a license fee of $4 million. The license

fee shall be paid annually upon renewal of the slot machine license and shall be deposited into the Pari-mutuel Wagering Trust Fund in the Department of Business and Professional Regulation for the regulation of slot machine gaming under this chapter. These payments shall be accounted for separately for taxes or fees paid pursuant to the provisions of ch. 550.

(b) Prior to January 1, 2006, the division shall evaluate the license fee and shall make recommendations to the President of the Senate and the Speaker of the House of Representatives. The recommendations shall focus on the optimum level of slot machine license fees or a combination of fees in order to properly support the slot machine regulatory program.

(2) TAX ON SLOT MACHINE REVENUES.

(a) Within each fiscal year the tax rate on slot machine revenues on each facility shall be:

1. Thirty percent on revenue of $150 million or less;

2. Thirty-five percent on revenue greater than $150 million, but less than or equal to $300 million; and

3. Forty percent on all revenue greater than $300 million.

(b) The tax shall be collected on a daily basis and deposited into the Pari-Mutuel Wagering Trust Fund in the Department of Business and Professional Regulation for immediate transfer to the Educational Enhancement Trust Fund in the Department of Education. Any interest earnings on the tax revenues shall also be transferred to the Educational Enhancement Trust Fund.

(c) The division shall notify the eligible facility concerning the appropriate tax rate to apply to the slot machine revenues.

(3) PAYMENT PROCEDURES.—Tax payments shall be remitted daily, as determined by rule of the division. The slot machine licensee shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month which shall show all slot machine activities for the preceding calendar month and such other information as may be required by the division.

(4) FAILURE TO PAY TAX; PENALTIES.—A slot machine licensee who fails to make tax payments as required under this section is subject to an administrative penalty of up to $1,000 for each day the tax payment is not remitted. All administrative penalties imposed and collected shall be deposited into the Pari Mutuel Wagering Trust Fund in the Department of Business and Professional Regulation. If any slot machine licensee fails to pay penalties imposed by order of the division under this subsection, the division may suspend, revoke, or fail to renew the license of the slot machine licensee.

(5) FAILURE TO PAY TAX; GROUNDS TO SUSPEND, REVOKE, OR FAIL TO RENEW THE LICENSE.—In addition to the penalties imposed under subsection (4), any willful or wanton failure by a slot machine licensee to make payments of the tax constitutes sufficient grounds for the division to suspend, revoke, or fail to renew the license of the slot machine licensee.

(6) SUBMISSION OF FUNDS.—The division may require slot machine licensees to remit taxes, fees, fines, and assessments by electronic funds transfer.

551.107 Occupational license required; application; fee.—

(1) The individuals and entities that are licensed under this section require heightened state scrutiny, including the submission by the individual licensees or persons associated with the entities described in this chapter of fingerprints for a criminal records check.

(2)(a) The following licenses shall be issued to persons or entities having access to the designated slot machine gaming area or to persons who, by virtue of the position they hold, might be granted access to these areas or to any other person or entity in one of the following categories:

1. General occupational licenses for general employees, food service, maintenance, and other similar service and support employees having access to the designated slot machine gaming area. Service and support employees with a current pari-mutuel occupational license issued pursuant to chapter 550 and a current background check are not required to submit to an additional background check for a slot machine occupational license as long as the pari-mutuel occupational license remains in good standing.

2. Professional occupational licenses for any person, proprietorship, partnership, corporation, or other entity that is authorized by a slot machine licensee to manage, oversee, or otherwise control daily operations as a slot machine manager, floor supervisor, security personnel, or any other similar position of oversight of gaming operations.

3. Business occupational licenses for any slot machine management company or slot machine business associated with slot machine gaming or a person who manufactures, distributes, or sells slot machines, slot machine paraphernalia, or other associated equipment to slot machine licensees or any person not an employee of the slot machine licensee who provides maintenance, repair, or upgrades or otherwise services a slot machine or other slot machine equipment.

(b) Slot machine occupational licenses are not transferable.

(3) A slot machine licensee shall not employ or otherwise allow a person to work at a slot machine facility unless such person holds a valid occupational license. A slot machine licensee shall not contract or otherwise do business with a business required to hold a slot machine occupational license unless the business holds such a license. A slot machine licensee shall not employ or otherwise allow a person to work in a supervisory or management professional level at a slot machine facility unless such person holds a valid occupational license.

(4)(a) A person seeking a slot machine occupational license, or renewal thereof, shall make application on forms prescribed by the division and include payment of the appropriate application fee. Initial and renewal applications for slot machine occupational licenses shall contain all the information the division, by rule, may determine is required to ensure eligibility.

(b) The division shall establish, by rule, a schedule for the annual renewal of slot machine occupational licenses.

(c) Pursuant to rules adopted by the division, any person may apply for and, if qualified, be issued an occupational license valid for a period of 3 years upon payment of the full occupational license fee for each of the 3 years for which the license is issued. The occupational license shall be valid during its specified term at any slot machine facility where slot machine gaming is authorized to be conducted.

(d) The slot machine occupational license fee for initial application and annual renewal shall be determined by rule of the division but shall not exceed $50 for a general or professional occupational license for an employee of the slot machine licensee or $1,000 for a business occupational license for nonemployees of the licensee providing goods or services to the slot machine licensee. License fees for general occupational licensees shall be paid for by the slot machine licensee. Failure to pay the required fee shall be grounds for disciplinary action by the division against the slot machine licensee but shall not be considered a violation of this chapter or rules of the division by the general occupational licensee or a prohibition against the initial issuance or the renewal of the general occupational license.

(5) If the state gaming commission or other similar regulatory authority of another state or jurisdiction extends to the division reciprocal courtesy to maintain disciplinary control, the division may:

(a) Deny an application for or revoke, suspend, or place conditions or restrictions on a license of a person or entity who has been refused a license by any other state gaming commission or similar authority; or

(b) Deny an application for or suspend or place conditions on a license of any person or entity who is under suspension or has unpaid fines in another jurisdiction.

(6)(a) The division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the division governing the conduct of persons connected with slot machine gaming. In addition, the division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for such license has been convicted in this state, in any other state, or under the laws of the United States of a capital felony, a felony, or an offense in any other state which would be a felony

under the laws of this state involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; or a crime involving a lack of good moral character, or has had a slot machine gaming license revoked by this state or any other jurisdiction for an offense related to slot machine gaming.

(b) The division may deny, declare ineligible, or revoke any occupational license if the applicant for such license or the licensee has been convicted of a felony or misdemeanor in this state, in any other state, or under the laws of the United States, if such felony or misdemeanor is related to gambling or bookmaking as contemplated in s. 849.25.

(7) Fingerprints for all slot machine occupational license applications shall be taken in a manner approved by the division and shall be submitted to the Department of Law Enforcement and the Federal Bureau of Investigation for a level II criminal records check upon initial application and every 5 years thereafter. All persons as specified in s. 550.1815(1)(a), or employed by or working within a licensed premise, excluding division employees and law enforcement officers assigned by their employing agencies to work within the premises as part of their official duties, are required to not be convicted of any disqualifying criminal offenses as established by division rule. To facilitate the required review of criminal history information, each person listed in this subsection is required to submit fingerprints to the division. The division shall forward the fingerprints to the Department of Law Enforcement for state processing. The Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.

(a) Fingerprints shall be taken in a manner approved by the division and shall be submitted electronically to the Department of Law Enforcement and the Federal Bureau of Investigation for a criminal records check upon initial taking, or as required thereafter by rule of the division, and every 5 years thereafter. Licensees are required to provide necessary equipment approved by the Department of Law Enforcement to facilitate such electronic submission. The division may by rule require annual criminal history record checks of all persons required to submit to the fingerprint-based criminal records check. The division requirements under this subsection shall be instituted in consultation with the Department of Law Enforcement.

(b) The cost of processing fingerprints and conducting a records check shall be borne by the licensee or the person being checked. The Department of Law Enforcement may invoice the division for the fingerprints submitted each month.

(c) Beginning February 1, 2006, all fingerprints submitted to the Department of Law Enforcement and required by this section shall be retained by the Department of Law Enforcement in a manner provided by rule of the Department of Law Enforcement and entered into the statewide automated fingerprint identification system as authorized by s. 943.05(2)(b). Such fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprint cards entered into the statewide automated fingerprint identification system pursuant to s. 943.051.

(d) Beginning February 1, 2006, the Department of Law Enforcement shall search all arrest fingerprints received under s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under paragraph (c). Any arrest record that is identified with the retained fingerprints of a person subject to the criminal history screening requirements of this section shall be reported to the division. Each racetrack or fronton is required to participate in this search process by payment of an annual fee to the division which shall forward the payment to the Department of Law Enforcement. The division shall inform the Department of Law Enforcement of any change in the license status of licensees whose fingerprints are retained under subparagraph (c). The amount of the annual fee to be imposed upon each racetrack or fronton for performing these searches and the procedures for the retention of licensee fingerprints and the dissemination of search results shall be established by rule of the Department of Law Enforcement. The fee shall be borne by the person fingerprinted or the licensee.

(e) Every 5 years following issuance of a license or upon conducting a criminal history check as required herein, each person who is so licensed or who was so checked must meet the screening requirements as established by the division rule, at which time the division shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for a criminal records check. If, for any reason following initial licensure or criminal history check, the fingerprints of a person who is licensed or who was checked are not retained by the Department of Law Enforcement as provided in this section, the person must file a complete set of fingerprints with the division. Upon submission of fingerprints for this purpose, the division shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for a criminal records check, and the fingerprints shall be retained by the Department of Law Enforcement as authorized herein. The cost of the state and national criminal history check required herein shall be borne by the licensee or the person fingerprinted. Under penalty of perjury, each person who is licensed or who is checked as required by this section must agree to inform the division within 48 hours if he or she is convicted of any disqualifying offense while he or she is so licensed.

(8) All moneys collected pursuant to this section shall be deposited into the Pari-mutuel Wagering Trust Fund.

551.108 Prohibited relationships.—

(1) A person employed by or performing any function on behalf of the division shall not:

(a) Be an officer, director, owner, or employee of any person or entity licensed by the division.

(b) Have or hold any interest, direct or indirect, in or engage in any commerce or business relationship with any person licensed by the division.

(2) A manufacturer or distributor of slot machines shall not enter into any contract with a slot machine licensee which provides for any revenue sharing of any kind or nature which is, directly or indirectly, calculated on the basis of a percentage of slot machine revenues. Any maneuver, shift, or device whereby this provision is violated shall be a violation of this chapter and shall render any such agreement void.

(3) A manufacturer or distributor of slot machines or any equipment necessary for the operation of slot machines or an officer, director, or employee of any such manufacturer or distributor shall not have any ownership or financial interest in a slot machine license or in any business owned by the slot machine licensee.

(4) No licensee or any entity conducting business on or within a licensed slot operation shall employ any employee of a law enforcement or regulatory agency that has jurisdiction over the licensed premises in an off-duty or secondary employment capacity for work within any enclosure or area containing a slot machine or in any restricted area that supports slot machine operations that requires an occupational license to enter. If approved by the employee's primary employing agency, off-duty or secondary employment not prohibited by this section may be permitted.

551.109 Prohibited acts.—

(1) Except as otherwise provided by law and in addition to any other penalty, any person who intentionally makes or causes to be made or aids, assists, or procures another to make a false statement in any report, disclosure, application, or any other document required under this chapter or any rule adopted under this chapter is subject to an administrative fine or civil penalty of up to $10,000.

(2) Except as otherwise provided by law and in addition to any other penalty, any person who possesses a slot machine without the license required by this chapter or who possesses a slot machine at any location other than at the slot machine licensee facility is subject to an administrative fine or civil penalty of up to $10,000.

(3) Any person who intentionally excludes, or takes any action in an attempt to exclude, anything or its value from the deposit, counting, collection, or computation of revenues from slot machine activity or any person who by trick or sleight of hand performance, or by a fraud or fraudulent scheme, or device, for himself or herself or for another, wins or attempts to win money or property or a combination thereof or reduces a losing wager or attempts to reduce a losing wager in connection with slot machine gaming commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who, with intent to manipulate the outcome, payoff, or operation of a slot machine by physical tampering, or by use of any object,

instrument, or device, whether mechanical, electrical, magnetic, or involving other means, manipulates the outcome, payoff, or operation of a slot machine commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Theft of any slot machine proceeds or of property belonging to the slot machine operator or eligible facility by an employee of the operator or facility or by an employee of a person, firm, or entity that has contracted to provide services to the establishment constitutes a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(6)(a) Any law enforcement officer or slot machine operator who has probable cause to believe that a violation of subsections (3),(4), or (5) has been committed by a person and that the officer or operator can recover the lost proceeds from such activity by taking the person into custody may, for the purpose of attempting to effect such recovery or for prosecution, take the person into custody on the premises and detain the person in a reasonable manner and for a reasonable period of time. If the operator takes the person into custody, a law enforcement officer shall be called to the scene immediately. The taking into custody and detention by a law enforcement officer or slot machine operator, if done in compliance with this subsection, does not render such law enforcement officer or slot machine operator criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(b) Any law enforcement officer may arrest, either on or off the premises and without warrant, any person if there is probable cause to believe that person has violated subsections (3),(4), or (5).

(c) Any person who resists the reasonable effort of a law enforcement officer or slot machine operator to recover the lost slot machine proceeds that the law enforcement officer or slot machine operator had probable cause to believe had been stolen from the eligible facility, and who is subsequently found to be guilty of violating subsections (3),(4), or (5), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, unless such person did not know or did not have reason to know that the person seeking to recover the lost proceeds was a law enforcement officer or slot machine operator. For purposes of this section, the charge of theft and the charge of resisting apprehension may be tried concurrently.

(7) All penalties imposed and collected must be deposited into the Pari-mutuel Wagering Trust Fund in the department.

551.110 Legal devices.—Notwithstanding any provision of law to the contrary, no slot machine manufactured, sold, distributed, possessed, or operated according to the provisions of this chapter shall be considered unlawful.

551.111 Exclusions of certain persons.—

(1) In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the division may exclude any person from any facility of a slot machine licensee in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the division. The division may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state.

(2) This section shall not be construed to abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

(3) The division may authorize any person who has been ejected or excluded from a facility of a slot machine licensee in this state or another state to attend a facility of a slot machine licensee in this state upon a finding that the attendance of such person at a facility of a slot machine licensee would not be adverse to the public interest or to the integrity of the industry; however, this section shall not be construed to abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

551.112 Minors prohibited from playing slot machines.—

(1) A slot machine licensee or agent or employee of a slot machine licensee shall not:

(a) Allow a person who has not attained 21 years of age to play any slot machine.

(b) Allow a person who has not attained 21 years of age access to the designated slot machine gaming area of a facility of a slot machine licensee.

(c) Allow a person who has not attained 21 years of age to be employed in any position allowing or requiring access to the designated slot machine gaming area of a facility of a slot machine licensee.

(2) No person licensed under this chapter, or any agent or employee of a licensee under this chapter, shall intentionally allow a person who has not attained 21 years of age to play or operate a slot machine or have access to the designated slot machine area of a facility of a slot machine licensee.

(3) The eligible facility shall post clear and conspicuous signage within the designated slot machine gaming areas that states the following:

THE PLAYING OF SLOT MACHINES BY PERSONS UNDER THE AGE OF 21 IS AGAINST FLORIDA LAW (SECTION 551.112, FLORIDA STATUTES).

PROOF OF AGE MAY BE REQUIRED AT ANYTIME A PERSON IS WITHIN THIS AREA.

551.113 Designated slot machine gaming areas.—

(1) A slot machine licensee may make available for play slot machines within its designated slot machine gaming areas.

(2) A slot machine licensee shall not allow any automated teller machine or similar device designed to provide credit or dispense cash to be located on the property of the facilities of the slot machine licensee.

(3) A slot machine licensee shall not make any loan or provide credit or advance cash to enable a person to play a slot machine.

(4) The slot machine licensee shall display pari-mutuel races or games within the designated slot machine gaming areas and offer within the designated slot machine gaming areas the ability for patrons to engage in pari-mutuel wagering on live, intertrack, and simulcast races conducted or offered to patrons of the eligible facility.

(5) No complimentary alcoholic beverages shall be served to patrons within the designated slot machine gaming areas.

(6) The slot machine licensee shall offer training to employees on responsible gaming and shall work with the compulsive or addictive gambling prevention program to recognize problem gaming situations and to implement responsible gaming programs and practices.

(7) Each slot machine approved for use in this state shall be protected against manipulation or tampering to affect the random probabilities of winning plays, and the centralized computer management system shall enable the division or the Department of Law Enforcement to suspend play upon suspicion of any manipulation or tampering. When play has been suspended on any slot machine, the division or the Department of Law Enforcement may examine any slot machine to determine whether the machine has been tampered with or manipulated and whether the machine should be returned to operation.

(8) No outcome of play or continuation of play may be manipulated, through programming or otherwise, to display a result that appears to be a near win, gives the impression that the player is getting close to a win, or in any way gives a false impression that the chance to win is improved by another play; however, this subsection does not apply to general promotional enticements such as graphic displays and sound effects that do not falsely imply that the chance of winning improves by continued play.

(9) The division shall require the posting of signs in the designated slot machine gaming areas warning of the risks and dangers of gambling, showing the odds of winning, and informing patrons of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling.

(10) The division shall establish standards of approval for the physical layout and construction of any facility or building devoted to slot

machine operations. The standards shall require that the slot machine gaming area be connected to and contiguous within the operation of the live gaming facility. It is the intent of the Legislature that each facility:

(a) Possess superior consumer amenities and conveniences to encourage and attract the patronage of tourists and other visitors from across the region, state, and nation.

(b) Have adequate motor vehicle parking facilities to satisfy patron requirements.

(c) Have a physical layout and location that facilitates access to the pari-mutuel portion of the facility.

(11) The permitholder shall provide adequate office space at no cost to the division and the Department of Law Enforcement for the oversight of slot machines operations. The division shall adopt rules setting the criteria for adequate space, configuration, and location and needed electronic and technological requirements for office space required by this subsection.

551.114 Days and hours of operation.—Slot machine gaming areas may be open 365 days a year. The slot machine gaming areas may be open for a maximum of 16 hours per day.

551.116 Penalties.—The division may revoke or suspend any license issued under this chapter upon the willful violation by the licensee of any provision of this chapter or of any rule adopted under this chapter. In lieu of suspending or revoking a license, the division may impose a civil penalty against the licensee for a violation of this chapter or any rule adopted by the division. Except as otherwise provided in this chapter, the penalty so imposed may not exceed $1,000 for each count or separate offense. All penalties imposed and collected must be deposited into the Pari-mutuel Wagering Trust Fund in the department.

551.117 Compulsive or addictive gambling prevention program.—The division may, subject to competitive bidding, contract for provision of services related to the prevention of compulsive and addictive gambling. The terms of any contract for the provision of such services shall include accountability standards that must be met by any private provider. The failure of any private provider to meet any material terms of the contract, including the accountability standards, shall constitute a breach of contract or grounds for nonrenewal. The division may consult with the Department of the Lottery in the development of the program and the development and analysis of any procurement for contractual services for the compulsive or addictive gambling prevention program. The compulsive or addictive gambling prevention program shall be funded from the annual nonrefundable regulatory fee provided for in s. 551.106.

551.118 Catering license.—A slot machine licensee is entitled to a caterer's license pursuant to s. 565.02 on days in which the pari-mutuel facility is open to the public for slot machine game play as authorized by this chapter.

551.119 Rulemaking.—

(1) The division may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

(2) In order to expedite the licensing requirements of this chapter, the division may adopt emergency rules pursuant to s. 120.54. The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to benefit the public. The Legislature further finds that the unique nature of legalized gambling requires, from time to time, that the division respond as quickly as is practicable to changes in the marketplace and changes in technology that may affect legalized gambling conducted at pari-mutuel facilities in this state. Therefore, in adopting such emergency rules, the division need not make the findings required by s. 120.54(4)(a).

551.120 Conduct of referendum election for slot machines.—

(1) Any person who possesses the qualifications prescribed by s. 23, Art. X, State Constitution may, apply to the division for a license to conduct slot machine operations under this chapter. Applications for a license to conduct slot machine operations shall be subject to the provisions of this chapter. Such license does not authorize any operation of slot machines until approved by the majority of electors participating in a referendum election in the county approving the conduct of slot machine activities.

(2) Each referendum held under the provisions of this section shall be held in accordance with the provisions of chapter 97-106, except as otherwise provided in this chapter. The expense of such referendum shall be borne equally by all eligible facilities. For purposes of this section, the expense of conducting a referendum is the incremental expense in excess of routine operating expenses that are incurred by the governing body, the supervisor of elections, and other essential governmental entities in conducting the election.

551.121 Elections for ratification of slot machine licenses.—

(1) The question as to whether slot machine operations shall be approved or rejected pursuant to s. 23, Art. X, State Constitution shall be submitted to the electors for approval or rejection at a special, primary, or general election. Any eligible facility may present a written application to the governing body of the county that requests a referendum election in that county pursuant to s. 551.120 and this section. Within 30 days of receipt of the application the governing body shall order a special referendum election. Set election shall be scheduled for no sooner than 21 days nor more than 90 days from the date on which it is ordered. Provided, the referendum election will be held in conjunction with the primary election if the application is received within not more than 90 nor less than 60 days of such election or in conjunction with the general election if the application is received not more than 90 nor less than 60 days prior to that election. The governing body shall give notice of the referendum election by publishing notice once each week for 2 consecutive weeks in one or more newspapers of general circulation in the county.

(2)(a) If the majority of the electors voting on the questions of ratification or rejection of the slot machine operations vote for such ratification, slot machine operations shall become effective immediately, and the eligible facility thereof may conduct slot machine operations upon complying with the other provisions of this chapter. If the majority of electors voting on the question of ratification or rejection of any slot machine operations ratify the slot machine operations, such eligible facility shall be eligible for licensing, and the licensee shall pay to the division within 10 days the license fee set out in this chapter.

(b) If the majority of electors voting on the question of ratification or rejection of any slot machine operations reject the ratification of the slot machine operations, such eligible facility shall not be entitled to conduct slot machine operations. The governing board of the county shall immediately certify the results of the election to the division.

Section 3. *Office of Program Policy Analysis and Government Accountability; Program Evaluation.—*

(a) Before January 1, 2008, and annually thereafter, the Office of Program Policy Analysis and Government Accountability shall conduct a performance audit of the division, and slot machine licensees relating to the provisions of this chapter. The audit shall assess the implementation and outcomes of activities under this chapter. At a minimum, the audit shall address:

1. Performance of the slot machine licensees in operating slot machine gaming and complying with the rules under this chapter.

2. Economic activity generated through slot machine operations by the slot machine licensees.

3. The expenditure of slot machine taxes and whether these expenditures supplemented or supplanted public eduction dollars.

(b) A report of each audit's findings and recommendations shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 4. Section 849.15, Florida Statutes, is amended to read:

849.15 Manufacture, sale, possession, etc., of coin-operated devices prohibited.—

(1) It is unlawful:

(a)~~(1)~~ To manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to

offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of, or for any person to permit to be placed, maintained, or used or kept in any room, space, or building owned, leased or occupied by the person or under the person's management or control, any slot machine or device or any part thereof; or

(b)~~(2)~~ To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value.

(2) Pursuant to section 2 of that certain chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce", approved January 2, 1951, being c. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. 1171-1177, the State of Florida, acting by and through its duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida, within which slot machine gaming is authorized pursuant to chapter 551 is exempt from the provisions of section 2 of that certain chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce", designated U.S.C. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551, the registering, recording, and labeling of which have been duly done by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that certain chapter of the Congress of the United States entitled, "An act to prohibit transportation of gaming devices in interstate and foreign commerce", approved January 2, 1951, being c. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. 1171-1177, shall be deemed legal shipments thereof into any such county provided the destination of such shipments is to a eligible facility as defined s. 551.102.

Section 5. Subsections (1) and (2) of section 895.02, Florida Statutes, are amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 403.727(3)(b), relating to environmental control.

3. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

4. Section 414.39, relating to public assistance fraud.

5. Section 440.105 or s. 440.106, relating to workers' compensation.

6. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

7. Sections 499.0051, 499.0052, 499.00535, 499.00545, and 499.0691, relating to crimes involving contraband and adulterated drugs.

8. Part IV of chapter 501, relating to telemarketing.

9. Chapter 517, relating to sale of securities and investor protection.

10. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.

11. Chapter 550, relating to jai alai frontons.

12. Section 551.109, relating to slot machine gaming.

13.~~12.~~ Chapter 552, relating to the manufacture, distribution, and use of explosives.

14.~~13.~~ Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

15.~~14.~~ Chapter 562, relating to beverage law enforcement.

16.~~15.~~ Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

17.~~16.~~ Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

18.~~17.~~ Chapter 687, relating to interest and usurious practices.

19.~~18.~~ Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

20.~~19.~~ Chapter 782, relating to homicide.

21.~~20.~~ Chapter 784, relating to assault and battery.

22.~~21.~~ Chapter 787, relating to kidnapping.

23.~~22.~~ Chapter 790, relating to weapons and firearms.

24.~~23.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.

25.~~24.~~ Chapter 806, relating to arson.

26.~~25.~~ Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

27.~~26.~~ Chapter 812, relating to theft, robbery, and related crimes.

28.~~27.~~ Chapter 815, relating to computer-related crimes.

29.~~28.~~ Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

30.~~29.~~ Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

31.~~30.~~ Section 827.071, relating to commercial sexual exploitation of children.

32.~~31.~~ Chapter 831, relating to forgery and counterfeiting.

33.~~32.~~ Chapter 832, relating to issuance of worthless checks and drafts.

34.~~33.~~ Section 836.05, relating to extortion.

35.~~34.~~ Chapter 837, relating to perjury.

36.~~35.~~ Chapter 838, relating to bribery and misuse of public office.

37.~~36.~~ Chapter 843, relating to obstruction of justice.

38.~~37.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

39.~~38.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

40.~~39.~~ Chapter 874, relating to criminal street gangs.

41.~~40.~~ Chapter 893, relating to drug abuse prevention and control.

42.~~41.~~ Chapter 896, relating to offenses related to financial transactions.

43.~~42.~~ Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.

44.~~43.~~ Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

(b) Any conduct defined as "racketeering activity" under 18 U.S.C.. s. 1961(1).

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 551.109, relating to slot machine gaming.

4.~~3.~~ Chapter 687, relating to interest and usury.

5.~~4.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

(b) In gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law.

Section 6. *The Legislature has exclusive authority over the conduct of all wagering occurring at a slot machine facility in this state. Only the division and other authorized state agencies shall administer chapter 551, Florida Statutes, and regulate the slot machine gaming industry, including operation of slot machine facilities, games, slot machines, and centralized computer management systems authorized in chapter 551 and the rules adopted by the division.*

Section 7. *Any tribal-state compact relating to slot machine or other class III gaming activities which is entered into by an Indian tribe in this state and the Governor pursuant to the Indian Gaming Regulatory Act, 25 U.S.C.. ss. 2701 et seq., must be conditioned upon ratification by the Legislature.*

Section 8. *(1) Fifty-four full-time equivalent positions are authorized and the sums of $3,798,199 in recurring and $3,951,431 in nonrecurring funds are hereby appropriated from the Pari-mutuel Wagering Trust Fund in the Department of Business and Professional Regulation for the purpose of carrying out all regulatory activities provided herein. The Executive Office of the Governor shall place these funds and positions in reserve until such time as the Department of Business and Professional Regulation submits an expenditure plan for approval to the Executive Office of the Governor, and the chair and vice chair of the Legislative Budget Commission in accordance with the provisions of section 216.177, Florida Statutes.*

(2) The sums of $2,634,349 in recurring and $1,814,916 in nonrecurring funds are hereby appropriated from the Pari-mutuel Wagering Trust Fund in the Department of Business and Professional Regulation for transfer to the Department of Law Enforcement for the purpose of investigations, intelligence gathering, background investigations, and any other responsibilities as provided for herein. Fifty-seven full-time equivalent positions are authorized and the sums of $2,634,349 in recurring and $1,814,916 in nonrecurring funds are hereby appropriated from the Operating Trust Fund in the Department of Law Enforcement for the purpose of investigations, intelligence gathering, background investigations, an any other responsibilities as provided for herein. The Executive Office of the Governor shall place these funds and positions in reserve until such time as the Department of Law Enforcement submits an expenditure plan for approval to the Executive Office of the Governor and the chair and vice chair of the Legislative Budget Commission in accordance with the provisions of section 216.177, Florida Statutes.

(4) The sum of $1 million is hereby appropriated from the Pari-mutuel Wagering Trust Fund from revenues received pursuant to section 551.117, Florida Statutes, in the Department of Business and Professional Regulation for contract services related to the prevention of compulsive and addictive gambling.

Section 9. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.2415, F.S.; requiring the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation to maintain certain records regarding injuries and the disposition of greyhounds that race in this state; providing guidelines and requirements for injury and disposition report forms; providing for the adoption of rules; providing penalties; creating ch. 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by a local referendum; providing definitions; providing powers and duties of the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; clarifying the authority of the Department of Law Enforcement and local law enforcement agencies; providing for licensure to conduct slot machine gaming; providing for slot machine licensure renewal; providing for a license fee, and tax rate; providing for payment procedures; providing penalties; requiring occupational licenses and application fees; providing penalties; prohibiting certain business relationships; prohibiting certain acts and providing penalties; providing an exception to prohibitions relating to slot machines; providing for the exclusion of certain persons from facilities; prohibiting minors under 21 years of age from playing slot machines; designating slot machine gaming areas; prohibiting automated teller machines on the property of a slot machine licensee; providing for days and hours of operation; providing penalties; providing a compulsive or addictive gambling prevention program; providing for a fee; providing for a caterer's license; providing for rulemaking; providing for the conduct of a referendum election for slot machines; providing for elections for ratification of slot machine licensing; providing for program evaluations; amending s. 849.15, F.S.; providing for transportation of certain gaming devices in accordance with federal law; amending s. 895.02, F.S.; providing that specified violations related to slot machine gaming constitute racketeering activity; providing that certain debt incurred in violation of specified provisions relating to slot machine gaming constitutes unlawful debt; providing for preemption; providing ratification of tribal-state compacts by the Legislature; authorizing additional positions and providing appropriations; providing effective dates.

Senator Posey moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (224858)—On page 17, lines 16-20, delete those lines and insert:

1. Thirty-five percent on revenue of $125 million or less;

2. Forty percent on revenue greater than $125 million, but less than or equal to $250 million;

3. Forty-five percent on revenue greater than $250 million, but less than or equal to $500 million; and

4. Fifty-five percent on all revenue greater than $500 million.

Amendment 1 as amended was adopted.

On motion by Senator Jones, by two-thirds vote **HB 1901** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Alexander	Hill	Pruitt
Aronberg	Jones	Rich
Bennett	King	Saunders
Bullard	Klein	Sebesta
Campbell	Lawson	Siplin
Clary	Lynn	Smith
Dawson	Margolis	Villalobos
Diaz de la Portilla	Miller	Wilson
Dockery	Peaden	
Geller	Posey	

Nays—10

Mr. President	Constantine	Haridopolos
Atwater	Fasano	Webster
Baker	Garcia	Wise
Carlton		

Vote after roll call:

Yea—Argenziano

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

The Senate resumed consideration of—

SB 342—A bill to be entitled An act relating to jai alai; amending s. 550.002, F.S.; redefining the term "full schedule of live racing or games" for certain jai alai permitholders; amending s. 550.09511, F.S.; providing the amount of license fees and taxes for a jai alai permitholder that conducts fewer than a certain number of live performances in any calendar year; providing an effective date.

—which was previously considered this day. Pending point of order by Senator Haridopolos was withdrawn and pending **Amendment 1 (560374)** by Senator Argenziano was adopted by two-thirds vote.

Pending further consideration of **SB 342** as amended, on motion by Senator Argenziano, by two-thirds vote **HB 181** was withdrawn from the Committees on Regulated Industries; and Government Efficiency Appropriations.

On motion by Senator Argenziano, the rules were waived and by two-thirds vote—

HB 181—A bill to be entitled An act relating to pari-mutuel permitholders; amending s. 550.002, F.S.; revising the definition of "full schedule of live racing or games" for certain jai alai permitholders; amending s. 550.09511, F.S.; providing for license fees and taxes for certain jai alai permitholders; amending s. 550.334, F.S.; revising permitting and operational requirements for quarter horse permitholders; deleting a provision to allow quarter horse racing by vote of the county commission in lieu of referendum approval of such racing within a county; providing that specified provisions relating to elections to ratify permits and elections to revoke permits shall apply to quarter horse racing; revising requirements for substitution of thoroughbred horse racing for quarter horse racing; removing certain restrictions on such substitutions and requiring written consent from other permitholders within a certain area; revising restrictions on intertrack wagering for quarter horse permitholders and requiring written consent from other permitholders within a certain area; amending s. 849.086, F.S.; removing a prohibition on transfer of cardroom licenses; providing for transfer of the cardroom license when a permit is relocated within a county under certain conditions; providing an effective date.

—a companion measure, was substituted for **SB 342** as amended and read the second time by title.

On motion by Senator Argenziano, by two-thirds vote **HB 181** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Geller	Pruitt
Atwater	Haridopolos	Rich
Bennett	Hill	Saunders
Bullard	Jones	Sebesta
Campbell	King	Siplin
Clary	Klein	Smith
Constantine	Lawson	Wilson
Crist	Lynn	
Dawson	Margolis	

Nays—6

Baker	Garcia	Webster
Carlton	Villalobos	Wise

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1964, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1964—A bill to be entitled An act relating to compensation for wrongfully incarcerated persons; creating s. 961.01, F.S.; providing a short title; creating s. 961.02, F.S.; defining the term "wrongfully incarcerated person"; requiring courts to determine whether certain persons are wrongfully incarcerated persons; authorizing petitions to the court for a determination of wrongful conviction; creating s. 961.03, F.S.; authorizing compensation for certain wrongfully incarcerated persons; providing exceptions and limitations; creating s. 961.04, F.S.; providing procedures to apply to the Attorney General for compensation; providing for presuit negotiation of compensation; authorizing lawsuits against the state for determination of compensation; requiring a settlement offer and providing for recovery of certain fees and costs; providing for determination of such fees and costs; limiting total compensation; providing for the manner of payment of compensation; providing restrictions on use of compensation; providing timeframes for applying for compensation; creating s. 961.05, F.S.; providing rulemaking authority; providing an effective date.

WHEREAS, the Legislature finds that wrongfully incarcerated persons have been deprived of their liberty, and

WHEREAS, the Legislature finds that innocent persons who have been wrongfully incarcerated should have the opportunity to lead normal lives, and

WHEREAS, wrongfully incarcerated persons or their families may have expended large sums of money and encumbered real property to defend against wrongful incarceration, and

WHEREAS, the Legislature finds that the incarceration of an innocent person is a taking of a person's liberty for which compensation is due, and

WHEREAS, the Legislature has a responsibility to manage state resources for the benefit of all residents of the state, NOW, THEREFORE,

House Amendment 3 (362603) (with title amendments)—Remove everything after the enacting clause and insert:

Section 1. Section 961.01, Florida Statutes, is created to read:

961.01 Short title.—Sections 961.01-961.07 may be cited as the "Wrongful Incarceration Compensation Act."

Section 2. Section 961.02, Florida Statutes, is created to read:

961.02 Definition; finding of wrongful incarceration upon release from incarceration for felony offenses.—

(1) As used in ss. 961.01-961.07, a wrongfully incarcerated person means a person who is actually innocent and who has been ordered released from incarceration for a felony conviction. As used in this act, "actually innocent" means:

(a) The person was charged, by indictment or information, with the commission of an offense classified as a felony; and

(b) The person did not plead guilty or no contest to the offense charged or to any lesser included offense, unless the person was charged with a capital offense; and

(c) The person was convicted of the offense; and

(d) The person was sentenced to incarceration for a term of imprisonment as a result of the conviction; and

(e) The person was imprisoned solely on the basis of the conviction for the offense; and

(f) The person did not, by his or her misconduct or neglect, bring about the prosecution; and

(g) The person's acts did not constitute a crime; and

(h) A court of competent jurisdiction found by clear and convincing evidence that the offense for which the person was convicted, sentenced, and imprisoned, including any lesser included offenses, was not committed by the person and issued an order vacating, dismissing, or reversing the conviction and sentence and providing that no further proceedings can be or will be held against the person on any facts and circumstances alleged in the proceedings which had resulted in the conviction.

Section 3. Section 961.03, Florida Statutes, is created to read:

961.03 Compensation for wrongful incarceration.—

(1) Except as otherwise provided in this section, and subject to the limitations and procedures prescribed in s. 961.04, a person who is found to be a wrongfully incarcerated person may petition the Legislature for reasonable compensation. In determining reasonable compensation, the Legislature may consider the following options:

(a) Loss of wages, salary, or other earned income;

(b) The amount of any fine or court costs imposed and paid;

(c) The amount of any fees paid to the Department of Corrections for any required goods or services received during incarceration;

(d) Loss of assets due to foreclosure, repossession, or other methods of recovery by a creditor;

(e) Loss of savings and interest;

(f) Lost earnings capacity;

(g) The value of services performed for the state while incarcerated;

(h) The reasonable cost of future psychological counseling; and

(i) The reasonable amount of any other losses.

(2) Compensation to a wrongfully incarcerated person may not include punitive or exemplary damages or compensation for pain and suffering, humiliation, loss of consortium, emotional distress, or similar damages. It is the intent of the Legislature to limit compensation of a wrongfully incarcerated person to the compensation and reimbursement of expenses authorized in subsection (1) directly resulting from the wrongful incarceration.

(3) A claimant shall not be eligible for compensation if the claimant was also serving a concurrent felony sentence.

(4) Any person awarded compensation pursuant to this Act who is subsequently convicted of a felony shall, immediately upon such conviction, not be eligible to receive any unpaid amounts or benefits from any compensation awarded. Any amount from an annuity that is forfeited pursuant to this section shall revert to the state General Revenue Fund.

Section 4. Section 961.04, Florida Statutes, is created to read:

961.04 Petition for compensation for wrongful incarceration.—

(1) A wrongfully incarcerated person may petition the Legislature for compensation for losses caused by the incarceration. The petition, at a minimum, must include:

(a) A certified copy of the order finding the applicant to be a wrongfully incarcerated person;

(b) Documentation of the length of the sentence served;

(c) Available documentation of employment prior to incarceration;

(d) Documentation of education attained prior to and during incarceration;

(e) Available documentation of income earned prior to incarceration;

(f) Documentation of encumbrances placed on real property or loans used to pay attorney's fees to defend against or seek release from incarceration;

(g) Documentation of real property in which the applicant owned an interest which has been foreclosed upon due to the incarceration;

(h) Documentation of family status prior to incarceration;

(i) Documentation of criminal history;

(j) Other documentation that the applicant believes should be considered for determining compensation; and

(k) Other documentation, evidence, or information required or requested by the Special Master or the Legislature.

Section 5. Section 961.05, Florida Statutes, is created to read:

961.05 Holistic relief.-The Legislature may make an award of compensation that includes, but is not limited to, any of the following:

(1) HEALTH CARE PLAN.-The Legislature may direct the appropriate state agency to purchase a comprehensive health care plan, including dental and mental health coverage.

(2) EDUCATIONAL ASSISTANCE.-The Legislature may waive tuition and fees for up to a total of 4 years of instruction at any career center established pursuant to section 1001.44, Florida Statutes, at any community college established under part III of chapter 1004, Florida Statutes, or any state university. The Legislature shall require that for any educational benefit made, the person shall be required to meet and maintain the regular admission requirements of, and be registered at, such career center, community college, or state university and make satisfactory academic progress as defined by the educational institution in which the person is enrolled.

(3) JOB PREFERENCE.-The Legislature may award first preference in employment by the state and its political subdivisions.

(a) If awarded, the Legislature must require that the person must be otherwise eligible for employment with the hiring agency or political subdivision.

(b) If awarded, the Legislature must require that the job preference benefits awarded do not apply to positions that are exempt from the State Career Service System under section 110.205(2), Florida Statutes, positions which are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices, members of boards and commissions, persons employed on a temporary basis without benefits, heads of departments, and positions that require licensure as a physician, osteopathic physician, chiropractic physician, engineer, or membership in The Florida Bar.

(4) WAIVER OF FEES.-The Legislature may waive any statutory fees required to expunge any arrest or court records as otherwise subject to expunction by law or court rule and shall waive any fees for copying costs or other costs of obtaining public records in furtherance of such expunction.

(5) MONETARY COMPENSATION.—Reasonable compensation as provided in s. 961.03, may be provided in an amount to be determined by the Legislature.

(6) Any compensation computed pursuant to subsection (5) may be awarded in a lump sum or may be paid in an initial lump sum equal to 20 percent of the compensation award with the remaining 80 percent of the principal of the compensation award to be used by the Chief Financial Officer to purchase an annuity. If the Legislature directs that an annuity be purchased, the Legislature must provide for the following:

(a) That any annuity purchased shall be purchased from any A+ rated company, to provide equal monthly installments to the claimant for a period certain of a stated number of years commencing no later than 1 year after the effective date of the appropriation;

(b) That the annuity shall provide that it shall not be sold, discounted, or used as security for loans and mortgages by the claimant; and

(c) That the annuity shall contain beneficiary provisions providing for the annuity's continued disbursement in the event of the death of the claimant, subject to the provisions of s. 961.03(4).

(7) An applicant for compensation under this section must apply for compensation by July 1, 2007, or within 2 years after he or she is ordered released from incarceration, whichever occurs later.

Section 6. Section 961.06, Florida Statutes, is created to read:

961.06 Sovereign immunity; limits of liability; release and waiver; collateral sources.-

(1) Any award of relief pursuant to this Act shall not be deemed to have waived any defense of sovereign immunity or to have increased the limits of liability on behalf of the state or any person or entity subject to the provisions of s. 768.28, Florida Statutes.

(2) As a condition of receiving any compensation under this Act, a person shall execute a release and waiver on behalf of the person or his or her heirs, successors, and/or assigns forever releasing the State of Florida or any agency, instrumentality, officer, employee, or political subdivision thereof, or any other entity subject to the provisions of s. 768.28, Florida Statutes, from any and all present or future claims the person or his or her heirs, successors, and/or assigns may have against such enumerated entities and arising out of the factual situation in connection with the conviction for which the compensation is being sought under this Act.

(3) The person is not eligible for compensation if the person was awarded a final judgment in a court of law, or has received any funds pursuant to a settlement agreement for compensation or damages arising out of the factual situation in connection with the conviction for which compensation is sought under this Act.

Section 7. Section 961.07, Florida Statutes, is created to read:

961.07 Attorney's and Lobbyist's Fees.—

Attorney's and lobbyist's fees are subject to the provisions of section 768.28(8), Florida Statutes. No compensation shall be made for attorney's fees charged for legal services relating to a finding of actual innocence as defined by this Act.

Section 8. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to compensation for wrongfully incarcerated persons; creating s. 961.01, F.S.; providing a short title; creating s. 961.02, F.S.; defining the term "actually innocent"; requiring court findings; creating s. 961.03, F.S.; authorizing petitions to the Legislature for reasonable compensation; authorizing compensation for certain wrongfully incarcerated persons; providing exceptions and limitations; creating s. 961.04, F.S.; providing procedures to petition the Legislature for compensation; creating s. 961.05, F.S.; providing for nonmonetary and monetary relief; providing for the manner of payment of compensation; providing timeframes for applying for compensation; creating s. 961.06, F.S.; providing for the preservation of sovereign immunity; providing for release and waiver; providing for collateral sources; creating s. 961.07, F.S.; providing for attorney's and lobbyist's fees; providing an effective date.

On motion by Senator Webster, the Senate refused to concur in the House amendment to **CS for CS for SB 1964** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendment(s) to HB 291 and requests the Senate to recede.

John B. Phelps, Clerk

HB 291—A bill to be entitled An act relating to condominiums; amending s. 718.301, F.S.; providing for the effect of actions taken by members of the board of administration of an association designated by the developer; requiring examination and certification of certain defects by certain licensed individuals or entities; providing an effective date.

On motion by Senator Clary, the Senate receded from **Senate Amendment 1 (502692)**.

HB 291 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed HB 1917 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

House Amendment 1 (105381) to Senate Amendment 1 (500116) (with title amendment)—On page 17, line 24, through page 44, line 3 remove: all of said lines and insert:

perimeter fencing and locking doors *or are environmentally secure*. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for this level of placement require close supervision in a structured residential setting. Placement in programs at this level is prompted by a concern for public safety that outweighs placement in programs at lower commitment levels. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility may provide for single cell occupancy.

(e)~~(d)~~ Maximum-risk residential.—Programs or program models at this commitment level include juvenile correctional facilities and juvenile prisons. The programs are long-term residential and *do* ~~shall~~ not allow youth to have access to the community. Facilities are maximum-custody hardware-secure with perimeter security fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility shall provide for single cell occupancy, except that youth may be housed together during prerelease transition. Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting. Placement in a program at this level is prompted by a demonstrated need to protect the public.

(47)~~(46)~~ "Respite" means a placement that is available for the care, custody, and placement of a youth charged with domestic violence as an alternative to secure detention or for placement of a youth when a shelter bed for a child in need of services or a family in need of services is unavailable.

(48)~~(47)~~ "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

(49)~~(48)~~ "Serious or habitual juvenile offender," for purposes of commitment to a residential facility and for purposes of records retention, means a child who has been found to have committed a delinquent act or a violation of law, in the case currently before the court, and who meets at least one of the following criteria:

(a) The youth is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;

2. Sexual battery;

3. Robbery;

4. Kidnapping;

5. Aggravated child abuse;

6. Aggravated assault;

7. Aggravated stalking;

8. Murder;

9. Manslaughter;

10. Unlawful throwing, placing, or discharging of a destructive device or bomb;

11. Armed burglary;

12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The youth is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least two times to a delinquency commitment program.

(c) The youth is at least 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(50)~~(49)~~ "Serious or habitual juvenile offender program" means the program established in s. 985.31.

(51)~~(50)~~ "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be delinquent.

(52)~~(51)~~ "Shelter hearing" means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.

(53)~~(52)~~ "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.

(54)~~(53)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(55)~~(54)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, detention, placement, or other disposition as authorized by law.

(56)~~(55)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(57)~~(56)~~ "Temporary release" means the terms and conditions under which a child is temporarily released from a *residential* commitment facility or allowed home visits. If the temporary release is from a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a conditional release program or a period during which the child is supervised by a juvenile probation officer or other nonresidential staff of the department or staff employed by an entity under contract with the department.

(58)~~(57)~~ "Training school" means one of the following facilities: the Arthur G. Dozier School or the Eckerd Youth Development Center.

(59)~~(58)~~ "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(60)~~(59)~~ "Waiver hearing" means a hearing provided for under s. 985.226(3).

Section 2. Paragraph (d) of subsection (1) of section 985.207, Florida Statutes, is amended, and paragraph (e) is added to said subsection, to read:

985.207 Taking a child into custody.—

(1) A child may be taken into custody under the following circumstances:

(d) By a law enforcement officer who has probable cause to believe that the child is in violation of the conditions of the child's probation, home detention, postcommitment probation, or conditional release supervision*, has absconded from nonresidential commitment,* or has escaped from *residential* commitment.

(e) When a law enforcement officer has probable cause to believe that a child, who is awaiting disposition, has violated conditions imposed by the court under s. 985.228(5) in his or her order of adjudication of delinquency.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 985.215.

Section 3. Section 985.208, Florida Statutes, is amended to read:

985.208 Detention of escapee *or absconder* on authority of the department.—

(1) If an authorized agent of the department has reasonable grounds to believe that any delinquent child committed to the department has escaped from a *residential commitment* facility ~~of the department~~ or from being lawfully transported thereto or therefrom*, or has absconded from a nonresidential commitment facility*, the agent may take the child into active custody and may deliver the child to the facility or, if it is closer, to a detention center for return to the facility. However, a child may not be held in detention longer than 24 hours, excluding Saturdays, Sundays, and legal holidays, unless a special order so directing is made by the judge after a detention hearing resulting in a finding that detention is required based on the criteria in s. 985.215(2). The order shall state the reasons for such finding. The reasons shall be reviewable by appeal or in habeas corpus proceedings in the district court of appeal.

(2) Any sheriff or other law enforcement officer, upon the request of the secretary of the department or duly authorized agent, shall take a child who has escaped ~~or absconded~~ from a *residential commitment* ~~department~~ facility ~~for committed delinquent children,~~ or from being lawfully transported thereto or therefrom, *or has absconded from a nonresi-*

dential commitment facility, into custody and deliver the child to the appropriate juvenile probation officer ~~of the department~~.

Section 4. Subsections (2) and (10) and paragraphs (d) and (g) of subsection (5) of section 985.215, Florida Statutes, are amended to read:

985.215 Detention.—

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee *from a residential commitment program,* or an absconder from a *nonresidential* commitment program, a probation program, or conditional release supervision, or is alleged to have escaped while being lawfully transported to or from *a residential commitment* ~~such~~ program ~~or supervision~~.

(b) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony.

(c) The child is charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his or her personal safety.

(d) The child is charged with committing an offense of domestic violence as defined in s. 741.28 and is detained as provided in s. 985.213(2)(b)3.

(e) The child is charged with possession or discharging a firearm on school property in violation of s. 790.115.

(f) The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve a violation of chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm.

(g) The child is charged with any second degree or third degree felony involving a violation of chapter 893 or any third degree felony that is not also a crime of violence, and the child:

1. Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;

2. Has a record of law violations prior to court hearings;

3. Has already been detained or has been released and is awaiting final disposition of the case;

4. Has a record of violent conduct resulting in physical injury to others; or

5. Is found to have been in possession of a firearm.

(h) The child is alleged to have violated the conditions of the child's probation or conditional release supervision. However, a child detained under this paragraph may be held only in a consequence unit as provided in s. 985.231(1)(a)1.c. If a consequence unit is not available, the child shall be placed on home detention with electronic monitoring.

(i) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, for an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(j) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, at two or more court hearings of any nature on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(k) The child at his or her adjudicatory hearing has been found to have committed a delinquent act or violation of law and has previously willfully failed to appear, after proper notice, for other delinquency court proceedings of any nature regardless of the results of the risk assessment instrument. A child may be placed in secure detention, or at the discretion of the court and if available, on home detention with electronic monitoring until the child's disposition order is entered in his or her case. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

A child who meets any of these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he or she is charged and the need for continued detention*, except where the child is alleged to have absconded from a nonresidential commitment program in which case the court, at the detention hearing, shall order that the child be released from detention and returned to his or her nonresidential commitment program*. Unless a child is detained under paragraph (d)*,* ~~or~~ paragraph (e), *or paragraph (k)* the court shall *use* ~~utilize~~ the results of the risk assessment performed by the juvenile probation officer and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement. Except as provided in s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted pursuant to paragraph (5)(f).

(5)

(d) Except as provided in *paragraph (2)(k),* paragraph (g), *or s. 985.228(5),* a child may not be held in secure, nonsecure, or home detention care for more than 15 days following the entry of an order of adjudication.

(g) Upon good cause being shown that the nature of the charge requires additional time for the prosecution or defense of the case, the court may extend the time limits for detention specified in paragraph (c) *or (d)* an additional 9 days if the child is charged with an offense that would be, if committed by an adult, a capital felony, a life felony, a felony of the first degree, or a felony of the second degree involving violence against any individual.

(10)(a)1. When a child is committed to the Department of Juvenile Justice awaiting dispositional placement, removal of the child from detention care shall occur within 5 days, excluding Saturdays, Sundays, and legal holidays. Any child held in secure detention during the 5 days must meet detention admission criteria pursuant to this section. If the child is committed to a moderate-risk residential program, the department may seek an order from the court authorizing continued detention for a specific period of time necessary for the appropriate residential placement of the child. However, such continued detention in secure detention care may not exceed 15 days after commitment, excluding Saturdays, Sundays, and legal holidays, and except as otherwise provided in this subsection.

2. The court must place all children who are adjudicated and awaiting placement in a ~~residential~~ commitment program in detention care. Children who are in home detention care or nonsecure detention care may be placed on electronic monitoring.

(b) A child who is placed in home detention care, nonsecure detention care, or home or nonsecure detention care with electronic monitoring, while awaiting placement in a *minimum-risk,* low-risk, or moderate-risk program, may be held in secure detention care for 5 days, if the child violates the conditions of the home detention care, the nonsecure detention care, or the electronic monitoring agreement. For any subsequent violation, the court may impose an additional 5 days in secure detention care.

(c) If the child is committed to a high-risk residential program, the child must be held in detention care until placement or commitment is accomplished.

(d) If the child is committed to a maximum-risk residential program, the child must be held in detention care until placement or commitment is accomplished.

(e) Upon specific appropriation, the department may obtain comprehensive evaluations, including, but not limited to, medical, academic, psychological, behavioral, sociological, and vocational needs of a youth with multiple arrests for all level criminal acts or a youth committed to a minimum-risk or low-risk commitment program.

(f) Regardless of detention status, a child being transported by the department to a *residential* commitment facility of the department may be placed in secure detention overnight, not to exceed a 24-hour period, for the specific purpose of ensuring the safe delivery of the child to his or her *residential* commitment program, court, appointment, transfer, or release.

Section 5. *Notwithstanding s. 985.2155, Florida Statutes, as amended by ch. 2004-473, Laws of Florida, the state, subject to appropriation, shall pay all costs of detention care for juveniles for Highlands County, Sumter County, and Wakulla County for fiscal year 2005-2006.*

Section 6. Subsection (5) of section 985.228, Florida Statutes, is amended to read:

985.228 Adjudicatory hearings; withheld adjudications; orders of adjudication.—

(5)*(a)* If the court finds that the child named in a petition has committed a delinquent act or violation of law, but elects not to proceed under subsection (4), it shall incorporate that finding in an order of adjudication of delinquency entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to deal with the child as adjudicated.

(b) The order of adjudication of delinquency under paragraph (a) shall also include conditions that must be followed by the child until a disposition order is entered in his or her case. These conditions must include, but are not limited to, specifying that the child, during any period of time that he or she:

1. Is not in secure detention, must comply with a curfew; must attend school or another educational program, if eligible; and is prohibited from engaging in ungovernable behavior.

2. Is in secure detention, is prohibited from engaging in ungovernable behavior.

(c) For purposes of this subsection, the term "ungovernable behavior" shall mean:

1. Failing to obey the reasonable and lawful demands of the child's parent or legal guardian and, where applicable, of a person responsible for supervising the child while he or she is in school, another educational program, or secure detention.

2. Engaging in behavior that evidences a risk that the child may fail to appear for future court proceedings or may inflict harm upon others or the property of others.

3. Other behavior as specified in writing by the court in the order of adjudication of delinquency.

(d) If a child willfully violates a condition contained in his or her order of adjudication of delinquency, the court may find the child in direct or indirect contempt of court under s. 985.216; however, notwithstanding s. 985.216 and the results of the risk assessment instrument, the child's sanctions for such contempt of court shall be placement in secure detention, or at the discretion of the court and if available, on home detention with electronic monitoring until the child's disposition order is entered in his or her case, except the court may order a different sanction if recommended by the department.

Section 7. Paragraphs (a) and (d) of subsection (1) and subsection (2) of section 985.231, Florida Statutes, are amended to read:

985.231 Powers of disposition in delinquency cases.—

(1)(a) The court that has jurisdiction of an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

1. Place the child in a probation program or a postcommitment probation program under the supervision of an authorized agent of the department ~~of Juvenile Justice~~ or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct. A probation program for an adjudicated delinquent child must include a penalty component such as restitution in money or in kind, community service, a curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or other educational program. If the child is attending or is eligible to attend public school and the court finds that the victim or a sibling of the victim in the case is attending or may attend the same school as the child, the court placement order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d). Upon the recommendation of the department at the time of disposition, or subsequent to disposition pursuant to the filing of a petition alleging a violation of the child's conditions of postcommitment probation, the court may order the child to submit to random testing for the purpose of detecting and monitoring the use of alcohol or controlled substances.

a. A ~~restrictiveness level~~ classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to probation supervision requirements to reasonably ensure the public safety. Probation programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs must include, but are not limited to, structured or restricted activities as described in this subparagraph, and shall be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense, except that the duration of such supervision or program for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months. When restitution is ordered by the court, the amount of restitution may not exceed an amount the child and the parent or guardian could reasonably be expected to pay or make. A child who participates in any work program under this part is considered an employee of the state for purposes of liability, unless otherwise provided by law.

b. The court may conduct judicial review hearings for a child placed on probation for the purpose of fostering accountability to the judge and compliance with other requirements, such as restitution and community service. The court may allow early termination of probation for a child who has substantially complied with the terms and conditions of probation.

c. If the conditions of the probation program or the postcommitment probation program are violated, the department or the state attorney may bring the child before the court on a petition alleging a violation of the program. Any child who violates the conditions of probation or postcommitment probation must be brought before the court if sanctions are sought. A child taken into custody under s. 985.207 for violating the conditions of probation or postcommitment probation shall be held in a consequence unit if such a unit is available. The child shall be afforded a hearing within 24 hours after being taken into custody to determine the existence of probable cause that the child violated the conditions of

probation or postcommitment probation. A consequence unit is a secure facility specifically designated by the department for children who are taken into custody under s. 985.207 for violating probation or postcommitment probation, or who have been found by the court to have violated the conditions of probation or postcommitment probation. If the violation involves a new charge of delinquency, the child may be detained under s. 985.215 in a facility other than a consequence unit. If the child is not eligible for detention for the new charge of delinquency, the child may be held in the consequence unit pending a hearing and is subject to the time limitations specified in s. 985.215. If the child denies violating the conditions of probation or postcommitment probation, the court shall appoint counsel to represent the child at the child's request. Upon the child's admission, or if the court finds after a hearing that the child has violated the conditions of probation or postcommitment probation, the court shall enter an order revoking, modifying, or continuing probation or postcommitment probation. In each such case, the court shall enter a new disposition order and, in addition to the sanctions set forth in this paragraph, may impose any sanction the court could have imposed at the original disposition hearing. If the child is found to have violated the conditions of probation or postcommitment probation, the court may:

(I) Place the child in a consequence unit in that judicial circuit, if available, for up to 5 days for a first violation, and up to 15 days for a second or subsequent violation.

(II) Place the child on home detention with electronic monitoring. However, this sanction may be used only if a residential consequence unit is not available.

(III) Modify or continue the child's probation program or postcommitment probation program.

(IV) Revoke probation or postcommitment probation and commit the child to the department.

d. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of any order placing a child in a probation program must be until the child's 19th birthday unless he or she is released by the court, on the motion of an interested party or on its own motion.

2. Commit the child to a licensed child-caring agency willing to receive the child, but the court may not commit the child to a jail or to a facility used primarily as a detention center or facility or shelter.

3. Commit the child to the department ~~of Juvenile Justice~~ at a *restrictiveness* ~~residential commitment~~ level defined in s. 985.03. Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, urine monitoring, and treatment of the child and release of the child *from residential commitment* into the community in a postcommitment nonresidential conditional release program. If the child is eligible to attend public school following ~~residential~~ commitment and the court finds that the victim or a sibling of the victim in the case is or may be attending the same school as the child, the commitment order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d). If the child is not successful in the conditional release program, the department may use the transfer procedure under s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of the commitment must be until the child is discharged by the department or until he or she reaches the age of 21.

4. Revoke or suspend the driver's license of the child.

5. Require the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to render community service in a public service program.

6. As part of the probation program to be implemented by the department ~~of Juvenile Justice~~, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment, order the child to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order the child or the child's parent or guardian to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. The clerk shall notify the court if restitution is not made, and the court shall take any further action that is necessary against the child or the child's parent or guardian. A finding by the court, after a hearing, that the parent or guardian has made diligent and good faith efforts to prevent the child from engaging in delinquent acts absolves the parent or guardian of liability for restitution under this subparagraph.

7. Order the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to participate in a community work project, either as an alternative to monetary restitution or as part of the rehabilitative or probation program.

8. Commit the child to the department ~~of Juvenile Justice~~ for placement in a program or facility for serious or habitual juvenile offenders in accordance with s. 985.31. Any commitment of a child to a program or facility for serious or habitual juvenile offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over such child until the child reaches the age of 21, specifically for the purpose of the child completing the program.

9. In addition to the sanctions imposed on the child, order the parent or guardian of the child to perform community service if the court finds that the parent or guardian did not make a diligent and good faith effort to prevent the child from engaging in delinquent acts. The court may also order the parent or guardian to make restitution in money or in kind for any damage or loss caused by the child's offense. The court shall determine a reasonable amount or manner of restitution, and payment shall be made to the clerk of the circuit court as provided in subparagraph 6.

10. Subject to specific appropriation, commit the juvenile sexual offender to the department ~~of Juvenile Justice~~ for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.308. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over a juvenile sexual offender until the juvenile sexual offender reaches the age of 21, specifically for the purpose of completing the program.

(d) Any commitment of a delinquent child to the department ~~of Juvenile Justice~~ must be for an indeterminate period of time, which may include periods of temporary release*; however*, ~~but~~ the *period of* time may not exceed the maximum term of imprisonment that an adult may serve for the same offense*, except that the duration of a minimum-risk nonresidential commitment for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months*. The duration of the child's placement in a ~~residential~~ commitment program of any *restrictiveness* level shall be based on objective performance-based treatment planning. The child's treatment plan progress and adjustment-related issues shall be reported to the court *quarterly, unless the court requests monthly reports* ~~each month~~. The child's length of stay in a ~~residential~~ commitment program may be extended if the child fails to comply with or participate in treatment activities. The child's length of stay in *the* ~~such~~ program shall not be extended for purposes of sanction or punishment. Any temporary release from such program must be approved by the court. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. The child's treatment plan progress and adjustment-related issues must be communicated to the court at the time the department requests the court to consider releasing the child from the ~~residential~~ commitment program. Notwithstanding s. 743.07 and this subsection, and except as provided in ss. 985.201 and 985.31, a child may not be held under a commitment from a court *under* ~~pursuant to~~ this section after becoming 21 years of age. The department shall give the court that committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment facility. The court that committed the child may thereafter accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted. This section does not limit the department's authority to revoke a child's temporary release status and return the child to a commitment facility for any violation of the terms and conditions of the temporary release.

(2) Following a delinquency adjudicatory hearing pursuant to s. 985.228 and a delinquency disposition hearing pursuant to s. 985.23 which results in a commitment determination, the court shall, on its own or upon request by the state or the department, determine whether the protection of the public requires that the child be placed in a program for serious or habitual juvenile offenders and whether the particular needs of the child would be best served by a program for serious or habitual juvenile offenders as provided in s. 985.31. The determination shall be made pursuant to ss. 985.03*(49)*~~(48)~~ and 985.23(3).

Section 8. Paragraph (a) of subsection (1) of section 985.2311, Florida Statutes, is amended to read:

985.2311 Cost of supervision; cost of care.—

(1) Except as provided in subsection (3) or subsection (4):

(a) When any child is placed into home detention, probation, or other supervision status with the department ~~of Juvenile Justice~~, *or is committed to the minimum-risk nonresidential restrictiveness level,* the court shall order the parent of such child to pay to the department a fee for the cost of the supervision of such child in the amount of $1 per day for each day that the child is in *such* ~~supervision~~ status.

Section 9. Subsection (3) of section 985.316, Florida Statutes, is amended to read:

985.316 Conditional release.—

(3) For juveniles referred or committed to the department, the function of the department may include, but shall not be limited to, assessing each ~~committed~~ juvenile *placed in a residential commitment program* to determine the need for conditional release services upon release from *the* ~~a commitment~~ program, supervising the juvenile when released into the community from a residential commitment facility of the department, providing such counseling and other services as may be necessary for the families and assisting their preparations for the return of the child. Subject to specific appropriation, the department shall provide for outpatient sexual offender counseling for any juvenile sexual offender released from a *residential* commitment program as a component of conditional release.

Section 10. *Section 985.403, Florida Statutes, is repealed.*

Section 11. *Task Force on Juvenile Sexual Offenders and their Victims.—*

(1) On or before August 1, 2005, there shall be created a task force to review and evaluate the state's laws that define and address juvenile sex offenders and the Department of Juvenile Justice's practices and procedures for serving these offenders and their victims. The task force shall make findings that include, but are not limited to: identification of statutes that address juvenile sexual offenders; a profile of the acts committed by each juvenile placed in juvenile sexual offender programming in this state between July 2000 and June 2005 and an assessment of the appropriateness of those placements based upon the acts committed; identification of community-based and residential commitment programming available for juvenile sexual offenders and an assessment of such programming's effectiveness; and identification of qualifications required for staff who serve juvenile sexual offenders. Based on its findings, the task force shall make recommendations for the improvement of the state's laws, policies, programs, and funding for juvenile sexual offenders, and such recommendations shall specifically include, but are not limited to, identification of criteria that should be satisfied prior to placement of a juvenile in juvenile sexual offender programming.

(2) The Governor shall appoint up to 12 members to the task force. The task force shall be composed of representatives who shall include, but are not limited to: a circuit court judge with at least 1 year's experience in the juvenile division, a state attorney with at least 1 year's experience in the juvenile division, a public defender with at least 1 year's experience in the juvenile division, one representative of the Department of Juvenile Justice, two representatives of providers of juvenile sexual offender services, one member of the Florida Juvenile Justice Association, one member of the Florida Association for the Treatment of Sexual Abusers, and one victim of a juvenile sexual offense.

(3) The task force shall submit a written report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2005.

(4) Administrative support for the task force shall be provided by the Department of Juvenile Justice. Members of the task force shall receive no salary from the state beyond the salary already received from their sponsoring agency, if any, and are not entitled to reimbursement for travel and per diem expenses.

(5) The task force shall be dissolved upon submission of its report.

Section 12. *Task force to study certification for juvenile justice provider staff.—*

(1) On or before August 1, 2005, there shall be created a task force to study the feasibility of establishing a certification process for staff employed by a provider under contract with the Department of Juvenile Justice to provide juvenile justice services to youth.

(2) The Governor shall appoint up to 12 members to the task force. The task force shall be composed of representatives who shall include, but are not limited to, the following: two representatives of the Department of Juvenile Justice, two representatives of providers of juvenile justice services, two members of the Florida Juvenile Justice Association, two provider employees who provide direct care services, and two representatives of the Florida Certification Board.

(3) The task force shall consider the feasibility of implementing and operating a certification system for staff who work in juvenile justice facilities, services, or programs. At a minimum, the task force shall consider and make recommendations concerning: per diem levels, the occupational levels of staff subject to certification, the criteria that may be used to certify staff, the levels of certification, and a process for testing and validating the effectiveness of any recommended staff certification system. In making its recommendations, the task force shall make findings regarding the benefits of a staff certification system for the state's juvenile justice programming and the cost to implement such a system.

(4) The task force shall submit a written report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2006.

(5) Administrative support for the task force shall be provided by the Department of Juvenile Justice. Members of the task force shall receive no salary from the state beyond the salary already received from their sponsoring agency, if any, and are not entitled to reimbursement for travel and per diem expenses.

(6) The task force shall be dissolved upon submission of its report.

Section 13. Subsection (4) of section 985.404, Florida Statutes, is amended to read:

985.404 Administering the juvenile justice continuum.—

(4) The department may transfer a child, when necessary to appropriately administer the child's commitment, from*:*

(a) A residential commitment ~~one~~ facility or program to another facility or program operated, contracted, subcontracted, or designated by the department, including a postcommitment nonresidential conditional release program. The department shall notify the court that committed the child to the *residential restrictiveness level* ~~department~~ and any attorney of record, in writing, of its intent to transfer the child from a *residential*-commitment facility or program to another facility or program of a higher or lower restrictiveness level. The court that committed the child may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer of the child shall be deemed granted.

(b) A nonresidential commitment facility or program to another facility or program operated, contracted, subcontracted, or designated by the department, including a postcommitment nonresidential conditional release program. The department shall notify the court that committed the child to the nonresidential restrictiveness level and any attorney of record, in writing, of its intent to transfer the child from a nonresidential commitment facility or program to a residential commitment facility or program. Upon receipt of the notice, the court that committed the child may set a hearing to review the transfer, after which the court shall issue a written order granting or denying the transfer or may, without setting a hearing, issue a written order granting or denying the transfer. No child shall be transferred by the department from the nonresidential

restrictiveness level to a residential restrictiveness level prior to the department receiving a written court order granting the transfer.

Section 14. Subsections (2) and (10) of section 985.4135, Florida Statutes, are amended to read:

985.4135 Juvenile justice circuit boards and juvenile justice county councils.—

(2) Each juvenile justice county council shall*:*

(a) Develop a juvenile justice prevention and early intervention plan for the county and shall collaborate with the circuit board and other county councils assigned to that circuit in the development of a comprehensive plan for the circuit.

(b) Develop, with the cooperation of county commissioners, school board officials, representatives of governing bodies for local municipalities, and representatives of local law enforcement agencies, criteria to be considered by a law enforcement officer when determining whether to refer a youth to a juvenile assessment center.

(10) Membership of the juvenile justice county councils, or juvenile justice circuit boards established under subsection (9), *may* ~~must~~ include representatives from the following entities:

(a) Representatives from the school district, which may include elected school board officials, the school superintendent, school or district administrators, teachers, and counselors.

(b) Representatives of the board of county commissioners.

(c) Representatives of the governing bodies of local municipalities within the county.

(d) A representative of the corresponding circuit or regional entity of the Department of Children and Family Services.

(e) Representatives of local law enforcement agencies, including the sheriff or the sheriff's designee.

(f) Representatives of the judicial system.

(g) Representatives of the business community.

(h) Representatives of other interested officials, groups, or entities, including, but not limited to, a children's services council, public or private providers of juvenile justice programs and services, students, parents, and advocates. Private providers of juvenile justice programs may not exceed one-third of the voting membership.

(i) Representatives of the faith community.

(j) Representatives of victim-service programs and victims of crimes.

(k) Representatives of the Department of Corrections.

Section 15. Subsection (4) of section 985.407, Florida Statutes, is amended to read:

985.407 Departmental contracting powers; personnel standards and screening.—

(4)*(a) For any person employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs,* the department shall require*:*

1. A level 2 employment screening pursuant to chapter 435 *prior to employment*~~, using the level 1 standards for screening set forth in that chapter, for personnel in delinquency facilities, services, and programs~~.

2. A federal criminal records check by the Federal Bureau of Investigation every 5 years following the date of the person's employment.

(b) Except for law enforcement, correctional, and correctional probation officers, to whom s. 943.13(5) applies, the department shall electronically submit to the Department of Law Enforcement:

1. Fingerprint information obtained during the employment screening required by subparagraph (a)1.

2. Beginning on December 15, 2005, fingerprint information for all persons employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs if such fingerprint information has not previously been electronically submitted to the Department of Law Enforcement under this paragraph.

(c) All fingerprint information electronically submitted to the Department of Law Enforcement under paragraph (b) shall be retained by the Department of Law Enforcement and entered into the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). Thereafter, such fingerprint information shall be available for all purposes and uses authorized for arrest fingerprint information entered into the statewide automated fingerprint identification system pursuant to s. 943.051 until the fingerprint information is removed pursuant to paragraph (e). The Department of Law Enforcement shall search all arrest fingerprint information received pursuant to s. 943.051 against the fingerprint information entered into the statewide automated fingerprint system pursuant to this subsection. Any arrest records identified as a result of the search shall be reported to the department in the manner and timeframe established by the Department of Law Enforcement by rule.

(d) The department shall pay an annual fee to the Department of Law Enforcement for its costs resulting from the fingerprint information retention services required by this subsection. The amount of the annual fee and procedures for the submission and retention of fingerprint information and for the dissemination of search results shall be established by the Department of Law Enforcement by a rule that is applicable to the department individually pursuant to this subsection or that is applicable to the department and other employing agencies pursuant to rulemaking authority otherwise provided by law.

(e) The department shall notify the Department of Law Enforcement when a person whose fingerprint information is retained by the Department of Law Enforcement under this subsection is no longer employed by the department, or by a provider under contract with the department, in a delinquency facility, service, or program. This notice shall be provided by the department to the Department of Law Enforcement no later than 6 months after the date of the change in the person's employment status. Fingerprint information for persons identified by the department in the notice shall be removed from the statewide automated fingerprint system.

Section 16. *The sums of $36,834 in recurring funds and $86,407 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Juvenile Justice for expenses for the 2005-2006 fiscal year. The sum of $133,335 in recurring funds is appropriated from the Administrative Trust Fund to the Department of Juvenile Justice for expenses for the 2005-2006 fiscal year.*

Section 17. Section 784.075, Florida Statutes, is amended to read:

784.075 Battery on detention or commitment facility staff or a juvenile probation officer.—A person who commits a battery on a juvenile probation officer, as defined in s. 984.03 or s. 985.03, on other staff of a detention center or facility as defined in s. 984.03(19) or s. 985.03~~(19)~~, or on a staff member of a commitment facility as defined in s. 985.03~~(45)~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes persons employed by the Department of Juvenile Justice, persons employed at facilities licensed by the Department of Juvenile Justice, and persons employed at facilities operated under a contract with the Department of Juvenile Justice.

Section 18. Section 984.05, Florida Statutes, is amended to read:

984.05 Rules relating to habitual truants; adoption by State Board of Education and Department of Juvenile Justice.—The Department of Juvenile Justice and the State Board of Education shall work together on the development of, and shall adopt, rules as necessary for the implementation of ss. 984.03(27), 985.03*(26)*~~(25)~~, and 1003.27.

Section 19. Paragraph (e) of subsection (3) and paragraph (a) of subsection (4) of section 985.31, Florida Statutes, are amended, and for the purpose of incorporating the amendment to section 985.231, Florida Statutes, in references thereto, paragraph (k) of subsection (3) of said section is reenacted to read:

985.31 Serious or habitual juvenile offender.—

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(e) After a child has been adjudicated delinquent pursuant to s. 985.228, the court shall determine whether the child meets the criteria for a serious or habitual juvenile offender pursuant to s. 985.03*(49)*~~(48)~~. If the court determines that the child does not meet such criteria, the provisions of s. 985.231(1) shall apply.

(k) Any commitment of a child to the department for placement in a serious or habitual juvenile offender program or facility shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. Notwithstanding the provisions of ss. 743.07 and 985.231(1)(d), a serious or habitual juvenile offender shall not be held under commitment from a court pursuant to this section, s. 985.231, or s. 985.233 after becoming 21 years of age. This provision shall apply only for the purpose of completing the serious or habitual juvenile offender program pursuant to this chapter and shall be used solely for the purpose of treatment.

(4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(a) Pursuant to the provisions of this section, the department shall implement the comprehensive assessment instrument for the treatment needs of serious or habitual juvenile offenders and for the assessment, which assessment shall include the criteria under s. 985.03*(49)*~~(48)~~ and shall also include, but not be limited to, evaluation of the child's:

1. Amenability to treatment.

2. Proclivity toward violence.

3. Tendency toward gang involvement.

4. Substance abuse or addiction and the level thereof.

5. History of being a victim of child abuse or sexual abuse, or indication of sexual behavior dysfunction.

6. Number and type of previous adjudications, findings of guilt, and convictions.

7. Potential for rehabilitation.

Section 20. Subsection (2) of section 985.3141, Florida Statutes, is amended to read:

985.3141 Escapes from secure detention or residential commitment facility.—An escape from:

(2) Any residential commitment facility described in s. 985.03*(46)*~~(45)~~, maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or

constitutes escape within the intent and meaning of s. 944.40 and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 21. For the purpose of incorporating the amendment to section 985.231, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 985.201, Florida Statutes, is reenacted to read:

985.201 Jurisdiction.—

(4)(a) Notwithstanding ss. 743.07, 985.229, 985.23, and 985.231, and except as provided in ss. 985.31 and 985.313, when the jurisdiction of any child who is alleged to have committed a delinquent act or violation of law is obtained, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 19 years of age, with the same power over the child that the court had prior to the child becoming an adult.

Section 22. For the purpose of incorporating the amendment to section 985.231, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 985.233, Florida Statutes, is reenacted to read:

985.233 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(4) SENTENCING ALTERNATIVES.—

(b) Sentencing to juvenile sanctions.—For juveniles transferred to adult court but who do not qualify for such transfer pursuant to s. 985.226(2)(b) or s. 985.227(2)(a) or (b), the court may impose juvenile sanctions under this paragraph. If juvenile sentences are imposed, the court shall, pursuant to this paragraph, adjudge the child to have committed a delinquent act. Adjudication of delinquency shall not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction. The court shall impose an adult sanction or a juvenile sanction and may not sentence the child to a combination of adult and juvenile punishments. An adult sanction or a juvenile sanction may include enforcement of an order of restitution or probation previously ordered in any juvenile proceeding. However, if the court imposes a juvenile sanction and the department determines that the sanction is unsuitable for the child, the department shall return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions. Upon adjudicating a child delinquent under subsection (1), the court may:

1. Place the child in a probation program under the supervision of the department for an indeterminate period of time until the child reaches the age of 19 years or sooner if discharged by order of the court.

2. Commit the child to the department for treatment in an appropriate program for children for an indeterminate period of time until the child is 21 or sooner if discharged by the department. The department shall notify the court of its intent to discharge no later than 14 days prior to discharge. Failure of the court to timely respond to the department's notice shall be considered approval for discharge.

3. Order disposition pursuant to s. 985.231 as an alternative to youthful offender or adult sentencing if the court determines not to impose youthful offender or adult sanctions.

It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.234.

Section 23. For the purpose of incorporating the amendment to section 985.231, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 985.311, Florida Statutes, is reenacted to read:

985.311 Intensive residential treatment program for offenders less than 13 years of age.—

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(e) After a child has been adjudicated delinquent pursuant to s. 985.228(5), the court shall determine whether the child is eligible for an intensive residential treatment program for offenders less than 13 years of age pursuant to s. 985.03(7). If the court determines that the child does not meet the criteria, the provisions of s. 985.231(1) shall apply.

And the title is amended as follows:

On page 44, line 17, through page 46, line 12, remove: all of said lines and insert:

creating the minimum-risk nonresidential restrictiveness level; providing that temporary release may be granted under specified conditions to youth committed to the high-risk residential restrictiveness level; providing that high-risk residential facilities may be environmentally secure; amending s. 985.207, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; providing for a child to be taken into custody for a violation of adjudication order conditions; amending s. 985.208, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; amending s. 985.215, F.S.; permitting detention until disposition for adjudicated youth who have a history of failing to appear; providing for release from detention for a child who has absconded; providing exceptions that permit a child to be placed in detention postadjudication for more than 15 days; conforming a cross reference; providing for detention for committed children awaiting placement; providing secure detention for children awaiting minimum-risk placement who violate home or nonsecure detention or electronic monitoring; providing for limited secure detention for children being transported to residential commitment programs; requiring the state to pay certain detention care costs for

juveniles in certain counties for fiscal year 2005-2006; amending s. 985.228, F.S.; requiring the court to include specified conditions in an order of adjudication of delinquency that are applicable to a youth for the postadjudication and predisposition period; defining a term; providing for contempt of court proceedings for a violation of adjudication order conditions; providing sanctions; amending s. 985.231, F.S.; revising provisions relating to powers of disposition; providing the maximum length for a minimum-risk nonresidential commitment for a second degree misdemeanor; providing that the department or a provider report quarterly to the court the child's treatment plan progress; making conforming changes; amending s. 985.2311, F.S.; requiring parents to pay fees for costs of supervision related to minimum-risk nonresidential commitment; amending s. 985.316, F.S.; providing for assessment of residentially committed youth for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; creating a new task force on juvenile sexual offenders and their victims; providing powers and duties; providing membership; requiring a report; providing for administrative support; providing for dissolution of the task force; creating a task force to study the certification of professional staff working for a provider of juvenile justice services; providing membership; requiring the task force to consider the feasibility of implementing and operating a certification system for professional staff; requiring the task force to consider specified issues; directing the task force to recommend a process for testing and validating the effectiveness of the recommended staff development system; requiring the task force to prepare and submit a report of its deliberations and recommendations by a specified date; providing for administrative support; providing for dissolution of the task force; amending s. 985.404, F.S.; requiring the court to issue written orders granting or denying specified department requested transfers for youth committed to the minimum-risk restrictiveness level; permitting the court to conduct a hearing; prohibiting specified department-requested transfers prior to department receipt of a written court order granting the transfer; amending s. 985.4135, F.S.; requiring juvenile justice county councils to develop criteria for law enforcement referrals to juvenile assessment centers; providing for permissible representation on juvenile justice county councils or circuit boards; amending s. 985.407, F.S.; changing the level of background screening required for certain department and provider employees from level 1 to level 2; requiring federal criminal records checks every 5 years for certain department and provider employees; providing for electronic submission of specified fingerprint information; providing for retention of specified fingerprint information; providing for searches; requiring the adoption of rules; providing for an annual fee; providing for notice of changes in the employment status of persons whose fingerprint information is retained; requiring the removal of fingerprint information upon the occurrence of specified events; providing appropriations; amending ss. 784.075, 984.05, 985.31, and 985.3141, F.S.; conforming cross references; reenacting ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(k), and 985.311(3)(e), F.S., relating to jurisdiction, sentencing alternatives, commitment of serious or habitual juvenile offenders, and eligibility for an intensive residential treatment program for offenders less than 13 years of age, respectively, to incorporate the amendment to s. 985.231, F.S., in reference thereto; providing an

Senator Crist moved the following amendment to **House Amendment 1 (105381)** to **Senate Amendment 1 (500116)** which was adopted:

Senate Amendment 1 (653706)(with title amendment) to House Amendment 1 to Senate Amendment 1—On page 1, line 9, through page 32, line 823, delete those lines and insert: perimeter fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for this level of placement require close supervision in a structured residential setting. Placement in programs at this level is prompted by a concern for public safety that outweighs placement in programs at lower commitment levels. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility may provide for single cell occupancy.

(e)~~(d)~~ Maximum-risk residential.—Programs or program models at this commitment level include juvenile correctional facilities and juvenile prisons. The programs are long-term residential and *do* ~~shall~~ not allow youth to have access to the community. Facilities are maximum-custody hardware-secure with perimeter security fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility shall provide for single cell occupancy, except that youth may be housed together during prerelease transition. Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting. Placement in a program at this level is prompted by a demonstrated need to protect the public.

(47)~~(46)~~ "Respite" means a placement that is available for the care, custody, and placement of a youth charged with domestic violence as an alternative to secure detention or for placement of a youth when a shelter bed for a child in need of services or a family in need of services is unavailable.

(48)~~(47)~~ "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

(49)~~(48)~~ "Serious or habitual juvenile offender," for purposes of commitment to a residential facility and for purposes of records retention, means a child who has been found to have committed a delinquent act or a violation of law, in the case currently before the court, and who meets at least one of the following criteria:

(a) The youth is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;

2. Sexual battery;

3. Robbery;

4. Kidnapping;

5. Aggravated child abuse;

6. Aggravated assault;

7. Aggravated stalking;

8. Murder;

9. Manslaughter;

10. Unlawful throwing, placing, or discharging of a destructive device or bomb;

11. Armed burglary;

12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The youth is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least two times to a delinquency commitment program.

(c) The youth is at least 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(50)~~(49)~~ "Serious or habitual juvenile offender program" means the program established in s. 985.31.

(51)~~(50)~~ "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be delinquent.

(52)~~(51)~~ "Shelter hearing" means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.

(53)~~(52)~~ "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who

has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.

(54)~~(53)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(55)~~(54)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, detention, placement, or other disposition as authorized by law.

(56)~~(55)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(57)~~(56)~~ "Temporary release" means the terms and conditions under which a child is temporarily released from a *residential* commitment facility or allowed home visits. If the temporary release is from a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a conditional release program or a period during which the child is supervised by a juvenile probation officer or other nonresidential staff of the department or staff employed by an entity under contract with the department.

(58)~~(57)~~ "Training school" means one of the following facilities: the Arthur G. Dozier School or the Eckerd Youth Development Center.

(59)~~(58)~~ "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(60)~~(59)~~ "Waiver hearing" means a hearing provided for under s. 985.226(3).

Section 2. Paragraph (d) of subsection (1) of section 985.207, Florida Statutes, is amended to read:

985.207 Taking a child into custody.—

(1) A child may be taken into custody under the following circumstances:

(d) By a law enforcement officer who has probable cause to believe that the child is in violation of the conditions of the child's probation, home detention, postcommitment probation, or conditional release supervision*, has absconded from nonresidential commitment,* or has escaped from *residential*commitment.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 985.215.

Section 3. Section 985.208, Florida Statutes, is amended to read:

985.208 Detention of escapee *or absconder* on authority of the department.—

(1) If an authorized agent of the department has reasonable grounds to believe that any delinquent child committed to the department has escaped from a *residential commitment* facility ~~of the department~~ or from being lawfully transported thereto or therefrom*, or has absconded from a nonresidential commitment facility*, the agent may take the child into active custody and may deliver the child to the facility or, if it is closer, to a detention center for return to the facility. However, a child may not be held in detention longer than 24 hours, excluding Saturdays, Sundays, and legal holidays, unless a special order so directing is made by the judge after a detention hearing resulting in a finding that detention is required based on the criteria in s. 985.215(2). The order shall state the reasons for such finding. The reasons shall be reviewable by appeal or in habeas corpus proceedings in the district court of appeal.

(2) Any sheriff or other law enforcement officer, upon the request of the secretary of the department or duly authorized agent, shall take a child who has escaped ~~or absconded~~ from a *residential commitment* ~~department~~ facility ~~for committed delinquent children,~~ or from being lawfully transported thereto or therefrom, *or has absconded from a nonresidential commitment facility,* into custody and deliver the child to the appropriate juvenile probation officer ~~of the department~~.

Section 4. Subsections (2) and (10) of section 985.215, Florida Statutes, are amended to read:

985.215 Detention.—

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee *from a residential commitment program,* or an absconder from a *nonresidential* commitment program, a probation program, or conditional release supervision, or is alleged to have escaped while being lawfully transported to or from *a residential commitment* ~~such~~ program ~~or supervision~~.

(b) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony.

(c) The child is charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his or her personal safety.

(d) The child is charged with committing an offense of domestic violence as defined in s. 741.28 and is detained as provided in s. 985.213(2)(b)3.

(e) The child is charged with possession or discharging a firearm on school property in violation of s. 790.115.

(f) The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve a violation of chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm.

(g) The child is charged with any second degree or third degree felony involving a violation of chapter 893 or any third degree felony that is not also a crime of violence, and the child:

1. Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;

2. Has a record of law violations prior to court hearings;

3. Has already been detained or has been released and is awaiting final disposition of the case;

4. Has a record of violent conduct resulting in physical injury to others; or

5. Is found to have been in possession of a firearm.

(h) The child is alleged to have violated the conditions of the child's probation or conditional release supervision. However, a child detained under this paragraph may be held only in a consequence unit as provided in s. 985.231(1)(a)1.c. If a consequence unit is not available, the child shall be placed on home detention with electronic monitoring.

(i) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, for an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where

the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(j) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, at two or more court hearings of any nature on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

A child who meets any of these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he or she is charged and the need for continued detention*, except where the child is alleged to have absconded from a nonresidential commitment program in which case the court, at the detention hearing, shall order that the child be released from detention and returned to his or her nonresidential commitment program*. Unless a child is detained under paragraph (d) or paragraph (e), the court shall *use* ~~utilize~~ the results of the risk assessment performed by the juvenile probation officer and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement. Except as provided in s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted pursuant to paragraph (5)(f).

(5)

(d) Except as provided in paragraph (g), a child may not be held in secure, nonsecure, or home detention care for more than 15 days following the entry of an order of adjudication.

(g) Upon good cause being shown that the nature of the charge requires additional time for the prosecution or defense of the case, the court may extend the time limits for detention specified in paragraph (c) an additional 9 days if the child is charged with an offense that would be, if committed by an adult, a capital felony, a life felony, a felony of the first degree, or a felony of the second degree involving violence against any individual.

(10)(a)1. When a child is committed to the Department of Juvenile Justice awaiting dispositional placement, removal of the child from detention care shall occur within 5 days, excluding Saturdays, Sundays, and legal holidays. Any child held in secure detention during the 5 days must meet detention admission criteria pursuant to this section. If the child is committed to a moderate-risk residential program, the department may seek an order from the court authorizing continued detention for a specific period of time necessary for the appropriate residential placement of the child. However, such continued detention in secure detention care may not exceed 15 days after commitment, excluding Saturdays, Sundays, and legal holidays, and except as otherwise provided in this subsection.

2. The court must place all children who are adjudicated and awaiting placement in a ~~residential~~ commitment program in detention care. Children who are in home detention care or nonsecure detention care may be placed on electronic monitoring.

(b) A child who is placed in home detention care, nonsecure detention care, or home or nonsecure detention care with electronic monitoring, while awaiting placement in a *minimum-risk,* low-risk, or moderate-risk program, may be held in secure detention care for 5 days, if the child violates the conditions of the home detention care, the nonsecure detention care, or the electronic monitoring agreement. For any subsequent violation, the court may impose an additional 5 days in secure detention care.

(c) If the child is committed to a high-risk residential program, the child must be held in detention care until placement or commitment is accomplished.

(d) If the child is committed to a maximum-risk residential program, the child must be held in detention care until placement or commitment is accomplished.

(e) Upon specific appropriation, the department may obtain comprehensive evaluations, including, but not limited to, medical, academic, psychological, behavioral, sociological, and vocational needs of a youth with multiple arrests for all level criminal acts or a youth committed to a minimum-risk or low-risk commitment program.

(f) Regardless of detention status, a child being transported by the department to a *residential* commitment facility of the department may be placed in secure detention overnight, not to exceed a 24-hour period, for the specific purpose of ensuring the safe delivery of the child to his or her *residential* commitment program, court, appointment, transfer, or release.

Section 5. *Notwithstanding s. 985.2155, Florida Statutes, as amended by ch. 2004-473, Laws of Florida, the state, subject to appropriation, shall pay all costs of detention care for juveniles for Highlands County, Sumter County, and Wakulla County for fiscal year 2005-2006.*

Section 6. Paragraphs (a) and (d) of subsection (1) and subsection (2) of section 985.231, Florida Statutes, are amended to read:

985.231 Powers of disposition in delinquency cases.—

(1)(a) The court that has jurisdiction of an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

1. Place the child in a probation program or a postcommitment probation program under the supervision of an authorized agent of the department ~~of Juvenile Justice~~ or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct. A probation program for an adjudicated delinquent child must include a penalty component such as restitution in money or in kind, community service, a curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or other educational program. If the child is attending or is eligible to attend public school and the court finds that the victim or a sibling of the victim in the case is attending or may attend the same school as the child, the court placement order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d). Upon the recommendation of the department at the time of disposition, or subsequent to disposition pursuant to the filing of a petition alleging a violation of the child's conditions of postcommitment probation, the court may order the child to submit to random testing for the purpose of detecting and monitoring the use of alcohol or controlled substances.

a. A ~~restrictiveness level~~ classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to probation supervision requirements to reasonably ensure the public safety. Probation programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs must include, but are not limited to, structured or restricted activities as described in this subparagraph, and shall be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense, except that the duration of such supervision or program for an offense

that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months. When restitution is ordered by the court, the amount of restitution may not exceed an amount the child and the parent or guardian could reasonably be expected to pay or make. A child who participates in any work program under this part is considered an employee of the state for purposes of liability, unless otherwise provided by law.

b. The court may conduct judicial review hearings for a child placed on probation for the purpose of fostering accountability to the judge and compliance with other requirements, such as restitution and community service. The court may allow early termination of probation for a child who has substantially complied with the terms and conditions of probation.

c. If the conditions of the probation program or the postcommitment probation program are violated, the department or the state attorney may bring the child before the court on a petition alleging a violation of the program. Any child who violates the conditions of probation or postcommitment probation must be brought before the court if sanctions are sought. A child taken into custody under s. 985.207 for violating the conditions of probation or postcommitment probation shall be held in a consequence unit if such a unit is available. The child shall be afforded a hearing within 24 hours after being taken into custody to determine the existence of probable cause that the child violated the conditions of probation or postcommitment probation. A consequence unit is a secure facility specifically designated by the department for children who are taken into custody under s. 985.207 for violating probation or postcommitment probation, or who have been found by the court to have violated the conditions of probation or postcommitment probation. If the violation involves a new charge of delinquency, the child may be detained under s. 985.215 in a facility other than a consequence unit. If the child is not eligible for detention for the new charge of delinquency, the child may be held in the consequence unit pending a hearing and is subject to the time limitations specified in s. 985.215. If the child denies violating the conditions of probation or postcommitment probation, the court shall appoint counsel to represent the child at the child's request. Upon the child's admission, or if the court finds after a hearing that the child has violated the conditions of probation or postcommitment probation, the court shall enter an order revoking, modifying, or continuing probation or postcommitment probation. In each such case, the court shall enter a new disposition order and, in addition to the sanctions set forth in this paragraph, may impose any sanction the court could have imposed at the original disposition hearing. If the child is found to have violated the conditions of probation or postcommitment probation, the court may:

(I) Place the child in a consequence unit in that judicial circuit, if available, for up to 5 days for a first violation, and up to 15 days for a second or subsequent violation.

(II) Place the child on home detention with electronic monitoring. However, this sanction may be used only if a residential consequence unit is not available.

(III) Modify or continue the child's probation program or postcommitment probation program.

(IV) Revoke probation or postcommitment probation and commit the child to the department.

d. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of any order placing a child in a probation program must be until the child's 19th birthday unless he or she is released by the court, on the motion of an interested party or on its own motion.

2. Commit the child to a licensed child-caring agency willing to receive the child, but the court may not commit the child to a jail or to a facility used primarily as a detention center or facility or shelter.

3. Commit the child to the department ~~of Juvenile Justice~~ at a *restrictiveness* ~~residential commitment~~ level defined in s. 985.03. Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, urine monitoring, and treatment of the child and release of the child *from residential commitment* into the community in a postcommitment nonresidential conditional release program. If the child is eligible to attend public school following ~~residential~~ commitment and the court finds that the victim or a sibling of the victim in the case is or may be attending the same school as the child, the commitment order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d). If the child is not successful in the conditional release program, the department may use the transfer procedure under s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of the commitment must be until the child is discharged by the department or until he or she reaches the age of 21.

4. Revoke or suspend the driver's license of the child.

5. Require the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to render community service in a public service program.

6. As part of the probation program to be implemented by the department ~~of Juvenile Justice~~, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment, order the child to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order the child or the child's parent or guardian to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. The clerk shall notify the court if restitution is not made, and the court shall take any further action that is necessary against the child or the child's parent or guardian. A finding by the court, after a hearing, that the parent or guardian has made diligent and good faith efforts to prevent the child from engaging in delinquent acts absolves the parent or guardian of liability for restitution under this subparagraph.

7. Order the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to participate in a community work project, either as an alternative to monetary restitution or as part of the rehabilitative or probation program.

8. Commit the child to the department ~~of Juvenile Justice~~ for placement in a program or facility for serious or habitual juvenile offenders in accordance with s. 985.31. Any commitment of a child to a program or facility for serious or habitual juvenile offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over such child until the child reaches the age of 21, specifically for the purpose of the child completing the program.

9. In addition to the sanctions imposed on the child, order the parent or guardian of the child to perform community service if the court finds that the parent or guardian did not make a diligent and good faith effort to prevent the child from engaging in delinquent acts. The court may also order the parent or guardian to make restitution in money or in kind for any damage or loss caused by the child's offense. The court shall determine a reasonable amount or manner of restitution, and payment shall be made to the clerk of the circuit court as provided in subparagraph 6.

10. Subject to specific appropriation, commit the juvenile sexual offender to the department ~~of Juvenile Justice~~ for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.308. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over a juvenile sexual offender until the juvenile sexual offender reaches the age of 21, specifically for the purpose of completing the program.

(d) Any commitment of a delinquent child to the department ~~of Juvenile Justice~~ must be for an indeterminate period of time, which may include periods of temporary release*; however*, ~~but~~ the *period of* time may not exceed the maximum term of imprisonment that an adult may serve for the same offense*, except that the duration of a minimum-risk nonresidential commitment for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months*. The duration of the child's placement in a ~~residential~~ commitment program of any *restrictiveness*

level shall be based on objective performance-based treatment planning. The child's treatment plan progress and adjustment-related issues shall be reported to the court *quarterly, unless the court requests monthly reports* ~~each month~~. The child's length of stay in a ~~residential~~ commitment program may be extended if the child fails to comply with or participate in treatment activities. The child's length of stay in *the* ~~such~~ program shall not be extended for purposes of sanction or punishment. Any temporary release from such program must be approved by the court. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. The child's treatment plan progress and adjustment-related issues must be communicated to the court at the time the department requests the court to consider releasing the child from the ~~residential~~ commitment program. Notwithstanding s. 743.07 and this subsection, and except as provided in ss. 985.201 and 985.31, a child may not be held under a commitment from a court *under* ~~pursuant to~~ this section after becoming 21 years of age. The department shall give the court that committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment facility. The court that committed the child may thereafter accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted. This section does not limit the department's authority to revoke a child's temporary release status and return the child to a commitment facility for any violation of the terms and conditions of the temporary release.

(2) Following a delinquency adjudicatory hearing pursuant to s. 985.228 and a delinquency disposition hearing pursuant to s. 985.23 which results in a commitment determination, the court shall, on its own or upon request by the state or the department, determine whether the protection of the public requires that the child be placed in a program for serious or habitual juvenile offenders and whether the particular needs of the child would be best served by a program for serious or habitual juvenile offenders as provided in s. 985.31. The determination shall be made pursuant to ss. 985.03*(49)*~~(48)~~ and 985.23(3).

Section 7. Paragraph (a) of subsection (1) of section 985.2311, Florida Statutes, is amended to read:

985.2311 Cost of supervision; cost of care.—

(1) Except as provided in subsection (3) or subsection (4):

(a) When any child is placed into home detention, probation, or other supervision status with the department ~~of Juvenile Justice~~, *or is committed to the minimum-risk nonresidential restrictiveness level,* the court shall order the parent of such child to pay to the department a fee for the cost of the supervision of such child in the amount of $1 per day for each day that the child is in *such* ~~supervision~~ status.

Section 8. Subsection (3) of section 985.316, Florida Statutes, is amended to read:

985.316 Conditional release.—

(3) For juveniles referred or committed to the department, the function of the department may include, but shall not be limited to, assessing each ~~committed~~ juvenile *placed in a residential commitment program* to determine the need for conditional release services upon release from *the* ~~a commitment~~ program, supervising the juvenile when released into the community from a residential commitment facility of the department, providing such counseling and other services as may be necessary for the families and assisting their preparations for the return of the child. Subject to specific appropriation, the department shall provide for outpatient sexual offender counseling for any juvenile sexual offender released from a *residential* commitment program as a component of conditional release.

Section 9. *Section 985.403, Florida Statutes, is repealed.*

Section 10. *Task Force on Juvenile Sexual Offenders and their Victims.—*

(1) On or before August 1, 2005, there shall be created a task force to review and evaluate the state's laws that define and address juvenile sex offenders and the Department of Juvenile Justice's practices and procedures for serving these offenders and their victims. The task force shall make findings that include, but are not limited to: identification of statutes that address juvenile sexual offenders; a profile of the acts committed by each juvenile placed in juvenile sexual offender programming in this state between July 2000 and June 2005 and an assessment of the appropriateness of those placements based upon the acts committed; identification of community-based and residential commitment programming available for juvenile sexual offenders and an assessment of such programming's effectiveness; and identification of qualifications required for staff who serve juvenile sexual offenders. Based on its findings, the task force shall make recommendations for the improvement of the state's laws, policies, programs, and funding for juvenile sexual offenders, and such recommendations shall specifically include, but are not limited to, identification of criteria that should be satisfied prior to placement of a juvenile in juvenile sexual offender programming.

(2) The Governor shall appoint up to 12 members to the task force. The task force shall be composed of representatives who shall include, but are not limited to: a circuit court judge with at least 1 year's experience in the juvenile division, a state attorney with at least 1 year's experience in the juvenile division, a public defender with at least 1 year's experience in the juvenile division, one representative of the Department of Juvenile Justice, two representatives of providers of juvenile sexual offender services, one member of the Florida Juvenile Justice Association, one member of the Florida Association for the Treatment of Sexual Abusers, and one victim of a juvenile sexual offense.

(3) The task force shall submit a written report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2005.

(4) Administrative support for the task force shall be provided by the Department of Juvenile Justice. Members of the task force shall receive no salary from the state beyond the salary already received from their sponsoring agency, if any, and are not entitled to reimbursement for travel and per diem expenses.

(5) The task force shall be dissolved upon submission of its report.

Section 11. *Task force to study certification for juvenile justice provider staff.—*

(1) On or before August 1, 2005, there shall be created a task force to study the feasibility of establishing a certification process for staff employed by a provider under contract with the Department of Juvenile Justice to provide juvenile justice services to youth.

(2) The Governor shall appoint up to 12 members to the task force. The task force shall be composed of representatives who shall include, but are not limited to, the following: two representatives of the Department of Juvenile Justice, two representatives of providers of juvenile justice services, two members of the Florida Juvenile Justice Association, two provider employees who provide direct care services, and two representatives of the Florida Certification Board.

(3) The task force shall consider the feasibility of implementing and operating a certification system for staff who work in juvenile justice facilities, services, or programs. At a minimum, the task force shall consider and make recommendations concerning: per diem levels, the occupational levels of staff subject to certification, the criteria that may be used to certify staff, the levels of certification, and a process for testing and validating the effectiveness of any recommended staff certification system. In making its recommendations, the task force shall make findings regarding the benefits of a staff certification system for the state's juvenile justice programming and the cost to implement such a system.

(4) The task force shall submit a written report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2006.

(5) Administrative support for the task force shall be provided by the Department of Juvenile Justice. Members of the task force shall receive no salary from the state beyond the salary already received from their sponsoring agency, if any, and are not entitled to reimbursement for travel and per diem expenses.

(6) The task force shall be dissolved upon submission of its report.

Section 12. Subsection (10) of section 985.4135, Florida Statutes, is amended to read:

985.4135 Juvenile justice circuit boards and juvenile justice county councils.—

And the title is amended as follows:

On page 42, line 1083, through page 44, line 1149, delete those lines and insert: risk residential restrictiveness level; amending s. 985.207, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; amending s. 985.208, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; amending s. 985.215, F.S.; providing for release from detention for a child who has absconded; providing for detention for committed children awaiting placement; providing secure detention for children awaiting minimum-risk placement who violate home or nonsecure detention or electronic monitoring; providing for limited secure detention for children being transported to residential commitment programs; requiring the state to pay certain detention care costs for juveniles in certain counties for fiscal year 2005-2006; amending s. 985.231, F.S.; revising provisions relating to powers of disposition; providing the maximum length for a minimum-risk nonresidential commitment for a second degree misdemeanor; providing that the department or a provider report quarterly to the court the child's treatment plan progress; making conforming changes; amending s. 985.2311, F.S.; requiring parents to pay fees for costs of supervision related to minimum-risk nonresidential commitment; amending s. 985.316, F.S.; providing for assessment of residentially committed youth for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; creating a new task force on juvenile sexual offenders and their victims; providing powers and duties; providing membership; requiring a report; providing for administrative support; providing for dissolution of the task force; creating a task force to study the certification of professional staff working for a provider of juvenile justice services; providing membership; requiring the task force to consider the feasibility of implementing and operating a certification system for professional staff; requiring the task force to consider specified issues; directing the task force to recommend a process for testing and validating the effectiveness of the recommended staff development system; requiring the task force to prepare and submit a report of its deliberations and recommendations by a specified date; providing for administrative support; providing for dissolution of the task force; amending s. 985.4135, F.S.;

On motion by Senator Crist, the Senate concurred in **House Amendment 1 to Senate Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

HB 1917 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

BILLS ON THIRD READING, continued

On motion by Senator Garcia, by unanimous consent—

HB 1939—A bill to be entitled An act relating to public records and public meetings; creating s. 627.06292, F.S.; creating an exemption from public records requirements for reports of hurricane loss data and associated exposure data that are specific to a particular insurance company; providing a definition; providing for review and repeal; providing a statement of public necessity; amending s. 627.0628, F.S.; creating an exemption from public records requirements for trade secrets used in designing and constructing hurricane loss models; creating an exemption from public meetings requirements for that portion of a meeting of the Florida Commission on Hurricane Loss Projection Methodology or of a rate proceeding wherein confidential and exempt trade secrets are discussed; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Garcia, **HB 1939** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Margolis

On motion by Senator Constantine, by unanimous consent—

CS for SB 2070—A bill to be entitled An act relating to communications services; providing a short title; specifying the period during which the actual cost of operating a substitute communications system is exempt from such taxes; creating the Communications Service Tax Task Force; providing for the membership of the task force; providing a purpose; providing for staffing and administrative support; requiring a report to the Governor and the Legislature; providing appropriations; amending s. 202.11, F.S.; redefining the term "communications services"; providing that the definition of sales price for purposes of communication services tax does not include specified charges for Internet access services; defining the term "service address" when the location of the equipment is unknown or under other circumstances; amending s. 202.26, F.S.; prescribing methods of record keeping relating to bundled sales; amending s. 212.02, F.S.; providing that the definition of sales price for purposes of sales tax does not include specified charges for Internet access services; amending s. 202.13, F.S.; prescribing methods of record keeping relating to bundled sales; providing for emergency rulemaking by the Department of Revenue; amending s. 202.17, F.S.; providing intent that all sellers of communications services must comply with ch. 202, F.S.; providing an effective date.

—as amended May 5 was taken up out of order and read the third time by title.

Senators Haridopolos, Constantine and Bennett offered the following amendment which was moved by Senator Haridopolos and adopted by two-thirds vote:

Amendment 1 (981638)(with title amendment)—On page 2, lines 3-15, delete those lines and insert:

Section 1. Sections (2) through (15) of section 202.11, Florida Statutes, are renumbered as subsections (1) through (14), respectively, subsections (17) through (25) of that section are renumbered as subsections (15) through (23), respectively, and present subsections (1) and (16) of that section are amended to read:

202.11 Definitions.—As used in this chapter:

~~(1) "Actual cost of operating a substitute communications system" includes, but is not limited to, depreciation, interest, maintenance, repair, and other expenses directly attributable to the operation of such system. For purposes of this chapter, the depreciation expense included~~

~~in actual cost is the depreciation expense claimed for federal income tax purposes. The total amount of any payment required by a lease or rental contract or agreement must be included within the actual cost of operating the substitute communications system.~~

~~(16) "Substitute communications system" means any telephone system, or other system capable of providing communications services, which a person purchases, installs, rents, or leases for his or her own use to provide himself or herself with services used as a substitute for any switched service or dedicated facility by which a dealer of communications services provides a communication path.~~

Section 2. Paragraphs (c), (d), and (e) of subsection (1) of section 202.12, Florida Statutes, are redesignated as paragraphs (b), (c), and (d), respectively, and present paragraph (b) of subsection (1) and subsection (2) of that section are amended to read:

202.12 Sales of communications services.—The Legislature finds that every person who engages in the business of selling communications services at retail in this state is exercising a taxable privilege. It is the intent of the Legislature that the tax imposed by chapter 203 be administered as provided in this chapter.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction, and the tax is due and payable as follows:

~~(b) At the rate set forth in paragraph (a) on the actual cost of operating a substitute communications system, to be paid in accordance with s. 202.15. This paragraph does not apply to the use by any dealer of his or her own communications system to conduct a business of providing communications services or any communications system operated by a county, a municipality, the state, or any political subdivision of the state. The gross receipts tax imposed by chapter 203 shall be applied to the same costs, and remitted with the tax imposed by this paragraph.~~

(2) A dealer of taxable communications services shall bill, collect, and remit the taxes on communications services imposed pursuant to chapter 203 and this section at a combined rate that is the sum of the rate of tax on communications services prescribed in chapter 203 and the applicable rate of tax prescribed in this section. ~~Each dealer subject to the tax provided in paragraph (1)(b) shall also remit the taxes imposed pursuant to chapter 203 and this section on a combined basis.~~ However, a dealer shall, in reporting each remittance to the department, identify the portion thereof which consists of taxes remitted pursuant to chapter 203. Return forms prescribed by the department shall facilitate such reporting.

Section 3. Paragraph (a) of subsection (1) of section 202.16, Florida Statutes, is amended to read:

202.16 Payment.—The taxes imposed or administered under this chapter and chapter 203 shall be collected from all dealers of taxable communications services on the sale at retail in this state of communications services taxable under this chapter and chapter 203. The full amount of the taxes on a credit sale, installment sale, or sale made on any kind of deferred payment plan is due at the moment of the transaction in the same manner as a cash sale.

(1)(a) ~~Except as otherwise provided in ss. 202.12(1)(b) and 202.15,~~ The taxes collected under this chapter and chapter 203 shall be paid by the purchaser of the communications service and shall be collected from such person by the dealer of communications services.

Section 4. Subsection (6) of section 202.17, Florida Statutes, is amended to read:

202.17 Registration.—

(6) In addition to the certificate of registration, the department shall provide to each newly registered dealer an initial resale certificate that is valid for the remainder of the period of issuance. The department shall provide to each active dealer~~, except persons registered pursuant to s. 202.15,~~ an annual resale certificate. As used in this section, *the term* "active dealer" means a person who is registered with the department and who is required to file a return at least once during each applicable reporting period.

Section 5. Subsections (1) and (2) of section 202.18, Florida Statutes, are amended to read:

202.18 Allocation and disposition of tax proceeds.—The proceeds of the communications services taxes remitted under this chapter shall be treated as follows:

(1) The proceeds of the taxes remitted under s. 202.12(1)(a) ~~and (b)~~ shall be divided as follows:

(a) The portion of such proceeds which constitutes gross receipts taxes, imposed at the rate prescribed in chapter 203, shall be deposited as provided by law and in accordance with s. 9, Art. XII of the State Constitution.

(b) The remaining portion shall be distributed according to s. 212.20(6).

(2) The proceeds of the taxes remitted under s. 202.12(1)*(b)*~~(c)~~ shall be divided as follows:

(a) The portion of such proceeds which constitutes gross receipts taxes, imposed at the rate prescribed in chapter 203, shall be deposited as provided by law and in accordance with s. 9, Art. XII of the State Constitution.

(b) Sixty-three percent of the remainder shall be allocated to the state and distributed pursuant to s. 212.20(6), except that the proceeds allocated pursuant to s. 212.20(6)(d)3. shall be prorated to the participating counties in the same proportion as that month's collection of the taxes and fees imposed pursuant to chapter 212 and paragraph (1)(b).

(c)1. During each calendar year, the remaining portion of such proceeds shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and shall be allocated in the same proportion as the allocation of total receipts of the half-cent sales tax under s. 218.61 and the emergency distribution under s. 218.65 in the prior state fiscal year.

2. The proportion of the proceeds allocated based on the emergency distribution under s. 218.65 shall be distributed pursuant to s. 218.65.

3. In each calendar year, the proportion of the proceeds allocated based on the half-cent sales tax under s. 218.61 shall be allocated to each county in the same proportion as the county's percentage of total sales tax allocation for the prior state fiscal year and distributed pursuant to s. 218.62.

4. The department shall distribute the appropriate amount to each municipality and county each month at the same time that local communications services taxes are distributed pursuant to subsection (3).

Section 6. Subsections (8) through (12) of section 202.19, Florida Statutes, are renumbered as subsections (7) through (11), respectively, and present subsection (7) of that section is amended to read:

202.19 Authorization to impose local communications services tax.—

~~(7) Any tax imposed by a municipality, school board, or county under this section also applies to the actual cost of operating a substitute communications system, to be paid in accordance with s. 202.15. This subsection does not apply to the use by any provider of its own communications system to conduct a business of providing communications services or to the use of any communications system operated by a county, a municipality, the state, or any political subdivision of the state.~~

Section 7. Paragraph (a) of subsection (1) of section 203.01, Florida Statutes, is amended to read:

203.01 Tax on gross receipts for utility and communications services.—

(1)(a)1. Every person that receives payment for any utility service shall report by the last day of each month to the Department of Revenue, under oath of the secretary or some other officer of such person, the total amount of gross receipts derived from business done within this state, or between points within this state, for the preceding month and, at the same time, shall pay into the State Treasury an amount equal to a percentage of such gross receipts at the rate set forth in paragraph (b). Such collections shall be certified by the Chief Financial Officer upon the request of the State Board of Education.

2. A tax is levied on communications services as defined in s. 202.11*(2)*~~(3)~~. Such tax shall be applied to the same services and transac-

tions as are subject to taxation under chapter 202, and to communications services that are subject to the exemption provided in s. 202.125(1). Such tax shall be applied to the sales price of communications services when sold at retail ~~and to the actual cost of operating substitute communications systems~~, as such terms are defined in s. 202.11, shall be due and payable at the same time as the taxes imposed pursuant to chapter 202, and shall be administered and collected pursuant to the provisions of chapter 202.

Section 8. Section 624.105, Florida Statutes, is amended to read:

624.105 Waiver of customer liability.—Any regulated company as defined in s. 350.111, any electric utility as defined in s. 366.02(2), any utility as defined in s. 367.021(12) or s. 367.022(2) and (7), and any provider of communications services as defined in s. 202.11*(2)*~~(3)~~ may charge for and include an optional waiver of liability provision in their customer contracts under which the entity agrees to waive all or a portion of the customer's liability for service from the entity for a defined period in the event of the customer's call to active military service, death, disability, involuntary unemployment, qualification for family leave, or similar qualifying event or condition. Such provisions may not be effective in the customer's contract with the entity unless affirmatively elected by the customer. No such provision shall constitute insurance so long as the provision is a contract between the entity and its customer.

Section 9. *The retroactive application of the provisions of this act are remedial in nature and shall not be construed to create a right to a refund or to require a refund by any governmental entity of any tax, penalty, or interest remitted to the Department of Revenue on substitute communications systems prior to the effective date of this act.*

Section 10. *Section 202.15, Florida Statutes, is repealed.*

Section 11. Sections 1 through 10 of this act shall take effect upon becoming a law and shall apply retroactively to October 1, 2001.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: amending s. 202.12, F.S.; deleting a provision relating to the manner in which the tax on gross receipts for communications services is applied to a substitute communications system; amending ss. 202.16, 202.17, and 202.18, F.S.; correcting cross-references; amending s. 202.19, F.S.; deleting a provision authorizing the imposition of a local communications services tax on substitute communications systems; amending s. 203.01, F.S.; deleting a provision authorizing the imposition of a gross receipts tax on actual costs of operating substitute communications systems; amending s. 624.105, F.S.; correcting a cross-reference; specifying that retroactive operation is remedial and does not create any right to or require any refunds; repealing s. 202.15, F.S., relating to special rules for users of substitute communications systems; providing for retroactive operation; providing an effective date; creating the Communications Service

On motion by Senator Constantine, **CS for SB 2070** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 152, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 152—A bill to be entitled An act relating to alimony; amending s. 61.14, F.S.; authorizing a court to modify payment of alimony if there is proof by a preponderance of the evidence that the recipient former spouse is in a de facto marriage with a person of the opposite sex outside of the legal bond of matrimony; prescribing factors to be considered by the court; providing for application; providing an effective date.

House Amendment 1 (823941)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 61.14, Florida Statutes, is amended to read:

61.14 Enforcement and modification of support, maintenance, or alimony agreements or orders.—

(1)(a) When the parties enter into an agreement for payments for, or instead of, support, maintenance, or alimony, whether in connection with a proceeding for dissolution or separate maintenance or with any voluntary property settlement, or when a party is required by court order to make any payments, and the circumstances or the financial ability of either party changes or the child who is a beneficiary of an agreement or court order as described herein reaches majority after the execution of the agreement or the rendition of the order, either party may apply to the circuit court of the circuit in which the parties, or either of them, resided at the date of the execution of the agreement or reside at the date of the application, or in which the agreement was executed or in which the order was rendered, for an order decreasing or increasing the amount of support, maintenance, or alimony, and the court has jurisdiction to make orders as equity requires, with due regard to the changed circumstances or the financial ability of the parties or the child, decreasing, increasing, or confirming the amount of separate support, maintenance, or alimony provided for in the agreement or order. A finding that medical insurance is reasonably available or the child support guidelines in s. 61.30 may constitute changed circumstances. Except as otherwise provided in s. 61.30(11)(c), the court may modify an order of support, maintenance, or alimony by increasing or decreasing the support, maintenance, or alimony retroactively to the date of the filing of the action or supplemental action for modification as equity requires, giving due regard to the changed circumstances or the financial ability of the parties or the child.

(b)1. The court may reduce or terminate an award of alimony upon specific written findings by the court that since the granting of a divorce and the award of alimony a supportive relationship has existed between the obligee and a person with whom the obligee resides. On the issue of whether alimony should be reduced or terminated under this paragraph, the burden is on the obligor to prove by a preponderance of the evidence that a supportive relationship exists.

2. In determining whether an existing award of alimony should be reduced or terminated because of an alleged supportive relationship between an obligee and a person who is not related by consanguinity or affinity and with whom the obligee resides, the court shall elicit the nature and extent of the relationship in question. The court shall give consideration, without limitation, to circumstances, including, but not limited to, the following, in determining the relationship of an obligee to another person:

a. The extent to which the obligee and the other person have held themselves out as a married couple by engaging in conduct such as using the same last name, using a common mailing address, referring to each other in terms such as "my husband" or "my wife," or otherwise conduct-

ing themselves in a manner that evidences a permanent supportive relationship.

b. The period of time that the obligee has resided with the other person in a permanent place of abode.

c. The extent to which the obligee and the other person have pooled their assets or income or otherwise exhibited financial interdependence.

d. The extent to which the obligee or the other person has supported the other, in whole or in part.

e. The extent to which the obligee or the other person has performed valuable services for the other.

f. The extent to which the obligee or the other person has performed valuable services for the other's company or employer.

g. Whether the obligee and the other person have worked together to create or enhance anything of value.

h. Whether the obligee and the other person have jointly contributed to the purchase of any real or personal property.

i. Evidence in support of a claim that the obligee and the other person have an express agreement regarding property sharing or support.

j. Evidence in support of a claim that the obligee and the other person have an implied agreement regarding property sharing or support.

k. Whether the obligee and the other person have provided support to the children of one another, regardless of any legal duty to do so.

3. This paragraph does not abrogate the requirement that every marriage in this state be solemnized under a license, does not recognize a common law marriage as valid, and does not recognize a de facto marriage. This paragraph recognizes only that relationships do exist that provide economic support equivalent to a marriage and that alimony terminable on remarriage may be reduced or terminated upon the establishment of equivalent equitable circumstances as described in this paragraph. The existence of a conjugal relationship, though it may be relevant to the nature and extent of the relationship, is not necessary for the application of the provisions of this paragraph.

(c)~~(b)~~ For each support order reviewed by the department as required by s. 409.2564(12), if the amount of the child support award under the order differs by at least 10 percent but not less than $25 from the amount that would be awarded under s. 61.30, the department shall seek to have the order modified and any modification shall be made without a requirement for proof or showing of a change in circumstances.

(d)~~(c)~~ The department shall have authority to adopt rules to implement this section.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to alimony; amending s. 61.14, F.S.; authorizing a court to reduce or terminate an award of alimony if there is proof by a preponderance of the evidence that the obligee is in a supportive relationship with another person not related by consanguinity or affinity; prescribing factors to be considered by the court; providing construction; providing an effective date.

On motion by Senator Siplin, the Senate concurred in the House amendment.

CS for SB 152 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Atwater	Clary
Alexander	Baker	Constantine
Argenziano	Bennett	Crist
Aronberg	Campbell	Dawson
Diaz de la Portilla	Klein	Sebesta
Dockery	Lawson	Siplin
Garcia	Lynn	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wise
Jones	Pruitt	
King	Saunders	

Nays—6

Bullard	Fasano	Rich
Carlton	Margolis	Wilson

Vote after roll call:

Yea to Nay—Crist, Klein, Smith

Vote Recorded:

June 2, 2005: Yea to Nay—Aronberg

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 486, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 486—A bill to be entitled An act relating to enterprise zones; creating s. 290.00710, F.S.; authorizing the City of Lakeland to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; creating s. 290.0073, F.S.; authorizing Indian River County, the City of Vero Beach, and the City of Sebastian to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone in Indian River County; providing requirements with respect thereto; requiring the office to establish the initial effective date of the enterprise zone; creating s. 290.0074, F.S.; authorizing Sumter County to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; providing an effective date.

House Amendment 1 (676961)(with title amendment)—On page 3, between line(s) 15 and 16, insert:

Section 4. Section 290.0077, Florida Statutes, is created to read:

290.0077 Enterprise zone designation for Orange County and the municipality of Apopka.—Orange County and the municipality of Apopka may jointly apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

And the title is amended as follows:

On page 1, between line(s) 23 and 24, insert:

creating s. 290.0077, F.S.; authorizing Orange County and the municipality of Apopka to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish the initial effective date of the enterprise zone;

House Amendment 2 (742729) (with directory and title amendments)—On page 3, between lines 15 and 16, insert:

Section 4. *The Office of Program Policy Analysis and Government Accountability shall conduct an evaluation of the tax incentives available*

to rural enterprise zones and the effectiveness of rural enterprise zones in creating jobs. In particular, the evaluation must consider whether existing tax and other financial incentives available under the Enterprise Zone Act are appropriate for businesses located in rural enterprise zones and whether incentives such as the transfer of unused tax credits would enhance the effectiveness of rural enterprise zones. The evaluation shall include an estimation of the costs of new tax incentives. The evaluation shall also identify obstacles faced by rural enterprise zones and recommend possible solutions. The Office of Program Policy Analysis and Government Accountability shall conduct its evaluation and make a report containing its findings and recommendations to the Legislature by December 1, 2005.

And the title is amended as follows:

On page 1, line 24, remove said line and insert:

requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of rural enterprise zone issues; providing an effective date.

On motion by Senator Dockery, the Senate concurred in the House amendments.

CS for CS for SB 486 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CONFEREES DISCHARGED ON CS FOR CS FOR CS FOR SB 360

By direction of the President, the conferees on the part of the Senate which were previously appointed on CS for CS for CS for SB 360 were discharged.

The Senate proceeded to consideration of—

CS for CS for CS for SB 360—A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing for sanctions; requiring incorporation of selected water supply projects in the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; encouraging local governments to include a community vision and an urban service boundary as a component of their comprehensive plans; prescribing taxing authority of local governments doing so; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that the Department of Transportation be consulted regarding certain level-of-service standards; revising criteria and providing guidelines for transportation concurrency exception areas; requiring a local government to consider the transportation level-of-service standards of adjacent jurisdictions for certain roads; providing a process to monitor de minimis impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established on less than a districtwide basis within 5 years; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing requirements for such proportionate fair-share mitigation; requiring the adoption of a transportation concurrency management system by ordinances; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for small scale plan amendment review under certain circumstances; providing an exemption; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 212.055, F.S.; revising permissible rates for charter county transit system surtax; revising methods for approving such a surtax; providing for a noncharter county to levy this surtax under certain circumstances; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising methods for approving a local government infrastructure surtax; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising a ceiling on rates of small county surtaxes; revising methods for approving a school capital outlay surtax; amending s. 206.41, F.S.; providing for annual adjustment of the ninth-cent fuel tax and local option fuel tax; amending s. 336.021, F.S.; revising methods for approving such a fuel tax; limiting authority of a county to impose the ninth-cent fuel tax without adopting a community vision; amending s. 336.025, F.S.; limiting authority of a county to impose the local option fuel tax without adopting a community vision; revising methods for approving such a fuel tax; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; creating s. 339.2819, F.S.; creating the Transportation Regional Incentive Program within the Department of Transportation; providing matching funds for projects meeting certain criteria; amending s. 337.107, F.S.; allowing the inclusion of right-of-way services in certain design-build contracts; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services as part of design-build contracts under certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; allowing design and construction phases to be combined for certain projects; deleting an exception; amending s. 380.06, F.S.; providing exceptions; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; amending s. 206.46, F.S.; increasing the threshold for maximum debt service for transfers in the State Transportation Trust Fund; amending s. 339.08, F.S.; providing for expenditure of moneys in the State Transportation Trust Fund; amending s. 339.155, F.S.; providing for the development of regional transportation plans in Regional Transportation Areas; amending s. 339.175, F.S.; making conforming changes to provisions of the act; amending s. 339.55, F.S.; providing for loans for certain projects from the state-funded infrastructure bank within the Department of Transportation; amending s.

1013.64, F.S.; providing for the expenditure of funds in the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.65, F.S.; providing funding for the Classrooms for Kids Program; amending s. 201.15, F.S.; providing for the expenditure of certain funds in the Land Acquisition Trust Fund; providing for appropriations for the 2005-2006 fiscal year on a nonrecurring basis for certain purposes; providing effective dates.

—as amended by the House.

House Amendment 1 (882799)—Remove everything after the enacting clause and insert:

Section 1. Subsection (32) is added to section 163.3164, Florida Statutes, to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed or planned funding sources available for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements and as otherwise identified within this act necessary to ensure that adopted level-of-service standards are achieved and maintained within the 5-year schedule of capital improvements. The requirement that level-of service standards be achieved and maintained shall not apply if the proportionate-share process set forth in ss. 163.3180(12), (16), and (17) is used.

Section 2. Subsection (3), paragraphs (a), (c), and (h) of subsection (6), paragraph (d) of subsection (11), and subsection (12) of section 163.3177, Florida Statutes, are amended, and subsections (13) and (14) are added to that section, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient utilization of such facilities and set forth:

1. A component which outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component which outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.

4. Standards for the management of debt.

5. A schedule of capital improvements which includes publicly funded projects, and which may include privately funded projects.

6. The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(7) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(6).

(b)*1.* The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 *in order to maintain a financially feasible 5-year schedule of capital improvements.*~~, except that~~ Corrections~~, updates,~~ and modifications concerning costs; revenue sources; *or* acceptance of facilities pursuant to dedications which are consistent with the plan~~; or the date of construction~~ of any facility enumerated in the capital improvements *schedule* ~~element~~ may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. *A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule.* All public facilities shall be consistent with the capital improvements element. *Amendments to implement this section must be adopted and transmitted no later than December 1, 2007. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2007, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.*

2. Capital improvements element amendments adopted after the effective date of this act shall require at least two public hearings before the governing board, the last of which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6). All public comments submitted shall be forwarded to the department for consideration during the department's review. Amendments to the 5-year schedule of capital improvements adopted after the effective date of this act shall not be subject to challenge by an affected party. If the department determines that an amendment pursuant to this subparagraph is not in compliance, the local government may challenge that determination pursuant to s. 163.3184(10). An affected party may intervene in such challenge but may not maintain an independent action if the local government and the department enter into a compliance agreement.

(c) If the local government does not adopt the required annual update to the schedule of capital improvements or the annual update is found not in compliance, the state land planning agency must notify the Administration Commission. A local government that has a demonstrated lack of commitment to meeting its obligations identified in the capital improvement element may be subject to sanctions by the Administration Commission pursuant to s. 163.3184(11).

(d) If a local government adopts a long-term concurrency management system pursuant to s. 163.3180(9), it must also adopt a long-term capital improvements schedule covering up to a 10-year or 15-year period, and must update the long-term schedule annually. The long-term schedule of capital improvements must be financially feasible.

(6) In addition to the requirements of subsections (1)-(5) *and (12)*, the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of *water supplies,* public *facilities, and*services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the

local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. ~~All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999.~~ The failure by a local government to comply with these school siting requirements ~~by October 1, 1999~~, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use ~~or for adopting or amending the school-siting maps pursuant to s. 163.31776(3)~~ are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2006.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks. *Within 18 months after the governing board approves an updated regional water supply plan* ~~By December 1, 2006~~, the element must *incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.0361(2)(a) or proposed by the local government under s. 373.0361(7)(b)* ~~consider the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361~~. *If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan.*The element must *identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction and*include a work plan, covering at least a 10-year planning period, for building *public, private, and regional* water supply facilities*, including development of alternative water supplies, which* ~~that~~ are identified in the element as necessary to serve existing and new development ~~and for which the local government is responsible~~. The work plan shall be updated, at a minimum, every 5 years within *18* ~~12~~ months after the governing board of a water management district approves an updated regional water supply plan. Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan. *Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of ground and surface water supplies.*

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards*, regional water supply authorities,* and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.0361, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 1013.30.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4.a. Local governments ~~adopting a public educational facilities element pursuant to s. 163.31776~~ must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities *pursuant to s. 163.31777*~~, as defined by s. 163.31776(1), which includes the items listed in s. 163.31777(2)~~. The local government shall amend the intergovernmental coordination element to provide that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement.

b. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).

5. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish

their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

6. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which:

a. Identifies all existing or proposed interlocal service-delivery agreements regarding the following: education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

b. Identifies any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

7. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

8. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 6. The report may be used as supporting data and analysis for the intergovernmental coordination element.

~~9. By February 1, 2003, Representatives of municipalities, counties, and special districts shall provide to the Legislature recommended statutory changes for annexation, including any changes that address the delivery of local government services in areas planned for annexation.~~

(11)

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:

a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;

b. Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and

c. Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship areas in smaller rural counties that do not have the staff or planning budgets to create a rural land stewardship area.

2. The *state land planning agency* ~~department~~ shall encourage participation by local governments of different sizes and rural characteristics in establishing and implementing rural land stewardship areas. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.

4. A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and rule 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses*, including adequate available work force housing, including low, very-low, and moderate income housing for the development anticipated in the receiving area*and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rule 9J-5.006(5)(l), Florida Administrative Code.

5. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government. *At the time of designation of a stewardship receiving area, a listed species survey will be performed. If listed species occur on the receiving area site, the developer shall coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the impacts to areas to be developed as receiving areas shall be considered together with the environmental benefits of areas protected as sending areas in fulfilling this criteria.*

6. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, *establish the methodology for the creation, conveyance, and use of transferable rural land use credits, otherwise referred to as stewardship credits, the application of* ~~assign to the area a certain number of credits, to be known as~~

~~"transferable rural land use credits,"~~ which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits *within* ~~assigned to~~ the rural land stewardship area must *enable the realization of the long-term vision and goals for* ~~correspond to~~ the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land*, or in locations where the retention of* ~~and a lesser number of credits to be assigned to~~ open space and agricultural land *is a priority, to such lands*.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

7. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.

8. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph.

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection. *Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.*

(a) The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5-year capital outlay full-time equivalent student growth rate is less than 10 percent. The state land planning agency may allow for a single school to exceed the 100-percent limitation if it can be demonstrated that the capacity rate for that single school is not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:

1. Whether the exceedance is due to temporary circumstances;

2. Whether the projected 5-year capital outlay full time equivalent student growth rate for the school district is approaching the 10-percent threshold;

3. Whether one or more additional schools within the school district are at or approaching the 100-percent threshold; and

4. The adequacy of the data and analysis submitted to support the waiver request.

(b) A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:

1. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

2. The municipality has not annexed new land during the preceding 5 years in land use categories that permit residential uses that will affect school attendance rates.

3. The municipality has no public schools located within its boundaries.

(b)~~(a)~~ A public school facilities element shall be based upon data and analyses that address, among other items, how level-of-service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: *the interlocal agreement adopted pursuant to s. 163.31777 and* the 5-year school district facilities work program adopted pursuant to s. 1013.35; the educational plant survey *prepared pursuant to s. 1013.31* and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long-term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning

periods; and anticipated educational and ancillary plants with land area requirements.

(c)~~(b)~~ The element shall contain one or more goals which establish the long-term end toward which public school programs and activities are ultimately directed.

(d)~~(c)~~ The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.

(e)~~(d)~~ The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.

(f)~~(e)~~ The objectives and policies shall address items such as:

1. The procedure for an annual update process;

2. The procedure for school site selection;

3. The procedure for school permitting;

4. Provision *for* ~~of supporting~~ infrastructure *necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization*;

5. Provision for colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools;

6. Provision for location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points;

7. Measures to ensure compatibility of school sites and surrounding land uses;

8. Coordination with adjacent local governments and the school district on emergency preparedness issues *, including the use of public schools to serve as emergency shelters*; and

9. Coordination with the future land use element.

(g)~~(f)~~ The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants, *including the general location of improvements to existing schools or new schools anticipated over the 5-year, or long-term planning period* . The maps will of necessity be general for the long-term planning period and more specific for the 5-year period. *Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.*

(h) The state land planning agency shall establish a phased schedule for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.31777. The schedule shall provide for each county and local government within the county to adopt the element and update to the agreement no later than December 1, 2008. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1).

(i) Failure to adopt the public school facility element, to enter into an approved interlocal agreement as required by subparagraph (6)(h)2. and 163.31777, or to amend the comprehensive plan as necessary to implement school concurrency, according to the phased schedule, shall result in a local government being prohibited from adopting amendments to the comprehensive plan which increase residential density until the necessary amendments have been adopted and transmitted to the state land planning agency.

(j) The state land planning agency may issue the school board a notice to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement the provisions of this act relating to public school concurrency. The school board may be subject to sanctions imposed by the Administration Commission directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.

(a) As part of the process of developing a community vision under this section, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.

(b) The local government must, at a minimum, discuss five of the following topics as part of the workshops and public meetings required under paragraph (a):

1. Future growth in the area using population forecasts from the Bureau of Economic and Business Research;

2. Priorities for economic development;

3. Preservation of open space, environmentally sensitive lands, and agricultural lands;

4. Appropriate areas and standards for mixed-use development;

5. Appropriate areas and standards for high-density commercial and residential development;

6. Appropriate areas and standards for economic-development opportunities and employment centers;

7. Provisions for adequate workforce housing;

8. An efficient, interconnected multimodal transportation system; and

9. Opportunities to create land use patterns that accommodate the issues listed in subparagraphs 1.-8.

(c) As part of the workshops and public meetings, the local government must discuss strategies for addressing the topics discussed under paragraph (b), including:

1. Strategies to preserve open space and environmentally sensitive lands, and to encourage a healthy agricultural economy, including innovative planning and development strategies, such as the transfer of development rights;

2. Incentives for mixed-use development, including increased height and intensity standards for buildings that provide residential use in combination with office or commercial space;

3. Incentives for workforce housing;

4. Designation of an urban service boundary pursuant to subsection (2); and

5. Strategies to provide mobility within the community and to protect the Strategic Intermodal System, including the development of a transportation corridor management plan under s. 337.273.

(d) The community vision must reflect the community's shared concept for growth and development of the community, including visual representations depicting the desired land-use patterns and character of the community during a 10-year planning timeframe. The community vision must also take into consideration economic viability of the vision and private property interests.

(e) After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the community vision as a component in the plan. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at public hearings of the governing body other than those identified in paragraph (a).

(f) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

Section 3. *Sections 163.31776 and 339.2817, Florida Statutes, is repealed.*

Section 4. Subsections (2), (5), (6), and (7) of section 163.31777, Florida Statutes, are amended to read:

163.31777 Public schools interlocal agreement.—

(2) At a minimum, the interlocal agreement must address *interlocal-agreement requirements in s. 163.3180(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address* the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools. The process must address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding *the effect of comprehensive plan amendments on* school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the district school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

~~A signatory to the interlocal agreement may elect not to include a provision meeting the requirements of paragraph (e); however, such a decision may be made only after a public hearing on such election, which may include the public hearing in which a district school board or a local government adopts the interlocal agreement. An interlocal agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan and land development regulations of any local government that is a signatory.~~

(5) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before *July 1, 2005,* ~~the effective date of this section~~ is not required to amend the element or any interlocal agreement to conform with the provisions of this section ~~if the element is adopted prior to or within 1 year after the effective date of this section and remains in effect~~.

(6) Except as provided in subsection (7), municipalities *meeting the exemption criteria in s. 163.3177(12)* ~~having no established need for a new school facility and meeting the following criteria~~ are exempt from the requirements of subsections (1), (2), and (3).~~:~~

~~(a) The municipality has no public schools located within its boundaries.~~

~~(b) The district school board's 5-year facilities work program and the long-term 10-year and 20-year work programs, as provided in s. 1013.35, demonstrate that no new school facility is needed in the municipality. In addition, the district school board must verify in writing that no new school facility will be needed in the municipality within the 5-year and 10-year timeframes.~~

(7) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under *s. 163.3177(12)* ~~subsection (6)~~. If the municipality continues to meet these criteria ~~and the district school board verifies in writing that no new school facilities will be needed within the 5-year and 10-year timeframes~~, the municipality shall continue to be exempt from the interlocal-agreement requirement. Each municipality exempt under *s. 163.3177(12)* ~~subsection (6)~~ must comply with the provisions of this section within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.

Section 5. Paragraph (a) of subsection (1), subsection (2), paragraph (c) of subsection (4), subsections (5), (7), (9), (10), (13), and (15) of section 163.3180, Florida Statutes, are amended, and subsections (16) and (17) are added to that section, to read:

163.3180 Concurrency.—

(1)(a) Sanitary sewer, solid waste, drainage, potable water, parks and recreation, *schools,* and transportation facilities, including mass transit, where applicable, are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without appropriate study and approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(2)(a) Consistent with public health and safety, sanitary sewer, solid waste, drainage, *adequate water supplies,* and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. *Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent.*

(b) Consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed *no later than* ~~prior to issuance by~~ the local *government's approval to commence construction* ~~government of a certificate of occupancy or its functional equivalent~~.

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities ~~designated as part of the Florida Intrastate Highway System~~ needed to serve new development shall be in place or under actual construction *within 3* ~~not more than 5~~ years after *the local government approves a building permit or its functional equivalent that results in traffic generation. For purposes of this paragraph, if the construction funding needed for facilities is in the first 3 years of the Department of Transportation's work program or the local government's schedule of capital improvements, the under-actual-construction requirements of this paragraph shall be deemed to have been met. However, a local government's concurrency management system may specify that the term "under-actual-construction" refers to the contents of the first 2 years of the local government's schedule of capital improvements or the Department of Transportation's work program* ~~issuance by the local government of a certificate of occupancy or its functional equivalent~~. ~~Other transportation facilities needed to serve new development shall be in place or under actual construction no more than~~

~~3 years after issuance by the local government of a certificate of occupancy or its functional equivalent.~~

(4)

(c) The concurrency requirement, except as it relates to transportation facilities *and public schools*, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas.

(5)(a) The Legislature finds that under limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities and services be available concurrent with the impacts of such development. The Legislature further finds that often the unintended result of the concurrency requirement for transportation facilities is the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.

(b) A local government may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

1. Urban infill development,

2. Urban redevelopment,

3. Downtown revitalization, or

4. Urban infill and redevelopment under s. 163.2517.

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517 which pose only special part-time demands on the transportation system should be excepted from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(d) A local government shall establish guidelines *in the comprehensive plan* for granting the exceptions authorized in paragraphs (b) and (c) *and subsections (7) and (15) which must be consistent with and support a comprehensive strategy adopted in the plan to promote the purpose of the exceptions*.

(e) The local government shall adopt into the plan and implement strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment shall also demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided. In addition, the strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area shall be accompanied by data and analysis justifying the size of the area.

(f) Prior to the designation of a concurrency exception area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.28171. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9). ~~in the comprehensive plan. These guidelines must include consideration of the impacts on the Florida Intrastate Highway System, as defined in s. 338.001.~~ The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted.

(g) Transportation concurrency exception areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.

(h) It is a high state priority that urban infill and redevelopment be promoted and provide incentives. By promoting the revitalization of existing communities of this state, a more efficient maximization of space and facilities may be achieved and urban sprawl will be discouraged. If a local government creates a long-term vision pursuant to s. 163.3177(13)(a)-(d) for its community, the transportation facilities concurrency requirements of paragraph (2)(c) are waived for:

1.a. Urban infill development as designated in the comprehensive plan;

b. Urban redevelopment as designated in the comprehensive plan;

c. Downtown revitalization as designated in the comprehensive plan; or

d. Urban infill and redevelopment under s. 163.2517 as designated in the comprehensive plan.

Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9).

2. Municipalities that are at least 90 percent built-out. For purposes of this exemption:

a. The term "built-out" means that 90 percent of the property within the municipality's boundaries, excluding lands that are designated as conservation, preservation, recreation, or public facilities categories, have been developed, or are the subject of an approved development order that has received a building permit and the municipality has an average density of 5 units per acre for residential developments.

b. The municipality must have adopted an ordinance that provides the methodology for determining its built-out percentage, declares that transportation concurrency requirements are waived within its municipal boundary or within a designated area of the municipality, and addresses multimodal options and strategies, including alternative modes of transportation within the municipality. Prior to the adoption of the ordinance, the Department of Transportation shall be consulted by the local government to assess the impact that the waiver of the transportation concurrency requirements is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9).

c. If a municipality annexes any property, the municipality must recalculate its built-out percentage pursuant to the methodology set forth in its ordinance to verify whether the annexed property may be included within this exemption.

d. If transportation concurrency requirements are waived under this subparagraph, the municipality must adopt a comprehensive plan amendment pursuant to s. 163.3187(1)(c) which updates its transportation element to reflect the transportation concurrency requirements waiver and must submit a copy of its ordinance adopted in subparagraph b. to the state land planning agency.

3. The community vision created pursuant to s. 13.3177(13)(a)-(d) is not required to be adopted into the comprehensive plan for this transportation facilities concurrency waiver to apply.

(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level-of-service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. *Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.28171. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9). Transportation concurrency management areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.*The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.

(9)(a) Each local government may adopt as a part of its plan~~,a~~ long-term transportation *and school* concurrency management *systems* ~~system~~ with a planning period of up to 10 years for specially designated districts *or areas* where significant backlogs exist. The plan may include interim level-of-service standards on certain facilities and *shall* ~~may~~ rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development *orders that authorize commencement of construction* ~~permits~~ in these *designated* districts *or areas. The concurrency management system*~~. It~~ must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. *The concurrency management system* ~~It~~ must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

(b) If a local government has a transportation *or school facility* backlog for existing development which cannot be adequately addressed in a 10-year plan, the state land planning agency may allow it to develop a plan *and long-term schedule of capital improvements covering* ~~of~~ up to 15 years for good and sufficient cause, based on a general comparison between that local government and all other similarly situated local jurisdictions, using the following factors:

1. The extent of the backlog.

2. *For roads,* whether the backlog is on local or state roads.

3. The cost of eliminating the backlog.

4. The local government's tax and other revenue-raising efforts.

(c) The local government may issue approvals to commence construction notwithstanding s. 163.3180, consistent with and in areas that are subject to a long-term concurrency management system.

(d) If the local government adopts a long-term concurrency management system, it must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service or providing other methods of transportation.

(10) With regard to *roadway* facilities on the *Strategic Intermodal System designated in accordance with ss. 339.61, 339.62, 339.63, and 339.64* ~~Florida Intrastate Highway System as defined in s. 338.001, with concurrence from the Department of Transportation, the level-of-service standard for general lanes in urbanized areas, as defined in s. 334.03(36), may be established by the local government in the comprehensive plan. For all other facilities on the Florida Intrastate Highway System~~, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule. For all other roads on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation. *In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level-of-service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.*

(13) *In accordance with the schedule adopted pursuant to s. 163.3177(12)(h),* school concurrency~~, if imposed by local option,~~ shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area *unless exempt from the public school facilities element pursuant to s. 163.3177(12). This subsection shall not apply to the Florida School for the Deaf and Blind. The school concurrency requirement shall not be effective until the adoption of the public school facilities element*. The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). ~~School concurrency shall not become effective in a county until all local governments, except as provided in paragraph (f), have adopted the necessary plan amendments, which together with the interlocal agreement, are determined to be in compliance with the requirements of this part.~~ The minimum requirements for school concurrency are the following:

(a) Public school facilities element.—A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b). All local government public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.

(b) Level-of-service standards.—The Legislature recognizes that an essential requirement for a concurrency management system is the level of service at which a public facility is expected to operate.

1. Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level-of-service standards, as defined in chapter 9J-5, Florida Administrative Code, necessary to implement the adopted local government comprehensive plan, based on data and analysis.

2. Public school level-of-service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall apply districtwide to all schools of the same type. Types of schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet schools.

3. Local governments and school boards shall have the option to utilize tiered level-of-service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.

(c) Service areas.—The Legislature recognizes that an essential requirement for a concurrency system is a designation of the area within which the level of service will be measured when an application for a residential development permit is reviewed for school concurrency purposes. This delineation is also important for purposes of determining whether the local government has a financially feasible public school capital facilities program that will provide schools which will achieve and maintain the adopted level-of-service standards.

1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged to *initially*apply school concurrency to development *only* on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide.

To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency, local governments shall apply school concurrency on a less than districtwide basis, such as using school attendance zones or concurrency service areas, as provided in subparagraph 2.

2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified *and*~~,~~ included *as supporting data and analysis for*~~, and adopted as part of~~ the comprehensive plan. ~~Any subsequent change to the service area boundaries for purposes of a school concurrency system shall be by plan amendment and shall be exempt from the limitation on the frequency of plan amendments in s. 163.3187(1).~~

3. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the *local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a* development *on the basis of school concurrency, and if* ~~order shall be~~ issued*, development impacts shall be shifted to contiguous service areas with schools having available capacity* ~~and mitigation measures shall not be exacted~~.

(d) Financial feasibility.—The Legislature recognizes that financial feasibility is an important issue because the premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level-of-service standard. This part and chapter 9J-5, Florida Administrative Code, contain specific standards to determine the financial feasibility of capital programs. These standards were adopted to make concurrency more predictable and local governments more accountable.

1. A comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) and rule 9J-5.016, Florida Administrative Code. The capital improvements element shall set forth a financially feasible public school capital facilities program, established in conjunction with the school board, that demonstrates that the adopted level-of-service standards will be achieved and maintained.

2. Such amendments shall demonstrate that the public school capital facilities program meets all of the financial feasibility standards of this part and chapter 9J-5, Florida Administrative Code, that apply to capital programs which provide the basis for mandatory concurrency on other public facilities and services.

3. When the financial feasibility of a public school capital facilities program is evaluated by the state land planning agency for purposes of a compliance determination, the evaluation shall be based upon the service areas selected by the local governments and school board.

(e) Availability standard.—Consistent with the public welfare, a local government may not deny *an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of* a development ~~permit~~ authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local ~~option~~ school concurrency *management*system where adequate school facilities will be in place or under actual construction within 3 years after *the* ~~permit~~ issuance *of final subdivision or site plan approval, or the functional equivalent. School concurrency shall be satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subparagraph 1. Approval of a funding agreement shall not be unreasonably withheld. Any dispute shall be mediated pursuant to s. 120.573. Options for proportionate-share mitigation of impacts on public school facilities shall be established in the interlocal agreement pursuant to s. 163.31777.*

1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased overall residential density. Mitigation for development impact to public schools requires the concurrence of the local school board. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the interlocal agreement adopted pursuant to s. 163.317777 authorize a contribution of land; the construction, expansion, or payment for land acquisition; or the construction or expansion of a public school facility, or a portion thereof, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

3. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer's agreement.

4. An offer or agreement to pay a local government's proportionate share for a project's impact does not obligate a local government to approve a development that is not otherwise qualified for approval pursuant to a local government's comprehensive plan and land development regulations.

(f) Intergovernmental coordination.—

1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by *ss.* ~~s.~~163.3177(6)(h)2. *and 163.31777(6),* as a prerequisite for imposition of school concurrency, and as a nonsignatory, shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

a. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit residential uses that will affect school attendance rates.

c. The municipality has no public schools located within its boundaries.

d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.

2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria *pursuant to s. 163.31777(6).* If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by *ss.* ~~s.~~ 163.3177(6)(h)2. *and 163.31777*, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.

(g) Interlocal agreement for school concurrency.—When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement *that* ~~which~~ satisfies the requirements in *ss.* ~~s.~~ 163.3177(6)(h)1. and 2. *and 163.31777* and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of *ss.*~~s.~~ 163.3177(6)(h) *and 163.31777*, the interlocal agreement shall meet the following requirements:

1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's public school facilities element with each other and the plans of the school board to ensure a uniform districtwide school concurrency system.

~~2. Establish a process by which each local government and the school board shall agree and base their plans on consistent projections of the amount, type, and distribution of population growth and coordinate and share information relating to existing and planned public school facilities projections and proposals for development and redevelopment, and infrastructure required to support public school facilities.~~

2.~~3.~~ Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.

3.~~4.~~ Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards.

4.~~5.~~ Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.

5.~~6.~~ Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. The agreement shall also ensure the achievement and maintenance of the adopted level-of-service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.

6.~~7.~~ Establish a uniform districtwide procedure for implementing school concurrency which provides for:

a. The evaluation of development applications for compliance with school concurrency requirements*, including information provided by the school board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity*;

b. An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan; and

c. The monitoring and evaluation of the school concurrency system.

7.~~8.~~ Include provisions relating to ~~termination, suspension, and~~ amendment of the agreement. ~~The agreement shall provide that if the agreement is terminated or suspended, the application of school concurrency shall be terminated or suspended.~~

8. A process and uniform methodology for determining proportionate-share mitigation pursuant to subparagraph (e)1.

(h) This subsection does not limit the authority of a local government to grant or deny a development permit or its functional equivalent prior to the implementation of school concurrency.

(15)(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. *Prior to the designation of multimodal transportation districts, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed multimodal district area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.28171. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9). Multimodal transportation districts existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.*

(b) Community design elements of such a district include: a complementary mix and range of land uses, including educational, recreational, and cultural uses; interconnected networks of streets designed to encourage walking and bicycling, with traffic-calming where desirable; appropriate densities and intensities of use within walking distance of transit stops; daily activities within walking distance of residences, allowing independence to persons who do not drive; public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian, with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.

(c) Local governments may establish multimodal level-of-service standards that rely primarily on nonvehicular modes of transportation within the district, when justified by an analysis demonstrating that the existing and planned community design will provide an adequate level of mobility within the district based upon professionally accepted multimodal level-of-service methodologies. ~~The analysis must take into consideration the impact on the Florida Intrastate Highway System.~~ The analysis must also demonstrate that the capital improvements required to promote community design are financially feasible over the development or redevelopment timeframe for the district and that community design features within the district provide convenient interconnection for a multimodal transportation system. Local governments may issue development permits in reliance upon all planned community design capital improvements that are financially feasible over the development or redevelopment timeframe for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements. A determination of financial feasibility shall be based upon currently available funding or funding sources that could reasonably be expected to become available over the planning period.

(d) Local governments may reduce impact fees or local access fees for development within multimodal transportation districts based on the reduction of vehicle trips per household or vehicle miles of travel expected from the development pattern planned for the district.

(16)(a) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors through the use of proportionate-share mitigation contributions for development impacts on transportation facilities.

(b) By December 1, 2007, each local government shall adopt by ordinance a transportation concurrency management system that shall include a methodology for assessing proportionate-share mitigation op-

tions. By December 1, 2005, the Department of Transportation shall develop model transportation concurrency management ordinances with alternative methodologies for assessing proportionate-share mitigation options. The transportation concurrency management ordinances may assess concurrency impact areas by district or systemwide.

(c) By December 1, 2006, the Department of Transportation shall develop a process and uniform methodology for determining proportionate-share mitigation contributions for developments impacts to transportation facilities included in the Strategic Intermodal System. The department shall consult with local governments regarding the methodologies for impacts on transportation corridors.

(d) Transportation facilities concurrency shall be satisfied if the developer executes a legally binding commitment that provides proportionate-share mitigation contributions proportionate to the demand for transportation facilities to be created by actual development of the property. This may include, but shall not be limited to, the options for mitigation established in the transportation element or traffic circulation element. Appropriate transportation mitigation contribution may include public or private funds; the contribution of right-of-way; the construction of a transportation facility or payment for the right-of-way or construction of a transportation facility or service; or the provision of transit service. Such options shall include execution of an enforceable development agreement for project to be funded by a developer. Developer's proportionate-share mitigation contributions shall be used to satisfy the transportation concurrency requirements of this section and may be applied as a credit against impact fees.

(e) Approval of a development agreement shall not be unreasonably withheld by the local government. Any dispute shall be resolved through mediation or other alternative dispute resolution.

(f) A local government may not require a development to contribute more than its proportionate-share mitigation regardless of the method of mitigation.

(g) The local government shall notify the Department of Transportation of all proportionate-share mitigation contributions made for impacts on the transportation facilities included in the Strategic Intermodal System. In addition, the Department of Transportation is not authorized to arbitrarily charge a fee or require additional mitigation from a developer.

(h) Local governments may create mitigation banks for transportation facilities within its local government comprehensive plan to assist with the concurrency provisions of this section.

(i) The provisions of this subsection shall not apply to a development of regional impact using the provisions of s. 163.3180(12).

(17) Concurrency requirements imposed by a local comprehensive plan, a local government's land development regulations, and s. 380.06, shall be satisfied if a developer enters into a legally binding commitment to provide mitigation proportionate to the impact of the development on parks and recreation and stormwater. A local government may not require a development to pay more than its proportionate-share mitigation regardless of the method mitigation.

Section 6. Paragraph (b) of subsection (1), subsection (4), and paragraph (a) of subsection (6) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(1) DEFINITIONS.—As used in this section, the term:

(b) "In compliance" means consistent with the requirements of *s.* ~~ss.~~ 163.3177, ~~163.31776,~~ when a local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(4) INTERGOVERNMENTAL REVIEW.—The governmental agencies specified in paragraph (3)(a) shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. *163.3177* ~~163.31776~~, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(6) STATE LAND PLANNING AGENCY REVIEW.—

(a) The state land planning agency *may* ~~shall~~ review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment. The request from the regional planning council or affected person must be received within 30 days after transmittal of the proposed plan amendment pursuant to subsection (3). A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

Section 7. Paragraphs (c) and (l) of subsection (1) of section 163.3187, Florida Statutes, are amended, and paragraph (o) is added to said subsection, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive

plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre, except that this limitation does not apply to *small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement or extended use agreement recorded in conjunction with the issuance of tax exempt bond financing or an allocation of federal tax credits issued through the Florida Housing Finance Corporation or a local housing finance authority authorized by the Division of Bond Finance of the State Board of Administration, or* small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

(l) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. *163.3177* ~~163.31776~~ and future land-use-map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.

(o)1. For municipalities that are more than 90 percent built-out, any municipality's comprehensive plan amendments may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan only if the proposed amendment involves a use of 100 acres or fewer and:

a. The cumulative annual effect of the acreage for all amendments adopted pursuant to this paragraph does not exceed 500 acres.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern.

2. For purposes of this paragraph, the term "built-out" means 90 percent of the property within the municipality's boundaries, excluding lands that are designated as conservation, preservation, recreation, or public facilities categories, have been developed, or are the subject of an approved development order that has received a building permit, and the municipality has an average density of 5 units per acre for residential development.

3.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions of s. 166.041(3)(c). If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

4. Amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

5. This paragraph shall not apply if a municipality annexes unincorporated property that decreases the percentage of build-out to an amount below 90 percent.

5. A municipality shall notify the state land planning agency in writing of its built-out percentage prior to the submission of any comprehensive plan amendments under this subsection.

Section 8. Subsections (2) and (10) of section 163.3191, Florida Statutes, are amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.

(b) The extent of vacant and developable land.

(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.

(d) The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.

(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.

(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report

shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.

(h) A brief assessment of successes and shortcomings related to each element of the plan.

(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.

(j) A summary of the public participation program and activities undertaken by the local government in preparing the report.

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. *For those counties or municipalities that do not have a public schools interlocal agreement or public school facility element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facility element, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system.* ~~If the issues are not relevant, the local government shall demonstrate that they are not relevant.~~

(l) *The extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction. The report must evaluate the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies,* ~~The evaluation must consider the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361. The potable water element must be revised to include a work plan, covering at least a 10-year planning period, for building any water supply facilities that are~~ identified in the element as necessary to serve existing and new development ~~and for which the local government is responsible~~.

(m) If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

(n) An assessment of whether the criteria adopted pursuant to s. 163.3177(6)(a) were successful in achieving compatibility with military installations.

(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal transportation district designated pursuant to s. 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180.

(p) An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).

(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. *Beginning July 1, 2006, failure to timely transmit update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report update amendments have been transmitted to the state land planning agency. The prohibition on plan amendments shall commence when the update amendments to the comprehensive plan are past due.* The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). *Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.*

Section 9. Paragraph (b) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(b)1. A tentative work program, including the ensuing fiscal year and the successive 4 fiscal years, shall be prepared for the State Transportation Trust Fund and other funds managed by the department, unless otherwise provided by law. The tentative work program shall be based on the district work programs and shall set forth all projects by phase to be undertaken during the ensuing fiscal year and planned for the successive 4 fiscal years. The total amount of the liabilities accruing in each fiscal year of the tentative work program may not exceed the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year.

2. The tentative work program shall be developed in accordance with the Florida Transportation Plan required in s. 339.155 and must comply with the program funding levels contained in the program and resource plan.

3. The department may include in the tentative work program proposed changes to the programs contained in the previous work program adopted pursuant to subsection (5); however, the department shall minimize changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years contained in the previous adopted work program and the tentative work program. The department, in the development of the tentative work program, shall advance by 1 fiscal year all projects included in the second year of the previous year's adopted work program, unless the secretary specifically determines that it is necessary, for specific reasons, to reschedule or delete one or more projects from that year. Such changes and adjustments shall be clearly identified, and the effect on the 4 common fiscal years contained in the previous adopted work program and the tentative work program shall be shown. It is the intent of the Legislature that ~~the first 5 years of the adopted work program for facilities designated as part of the Florida Intrastate Highway System and~~ the first 3 years of the adopted work program stand as the commitment of the state to undertake transportation projects that local governments may rely on for planning *and concurrency* purposes and in the development and amendment of the

capital improvements elements of their local government comprehensive plans.

4. The tentative work program must include a balanced 36-month forecast of cash and expenditures and a 5-year finance plan supporting the tentative work program.

Section 10. *The Office of Program Policy Analysis and Government Accountability shall perform a study on adjustments to the boundaries of Florida Regional Planning Councils, Florida Water Management Districts, and Department of Transportation Districts. The purpose of this study is to organize these regional boundaries, without eliminating any regional agency, to be more coterminous with one another, creating a more unified system of regional boundaries. This study must be completed by December 31, 2005, and submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor by January 15, 2006.*

Section 11. Section 163.3247, Florida Statutes, is created to read:

163.3247 Century Commission for a Sustainable Florida.—

(1) POPULAR NAME.—This section may be cited as the "Century Commission for a Sustainable Florida Act."

(2) FINDINGS AND INTENT.—The Legislature finds and declares that the population of this state is expected to more than double over the next 100 years, with commensurate impacts to the state's natural resources and public infrastructure. Consequently, it is in the best interests of the people of the state to ensure sound planning for the proper placement of this growth and protection of the state's land, water, and other natural resources since such resources are essential to our collective quality of life and a strong economy. The state's growth management system should foster economic stability through regional solutions and strategies, urban renewal and infill, and the continued viability of agricultural economies, while allowing for rural economic development and protecting the unique characteristics of rural areas, and should reduce the complexity of the regulatory process while carrying out the intent of the laws and encouraging greater citizen participation.

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.—The Century Commission for a Sustainable Florida is created as a standing body to help the citizens of this state envision and plan their collective future with an eye towards both 20-year and 50-year horizons.

(a) The commission shall consist of fifteen members, five appointed by the Governor, five appointed by the President of the Senate, and five appointed by the Speaker of the House of Representatives. Appointments shall be made no later than October 1, 2005. The membership must represent local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. One member shall be designated by the Governor as chair of the commission. Any vacancy that occurs on the commission must be filled in the same manner as the original appointment and shall be for the unexpired term of that commission seat. Members shall serve 4-year terms, except that, initially, to provide for staggered terms, three of the appointees, one each by the Governor, the President of the Senate, and the Speaker of the House of Representatives, shall serve 2-year terms, three shall serve 3-year terms, and three shall serve 4-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years.

(b) The first meeting of the commission shall be held no later than December 1, 2005, and shall meet at the call of the chair but not less frequently than three times per year in different regions of the state to solicit input from the public or any other individuals offering testimony relevant to the issues to be considered.

(c) Each member of the commission is entitled to one vote and actions of the commission are not binding unless taken by a three-fifths vote of the members present. A majority of the members is required to constitute a quorum, and the affirmative vote of a quorum is required for a binding vote.

(d) Members of the commission shall serve without compensation but shall be entitled to receive per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(4) POWERS AND DUTIES.—The commission shall:

(a) Annually conduct a process through which the commission envisions the future for the state and then develops and recommends policies, plans, action steps, or strategies to assist in achieving the vision.

(b) Continuously review and consider statutory and regulatory provisions, governmental processes, and societal and economic trends in its inquiry of how state, regional, and local governments and entities and citizens of this state can best accommodate projected increased populations while maintaining the natural, historical, cultural, and manmade life qualities that best represent the state.

(c) Bring together people representing varied interests to develop a shared image of the state and its developed and natural areas. The process should involve exploring the impact of the estimated population increase and other emerging trends and issues; creating a vision for the future; and developing a strategic action plan to achieve that vision using 20-year and 50-year intermediate planning timeframes.

(d) Focus on essential state interests, defined as those interests that transcend local or regional boundaries and are most appropriately conserved, protected, and promoted at the state level.

(e) Serve as an objective, nonpartisan repository of exemplary community-building ideas and as a source to recommend strategies and practices to assist others in working collaboratively to problem solve on issues relating to growth management.

(f) Annually, beginning January 16, 2007, and every year thereafter on the same date, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a written report containing specific recommendations for addressing growth management in the state, including executive and legislative recommendations. Further, the report shall contain discussions regarding the need for intergovernmental cooperation and the balancing of environmental protection and future development and recommendations on issues, including, but not limited to, recommendations regarding dedicated sources of funding for sewer facilities, water supply and quality, transportation facilities that are not adequately addressed by the Strategic Intermodal System, and educational infrastructure to support existing development and projected population growth.

(g) Beginning with the 2007 Regular Session of the Legislature, the President of the Senate and Speaker of the House of Representatives shall create a joint select committee, the task of which shall be to review the findings and recommendations of the Century Commission for a Sustainable Florida for potential action.

(5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.—

(a) The Secretary of Community Affairs shall select an executive director of the commission, and the executive director shall serve at the pleasure of the secretary under the supervision and control of the commission.

(b) The Department of Community Affairs shall provide staff and other resources necessary to accomplish the goals of the commission based upon recommendations of the Governor.

(c) All agencies under the control of the Governor are directed, and all other agencies are requested, to render assistance to, and cooperate with, the commission.

Section 12. Subsection (3) of section 215.211, Florida Statutes, is amended to read:

215.211 Service charge; elimination or reduction for specified proceeds.—

(3) Notwithstanding the provisions of s. 215.20(1), the service charge provided in s. 215.20(1), which is deducted from the proceeds of the local option fuel tax distributed under s. 336.025, shall be reduced as follows:

(a) For the period July 1, 2005, through June 30, 2006, the rate of the service charge shall be 3.5 percent.

(b) Beginning July 1, 2006, and thereafter, no service charge shall be deducted from the proceeds of the local option fuel tax distributed under s. 336.025.

The increased revenues derived from this subsection shall be deposited in the State Transportation Trust Fund and used to fund the *Transportation Incentive Program for a Sustainable Florida* ~~County Incentive Grant Program~~ and the Small County Outreach Program. Up to 20 percent of such funds shall be used for the purpose of implementing the Small County Outreach Program *created pursuant to s. 339.2818* ~~as provided in this act~~. ~~Notwithstanding any other laws to the contrary, the requirements of ss. 339.135, 339.155, and 339.175 shall not apply to these funds and programs.~~

Section 13. Section 339.28171, Florida Statutes, is created to read:

339.28171 Transportation Incentive Program for a Sustainable Florida.—

(1) There is created within the Department of Transportation a Transportation Incentive Program for a Sustainable Florida, which may be cited as TRIP for a Sustainable Florida, for the purpose of providing grants to local governments to improve a transportation facility or system which addresses an identified concurrency management system backlog or relieve traffic congestion in urban infill and redevelopment areas. Bridge projects off of the State Highway System are eligible to receive funding from this program.

(2) To be eligible for consideration, projects must be consistent with local government comprehensive plans, the transportation improvement program of the applicable metropolitan organization, and the Strategic Intermodal System plan developed in accordance with s. 339.64.

(3) The funds shall be distributed by the department to each district in accordance with the statutory formula pursuant to s. 339.135(4). The district secretary shall use the following criteria to evaluate the project applications:

(a) The level of local government funding efforts.

(b) The level of local, regional, or private financial matching funds as a percentage of the overall project cost.

(c) The ability of local government to rapidly address project construction.

(d) The level of municipal and county agreement on the scope of the proposed project.

(e) Whether the project is located within and supports the objectives of an urban infill area, a community redevelopment area, an urban redevelopment area, or a concurrency management area.

(f) The extent to which the project would foster public-private partnerships and investment.

(g) The extent to which the project protects environmentally sensitive areas.

(h) The extent to which the project would support urban mobility, including public transit systems, the use of new technologies, and the provision of bicycle facilities or pedestrian pathways.

(i) The extent to which the project implements a regional transportation plan developed in accordance with s. 339.155(2)(c), (d), and (e).

(j) Whether the project is subject to a local ordinance that establishes corridor management techniques, including access management strategies, right-of-way acquisition and protection measures, appropriate land use strategies, zoning, and setback requirements for adjacent land uses.

(k) Whether or not the local government has adopted a vision pursuant to s. 163.3167(11) either prior to or after the effective date of this act.

(4) As part of the project application, the local government shall demonstrate how the proposed project implements a capital improvement element and a long-term transportation concurrency system, if applicable, to address the existing capital improvement element backlogs.

(5) The percentage of matching funds available to applicants shall be based on the following:

(a) For projects that provide capacity on the Strategic Intermodal System, the percentage shall be 35 percent.

(b) For projects that provide capacity on regionally significant transportation facilities identified in s. 339.155(2)(c), (d), and (e), the percentage shall be 50 percent or up to 50 percent of the nonfederal share of the eligible project costs for a public transportation facility project. For off-system bridges, the percentage match shall be 50 percent. Projects to be funded pursuant to this paragraph shall, at a minimum meet the following additional criteria:

1. Support those transportation facilities that serve national, statewide, or regional functions and function as an integrated regional transportation system.

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163, after the effective date of this act, or to implement a long-term concurrency management system adopted a local government in accordance with s. 163.3177(9).

3. Provide connectivity to the Strategic Intermodal System designated pursuant to s. 339.64.

4. Support economic development and the movement of goods in areas of critical economic concern designated pursuant to s. 288.0656(7).

5. Improve connectivity between military installations and the Strategic Highway Network or the Strategic Rail Corridor Network.

6. For off-system bridge projects to replace, rehabilitate, paint, or install scour countermeasures to highway bridges located on public roads, other than those on a federal-aid highway, such projects shall, at a minimum:

a. Be classified as a structurally deficient bridge with a poor condition rating for either the deck, superstructure, or substructure component, or culvert.

b. Have a sufficiency rating of 35 or below.

c. Have average daily traffic of at least 500 vehicles.

Special consideration shall be given to bridges that are closed to all traffic or that have a load restriction of less than 10 tons.

(c) For local projects that demonstrate capacity improvements in the urban service boundary, urban infill, or urban redevelopment area or provide such capacity replacement to the Strategic Intermodal System or regionally significant facilities, the percentage shall be 65 percent.

(6) The department may administer contracts at the request of a local government selected to receive funding for a project under this section. All projects funded under this section shall be included in the department's work program developed pursuant to s. 339.135.

Section 14. Section 337.107, Florida Statutes, is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities*, or the department may include right-of-way services as part of design-build contracts awarded under s. 337.11*. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 15. Effective July 1, 2007, section 337.107, Florida Statutes, as amended by this act is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities~~, or the department may include right-of-way services as part of design-build contracts awarded under s. 337.11~~. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 16. Paragraph (a) of subsection (7) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the *right-of-way services and* design and construction phases of *a building, a major bridge, a limited access facility, or a rail corridor* ~~any~~ project into a single contract~~, except for a resurfacing or minor bridge project, the right-of-way services and design and construction phases of which may be combined under s. 337.025~~. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.

Section 17. Effective July 1, 2007, paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by this act, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the ~~right-of-way services and~~ design and construction phases of *a building, a major bridge, a limited access facility, or a rail corridor* ~~any~~ project into a single contract~~, except for a resurfacing or minor bridge project, the right-of-way services and design and construction phase of which may be combined under s. 337.025~~. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription.

Section 18. Section 373.19615, Florida Statutes, is created to read:

373.19615 Florida's Sustainable Water Supplies Program.—

(1) There is hereby created "Florida's Sustainable Water Supplies Program." The Legislature recognizes that alternative water supply projects are more expensive to develop compared to traditional water supply projects. As Florida's population continues to grow, the need for alternative water supplies is also growing as our groundwater supplies in portions of the state are decreasing. Beginning in fiscal year 2005-2006, the state shall annually appropriate $100 million for the purpose of providing funding assistance to local governments for the development of alternative water supply projects. At the beginning of each fiscal year, beginning with fiscal year 2005-2006, such revenues shall be distributed to the Department of Environmental Protection. The department shall then distribute the revenues into alternative water supply accounts created by the department for each district for the purpose of alternative water supply development under the following funding formula:

1. Forty percent to the South Florida Water Management District.

2. Twenty-five percent to the Southwest Florida Water Management District.

3. Twenty-five percent to the St. Johns River Water Management District.

4. Five percent to the Suwannee River Water Management District.

5. Five percent to the Northwest Florida Water Management District.

(2) For the purposes of this section, the following definitions shall apply:

(a) "Alternative water supplies" includes saltwater; brackish surface and groundwater; surface water captured predominantly during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater; water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; stormwater; and any other water supply source that is designated as non-traditional for a water supply planning region in the applicable regional water supply plan developed under s. 373.0361.

(b) "Capital costs" means planning, design, engineering, and project construction costs.

(c) "Local government" means any municipality, county, special district, regional water supply authority, or multijurisdictional entity, or an agency thereof, or a combination of two or more of the foregoing acting jointly with an alternative water supply project.

(3) To be eligible for assistance in funding capital costs of alternative water supply projects under this program, the water management district governing board must select those alternative water supply projects that will receive financial assistance. The water management district governing board shall establish factors to determine project funding.

(a) Significant weight shall be given to the following factors:

1. Whether the project provides substantial environmental benefits by preventing or limiting adverse water resource impacts.

2. Whether the project reduces competition for water supplies.

3. Whether the project brings about replacement of traditional sources in order to help implement a minimum flow or level or a reservation.

4. Whether the project will be implemented by a consumptive use permittee that has achieved the targets contained in a goal-based water conservation program approved pursuant to s. 373.227.

5. The quantity of water supplied by the project as compared to its cost.

6. Projects in which the construction and delivery to end users of reuse water are major components.

7. Whether the project will be implemented by a multijurisdictional water supply entity or regional water supply authority.

(b) Additional factors to be considered in determining project funding shall include:

1. Whether the project is part of a plan to implement two or more alternative water supply projects, all of which will be operated to produce water at a uniform rate for the participants in a multijurisdictional water supply entity or regional water supply authority.

2. The percentage of project costs to be funded by the water supplier or water user.

3. Whether the project proposal includes sufficient preliminary planning and engineering to demonstrate that the project can reasonably be implemented within the timeframes provided in the regional water supply plan.

4. Whether the project is a subsequent phase of an alternative water supply project underway.

5. Whether and in what percentage a local government or local government utility is transferring water supply system revenues to the local government general fund in excess of reimbursements for services received from the general fund including direct and indirect costs and legitimate payments in lieu of taxes.

(4)(a) All projects submitted to the governing board for consideration shall reflect the total cost for implementation. The costs shall be segregated pursuant to the categories described in the definition of capital costs.

(b) Applicants for projects that receive funding assistance pursuant to this section shall be required to pay 33 1/3 percent of the project's total capital costs.

(c) The water management district shall be required to pay 33 1/3 percent of the project's total capital costs.

(5) After conducting one or more meetings to solicit public input on eligible projects for implementation of alternative water supply projects, the governing board of each water management district shall select projects for funding assistance based upon the above criteria. The governing board may select a project identified or listed as an alternative water supply development project in the regional water supply plan, or may select an alternative water supply projects not identified or listed in the regional water supply plan but which are consistent with the goals of the plans.

(6) Once an alternative water supply project is selected by the governing board, the applicant and the water management district must, in writing, each commit to a financial contribution of 33 1/3 percent of the project's total capital costs. The water management district shall then submit a request for distribution of revenues held by the department in the district's alternative water supply account. The request must include the amount of current and projected water demands within the water management district, the additional water made available by the project, the date the water will be made available, and the applicant's and water management district's financial commitment for the alternative water supply project. Upon receipt of a request from a water management district, the department shall determine whether the alternative water supply project meets the department's criteria for financial assistance. The department shall establish factors to determine whether state financial assistance for an alternative water supply project shall be granted.

(a) Significant weight shall be given to the following factors:

1. Whether the project provides substantial environmental benefits by preventing or limiting adverse water resource impacts.

2. Whether the project reduces competition for water supplies.

3. Whether the project brings about replacement of traditional sources in order to help implement a minimum flow or level or a reservation.

4. Whether the project will be implemented by a consumptive use permittee that has achieved the targets contained in a goal-based water conservation program approved pursuant to s. 373.227.

5. The quantity of water supplied by the project as compared to its cost.

6. Projects in which the construction and delivery to end users of reuse water are major components.

7. Whether the project will be implemented by a multijurisdictional water supply entity or regional water supply authority.

(b) Additional factors to be considered in determining project funding shall include:

1. Whether the project is part of a plan to implement two or more alternative water supply projects, all of which will be operated to produce water at a uniform rate for the participants in a multijurisdictional water supply entity or regional water supply authority.

2. The percentage of project costs to be funded by the water supplier or water user.

3. Whether the project proposal includes sufficient preliminary planning and engineering to demonstrate that the project can reasonably be implemented within the timeframes provided in the regional water supply plan.

4. Whether the project is a subsequent phase of an alternative water supply project underway.

5. Whether and in what percentage a local government or local government utility is transferring water supply system revenues to the local government general fund in excess of reimbursements for services received from the general fund including direct and indirect costs and legitimate payments in lieu of taxes.

If the department determines that the project should receive financial assistance, the department shall distribute to the water management district 33 1/3 percent of the total capital costs from the district's alternative water supply account.

Section 19. Section 373.19616, Florida Statutes, is created to read:

373.19616 Water Transition Assistance Program.—

(1) The Legislature recognizes that as a result of Florida's increasing population, there are limited ground water resources in some portions of the state to serve increased water quantities demands. As a result, a transition from ground water supply to more expensive alternative water supply is necessary. The purpose of this section is to assist local governments by establishing a low-interest revolving loan program for infrastructure financing for alternative water supplies.

(2) For purposes of this section, the term:

(a) "Alternative water supplies" has the same meaning as provided in s. 373.19615(2).

(b) "Local government" has the same meaning as provided in s. 373.19615(2).

(3) The Department of Environmental Protection is authorized to make loans to local governments to assist them in planning, designing, and constructing alternative water supply projects. The department may provide loan guarantees, purchase loan insurance, and refinance local debt through issue of new loans for alternative water supply projects approved by the department. Local governments may borrow funds made available pursuant to this section and may pledge any revenues or other adequate security available to them to repay any funds borrowed.

(4) The term of loans made pursuant to this section shall not exceed 30 years. The interest rate on such loans shall be no greater than that paid on the last bonds sold pursuant to s. 14, Art. VII of the State Constitution.

(5) In order to ensure that public moneys are managed in an equitable and prudent manner, the total amount of money loaned to any local government during a fiscal year shall be no more than 25 percent of the total funds available for making loans during that year. The minimum amount of a loan shall be $75,000.

(6) The department may adopt rules that:

(a) Set forth a priority system for loans based on factors provided for in s. 373.19615(6)(a) and (b).

(b) Establish the requirements for the award and repayment of financial assistance.

(c) Require adequate security to ensure that each loan recipient can meet its loan payment requirements.

(d) Establish, at the department's discretion, a specific percentage of funding, not to exceed 20 percent, for financially disadvantaged communities for the development of alternative water supply projects. The department shall include within the rule a definition of the term "financially disadvantaged community," and the criteria for determining whether the project serves a financially disadvantaged community. Such criteria shall be based on the median household income of the service population or other reliably documented measures of disadvantaged status.

(e) Require each project receiving financial assistance to be cost-effective, environmentally sound, implementable, and self-supporting.

(7) The department shall prepare a report at the end of each fiscal year detailing the financial assistance provided under this section and outstanding loans.

(8) Prior to approval of a loan, the local government shall, at a minimum:

(a) Provide a repayment schedule.

(b) Submit evidence of the ability of the project proposed for financial assistance to be permitted and implemented.

(c) Submit plans and specifications, biddable contract documents, or other documentation of appropriate procurement of goods and services.

(d) Provide assurance that records will be kept using generally accepted accounting principles and that the department or its agent and the Auditor General will have access to all records pertaining to the loan.

(9) The department may conduct an audit of the loan project upon completion or may require that a separate project audit, prepared by an independent certified public accountant, be submitted.

(10) The department may require reasonable service fees on loans made to local governments to ensure that the program will be operated in perpetuity and to implement the purposes authorized under this section. Service fees shall not be more than 4 percent of the loan amount exclusive of the service fee. The fee revenues, and interest earnings thereon, shall be used exclusively to carry out the purposes of this section.

(11) All moneys available for financial assistance under this section shall be appropriated to the department exclusively to carry out this program. The principal and interest of all loans repaid and interest shall be used exclusively to carry out this section.

(12)(a) If a local government agency defaults under the terms of its loan agreement, the department shall certify the default to the Chief Financial Officer, shall forward the delinquent amount to the department from any unobligated funds due to the local government agency under any revenue-sharing or tax-sharing fund established by the state, except as otherwise provided by the State Constitution. Certification of delinquency shall not limit the department from pursuing other remedies available for default on a loan, including accelerating loan repayments, eliminating all or part of the interest rate subsidy on the loan, and court appointment of a receiver to manage alternative water supply project.

(b) The department may impose penalty for delinquent local payments in the amount of 6 percent of the amount due, in addition to charging the cost to handle and process the debt. Penalty interest shall accrue on any amount due and payable beginning on the 30th day following the date upon which payment is due.

(13) The department may terminate or rescind a financial assistance agreement when the local government fails to comply with the terms and conditions of the agreement.

Section 20. Paragraphs (l) and (m) are added to subsection (24) of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.—

(24) STATUTORY EXEMPTIONS.—

(l) Any proposed development or redevelopment within an area designated for:

1. Urban infill development as designated in the comprehensive plan;

2. Urban redevelopment as designated in the comprehensive plan;

3. Downtown revitalization as designated in the comprehensive plan; or

4. Urban infill and redevelopment under s. 163.2517 as designated in the comprehensive plan,

is exempt from the provisions of this section. However, a municipality with a population of 7,500 or fewer may adopt an ordinance imposing a fee upon an applicant for purposes of reimbursing the municipality for the reasonable costs that the municipality may incur in reviewing any project which is exempt under this subparagraph. The municipality may use all or part of this fee to employ professional expertise to ensure that the impacts of such projects are properly evaluated. Municipalities adopting such ordinances may not impose a fee on a project in excess of its actual out-of-pocket reasonable review costs. A copy of such ordinance shall be transmitted to the state land planning agency and the applicable regional planning council.

(m) Any proposed development within a rural land stewardship area created pursuant to s. 163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities and has adopted a proportionate-share methodology pursuant to s. 163.3180(16) and (17).

Section 21. Subsections (3), (7), and (8) of section 1013.33, Florida Statutes, are amended to read:

1013.33 Coordination of planning with local governing bodies.—

(3) At a minimum, the interlocal agreement must address *interlocal-agreement requirements in s. 163.3180(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address* the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new construction, proposed expansion, or redevelopment of existing schools. The process shall address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding *the effect of comprehensive plan amendments on* school capacity. The capacity reporting must be consistent with laws and rules regarding measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

~~A signatory to the interlocal agreement may elect not to include a provision meeting the requirements of paragraph (e); however, such a decision may be made only after a public hearing on such election, which may include the public hearing in which a district school board or a local government adopts the interlocal agreement. An interlocal agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan and land development regulations of any local government that is a signatory.~~

(7) Except as provided in subsection (8), municipalities *meeting the exemption criteria in s. 163.3177(12)* ~~having no established need for a new facility and meeting the following criteria~~ are exempt from the requirements of subsections (2), (3), and (4).~~:~~

~~(a) The municipality has no public schools located within its boundaries.~~

~~(b) The district school board's 5-year facilities work program and the long-term 10-year and 20-year work programs, as provided in s. 1013.35, demonstrate that no new school facility is needed in the municipality.~~

~~In addition, the district school board must verify in writing that no new school facility will be needed in the municipality within the 5-year and 10-year timeframes.~~

(8) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under *s. 163.3177(12)* ~~subsection (7)~~. If the municipality continues to meet these criteria ~~and the district school board verifies in writing that no new school facilities will be needed within the 5-year and 10-year timeframes~~, the municipality shall continue to be exempt from the interlocal-agreement requirement. Each municipality exempt under *s. 163.3177(12)* ~~subsection (7)~~ must comply with the provisions of subsections (2)-(8) within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.

Section 22. Section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of *size reduction; changes in guidelines and standards* ~~chs. 2002-20 and 2002-296~~.—

(1) *A change in a development of regional impact guideline or standard does not abridge or modify* ~~Nothing contained in this act abridges or modifies~~ any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact ~~on the effective date of this act~~. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but *would* ~~is~~ no longer *be* required to undergo development-of-regional-impact review by operation of *a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651* ~~this act~~, shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order *unless the developer or landowner has followed the procedures for rescission in paragraph (b)*. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.

(b) If requested by the developer or landowner, the development-of-regional-impact development order *shall* ~~may~~ be *rescinded by the local government with jurisdiction upon a showing by clear and convincing evidence that all required mitigation relating to the amount of development existing on the date of rescission has been completed* ~~abandoned pursuant to the process in s. 380.06(26)~~ .

(2) A development with an application for development approval pending, and determined sufficient pursuant to s. 380.06(10), on the effective date of *a change to the guidelines and standards* ~~this act~~, or a notification of proposed change pending on the effective date of *a change to the guidelines and standards* ~~this act~~, may elect to continue such review pursuant to s. 380.06. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, the resulting development order shall be governed by the provisions of subsection (1).

(3) A landowner that has filed an application for a development of regional impact review prior to the adoption of an optional sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan and any requested comprehensive plan amendments that accompany the application.

Section 23. Subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(a) To pay administrative expenses of the department, including administrative expenses incurred by the several state transportation districts, but excluding administrative expenses of commuter rail authorities that do not operate rail service.

(b) To pay the cost of construction of the State Highway System.

(c) To pay the cost of maintaining the State Highway System.

(d) To pay the cost of public transportation projects in accordance with chapter 341 and ss. 332.003-332.007.

(e) To reimburse counties or municipalities for expenditures made on projects in the State Highway System as authorized by s. 339.12(4) upon legislative approval.

(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.

(g) To lend or pay a portion of the operating, maintenance, and capital costs of a revenue-producing transportation project that is located on the State Highway System or that is demonstrated to relieve traffic congestion on the State Highway System.

(h) To match any federal-aid funds allocated for any other transportation purpose, including funds allocated to projects not located in the State Highway System.

(i) To pay the cost of county road projects selected in accordance with the Small County Road Assistance Program created in s. 339.2816.

(j) To pay the cost of county or municipal road projects selected in accordance with the County Incentive Grant Program created in s. 339.2817 and the Small County Outreach Program created in s. 339.2818.

(k) To provide loans and credit enhancements for use in constructing and improving highway transportation facilities selected in accordance with the state-funded infrastructure bank created in s. 339.55.

(l) To pay the cost of projects on the Florida Strategic Intermodal System created in s. 339.61.

(m) To pay the cost of transportation projects selected in accordance with the Transportation Incentive Program for a Sustainable Florida created in s. 339.28171.

(n)~~(m)~~ To pay other lawful expenditures of the department.

Section 24. Paragraphs (c), (d), and (e) are added to subsection (5) of section 339.155, Florida Statutes, to read:

339.155 Transportation planning.—

(5) ADDITIONAL TRANSPORTATION PLANS.—

(c) Regional transportation plans may be developed in regional transportation areas in accordance with an interlocal agreement entered into pursuant to s. 163.01 by the department and two or more contiguous metropolitan planning organizations; one or more metropolitan planning organizations and one or more contiguous counties, none of which is a member of a metropolitan planning organization; a multicounty regional transportation authority created by or pursuant to law; two or more contiguous counties that are not members of a metropolitan planning organization; or metropolitan planning organizations comprised of three or more counties.

(d) The department shall develop a model draft interlocal agreement that must, at a minimum, identify the entity that will coordinate the development of the regional transportation plan; delineate the boundaries of the regional transportation area; provide the duration of the agreement and specify how the agreement may be terminated, modified, or rescinded; describe the process by which the regional transportation plan will be developed; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the development or content of the regional transportation plan. The designated entity shall coordinate the adoption of the interlocal agreement using as its framework the department model. The designated entity shall record the executed interlocal agreement in the official public records of each county in the regional transportation area once a supermajority of the affected local governments within the delineated regional transportation area approve the interlocal agreement. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in the regional transportation area.

(e) The regional transportation plan developed pursuant to this section must, at a minimum, identify regionally significant transportation facilities located within a regional transportation area, and recommend a list of regionally significant projects to the department for prioritization. A project that is funded for construction within the Department of Transportation's 5-year work plan shall be adopted into the capital improvements schedule of the local government comprehensive plan pursuant to s. 163.3177(3).

Section 25. Section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic Intermodal System designated under s. 339.63 *and facilities for which projects have been identified pursuant to s. 339.28171.*

(1) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning area, which is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(2) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the Florida Space Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;

2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and

3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(3) APPORTIONMENT.—

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area and shall prescribe a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. An appointed alternate member must be an elected official serving the same governmental entity or a general-purpose local government with jurisdiction within all or part of the area that the regular member serves. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting members of the M.P.O. Nonvoting advisers may be appointed by the M.P.O. as deemed necessary. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (2).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (1)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of a county or city governing entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

(4) AUTHORITY AND RESPONSIBILITY.—The authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive transportation planning process that, based upon the prevailing principles provided in s. 334.046(1), results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan area of the M.P.O. An M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs required by subsections (5), (6), (7), and (8).

(5) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (6);

2. An annually updated transportation improvement program pursuant to the requirements of subsection (7); and

3. An annual unified planning work program pursuant to the requirements of subsection (8).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

2. Increase the safety and security of the transportation system for motorized and nonmotorized users;

3. Increase the accessibility and mobility options available to people and for freight;

4. Protect and enhance the environment, promote energy conservation, and improve quality of life;

5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

6. Promote efficient system management and operation; and

7. Emphasize the preservation of the existing transportation system.

(c) In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:

1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;

2. Assist the department in mapping transportation planning boundaries required by state or federal law;

3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;

4. Execute all agreements or certifications necessary to comply with applicable state or federal law;

5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and

6. Perform all other duties required by state or federal law.

(d) Each M.P.O. shall appoint a technical advisory committee that includes planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.

(e)1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

(f) The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

(g) Each M.P.O. may employ personnel or may enter into contracts with local or state agencies, private planning firms, or private engineer-

ing firms to accomplish its transportation planning and programming duties required by state or federal law.

(h) A chair's coordinating committee is created, composed of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(i)1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provide the purpose for which the entity is created; provide the duration of the agreement and the entity, and specify how the agreement may be terminated, modified, or rescinded; describe the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provide the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provide the manner in which funds may be paid to and disbursed from the entity; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. This paragraph does not require any M.P.O.'s to merge, combine, or otherwise join together as a single M.P.O.

(6) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.

(e) In addition to the requirements of paragraphs (a)-(d), in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the M.P.O. must coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(7) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State

Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O. *and include those projects programmed pursuant to s. 339.28171.*

(b) Each M.P.O. annually shall prepare a list of project priorities and shall submit the list to the appropriate district of the department by October 1 of each year; however, the department and a metropolitan planning organization may, in writing, agree to vary this submittal date. The list of project priorities must be formally reviewed by the technical and citizens' advisory committees, and approved by the M.P.O., before it is transmitted to the district. The approved list of project priorities must be used by the district in developing the district work program and must be used by the M.P.O. in developing its transportation improvement program. The annual list of project priorities must be based upon project selection criteria that, at a minimum, consider the following:

1. The approved M.P.O. long-range transportation plan;

2. The Strategic Intermodal System Plan developed under s. 339.64.

3. The priorities developed pursuant to s. 339.28171.

4.~~3.~~ The results of the transportation management systems; and

5.~~4.~~ The M.P.O.'s public-involvement procedures.

(c) The transportation improvement program must, at a minimum:

1. Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.

2. Include projects within the metropolitan area which are proposed for funding under 23 U.S.C. s. 134 of the Federal Transit Act and which are consistent with the long-range transportation plan developed under subsection (6).

3. Provide a financial plan that demonstrates how the transportation improvement program can be implemented; indicates the resources, both public and private, that are reasonably expected to be available to accomplish the program; identifies any innovative financing techniques that may be used to fund needed projects and programs; and may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available. Innovative financing techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing. The transportation improvement program may include a project or project phase only if full funding can reasonably be anticipated to be available for the project or project phase within the time period contemplated for completion of the project or project phase.

4. Group projects and project phases of similar urgency and anticipated staging into appropriate staging periods.

5. Indicate how the transportation improvement program relates to the long-range transportation plan developed under subsection (6), including providing examples of specific projects or project phases that further the goals and policies of the long-range transportation plan.

6. Indicate whether any project or project phase is inconsistent with an approved comprehensive plan of a unit of local government located within the jurisdiction of the M.P.O. If a project is inconsistent with an affected comprehensive plan, the M.P.O. must provide justification for including the project in the transportation improvement program.

7. Indicate how the improvements are consistent, to the maximum extent feasible, with affected seaport, airport, and spaceport master plans and with public transit development plans of the units of local government located within the jurisdiction of the M.P.O. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the transportation improvement program.

(d) Projects included in the transportation improvement program and that have advanced to the design stage of preliminary engineering may be removed from or rescheduled in a subsequent transportation improvement program only by the joint action of the M.P.O. and the department. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the 5th year of such program.

(e) During the development of the transportation improvement program, the M.P.O. shall, in cooperation with the department and any affected public transit operation, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

(f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to the district secretary and the Department of Community Affairs at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of Community Affairs at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of Community Affairs, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

(g) The Department of Community Affairs shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each M.P.O. and shall identify those projects that are inconsistent with such comprehensive plans. The Department of Community Affairs shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(h) The M.P.O. shall annually publish or otherwise make available for public review the annual listing of projects for which federal funds have been obligated in the preceding year. Project monitoring systems must be maintained by those agencies responsible for obligating federal funds and made accessible to the M.P.O.'s.

(8) UNIFIED PLANNING WORK PROGRAM.—Each M.P.O. shall develop, in cooperation with the department and public transportation providers, a unified planning work program that lists all planning tasks to be undertaken during the program year. The unified planning work program must provide a complete description of each planning task and an estimated budget therefor and must comply with applicable state and federal law.

(9) AGREEMENTS.—

(a) Each M.P.O. shall execute the following written agreements, which shall be reviewed, and updated as necessary, every 5 years:

1. An agreement with the department clearly establishing the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law.

2. An agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area.

3. An agreement with operators of public transportation systems, including transit systems, commuter rail systems, airports, seaports, and spaceports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, seaport, and aerospace planning and programming will be part of the comprehensive planned development of the metropolitan area.

(b) An M.P.O. may execute other agreements required by state or federal law or as necessary to properly accomplish its functions.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.

(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.

2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.

3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.

4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.

5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.

6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.

7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.

8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

(11) APPLICATION OF FEDERAL LAW.—Upon notification by an agency of the Federal Government that any provision of this section conflicts with federal laws or regulations, such federal laws or regulations will take precedence to the extent of the conflict until such conflict is resolved. The department or an M.P.O. may take any necessary action to comply with such federal laws and regulations or to continue to remain eligible to receive federal funds.

Section 26. Section 339.55, Florida Statutes, is amended to read:

339.55 State-funded infrastructure bank.—

(1) There is created within the Department of Transportation a state-funded infrastructure bank for the purpose of providing loans and credit enhancements to government units and private entities for use in constructing and improving transportation facilities.

(2) The bank may lend capital costs or provide credit enhancements for*:*

(a) A transportation facility project that is on the State Highway System or that provides for increased mobility on the state's transportation system or provides intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals, pursuant to s. 341.053, for the movement of people and goods.

(b) Projects of the Transportation Incentive Program for a Sustainable Florida which are identified pursuant to s. 339.28171.

(3) Loans from the bank may be subordinated to senior project debt that has an investment grade rating of "BBB" or higher.

(4)~~(3)~~ Loans from the bank may bear interest at or below market interest rates, as determined by the department. Repayment of any loan from the bank shall commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later, and shall be repaid in no more than 30 years.

(5)~~(4)~~ ~~Except as provided in s. 339.137,~~ To be eligible for consideration, projects must be consistent, to the maximum extent feasible, with local metropolitan planning organization plans and local government comprehensive plans and must provide a dedicated repayment source to ensure the loan is repaid to the bank.

(6) Funding awarded for projects under paragraph (2)(b) must be matched by a minimum of 25 percent from funds other than the state-funded infrastructure bank loan.

(7)~~(5)~~ The department may consider, but is not limited to, the following criteria for evaluation of projects for assistance from the bank:

(a) The credit worthiness of the project.

(b) A demonstration that the project will encourage, enhance, or create economic benefits.

(c) The likelihood that assistance would enable the project to proceed at an earlier date than would otherwise be possible.

(d) The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment.

(e) The extent to which the project would use new technologies, including intelligent transportation systems, that would enhance the efficient operation of the project.

(f) The extent to which the project would maintain or protect the environment.

(g) A demonstration that the project includes transportation benefits for improving intermodalism, cargo and freight movement, and safety.

(h) The amount of the proposed assistance as a percentage of the overall project costs with emphasis on local and private participation.

(i) The extent to which the project will provide for connectivity between the State Highway System and airports, seaports, rail facilities, and other transportation terminals and intermodal options pursuant to s. 341.053 for the increased accessibility and movement of people and goods.

(8)~~(6)~~ Loan assistance provided by the bank shall be included in the department's work program developed in accordance with s. 339.135.

(9)~~(7)~~ The department is authorized to adopt rules to implement the state-funded infrastructure bank.

Section 27. Subsection (2) of section 1013.64, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations

from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 3-year period. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts not eligible to participate in the program. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

3. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

4. The district must have selected and had approved a site for the construction project in compliance with s. 1013.36 and the rules of the State Board of Education.

5. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the State Requirements for Educational Facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

6. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6).

7. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.

8. The district shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as allowed in s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1.5 mills per year to the project to satisfy the annual participation requirement in the Special Facility Construction Account.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. The department shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

11. The district shall have on file with the department an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

12. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes prior to August 1.

(b) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "High Growth County Facility Construction Account." The account shall be used to provide necessary construction funds to high growth school districts which have urgent construction needs, but which lack sufficient resources at present and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue and local sources. A school district requesting funding from the account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 2-year period, provided that any grants received under this paragraph must be fully expended in order for a district to apply for additional funding under this paragraph and all Classrooms First funds have been allocated and expended by the district. The first year of the 2-year period shall be the first year a district receives an appropriation. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts not eligible to participate in the program. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth with priority given to those districts that have equaled or exceeded twice the statewide average in growth in capital outlay full-time equivalent students over the previous 4 fiscal years; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department with priority given to these districts with 20,000 or more capital outlay full-time equivalent students; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

3. The construction project includes either a recreational facility or media center that will be jointly used with a local government.

4. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

5. The district must have selected and had approved a site for the construction project in compliance with the interlocal agreement with the appropriate local government, s. 1013.36, and the rules of the State Board of Education.

6. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the state requirements for educational facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

7. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6).

8. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days after receipt of its encumbrance authorization from the department.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes prior to August 1.

(c)~~(b)~~ The Special Facility Construction Committee shall be composed of the following: two representatives of the Department of Education, a representative from the Governor's office, a representative selected annually by the district school boards, and a representative selected annually by the superintendents.

(d)~~(c)~~ The committee shall review the requests submitted from the districts, evaluate the ability of the project to relieve critical needs, and rank the requests in priority order. This statewide priority list for special facilities construction shall be submitted to the Legislature in the commissioner's annual capital outlay legislative budget request at least 45 days prior to the legislative session. *For the initial year of the funding of the program outlined in paragraph (b), the Special Facility Construction Committee shall authorize the disbursement of funds appropriated by the Legislature for the purposes of the program funded by the High Growth County Facility Construction Account created in paragraph (b).*

(7) Moneys distributed to the Public Education Capital Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d) shall be expended to fund the Classrooms for Kids Program created in s. 1013.735 and shall be distributed as provided by that section.

Section 28. Paragraph (a) of subsection (2) of section 1013.65, Florida Statutes, is amended to read:

1013.65 Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.—

(2)(a) The Public Education Capital Outlay and Debt Service Trust Fund shall be comprised of the following sources, which are hereby appropriated to the trust fund:

1. Proceeds, premiums, and accrued interest from the sale of public education bonds and that portion of the revenues accruing from the gross receipts tax as provided by s. 9(a)(2), Art. XII of the State Constitution, as amended, interest on investments, and federal interest subsidies.

2. General revenue funds appropriated to the fund for educational capital outlay purposes.

3. All capital outlay funds previously appropriated and certified forward pursuant to s. 216.301.

4. Funds paid pursuant to s. 201.15(1)(d). Such funds shall be appropriated annually for expenditure to fund the Classrooms for Kids Program created in s. 1013.735 and shall be distributed as provided by that section.

Section 29. Subsection (1) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund for such purposes shall not exceed $300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and $300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds shall not exceed $30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional $30 million in each subsequent fiscal year, but shall not exceed a total of $300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2030. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a), shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619.

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund and may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used. Payments made under this paragraph shall continue until the cumulative amount credited to the Land Acquisition Trust Fund for the fiscal year under this paragraph and paragraph (2)(b) equals 70 percent of the current official forecast for distributions of taxes collected under this chapter pursuant to subsection (2). As used in this paragraph, the term "current official forecast" means the most recent forecast as determined by the Revenue Estimating Conference. If the current official forecast for a fiscal year changes after payments under this paragraph have ended during that fiscal year, no further payments are required under this paragraph during the fiscal year.

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of $541.75 million in each fiscal year, to be paid in quarterly installments and allocated for the following specified purposes notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. 5309 and specified in s. 341.051, $50 million for fiscal year 2005-2006, $70 million for fiscal years 2006-2007 through 2008-2009, $75 million for fiscal year 2009-2010 and each fiscal year thereafter;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, $30 million for fiscal years 2005-2006 through 2006-2007 and $35 million for fiscal year 2007-2008 and each fiscal year thereafter;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, all remaining funds after allocations pursuant to sub-subparagraphs a., b., and d.; and

d. For the purposes of the Transportation Incentive Program for a Sustainable Florida specified in s. 339.28171, $122 million for fiscal year 2005-2006, $85 million for fiscal year 2006-2007, $120 million for fiscal years 2007-2008 through 2010-2011, and $115 million for fiscal year 2011-2012 and each fiscal year thereafter.

2. The Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection in the amount of $100 million in each fiscal year, to be paid in quarterly installments and used as required by s. 403.890.

3. The Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education in the amount of $75 million in each fiscal year, to be paid in monthly installments and used to fund the Classrooms for Kids Program created in s. 1013.735. If required, new facilities constructed under the Classroom for Kids Program must meet the requirements of s. 1013.372.

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(e)~~(d)~~ The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), ~~and~~ (c), *and (d),* shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11).

Section 30. *School Concurrency Task Force.—*

(1) The School Concurrency Task Force is created to review the requirements for school concurrency in law and make recommendations regarding streamlining the process and procedures for establishing school concurrency. The task force shall also examine the methodology and processes used for the funding of construction of public schools and make recommendations on revisions to provisions of law and rules which will help ensure that schools are built and available when the expected demands of growth produce the need for new school facilities.

(2) The task force shall be composed of 11 members. The membership must represent local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. The task force shall include two members appointed by the Governor, two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives, one member appointed by the Florida School Boards Association, one member appointed by the Florida Association of Counties, and one member appointed by the Florida League of Cities. The Secretary of the Department of Community Affairs, or a senior management designee, and the Commissioner of Education, or a senior management designee, shall also be ex officio nonvoting members on the task force.

(3) The task force shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2005, with specific recommendations for revisions to provisions of law and rules.

Section 31. *Florida Impact Fee Review Task Force.—*

(1) The Legislature recognizes that impact fees have been an important source of revenues to local governments to fund new growth. Local governments have assumed this responsibility under their constitutional home rule authority. With the increased use of impact fees, questions have arisen about whether their use should be regulated by law.

(2) Effective upon this act becoming law, the Florida Impact Fee Review Task Force is created.

(3)(a) The task force is to be composed of 15 members, who shall be appointed within 30 days after the effective date of this section.

1. Five voting members selected by the President of the Senate and five voting members selected by the Speaker of the House of Representative, none of whom may be a member of the Legislature at the time of the appointment, as follows: one member of a county commission, one member of a city commission or council, one member of a local school board, one member of the development community, and one member of the homebuilding community. The Governor shall appoint two members, one of whom shall be an affordable housing advocate who shall have no current or past direct relationship to local government, school boards, or the development or homebuilding industries. The Governor shall designate one of his or her appointees as the chair.

2. One member of the Senate appointed by the President of the Senate, and one member of the House of Representatives appointed by the Speaker of the House of Representatives, who shall be ex officio, nonvoting members.

3. The Secretary of the Department of Community Affairs or his designee is to serve as an ex officio, nonvoting member.

(4)(a) The task force shall act as an advisory body to the Governor and the Legislature.

(b) The task force shall convene its initial meeting within 60 days after the effective date of this section and thereafter at the call of its chair.

(c) Task Force members shall not receive remuneration for their services, but are entitled to reimbursement by the Legislative Committee on Intergovernmental Relations for travel and per diem expenses in accordance with s. 112.061, Florida Statutes.

(5) The Task Force shall survey and review current use of impact fees as a method of financing local infrastructure to accommodate new growth and current case law controlling the use of impact fees. To the extent feasible, the review is to include consideration of the following:

(a) Local government criteria and methodology used for the determination of the amount of impact fees.

(b) Application and relative burden of impact fees in different areas of the state in relation to other methods of financing new infrastructure.

(c) The range of use of impact fees as a percentage of the total capital costs for infrastructure needs created by new development.

(d) The methods used by local governments for the accounting and reporting of the collection and expenditure of all impact fees.

(e) Notice provisions prior to adoption and the effective date of local ordinances creating a new impact fee or increasing an existing impact fee.

(f) Interlocal agreements between counties and cities to allocate impact fee proceeds between them.

(g) Requirements and options related to timing of impact fees payments.

(h) The importance of impact fees to the ability of local government to fund infrastructure needed to mitigate the impacts of development and meet statutory requirements for concurrency.

(i) Methods used by local governments to ameliorate the effect of impact fee costs on affordable housing.

(6) The task force shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2006. The report shall include the task force's recommendations regarding:

(a) Whether there is a need for statutory direction on the methodology and data used to calculate impact fees.

(b) Whether there should be statutory direction on payment, exemption, or waiver of impact fees for affordable housing.

(c) Whether there should be statutory direction on the accounting and reporting of the collection and expenditure of all impact fees.

(d) Whether there is a need for statutory direction on the notice given in advance of the effective date of a new or amended impact fee ordinance.

(e) Whether there is a need for statutory direction on the sharing of impact fees between counties and cities.

(f) Whether there is a need for statutory direction on the timing of payment of impact fees.

(g) Any other recommendation the Task Force deems appropriate.

If the task force makes a recommendation for statutory direction, the report shall also contain the task force's recommendation for statutory changes.

(7) The Legislative Committee on Intergovernmental Relations shall serve as staff to the task force and is authorized to employ technical support and expend funds appropriated to the committee for carrying out the official duties of the task force. All state agencies are directed to cooperate with and assist the task force to the fullest extent possible. All local governments are encouraged to assist and cooperate with the commission as necessary.

(8) Effective July 1, 2005, the sum of $50,000 is appropriated, for fiscal year 2005-2006 only, from the Department of Community Affairs' Grants and Donations Trust Fund to the Legislative Committee on Intergovernmental Relations to fund the per diem and travel expenses of the task force pursuant to s. 112.061, Florida Statutes.

Section 32. *Funding for Sustainable Schools.—In order to provide for innovative approaches to meet school capacity demands, effective July 1, 2005, the sum of $30 million from recurring funds in the Public Education Capital Outlay and Debt Service Trust Fund shall be transferred annually from the Public Education Capital Outlay and Debt Service Trust Fund to the High Growth County Facility Construction Account.*

Section 33. *(1) The following appropriations are made for the 2005-2006 fiscal year only from the General Revenue Fund, from revenues deposited into the fund pursuant to section 201.15(1)(e), Florida Statutes, on a nonrecurring basis and in quarterly installments:*

(a) To the State Transportation Trust Fund in the Department of Transportation, $576.25 million.

(b) To the Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection, $100 million.

(c) To the Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education, $73.75 million.

(2) The following appropriations are made for the 2005-2006 fiscal year only on a nonrecurring basis:

(a) From the State Transportation Trust Fund in the Department of Transportation:

1. The sum of $201.25 million for the purposes specified in sections 339.61, 339.62, 339.63, and 339.64, Florida Statutes.

2. The sum of $275 million for the purposes specified in section 339.28171, Florida Statutes.

3. The sum of $100 million for the purposes specified in section 339.55, Florida Statutes.

(b) From the Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection, $100 million for the purposes specified in section 403.890, Florida Statutes.

(c) From the Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education, the sum of $73.75 million for the purpose of funding the Classrooms for Kids Program created in section 1013.735, Florida Statutes. Notwithstanding the requirements of sections 1013.64 and 1013.65, Florida Statutes, these moneys may not be distributed as part of the comprehensive plan for the Public Education Capital Outlay and Debt Service Trust Fund. If required, new facilities constructed under the Classroom for Kids Program must meet the requirements of s. 1013.372.

Section 34. *Statewide Technical Assistance for a Sustainable Florida.—In order to assist local governments and school boards to implement the provisions of this act, effective July 1, 2005, the sum of $2.95 million for fiscal year 2005-2006 only, and $3 million is appropriated for each fiscal year therafter, from recurring general revenue to the Department of Community Affairs' Grants and Donations Trust Fund. The department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2006, on the progress made toward implementing this act and a recommendation of whether additional funds should be appropriated to provide additional technical assistance to implement this act.*

Section 35. *Effective July 1, 2005, the sum of $250,000 is appropriated from recurring general revenue to the Department of Community Affairs to provide the necessary staff and other assistance to the Century Commission for a Sustainable Florida required by section 11.*

Section 36. *Beginning in fiscal year 2005-2006, the Department of Transportation shall allocate sufficient funds to implement the provisions relating to transportation in this act. The department shall amend the tentative work program for 2005-2006. Before amending the tentative work program, the department shall submit a budget amendment pursuant to section 339.135(7), Florida Statutes. The department shall provide a report to the President of the Senate and the Speaker of the House of Representative by February 1, 2006, identifying the program adjustments the department has made consistent with the provisions of the Sustainable Florida Transportation Program. Notwithstanding the provisions of section 216.301(1), Florida Statutes, the funds appropriated from general revenue to the State Transportation Trust Fund in this act shall not revert at the end of fiscal year 2005-2006.*

Section 37. *The Legislature finds that planning for and adequately funding infrastructure is critically important for the safety and welfare of the residents of Florida. Therefore, the Legislature finds that the provisions of this act fulfill an important state interest.*

Section 38. *Unless the developer elects otherwise in writing, the provisions of this act amending chapters 163 and 380, Florida Statutes, shall not apply to any developments of regional impact for which a development order has been issued prior to the effective date of this act or for which a development of regional impact application has been submitted prior to May 1, 2005.*

Section 39. *The Department of Community Affairs shall conduct a study to determine:*

(1) Which counties have off-site environmental mitigation programs or ordinances and which counties do not.

(2) What types of off-site environmental mitigation programs have been adopted.

(3) How much in additional environmental preservation funds are generated through county off-site environmental mitigation ordinances or programs.

(4) Whether the acquisition of environmentally sensitive lands is slowed or impeded in counties that do not have off-site mitigation ordinances or plans.

The department shall prepare a report containing the results of the study and shall provide a copy of the report to President of the Senate and the Speaker of the House of Representatives on or before November 1, 2005.

Section 40. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 41. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing for sanctions; requiring incorporation of selected water supply projects in the comprehensive plan; authorizing

planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; revising requirements for rural land stewardship areas; exempting rural land stewardship areas from developments of regional impact provisions; requiring an interlocal agreement; providing for a waiver under certain circumstances; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; encouraging local governments to include a community vision and an urban service boundary as a component of their comprehensive plans; providing requirements; repealing s. 163.31776, F.S., relating to the public educational facilities element; repealing s. 339.2817, F.S., relating to the County Incentive Grant Program; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that the Department of Transportation be consulted regarding certain level-of-service standards; revising criteria and providing guidelines for transportation concurrency exception areas; requiring a local government to consider the transportation level-of-service standards of adjacent jurisdictions for certain roads; providing criteria for urban infill and redevelopment; providing for waiver of certain transportation facilities concurrency requirements under certain circumstances; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established on less than a districtwide basis within 5 years; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing for the adoption of a transportation concurrency management system by ordinance; providing requirements for proportionate-share mitigation; amending s. 163.3184, F.S.; correcting cross references; authorizing instead of requiring the state land planning agency to review plan amendments; amending s. 163.3187, F.S.; providing additional criteria for small scale amendments to adopted comprehensive plans; providing an additional exception to a limitation on amending an adopted comprehensive plan by certain municipalities; providing procedures and requirements; providing for notice and public hearings; correcting a cross reference; providing for nonapplication; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for a Sustainable Florida for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; amending s. 215.211, F.S.; providing for deposit of certain service charge revenues into the State Transportation Trust Fund to be used for certain purposes; creating s. 339.28171, F.S.; creating the Transportation Incentive Program for a Sustainable Florida; providing program requirements; requiring the Department of Transportation to develop criteria to assist local governments in evaluating concurrency management system backlogs; specifying criteria requirements; providing requirements for local governments; specifying percentages and requirements for apportioning matching funds among grant applicants; authorizing the department to administer contracts as requested by local governments; amending s. 337.107, F.S.; allowing the inclusion of right-of-way services in certain design-build contracts; amending s. 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services and as part of design-build contracts under certain circumstances; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; deleting language allowing right-of-way services and design and construction phases to be combined for certain projects; deleting an exception; creating s. 373.19615, F.S.; creating the Florida's Sustainable Water Supplies Program; providing funding requirements for local government development of alternative water supply projects; providing for allocation of funds to water management districts; providing definitions; specifying factors to consider in funding certain projects; providing funding requirements; requiring the Department of Environmental Protection to establish factors for granting financial assistance to eligible projects; creating s. 373.19616, F.S.; creating the Water Transition Assistance Program to establish a low-interest revolving loan program for infrastructure financing for alternative water supplies; providing legislative declarations; providing definitions; authorizing the Department of Environmental Protection to make loans to local governments for certain purposes; authorizing local governments to borrow funds and pledge revenues for repayment; providing loan limitations; authorizing the department to adopt certain rules; requiring the department to prepare an annual report on such financial assistance; providing loan approval requirements for local governments; authorizing the department to conduct or require audits; authorizing the department to require reasonable loan service fees; providing limitations; providing requirements for financial assistance funding; providing for enforcement of loan defaults; authorizing the department to impose penalties for delinquent loan payments; authorizing the department to terminate financial assistance agreements under certain circumstances; amending s. 380.06, F.S.; providing additional exemptions from development of regional impact provisions for certain projects in proposed developments or redevelopments within an area designated in a comprehensive plan and for proposed developments within certain rural land stewardship areas; authorizing certain municipalities to adopt an ordinance imposing a fee on certain applicants for certain purposes; specifying fee uses; providing a limitation; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; amending s. 339.08, F.S.; providing for expenditure of moneys in the State Transportation Trust Fund; amending s. 339.155, F.S.; providing for the development of regional transportation plans in Regional Transportation Areas; amending s. 339.175, F.S.; making conforming changes to provisions of the act; amending s. 339.55, F.S.; providing for loans for certain projects from the state-funded infrastructure bank within the Department of Transportation; amending s. 1013.64, F.S.; requiring the Department of Education to establish the High Growth County Facility Construction Account as a separate account within the Public Education Capital Outlay and Debt Service Trust Fund for certain purposes; specifying requirements for funding from the account; providing for the expenditure of funds in the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.65, F.S.; providing funding for the Classrooms for Kids Program; amending s. 201.15, F.S.; providing for the expenditure of certain funds in the Land Acquisition Trust Fund; creating the School Concurrency Task Force; providing purposes; providing for membership; requiring a report to the Governor and Legislature; creating the Florida Impact Fee Review Task Force; providing legislative findings; providing for membership; providing for meetings; providing duties and responsibilities of the task force; prohibiting compensation of the task force; providing for per diem and travel expenses; requiring a report to the Governor and Legislature; specifying report contents; requiring the Legislative Committee on Intergovernmental Relations to serve as staff; providing an appropriation; providing an appropriation to fund the High Growth County Facility Construction Account; providing for appropriations for the 2005-2006 fiscal year on a nonrecurring basis for certain purposes; requiring the Department of Transportation to amend the tentative work program and budget for 2005-2006; prohibits reversion of certain funds; providing a declaration of important state interest; providing for nonapplication of certain provisions of law to certain developments of regional impact under certain circumstances; requiring the Department of Community Affairs to conduct a study; specifying study criteria; requiring a report to the Legislature; providing severability; providing effective dates.

Senator Bennett moved the following amendment which was adopted:

Senate Amendment 1 (444308) to House Amendment 1 (882799)—Lines 4-4269, delete those lines and insert:

Section 1. Subsection (32) is added to section 163.3164, Florida Statutes, to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the 5-year schedule of capital improvements. The requirement that level-of-service standards be achieved and maintained shall not apply if the proportionate-share process set forth in s. 163.3180(12) and (16) is used.

Section 2. Subsections (2) and (3), paragraphs (a), (c), and (h) of subsection (6), paragraph (d) of subsection (11), and subsection (12) of section 163.3177, Florida Statutes, are amended, and subsections (13) and (14) are added to that section, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent, and the comprehensive plan shall be *financially* ~~economically~~ feasible. *Financial feasibility shall be determined using professionally accepted methodologies.*

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient utilization of such facilities and set forth:

1. A component which outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component which outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.

4. Standards for the management of debt.

5. A schedule of capital improvements which includes publicly funded projects, and which may include privately funded projects for which the local government has no fiscal responsibility, necessary to ensure that adopted level-of-service standards are achieved and maintained. For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement pursuant to paragraph (10)(h), or other enforceable agreement. These development agreements and interlocal agreements shall be reflected in the schedule of capital improvements if the capital improvement is necessary to serve development within the 5-year schedule. If the local government uses planned revenue sources that require referenda or other actions to secure the revenue source, the plan must, in the event the referenda are not passed or actions do not secure the planned revenue source, identify other existing revenue sources that will be used to fund the capital projects or otherwise amend the plan to ensure financial feasibility.

6. The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(7) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(6).

(b)*1.* The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 *in order to maintain a financially feasible 5-year schedule of capital improvements.*~~, except that~~ Corrections~~, updates,~~ and modifications concerning costs; revenue sources; *or* acceptance of facilities pursuant to dedications which are consistent with the plan~~; or the date of construction of any facility enumerated in the capital improvements element~~ may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. *A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule.* All public facilities shall be consistent with the capital improvements element. *Amendments to implement this section must be adopted and transmitted no later than December 1, 2007. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2007, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.*

2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6).

(c) If the local government does not adopt the required annual update to the schedule of capital improvements or the annual update is found not in compliance, the state land planning agency must notify the Administration Commission. A local government that has a demonstrated lack of commitment to meeting its obligations identified in the capital improvement element may be subject to sanctions by the Administration Commission pursuant to s. 163.3184(11).

(d) If a local government adopts a long-term concurrency management system pursuant to s. 163.3180(9), it must also adopt a long-term capital improvements schedule covering up to a 10-year or 15-year period, and must update the long-term schedule annually. The long-term schedule of capital improvements must be financially feasible.

(6) In addition to the requirements of subsections (1)-(5) *and (12)*, the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of *water supplies,* public *facilities, and* services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series

shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. ~~All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999.~~ The failure by a local government to comply with these school siting requirements ~~by October 1, 1999~~, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use ~~or for adopting or amending the school siting maps pursuant to s. 163.31776(3)~~ are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2006.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks. *Within 18 months after the governing board approves an updated regional water supply plan* ~~By December 1, 2006~~, the element must *incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.0361(2)(a) or proposed by the local government under s. 373.0361(7)(b)* ~~consider the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361~~. *If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan.* The element must *identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction and* include a work plan, covering at least a 10 year planning period, for building *public, private, and regional* water supply facilities*, including development of alternative water supplies, which* ~~that~~ are identified in the element as necessary to serve existing and new development ~~and for which the local government is responsible~~. The work plan shall be updated, at a minimum, every 5 years within *18* ~~12~~ months after the governing board of a water management district approves an updated regional water supply plan. Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan. *Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of ground and surface water supplies.*

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards*, regional water supply authorities,* and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.0361, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 1013.30.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4.a. Local governments ~~adopting a public educational facilities element pursuant to s. 163.31776~~ must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities *pursuant to s. 163.31777*~~, as defined by s. 163.31776(1), which includes the items listed in s. 163.31777(2)~~. The local government shall amend the intergovernmental coordination element to provide that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement.

b. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).

5. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

6. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which:

a. Identifies all existing or proposed interlocal service-delivery agreements regarding the following: education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

b. Identifies any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

7. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

8. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 6. The report may be used as supporting data and analysis for the intergovernmental coordination element.

~~9. By February 1, 2003, Representatives of municipalities, counties, and special districts shall provide to the Legislature recommended statutory changes for annexation, including any changes that address the delivery of local government services in areas planned for annexation.~~

(11)

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:

a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;

b. Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and

c. Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship areas in smaller rural counties that do not have the staff or planning budgets to create a rural land stewardship area.

2. The department shall encourage participation by local governments of different sizes and rural characteristics in establishing and implementing rural land stewardship areas. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.

4. A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and rule 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses*, including adequate available work force housing, including low, very-low and moderate income housing for the development anticipated in the receiving area* and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rule 9J-5.006(5)(l), Florida Administrative Code.

5. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government. *At the time of designation of a stewardship receiving area, a listed species survey will be performed. If listed species occur on the receiving area site, the developer shall coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the impacts to areas to be developed as receiving areas shall be considered together with the environmental benefits of areas protected as sending areas in fulfilling this criteria.*

6. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, *establish the methodology for the creation, conveyance, and use of transferrable rural land use credits, otherwise referred to as stewardship credits, the application of* ~~assign to the area a certain number of credits, to be known as "transferable rural land use credits,"~~ which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits *within* ~~assigned to~~ the rural land stewardship area must *enable the realization of the long-term vision and goals for* ~~correspond to~~ the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land *or, in locations where the retention of* ~~and a lesser number of credits to be assigned to~~ open space and agricultural land *is a priority, to such lands*.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

7. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.

8. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph.

(e) The Legislature finds that mixed-use, high-density development is appropriate for urban infill and redevelopment areas. Mixed-use projects accommodate a variety of uses, including residential and commercial, and usually at higher densities that promote pedestrian-friendly, sustainable communities. The Legislature recognizes that mixed-use, high-density development improves the quality of life for residents and businesses in urban areas. The Legislature finds that mixed-use, high-density redevelopment and infill benefits residents by creating a livable community with alternative modes of transportation. Furthermore, the Legislature finds that local zoning ordinances often discourage mixed-use, high-density development in areas that are appropriate for urban infill and redevelopment. The Legislature intends to discourage single-use zoning in urban areas which often leads to lower-density, land-intensive development outside an urban service area. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to encourage mixed-use, high-density urban infill and redevelopment projects.

(f) The Legislature finds that a program for the transfer of development rights is a useful tool to preserve historic buildings and create public open spaces in urban areas. A program for the transfer of development rights allows the transfer of density credits from historic properties and public open spaces to areas designated for high-density development. The Legislature recognizes that high-density development is integral to the success of many urban infill and redevelopment projects. The Legislature intends to encourage high-density urban infill and redevelopment while preserving historic structures and open spaces. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to promote the transfer of development rights within urban areas for high-density infill and redevelopment projects.

(g) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(h) The department may adopt rules necessary to implement the provisions of this subsection.

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection. *Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.*

(a) The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5-year capital outlay full-time equivalent student growth rate is less than 10 percent. The state land planning agency may allow for a single school to exceed the 100-percent limitation if it can be demonstrated that the capacity rate for that single school is not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:

1. Whether the exceedance is due to temporary circumstances;

2. Whether the projected 5-year capital outlay full time equivalent student growth rate for the school district is approaching the 10-percent threshold;

3. Whether one or more additional schools within the school district are at or approaching the 100-percent threshold; and

4. The adequacy of the data and analysis submitted to support the waiver request.

(b) A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:

1. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

2. The municipality has not annexed new land during the preceding 5 years in land use categories that permit residential uses that will affect school attendance rates.

3. The municipality has no public schools located within its boundaries.

(c)~~(a)~~ A public school facilities element shall be based upon data and analyses that address, among other items, how level-of-service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: *the interlocal agreement adopted pursuant to s. 163.31777 and* the 5-year school district facilities work program adopted pursuant to s. 1013.35; the educational plant survey *prepared pursuant to s. 1013.31* and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long-term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning periods; and anticipated educational and ancillary plants with land area requirements.

(d)~~(b)~~ The element shall contain one or more goals which establish the long-term end toward which public school programs and activities are ultimately directed.

(e)~~(c)~~ The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.

(f)~~(d)~~ The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.

(g)~~(e)~~ The objectives and policies shall address items such as:

1. The procedure for an annual update process;

2. The procedure for school site selection;

3. The procedure for school permitting;

4. Provision *for* ~~of supporting~~ infrastructure *necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization*;

5. Provision for colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools;

6. Provision for location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points;

7. Measures to ensure compatibility of school sites and surrounding land uses;

8. Coordination with adjacent local governments and the school district on emergency preparedness issues*, including the use of public schools to serve as emergency shelters*; and

9. Coordination with the future land use element.

(h)~~(f)~~ The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants*, including the general location of improvements to existing schools or new schools anticipated over the 5-year, or long-term planning period*. The maps will of necessity be general for the long-term planning period and more specific for the 5-year period. *Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.*

(i) The state land planning agency shall establish a phased schedule for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.31777. The schedule shall provide for each county and local government within the county to adopt the element and update to the agreement no later than December 1, 2008. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1).

(j) Failure to adopt the public school facility element, to enter into an approved interlocal agreement as required by subparagraph (6)(h)2. and s. 163.31777, or to amend the comprehensive plan as necessary to implement school concurrency, according to the phased schedule, shall result in a local government being prohibited from adopting amendments to the comprehensive plan which increase residential density until the necessary amendments have been adopted and transmitted to the state land planning agency.

(k) The state land planning agency may issue the school board a notice to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement the provisions of this act relating to public school concurrency. The school board may be subject to sanctions imposed by the Administration Commission directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.

(a) As part of the process of developing a community vision under this section, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.

(b) The local government must, at a minimum, discuss five of the following topics as part of the workshops and public meetings required under paragraph (a):

1. Future growth in the area using population forecasts from the Bureau of Economic and Business Research;

2. Priorities for economic development;

3. Preservation of open space, environmentally sensitive lands, and agricultural lands;

4. Appropriate areas and standards for mixed-use development;

5. Appropriate areas and standards for high-density commercial and residential development;

6. Appropriate areas and standards for economic-development opportunities and employment centers;

7. Provisions for adequate workforce housing;

8. An efficient, interconnected multimodal transportation system; and

9. Opportunities to create land use patterns that accommodate the issues listed in subparagraphs 1.-8.

(c) As part of the workshops and public meetings, the local government must discuss strategies for addressing the topics discussed under paragraph (b), including:

1. Strategies to preserve open space and environmentally sensitive lands, and to encourage a healthy agricultural economy, including innovative planning and development strategies, such as the transfer of development rights;

2. Incentives for mixed-use development, including increased height and intensity standards for buildings that provide residential use in combination with office or commercial space;

3. Incentives for workforce housing;

4. Designation of an urban service boundary pursuant to subsection (2); and

5. Strategies to provide mobility within the community and to protect the Strategic Intermodal System, including the development of a transportation corridor management plan under s. 337.273.

(d) The community vision must reflect the community's shared concept for growth and development of the community, including visual representations depicting the desired land-use patterns and character of the community during a 10-year planning timeframe. The community vision must also take into consideration economic viability of the vision and private property interests.

(e) After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the community vision as a component in the plan. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at public hearings of the governing body other than those identified in paragraph (a).

(f) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

(g) A local government that has developed a community vision or completed a visioning process after July 1, 2000, and before July 1, 2005, which substantially accomplishes the goals set forth in this subsection and the appropriate goals, policies, or objectives have been adopted as part of the comprehensive plan or reflected in subsequently adopted land development regulations and the plan amendment incorporating the community vision as a component has been found in compliance is eligible for the incentives in s. 163.3184(17).

(14) Local governments are also encouraged to designate an urban service boundary. This area must be appropriate for compact, contiguous urban development within a 10-year planning timeframe. The urban service area boundary must be identified on the future land use map or map series. The local government shall demonstrate that the land included within the urban service boundary is served or is planned to be served with adequate public facilities and services based on the local government's adopted level-of-service standards by adopting a 10-year facilities plan in the capital improvements element which is financially feasible. The local government shall demonstrate that the amount of land within the urban service boundary does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning timeframe.

(a) As part of the process of establishing an urban service boundary, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.

(b)1. After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the urban service boundary. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at meetings of the governing body other than those required under paragraph (a).

2. This subsection does not prohibit new development outside an urban service boundary. However, a local government that establishes an urban service boundary under this subsection is encouraged to require a full-cost accounting analysis for any new development outside the boundary and to consider the results of that analysis when adopting a plan amendment for property outside the established urban service boundary.

(c) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

(d) A local government that has adopted an urban service boundary before July 1, 2005, which substantially accomplishes the goals set forth in this subsection is not required to comply with paragraph (a) or subparagraph 1. of paragraph (b) in order to be eligible for the incentives under s. 163.3184(17). In order to satisfy the provisions of this paragraph, the local government must secure a determination from the state land planning agency that the urban service boundary adopted before July 1, 2005, substantially complies with the criteria of this subsection, based on data and analysis submitted by the local government to support this determination. The determination by the state land planning agency is not subject to administrative challenge.

Section 3. *Section 163.31776, Florida Statutes, is repealed.*

Section 4. Subsections (2), (5), (6), and (7) of section 163.31777, Florida Statutes, are amended to read:

163.31777 Public schools interlocal agreement.—

(2) At a minimum, the interlocal agreement must address *interlocal-agreement requirements in s. 163.3180(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address* the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools. The process must address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding *the effect of comprehensive plan amendments on* school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the district school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

~~A signatory to the interlocal agreement may elect not to include a provision meeting the requirements of paragraph (e); however, such a decision may be made only after a public hearing on such election, which may include the public hearing in which a district school board or a local government adopts the interlocal agreement. An interlocal agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan and land development regulations of any local government that is a signatory.~~

(5) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of this section if the element is adopted prior to or within 1 year after the effective date of this section and remains in effect *until the county conducts its evaluation and appraisal report and identifies changes necessary to more fully conform to the provisions of this section*.

(6) Except as provided in subsection (7), municipalities *meeting the exemption criteria in s. 163.3177(12)* ~~having no established need for a new school facility and meeting the following criteria~~ are exempt from the requirements of subsections (1), (2), and (3).~~:~~

~~(a) The municipality has no public schools located within its boundaries.~~

~~(b) The district school board's 5-year facilities work program and the long-term 10-year and 20-year work programs, as provided in s. 1013.35, demonstrate that no new school facility is needed in the municipality. In addition, the district school board must verify in writing that no new school facility will be needed in the municipality within the 5-year and 10-year timeframes.~~

(7) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under *s. 163.3177(12)* ~~subsection (6)~~. If the municipality continues to meet these criteria ~~and the district school board verifies in writing that no new school facilities will be needed within the 5-year and 10-year timeframes~~, the municipality shall continue to be exempt from the interlocal-agreement requirement. Each municipality exempt under *s. 163.3177(12)* ~~subsection (6)~~ must comply with the provisions of this section within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.

Section 5. Paragraph (a) of subsection (1), subsection (2), paragraph (c) of subsection (4), subsections (5), (6), (7), (9), (10), (13), and (15) of section 163.3180, Florida Statutes, are amended, and subsections (16) and (17) are added to that section, to read:

163.3180 Concurrency.—

(1)(a) Sanitary sewer, solid waste, drainage, potable water, parks and recreation, *schools,* and transportation facilities, including mass transit, where applicable, are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without appropriate study and approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(2)(a) Consistent with public health and safety, sanitary sewer, solid waste, drainage, *adequate water supplies,* and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. *Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent.*

(b) Consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed *no later than* ~~prior to issuance by~~ the local *government's approval to commence construction* ~~government of a certificate of occupancy or its functional equivalent~~.

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities ~~designated as part of the Florida Intrastate Highway System~~ needed to serve new development shall be in place or under actual construction *within 3* ~~not more than 5~~ years after *the local government approves a building permit or its functional equivalent that results in traffic generation* ~~issuance by the local government of a certificate of occupancy or its functional equivalent. Other transportation facilities needed to serve new development shall be in place or under actual construction no more than 3 years after issuance by the local government of a certificate of occupancy or its functional equivalent.~~

(4)

(c) The concurrency requirement, except as it relates to transportation facilities *and public schools*, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas.

(5)(a) The Legislature finds that under limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities and services be available concurrent with the impacts of such development. The Legislature further finds that often the unintended result of the concurrency requirement for transportation facilities is the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.

(b) A local government may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

1. Urban infill development,

2. Urban redevelopment,

3. Downtown revitalization, or

4. Urban infill and redevelopment under s. 163.2517.

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517 which pose only special part-time demands on the transportation system should be excepted from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(d) A local government shall establish guidelines *in the comprehensive plan* for granting the exceptions authorized in paragraphs (b) and (c) *and subsections (7) and (15) which must be consistent with and support a comprehensive strategy adopted in the plan to promote the purpose of the exceptions*.

(e) The local government shall adopt into the plan and implement strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment shall also demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided. In addition, the strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area shall be accompanied by data and analysis justifying the size of the area.

(f) Prior to the designation of a concurrency exception area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on

the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9). ~~in the comprehensive plan. These guidelines must include consideration of the impacts on the Florida Intrastate Highway System, as defined in s. 338.001.~~ The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted.

(g) Transportation concurrency exception areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.

(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. ~~Local governments are encouraged to adopt methodologies to encourage de minimis impacts on transportation facilities within an existing urban service area.~~ Further, no impact will be de minimis if it would exceed the adopted level-of-service standard of any affected designated hurricane evacuation routes. *Each local government shall maintain sufficient records to ensure that the 110-percent criterion is not exceeded. Each local government shall submit annually, with its updated capital improvements element, a summary of the de minimis records. If the state land planning agency determines that the 110-percent criterion has been exceeded, the state land planning agency shall notify the local government of the exceedance and that no further de minimis exceptions for the applicable roadway may be granted until such time as the volume is reduced below the 110 percent. The local government shall provide proof of this reduction to the state land planning agency before issuing further de minimis exceptions.*

(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level-of-service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. *Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9). Transportation concurrency management areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.* The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.

(9)(a) Each local government may adopt as a part of its plan, ~~a~~ long-term transportation *and school* concurrency management *systems* ~~system~~ with a planning period of up to 10 years for specially designated districts *or areas* where significant backlogs exist. The plan may include interim level-of-service standards on certain facilities and *shall* ~~may~~ rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development *orders that authorize commencement of construction* ~~permits~~ in these *designated* districts *or areas. The concurrency management system.* ~~It~~ must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. *The concurrency management system* ~~It~~ must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

(b) If a local government has a transportation *or school facility* backlog for existing development which cannot be adequately addressed in a 10-year plan, the state land planning agency may allow it to develop a plan *and long-term schedule of capital improvements covering* ~~of~~ up to 15 years for good and sufficient cause, based on a general comparison between that local government and all other similarly situated local jurisdictions, using the following factors:

1. The extent of the backlog.

2. *For roads,* whether the backlog is on local or state roads.

3. The cost of eliminating the backlog.

4. The local government's tax and other revenue-raising efforts.

(c) The local government may issue approvals to commence construction notwithstanding s. 163.3180, consistent with and in areas that are subject to a long-term concurrency management system.

(d) If the local government adopts a long-term concurrency management system, it must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service.

(10) With regard to *roadway* facilities on the *Strategic Intermodal System designated in accordance with ss. 339.61, 339.62, 339.63, and 339.64, the* Florida Intrastate Highway System as defined in s. 338.001, *and roadway facilities funded in accordance with s. 339.2819* ~~with concurrence from the Department of Transportation, the level-of-service standard for general lanes in urbanized areas, as defined in s. 334.03(36), may be established by the local government in the comprehensive plan. For all other facilities on the Florida Intrastate Highway System~~, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule. For all other roads on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation. *In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level-of-service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.*

(13) School concurrency~~, if imposed by local option,~~ shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area *unless exempt from the public school facilities element pursuant to s. 163.3177(12)*. The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). ~~School concurrency shall not become effective in a county until all local governments, except as provided in paragraph (f), have adopted the necessary plan amendments, which together with the interlocal agreement, are determined to be in compliance with the requirements of this part.~~ The minimum requirements for school concurrency are the following:

(a) Public school facilities element.—A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b). All local government public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.

(b) Level-of-service standards.—The Legislature recognizes that an essential requirement for a concurrency management system is the level of service at which a public facility is expected to operate.

1. Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level-of-service standards, as defined in chapter 9J-5, Florida Administrative Code, necessary to implement the adopted local government comprehensive plan, based on data and analysis.

2. Public school level-of-service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall apply districtwide to all schools of the same type. Types of schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet schools.

3. Local governments and school boards shall have the option to utilize tiered level-of-service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.

(c) Service areas.—The Legislature recognizes that an essential requirement for a concurrency system is a designation of the area within which the level of service will be measured when an application for a residential development permit is reviewed for school concurrency purposes. This delineation is also important for purposes of determining whether the local government has a financially feasible public school capital facilities program that will provide schools which will achieve and maintain the adopted level-of-service standards.

1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged to *initially* apply school concurrency to development *only* on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide. *To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency, local governments shall apply school concurrency on a less than districtwide basis, such as using school attendance zones or concurrency service areas, as provided in subparagraph 2.*

2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified *and*~~,~~ included *as supporting data and analysis for*~~, and adopted as part of~~ the comprehensive plan. ~~Any subsequent change to the service area boundaries for purposes of a school concurrency system shall be by plan amendment and shall be exempt from the limitation on the frequency of plan amendments in s. 163.3187(1).~~

3. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the *local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a* development *on the basis of school concurrency, and if* ~~order shall be~~ issued*, development impacts shall be shifted to contiguous service areas with schools having available capacity* ~~and mitigation measures shall not be exacted~~.

(d) Financial feasibility.—The Legislature recognizes that financial feasibility is an important issue because the premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level-of-service standard. This part and chapter 9J-5, Florida Administrative Code, contain specific standards to determine the financial feasibility of capital programs. These standards were adopted to make concurrency more predictable and local governments more accountable.

1. A comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) and rule 9J-5.016, Florida Administrative Code. The capital improvements element shall set forth a financially feasible public school capital facilities program, established in conjunction with the school board, that demonstrates that the adopted level-of-service standards will be achieved and maintained.

2. Such amendments shall demonstrate that the public school capital facilities program meets all of the financial feasibility standards of this part and chapter 9J-5, Florida Administrative Code, that apply to capital programs which provide the basis for mandatory concurrency on other public facilities and services.

3. When the financial feasibility of a public school capital facilities program is evaluated by the state land planning agency for purposes of a compliance determination, the evaluation shall be based upon the service areas selected by the local governments and school board.

(e) Availability standard.—Consistent with the public welfare, a local government may not deny *an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of* a development ~~permit~~ authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local ~~option~~ school concurrency *management* system where adequate school facilities will be in place or under actual construction within 3 years after *the* ~~permit~~ issuance *of final subdivision or site plan approval, or the functional equivalent. School concurrency shall be satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subparagraph 1. Options for proportionate-share mitigation of impacts on public school facilities shall be established in the public school facilities element and the interlocal agreement pursuant to s. 163.31777.*

1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquistion or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased overall residential density. The district school board shall be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquistion; or the construction or expansion of a public school facility, or a portion thereof, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

3. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer's agreement.

4. This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home-rule regulatory powers, except as provided in this part.

(f) Intergovernmental coordination.—

1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by *ss.* ~~s.~~ 163.3177(6)(h)2. *and 163.31777(6),* as a prerequisite for imposition of school concurrency, and as a nonsignatory, shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

a. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit residential uses that will affect school attendance rates.

c. The municipality has no public schools located within its boundaries.

d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.

2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria *pursuant to s. 163.31777(6)*. If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by *ss.* ~~s.~~ 163.3177(6)(h)2. *and 163.31777*, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.

(g) Interlocal agreement for school concurrency.—When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement *that* ~~which~~ satisfies the requirements in *ss.* ~~s.~~ 163.3177(6)(h)1. and 2. *and 163.31777* and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of *ss.* ~~s.~~ 163.3177(6)(h) *and 163.31777*, the interlocal agreement shall meet the following requirements:

1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's public school facilities element with each other and the plans of the school board to ensure a uniform districtwide school concurrency system.

~~2. Establish a process by which each local government and the school board shall agree and base their plans on consistent projections of the amount, type, and distribution of population growth and coordinate and share information relating to existing and planned public school facilities projections and proposals for development and redevelopment, and infrastructure required to support public school facilities.~~

2.~~3.~~ Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.

3.~~4.~~ Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards.

4.~~5.~~ Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.

5.~~6.~~ Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. The agreement shall also ensure the achievement and maintenance of the adopted level-of-service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.

6.~~7.~~ Establish a uniform districtwide procedure for implementing school concurrency which provides for:

a. The evaluation of development applications for compliance with school concurrency requirements*, including information provided by the school board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity*;

b. An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan; and

c. The monitoring and evaluation of the school concurrency system.

7.~~8.~~ Include provisions relating to ~~termination, suspension, and~~ amendment of the agreement. ~~The agreement shall provide that if the agreement is terminated or suspended, the application of school concurrency shall be terminated or suspended.~~

8. A process and uniform methodology for determining proportionate-share mitigation pursuant to subparagraph (e)1.

(h) This subsection does not limit the authority of a local government to grant or deny a development permit or its functional equivalent prior to the implementation of school concurrency.

(15)(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. *Prior to the designation of multimodal transportation districts, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed multimodal district area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9). Multimodal transportation districts existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.*

(b) Community design elements of such a district include: a complementary mix and range of land uses, including educational, recreational, and cultural uses; interconnected networks of streets designed to encourage walking and bicycling, with traffic-calming where desirable; appropriate densities and intensities of use within walking distance of transit stops; daily activities within walking distance of residences, allowing independence to persons who do not drive; public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian,

with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.

(c) Local governments may establish multimodal level-of-service standards that rely primarily on nonvehicular modes of transportation within the district, when justified by an analysis demonstrating that the existing and planned community design will provide an adequate level of mobility within the district based upon professionally accepted multimodal level-of-service methodologies. ~~The analysis must take into consideration the impact on the Florida Intrastate Highway System.~~ The analysis must also demonstrate that the capital improvements required to promote community design are financially feasible over the development or redevelopment timeframe for the district and that community design features within the district provide convenient interconnection for a multimodal transportation system. Local governments may issue development permits in reliance upon all planned community design capital improvements that are financially feasible over the development or redevelopment timeframe for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements. A determination of financial feasibility shall be based upon currently available funding or funding sources that could reasonably be expected to become available over the planning period.

(d) Local governments may reduce impact fees or local access fees for development within multimodal transportation districts based on the reduction of vehicle trips per household or vehicle miles of travel expected from the development pattern planned for the district.

(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation under this section shall be as provided for in s. 163.3180(12).

(a) By December 1, 2006, each local government shall adopt by ordinance a methodology for assessing proportionate fair-share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate fair-share mitigation options.

(b)1. In its transportation concurrency management system, a local government shall, by December 1, 2006, include methodologies that will be applied to calculate proportionate fair-share mitigation. A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5-year schedule of capital improvements in the capital improvements element of the local plan or the long-term concurrency management system or if such contributions or payments to such facilities or segments are reflected in the 5-year schedule of capital improvements in the next regularly scheduled update of the capital improvements element. Updates to the 5-year capital improvements element which reflect proportionate fair-share contributions may not be found not in compliance based on s. 163.3177(3) and s. 163.164(32) if additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

2. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance.

(c) Proportionate fair-share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. The fair market value of the proportionate fair-share mitigation shall not differ based on the form of mitigation. A local government may not require a development to pay more than its proportionate fair-share contribution regardless of the method of mitigation.

(d) Nothing in this subsection shall require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

(e) Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation.

(f) In the event the funds in an adopted 5-year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may still enter into a binding proportionate share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate share component must be adopted into the 5-year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update.

(g) Except as provided in subparagraph (b)1., nothing in this section shall prohibit the Department of Community Affairs from finding other portions of the capital improvements element amendments not in compliance as provided in this chapter.

(h) The provisions of this subsection do not apply to a multiuse development of regional impact satisfying the requirements of subsection (12).

Section 6. Subsections (17) and (18) are added to section 163.3184, Florida Statutes, to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(17) A local government that has adopted a community vision and urban service boundary under s. 163.31773(13) and (14) may adopt a plan amendment related to map amendments solely to property within an urban service boundary in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

(18) A municipality that has a designated urban infill and redevelopment area under s. 163.2517 may adopt a plan amendment related to map amendments solely to property within a designated urban infill and redevelopment area in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

Section 7. Paragraph (c) of subsection (1) is amended and paragraph (o) is added to section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre *or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category*, except that this limitation does not apply to *small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement or extended use agreement recorded in conjunction with the issuance of tax exempt bond financing or an allocation of federal tax credits issued through the Florida Housing Finance Corporation or a local housing finance authority authorized by the Division of Bond Finance of the State Board of Administration, or* small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

4. If the small scale development amendment involves a site within an area that is designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) for the duration of such designation, the 10-acre limit listed in subparagraph 1. shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.

(d) Any comprehensive plan amendment required by a compliance agreement pursuant to s. 163.3184(16) may be approved without regard to statutory limits on the frequency of adoption of amendments to the comprehensive plan.

(e) A comprehensive plan amendment for location of a state correctional facility. Such an amendment may be made at any time and does not count toward the limitation on the frequency of plan amendments.

(f) Any comprehensive plan amendment that changes the schedule in the capital improvements element, and any amendments directly related to the schedule, may be made once in a calendar year on a date different from the two times provided in this subsection when necessary to coincide with the adoption of the local government's budget and capital improvements program.

(g) Any local government comprehensive plan amendments directly related to proposed redevelopment of brownfield areas designated under s. 376.80 may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan.

(h) Any comprehensive plan amendments for port transportation facilities and projects that are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to s. 311.07.

(i) A comprehensive plan amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517 may be approved without regard to the statutory limits on the frequency of amendments to the comprehensive plan.

(j) Any comprehensive plan amendment to establish public school concurrency pursuant to s. 163.3180(13), including, but not limited to, adoption of a public school facilities element and adoption of amendments to the capital improvements element and intergovernmental coordination element. In order to ensure the consistency of local government public school facilities elements within a county, such elements shall be prepared and adopted on a similar time schedule.

(k) A local comprehensive plan amendment directly related to providing transportation improvements to enhance life safety on Controlled Access Major Arterial Highways identified in the Florida Intrastate Highway System, in counties as defined in s. 125.011, where such roadways have a high incidence of traffic accidents resulting in serious injury or death. Any such amendment shall not include any amendment modifying the designation on a comprehensive development plan land use map nor any amendment modifying the allowable densities or intensities of any land.

(l) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.31776 and future land-use-map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.

(m) A comprehensive plan amendment that addresses criteria or compatibility of land uses adjacent to or in close proximity to military installations in a local government's future land use element does not count toward the limitation on the frequency of the plan amendments.

(n) Any local government comprehensive plan amendment establishing or implementing a rural land stewardship area pursuant to the provisions of s. 163.3177(11)(d).

(o) A comprehensive plan amendment that is submitted by an area designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) and that meets the economic development objectives may be approved without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan.

Section 8. Subsections (2) and (10) of section 163.3191, Florida Statutes, are amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.

(b) The extent of vacant and developable land.

(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.

(d) The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.

(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.

(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.

(h) A brief assessment of successes and shortcomings related to each element of the plan.

(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.

(j) A summary of the public participation program and activities undertaken by the local government in preparing the report.

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. *For those counties or municipalities that do not have a public schools interlocal agreement or public school facility element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facility element, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system.* ~~If the issues are not relevant, the local government shall demonstrate that they are not relevant.~~

(l) *The extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction. The report must evaluate the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies,* ~~The evaluation must consider the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361. The potable water element must be revised to include a work plan, covering at least a 10-year planning period, for building any water supply facilities that are~~ identified in the element as necessary to serve existing and new development ~~and for which the local government is responsible~~.

(m) If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

(n) An assessment of whether the criteria adopted pursuant to s. 163.3177(6)(a) were successful in achieving compatibility with military installations.

(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal transportation district designated pursuant to s. 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180.

(p) An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).

(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted *during a single amendment cycle* within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. *Beginning July 1, 2006, failure to timely*

adopt and transmit update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency. The prohibition on plan amendments shall commence when the update amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). *Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.*

Section 9. Paragraph (b) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(b)1. A tentative work program, including the ensuing fiscal year and the successive 4 fiscal years, shall be prepared for the State Transportation Trust Fund and other funds managed by the department, unless otherwise provided by law. The tentative work program shall be based on the district work programs and shall set forth all projects by phase to be undertaken during the ensuing fiscal year and planned for the successive 4 fiscal years. The total amount of the liabilities accruing in each fiscal year of the tentative work program may not exceed the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year.

2. The tentative work program shall be developed in accordance with the Florida Transportation Plan required in s. 339.155 and must comply with the program funding levels contained in the program and resource plan.

3. The department may include in the tentative work program proposed changes to the programs contained in the previous work program adopted pursuant to subsection (5); however, the department shall minimize changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years contained in the previous adopted work program and the tentative work program. The department, in the development of the tentative work program, shall advance by 1 fiscal year all projects included in the second year of the previous year's adopted work program, unless the secretary specifically determines that it is necessary, for specific reasons, to reschedule or delete one or more projects from that year. Such changes and adjustments shall be clearly identified, and the effect on the 4 common fiscal years contained in the previous adopted work program and the tentative work program shall be shown. It is the intent of the Legislature that ~~the first 5 years of the adopted work program for facilities designated as part of the Florida Intrastate Highway System and~~ the first 3 years of the adopted work program stand as the commitment of the state to undertake transportation projects that local governments may rely on for planning *and concurrency* purposes and in the development and amendment of the capital improvements elements of their local government comprehensive plans.

4. The tentative work program must include a balanced 36-month forecast of cash and expenditures and a 5-year finance plan supporting the tentative work program.

Section 10. *The Office of Program Policy Analysis and Government Accountability shall perform a study on adjustments to the boundaries of Florida Regional Planning Councils, Florida Water Management Districts, and Department of Transportation Districts. The purpose of this study is to organize these regional boundaries to be more coterminous with one another, creating a more unified system of regional boundaries. This study must be completed by December 31, 2005, and submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor by January 15, 2006.*

Section 11. Section 163.3247, Florida Statutes, is created to read:

163.3247 Century Commission for a Sustainable Florida.—

(1) POPULAR NAME.—This section may be cited as the "Century Commission for a Sustainable Florida Act."

(2) FINDINGS AND INTENT.—The Legislature finds and declares that the population of this state is expected to more than double over the next 100 years, with commensurate impacts to the state's natural resources and public infrastructure. Consequently, it is in the best interests of the people of the state to ensure sound planning for the proper placement of this growth and protection of the state's land, water, and other natural resources since such resources are essential to our collective quality of life and a strong economy. The state's growth management system should foster economic stability through regional solutions and strategies, urban renewal and infill, and the continued viability of agricultural economies, while allowing for rural economic development and protecting the unique characteristics of rural areas, and should reduce the complexity of the regulatory process while carrying out the intent of the laws and encouraging greater citizen participation.

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.—The Century Commission for a Sustainable Florida is created as a standing body to help the citizens of this state envision and plan their collective future with an eye towards both 25-year and 50-year horizons.

(a) The commission shall consist of fifteen members, five appointed by the Governor, five appointed by the President of the Senate, and five appointed by the Speaker of the House of Representatives. Appointments shall be made no later than October 1, 2005. The membership must represent local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. One member shall be designated by the Governor as chair of the commission. Any vacancy that occurs on the commission must be filled in the same manner as the original appointment and shall be for the unexpired term of that commission seat. Members shall serve 4-year terms, except that, initially, to provide for staggered terms, the Governor, the President of the Senate, and the Speaker of the House of Representatives, shall each appoint one member to serve a 2-year term, two members to serve 3-year terms, and two members to serve 4-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years.

(b) The first meeting of the commission shall be held no later than December 1, 2005, and shall meet at the call of the chair but not less frequently than three times per year in different regions of the state to solicit input from the public or any other individuals offering testimony relevant to the issues to be considered.

(c) Each member of the commission is entitled to one vote and actions of the commission are not binding unless taken by a three-fifths vote of the members present. A majority of the members is required to constitute a quorum, and the affirmative vote of a quorum is required for a binding vote.

(d) Members of the commission shall serve without compensation but shall be entitled to receive per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(4) POWERS AND DUTIES.—The commission shall:

(a) Annually conduct a process through which the commission envisions the future for the state and then develops and recommends policies, plans, action steps, or strategies to assist in achieving the vision.

(b) Continuously review and consider statutory and regulatory provisions, governmental processes, and societal and economic trends in its inquiry of how state, regional, and local governments and entities and citizens of this state can best accommodate projected increased populations while maintaining the natural, historical, cultural, and manmade life qualities that best represent the state.

(c) Bring together people representing varied interests to develop a shared image of the state and its developed and natural areas. The process should involve exploring the impact of the estimated population increase and other emerging trends and issues; creating a vision for the future; and developing a strategic action plan to achieve that vision using 25-year and 50-year intermediate planning timeframes.

(d) Focus on essential state interests, defined as those interests that transcend local or regional boundaries and are most appropriately conserved, protected, and promoted at the state level.

(e) Serve as an objective, nonpartisan repository of exemplary community-building ideas and as a source to recommend strategies and practices to assist others in working collaboratively to problem solve on issues relating to growth management.

(f) Annually, beginning January 16, 2007, and every year thereafter on the same date, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a written report containing specific recommendations for addressing growth management in the state, including executive and legislative recommendations. Further, the report shall contain discussions regarding the need for intergovernmental cooperation and the balancing of environmental protection and future development and recommendations on issues, including, but not limited to, recommendations regarding dedicated sources of funding for sewer facilities, water supply and quality, transportation facilities that are not adequately addressed by the Strategic Intermodal System, and educational infrastructure to support existing development and projected population growth.

(g) Beginning with the 2007 Regular Session of the Legislature, the President of the Senate and Speaker of the House of Representatives shall create a joint select committee, the task of which shall be to review the findings and recommendations of the Century Commission for a Sustainable Florida for potential action.

(5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.—

(a) The Secretary of Community Affairs shall select an executive director of the commission, and the executive director shall serve at the pleasure of the secretary under the supervision and control of the commission.

(b) The Department of Community Affairs shall provide staff and other resources necessary to accomplish the goals of the commission based upon recommendations of the Governor.

(c) All agencies under the control of the Governor are directed, and all other agencies are requested, to render assistance to, and cooperate with, the commission.

Section 12. Section 339.2819, Florida Statutes, is created to read:

339.2819 Transportation Regional Incentive Program.—

(1) There is created within the Department of Transportation a Transportation Regional Incentive Program for the purpose of providing funds to improve regionally significant transportation facilities in regional transportation areas created pursuant to s. 339.155(5).

(2) The percentage of matching funds provided from the Transportation Regional Incentive Program shall be 50 percent of project costs, or up to 50 percent of the nonfederal share of the eligible project cost for a public transportation facility project.

(3) The department shall allocate funding available for the Transportation Regional Incentive Program to the districts based on a factor derived from equal parts of population and motor fuel collections for eligible counties in regional transportation areas created pursuant to s. 339.155(5).

(4)(a) Projects to be funded with Transportation Regional Incentive Program funds shall, at a minimum:

1. Support those transportation facilities that serve national, statewide, or regional functions and function as an integrated regional transportation system.

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163, after July 1, 2005, or to implement a long-term concurrency management system adopted by a local government in accordance with s. 163.3177(9). Further, the project shall be in compliance with local government comprehensive plan policies relative to corridor management.

3. Be consistent with the Strategic Intermodal System Plan developed under s. 339.64.

4. Have a commitment for local, regional, or private financial matching funds as a percentage of the overall project cost.

(b) In allocating Transportation Regional Incentive Program funds, priority shall be given to projects that:

1. Provide connectivity to the Strategic Intermodal System developed under s. 339.64.

2. Support economic development and the movement of goods in rural areas of critical economic concern designated under s. 288.0656(7).

3. Are subject to a local ordinance that establishes corridor management techniques, including access management strategies, right-of-way acquisition and protection measures, appropriate land use strategies, zoning, and setback requirements for adjacent land uses.

4. Improve connectivity between military installations and the Strategic Highway Network or the Strategic Rail Corridor Network.

(5) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15(1)(d) for the purposes of the Transportation Regional Incentive Program are hereby annually appropriated for expenditure to support that program.

Section 13. Section 337.107, Florida Statutes, is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities*, or the department may include right-of-way services as part of design-build contracts awarded under s. 337.11*. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 14. Effective July 1, 2007, section 337.107, Florida Statutes, as amended by this act is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities~~, or the department may include right-of-way services as part of design-build contracts awarded under s. 337.11~~. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 15. Paragraph (a) of subsection (7) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the *right-of-way services and* design and construction phases of *any* ~~a building, a major bridge, a limited access facility, or a rail corridor~~ project into a single contract*, except for a resurfacing or minor bridge project, the right-of-way services and design and construction phases of which may be combined under s. 337.025*. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.

Section 16. Effective July 1, 2007, paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by this act, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the ~~right-of-way services and~~ design and construction phases of *a building, a major bridge, a limited access facility, or a rail corridor* ~~any~~ project into a single contract~~, except for a resurfacing or minor bridge project, the right-of-way services and design and construction phase of which may be combined under s. 337.025~~. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription.

Section 17. Paragraphs (l), (m), and (n) are added to subsection (24) of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.—

(24) STATUTORY EXEMPTIONS.—

(l) Any proposed development within an urban service boundary established under s. 163.3177(14) is exempt from the provisions of this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary and has entered into a binding agreement with adjacent jurisdictions and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(m) Any proposed development within a rural land stewardship area created under s. 163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(n) Any proposed development or redevelopment within an area designated as an urban infill and redevelopment area under s. 163.2517 is exempt from the provisions of this section if the local government has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

Section 18. Subsections (3), (7), and (8) of section 1013.33, Florida Statutes, are amended to read:

1013.33 Coordination of planning with local governing bodies.—

(3) At a minimum, the interlocal agreement must address *interlocal-agreement requirements in s. 163.3180(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address* the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new construction, proposed expansion, or redevelopment of existing schools. The process shall address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding *the effect of comprehensive plan amendments on* school capacity. The capacity reporting must be consistent with laws and rules regarding measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

~~A signatory to the interlocal agreement may elect not to include a provision meeting the requirements of paragraph (e); however, such a decision may be made only after a public hearing on such election, which may include the public hearing in which a district school board or a local government adopts the interlocal agreement. An interlocal agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan and land development regulations of any local government that is a signatory.~~

(7) Except as provided in subsection (8), municipalities *meeting the exemption criteria in s. 163.3177(12)* ~~having no established need for a new facility and meeting the following criteria~~ are exempt from the requirements of subsections (2), (3), and (4).~~:~~

~~(a) The municipality has no public schools located within its boundaries.~~

~~(b) The district school board's 5-year facilities work program and the long-term 10-year and 20-year work programs, as provided in s. 1013.35, demonstrate that no new school facility is needed in the municipality. In addition, the district school board must verify in writing that no new school facility will be needed in the municipality within the 5-year and 10-year timeframes.~~

(8) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under *s. 163.3177(12)* ~~subsection (7)~~. If the municipality continues to meet these criteria ~~and the district school board verifies in writing that no new school facilities will be needed within the 5-year and 10-year timeframes~~, the municipality shall continue to be exempt from the interlocal-agreement requirement. Each municipality exempt under *s. 163.3177(12)* ~~subsection (7)~~ must comply with the provisions of subsections (2)-(8) within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.

Section 19. Subsection (2) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(2) Notwithstanding any other provisions of law, from the revenues deposited into the State Transportation Trust Fund a maximum of 7 percent in each fiscal year shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605, as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be issued under ss. 215.605 and 337.276 or at a minimum amount sufficient to pay for the debt service coverage requirements of outstanding bonds. Notwithstanding the 7 percent annual transfer authorized in this subsection, the annual amount transferred under this subsection shall not exceed an amount necessary to provide the required debt service coverage levels for a maximum debt

service not to exceed *$275* ~~$200~~ million. Such transfer shall be payable primarily from the motor and diesel fuel taxes transferred to the State Transportation Trust Fund from the Fuel Tax Collection Trust Fund.

Section 20. Subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(a) To pay administrative expenses of the department, including administrative expenses incurred by the several state transportation districts, but excluding administrative expenses of commuter rail authorities that do not operate rail service.

(b) To pay the cost of construction of the State Highway System.

(c) To pay the cost of maintaining the State Highway System.

(d) To pay the cost of public transportation projects in accordance with chapter 341 and ss. 332.003-332.007.

(e) To reimburse counties or municipalities for expenditures made on projects in the State Highway System as authorized by s. 339.12(4) upon legislative approval.

(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.

(g) To lend or pay a portion of the operating, maintenance, and capital costs of a revenue-producing transportation project that is located on the State Highway System or that is demonstrated to relieve traffic congestion on the State Highway System.

(h) To match any federal-aid funds allocated for any other transportation purpose, including funds allocated to projects not located in the State Highway System.

(i) To pay the cost of county road projects selected in accordance with the Small County Road Assistance Program created in s. 339.2816.

(j) To pay the cost of county or municipal road projects selected in accordance with the County Incentive Grant Program created in s. 339.2817 and the Small County Outreach Program created in s. 339.2818.

(k) To provide loans and credit enhancements for use in constructing and improving highway transportation facilities selected in accordance with the state-funded infrastructure bank created in s. 339.55.

(l) To pay the cost of projects on the Florida Strategic Intermodal System created in s. 339.61.

(m) To pay the cost of transportation projects selected in accordance with the Transportation Regional Incentive Program created in s. 339.2819.

(n)~~(m)~~ To pay other lawful expenditures of the department.

Section 21. Paragraphs (c), (d), and (e) are added to subsection (5) of section 339.155, Florida Statutes, to read:

339.155 Transportation planning.—

(5) ADDITIONAL TRANSPORTATION PLANS.—

(c) Regional transportation plans may be developed in regional transportation areas in accordance with an interlocal agreement entered into pursuant to s. 163.01 by two or more contiguous metropolitan planning organizations; one or more metropolitan planning organizations and one or more contiguous counties, none of which is a member of a metropolitan planning organization; a multicounty regional transportation authority created by or pursuant to law; two or more contiguous counties that are not members of a metropolitan planning organization; or metropolitan planning organizations comprised of three or more counties.

(d) The interlocal agreement must, at a minimum, identify the entity that will coordinate the development of the regional transportation plan; delineate the boundaries of the regional transportation area; provide the duration of the agreement and specify how the agreement may be terminated, modified, or rescinded; describe the process by which the regional transportation plan will be developed; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the development or content of the regional transportation plan. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in the regional transportation area.

(e) The regional transportation plan developed pursuant to this section must, at a minimum, identify regionally significant transportation facilities located within a regional transportation area and contain a prioritized list of regionally significant projects. The level-of-service standards for facilities to be funded under this subsection shall be adopted by the appropriate local government in accordance with s. 163.3180(10). The projects shall be adopted into the capital improvements schedule of the local government comprehensive plan pursuant to s. 163.3177(3).

Section 22. Section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic Intermodal System designated under s. 339.63 *and facilities for which projects have been identified pursuant to s. 339.2819(4).*

(1) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning area, which is the

existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(2) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the Florida Space Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;

2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and

3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(3) APPORTIONMENT.—

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area and shall prescribe a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. An appointed alternate member must be an elected official serving the same governmental entity or a general-purpose local government with jurisdiction within all or part of the area that the regular member serves. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting members of the M.P.O. Nonvoting advisers may be appointed by the M.P.O. as deemed necessary. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (2).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (1)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of a county or city governing entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

(4) AUTHORITY AND RESPONSIBILITY.—The authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive transportation planning process that, based upon the prevailing principles provided in s. 334.046(1), results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan area of the M.P.O. An M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs required by subsections (5), (6), (7), and (8).

(5) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (6);

2. An annually updated transportation improvement program pursuant to the requirements of subsection (7); and

3. An annual unified planning work program pursuant to the requirements of subsection (8).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

2. Increase the safety and security of the transportation system for motorized and nonmotorized users;

3. Increase the accessibility and mobility options available to people and for freight;

4. Protect and enhance the environment, promote energy conservation, and improve quality of life;

5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

6. Promote efficient system management and operation; and

7. Emphasize the preservation of the existing transportation system.

(c) In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:

1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;

2. Assist the department in mapping transportation planning boundaries required by state or federal law;

3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;

4. Execute all agreements or certifications necessary to comply with applicable state or federal law;

5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and

6. Perform all other duties required by state or federal law.

(d) Each M.P.O. shall appoint a technical advisory committee that includes planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.

(e)1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

(f) The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

(g) Each M.P.O. may employ personnel or may enter into contracts with local or state agencies, private planning firms, or private engineering firms to accomplish its transportation planning and programming duties required by state or federal law.

(h) A chair's coordinating committee is created, composed of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(i)1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provide the purpose for which the entity is created; provide the duration of the agreement and the entity, and specify how the agreement may be terminated, modified, or rescinded; describe the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provide the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provide the manner in which funds may be paid to and disbursed from the entity; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. This paragraph does not require any M.P.O.'s to merge, combine, or otherwise join together as a single M.P.O.

(6) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range

transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.

(e) In addition to the requirements of paragraphs (a)-(d), in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the M.P.O. must coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(7) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O. *and include those projects programmed pursuant to s. 339.2819(4).*

(b) Each M.P.O. annually shall prepare a list of project priorities and shall submit the list to the appropriate district of the department by October 1 of each year; however, the department and a metropolitan planning organization may, in writing, agree to vary this submittal date. The list of project priorities must be formally reviewed by the technical and citizens' advisory committees, and approved by the M.P.O., before it is transmitted to the district. The approved list of project priorities must be used by the district in developing the district work program and must be used by the M.P.O. in developing its transportation improvement program. The annual list of project priorities must be based upon project selection criteria that, at a minimum, consider the following:

1. The approved M.P.O. long-range transportation plan;

2. The Strategic Intermodal System Plan developed under s. 339.64.

3. The priorities developed pursuant to s. 339.2819(4).

4.~~3.~~ The results of the transportation management systems; and

5.~~4.~~ The M.P.O.'s public-involvement procedures.

(c) The transportation improvement program must, at a minimum:

1. Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.

2. Include projects within the metropolitan area which are proposed for funding under 23 U.S.C. s. 134 of the Federal Transit Act and which are consistent with the long-range transportation plan developed under subsection (6).

3. Provide a financial plan that demonstrates how the transportation improvement program can be implemented; indicates the resources, both public and private, that are reasonably expected to be available to accomplish the program; identifies any innovative financing techniques that may be used to fund needed projects and programs; and may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available. Innovative financing techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing. The transportation improvement program may include a project or project phase only if full funding can reasonably be anticipated to be available for the project or project phase within the time period contemplated for completion of the project or project phase.

4. Group projects and project phases of similar urgency and anticipated staging into appropriate staging periods.

5. Indicate how the transportation improvement program relates to the long-range transportation plan developed under subsection (6), including providing examples of specific projects or project phases that further the goals and policies of the long-range transportation plan.

6. Indicate whether any project or project phase is inconsistent with an approved comprehensive plan of a unit of local government located within the jurisdiction of the M.P.O. If a project is inconsistent with an affected comprehensive plan, the M.P.O. must provide justification for including the project in the transportation improvement program.

7. Indicate how the improvements are consistent, to the maximum extent feasible, with affected seaport, airport, and spaceport master plans and with public transit development plans of the units of local government located within the jurisdiction of the M.P.O. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the transportation improvement program.

(d) Projects included in the transportation improvement program and that have advanced to the design stage of preliminary engineering may be removed from or rescheduled in a subsequent transportation improvement program only by the joint action of the M.P.O. and the department. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the 5th year of such program.

(e) During the development of the transportation improvement program, the M.P.O. shall, in cooperation with the department and any affected public transit operation, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

(f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to the district secretary and the Department of Community Affairs at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of Community Affairs at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of Community Affairs, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

(g) The Department of Community Affairs shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each M.P.O. and shall identify those projects that are inconsistent with such comprehensive plans. The Department of Community Affairs shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(h) The M.P.O. shall annually publish or otherwise make available for public review the annual listing of projects for which federal funds have been obligated in the preceding year. Project monitoring systems must be maintained by those agencies responsible for obligating federal funds and made accessible to the M.P.O.'s.

(8) UNIFIED PLANNING WORK PROGRAM.—Each M.P.O. shall develop, in cooperation with the department and public transportation providers, a unified planning work program that lists all planning tasks to be undertaken during the program year. The unified planning work program must provide a complete description of each planning task and an estimated budget therefor and must comply with applicable state and federal law.

(9) AGREEMENTS.—

(a) Each M.P.O. shall execute the following written agreements, which shall be reviewed, and updated as necessary, every 5 years:

1. An agreement with the department clearly establishing the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law.

2. An agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area.

3. An agreement with operators of public transportation systems, including transit systems, commuter rail systems, airports, seaports, and spaceports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, seaport, and aerospace planning and programming will be part of the comprehensive planned development of the metropolitan area.

(b) An M.P.O. may execute other agreements required by state or federal law or as necessary to properly accomplish its functions.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.

(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.

2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.

3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.

4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.

5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.

6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.

7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.

8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

(11) APPLICATION OF FEDERAL LAW.—Upon notification by an agency of the Federal Government that any provision of this section

conflicts with federal laws or regulations, such federal laws or regulations will take precedence to the extent of the conflict until such conflict is resolved. The department or an M.P.O. may take any necessary action to comply with such federal laws and regulations or to continue to remain eligible to receive federal funds.

Section 23. Section 339.55, Florida Statutes, is amended to read:

339.55 State-funded infrastructure bank.—

(1) There is created within the Department of Transportation a state-funded infrastructure bank for the purpose of providing loans and credit enhancements to government units and private entities for use in constructing and improving transportation facilities.

(2) The bank may lend capital costs or provide credit enhancements for*:*

(a) A transportation facility project that is on the State Highway System or that provides for increased mobility on the state's transportation system or provides intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals, pursuant to s. 341.053, for the movement of people and goods.

(b) Projects of the Transportation Regional Incentive Program which are identified pursuant to s. 339.2819(4).

(3) Loans from the bank may be subordinated to senior project debt that has an investment grade rating of "BBB" or higher.

(4)~~(3)~~ Loans from the bank may bear interest at or below market interest rates, as determined by the department. Repayment of any loan from the bank shall commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later, and shall be repaid in no more than 30 years.

(5)~~(4)~~ ~~Except as provided in s. 339.137,~~ To be eligible for consideration, projects must be consistent, to the maximum extent feasible, with local metropolitan planning organization plans and local government comprehensive plans and must provide a dedicated repayment source to ensure the loan is repaid to the bank.

(6) Funding awarded for projects under paragraph (2)(b) must be matched by a minimum of 25 percent from funds other than the state-funded infrastructure bank loan.

(7)~~(5)~~ The department may consider, but is not limited to, the following criteria for evaluation of projects for assistance from the bank:

(a) The credit worthiness of the project.

(b) A demonstration that the project will encourage, enhance, or create economic benefits.

(c) The likelihood that assistance would enable the project to proceed at an earlier date than would otherwise be possible.

(d) The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment.

(e) The extent to which the project would use new technologies, including intelligent transportation systems, that would enhance the efficient operation of the project.

(f) The extent to which the project would maintain or protect the environment.

(g) A demonstration that the project includes transportation benefits for improving intermodalism, cargo and freight movement, and safety.

(h) The amount of the proposed assistance as a percentage of the overall project costs with emphasis on local and private participation.

(i) The extent to which the project will provide for connectivity between the State Highway System and airports, seaports, rail facilities, and other transportation terminals and intermodal options pursuant to s. 341.053 for the increased accessibility and movement of people and goods.

(8)~~(6)~~ Loan assistance provided by the bank shall be included in the department's work program developed in accordance with s. 339.135.

(9)~~(7)~~ The department is authorized to adopt rules to implement the state-funded infrastructure bank.

(10) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15(1)(d) for the purposes of the State Infrastructure Bank are hereby annually appropriated for expenditure to support that program.

Section 24. Subsection (7) is added to section 1013.64, Florida Statutes, to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(7) Moneys distributed to the Public Education Capital Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d) to fund the Classrooms for Kids Program created in s. 1013.735 and the High Growth County District Capital Outlay Assistance Grant Program created in s. 1013.738, shall be distributed as provided by those sections.

Section 25. Paragraph (a) of subsection (2) of section 1013.65, Florida Statutes, is amended to read:

1013.65 Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.—

(2)(a) The Public Education Capital Outlay and Debt Service Trust Fund shall be comprised of the following sources, which are hereby appropriated to the trust fund:

1. Proceeds, premiums, and accrued interest from the sale of public education bonds and that portion of the revenues accruing from the gross receipts tax as provided by s. 9(a)(2), Art. XII of the State Constitution, as amended, interest on investments, and federal interest subsidies.

2. General revenue funds appropriated to the fund for educational capital outlay purposes.

3. All capital outlay funds previously appropriated and certified forward pursuant to s. 216.301.

4.a. Funds paid pursuant to s. 201.15(1)(d).

b. The sum of $41.75 million of such funds shall be appropriated annually for expenditure to fund the Classrooms for Kids Program created in s. 1013.735 and shall be distributed as provided by that section.

c. Thirty million dollars of such funds are hereby annually appropriated for expenditure to fund the High Growth County District Capital Outlay Assistance Grant Program created in s. 1013.738 and shall be distributed as provided in that section.

Section 26. Subsection (1) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund for such purposes shall not exceed $300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and

bonds issued to refund Preservation 2000 bonds, and $300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds shall not exceed $30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional $30 million in each subsequent fiscal year, but shall not exceed a total of $300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2030. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a), shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619.

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund and may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used. Payments made under this paragraph shall continue until the cumulative amount credited to the Land Acquisition Trust Fund for the fiscal year under this paragraph and paragraph (2)(b) equals 70 percent of the current official forecast for distributions of taxes collected under this chapter pursuant to subsection (2). As used in this paragraph, the term "current official forecast" means the most recent forecast as determined by the Revenue Estimating Conference. If the current official forecast for a fiscal year changes after payments under this paragraph have ended during that fiscal year, no further payments are required under this paragraph during the fiscal year.

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of $541.75 million in each fiscal year, to be paid in quarterly installments and used for the following specified purposes notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.

2. The Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection in the amount of $100 million in each fiscal year, to be paid in quarterly installments and used as required by s. 403.890.

3. The Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education in the amount of $105 million in each fiscal year, to be paid in monthly installments with $75 million used to fund the Classrooms for Kids Program created in s. 1013.735, and $30 million to be used to fund the High Growth County District Capital Outlay Assistance Grant Program created in s. 1013.738. If required, new facilities constructed under the Classroom for Kids Program must meet the requirements of s. 1013.372.

4. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of $3.25 million in each fiscal year to be paid in monthly installments, with $3 million to be used to fund technical assistance to local governments and school boards on the requirements and implementation of this act and $250,000 to be used to fund the Century Commission established in s. 163.3247.

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(e)~~(d)~~ The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), ~~and~~ (c)*, and (d)*, shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11).

Section 27. *(1) The following appropriations are made for the 2005-2006 fiscal year only from the General Revenue Fund, from revenues deposited into the fund pursuant to section 201.15(1)(e), Florida Statutes, on a nonrecurring basis and in quarterly installments:*

(a) To the State Transportation Trust Fund in the Department of Transportation, $575 million.

(b) To the Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection, $100 million or if the Water Protection and Sustainability Trust Fund is not created, to the Ecosystem Management and Restoration Trust Fund in the Department of Environmental Protection.

(c) To the Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education, $71.65 million.

(d) To the Grants and Donations Trust Fund in the Department of Community Affairs, $3.35 million.

(2) The following appropriations are made for the 2005-2006 fiscal year only on a nonrecurring basis:

(a) From the State Transportation Trust Fund in the Department of Transportation:

1. Two hundred million dollars for the purposes specified in sections 339.61, 339.62, 339.63, and 339.64, Florida Statutes.

2. Two hundred seventy-five million dollars for the purposes specified in section 339.2819, Florida Statutes.

3. One hundred million dollars for the purposes specified in section 339.55, Florida Statutes.

4. Twenty-five million for the purposes specified in section 339.2817, Florida Statutes.

(b) From the Water Protection and Sustainability Program Trust Fund or, if that trust fund is not created, from the Ecosystem Management and Restoration Trust Fund, in the Department of Environmental Protection, $100 million for the purposes specified in section 403.890, Florida Statutes.

(c) From the Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education, the sum of $71.65 million with $41.65 million for the purpose of funding the Classrooms for Kids Program created in section 1013.735, Florida Statutes and $30 million to be used to fund the High Growth County District Capital Outlay Assistance

Grant Program created in section 1013.738, Florida Statutes. Notwithstanding the requirements of sections 1013.64 and 1013.65, Florida Statutes, these moneys may not be distributed as part of the comprehensive plan for the Public Education Capital Outlay and Debt Service Trust Fund. If required, new facilities constructed under the Classroom for Kids Program must meet the requirements of section 1013.372, Florida Statutes.

(d) From the Grants and Donations Trust Fund in the Department of Community Affairs:

1. Three million dollars to provide technical assistance to local governments and school boards on the requirements and implementation of this act. The department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2006, on the progress made toward implementing this act and a recommendation on whether additional funds should be appropriated to provide additional technical assistance.

2. Two hundred and fifty thousand dollars to support the Century Commission, created by section 163.3247, Florida Statutes.

3. Fifty thousand dollars to support the School Concurrency Task Force.

4. Fifty thousand dollars to support the Impact Fee Task Force.

Section 28. *Beginning in fiscal year 2005-2006, the Department of Transportation shall allocate sufficient funds to implement the provisions relating to transportation in this act. The department shall amend the tentative work program for 2005-2006. Before amending the tentative work program, the department shall submit a budget amendment pursuant to section 339.135(7), Florida Statutes. Notwithstanding the provisions of section 216.301(1), Florida Statutes, the funds appropriated from general revenue to the State Transportation Trust Fund in this act shall not revert at the end of fiscal year 2005-2006.*

Section 29. *The Legislature finds that planning for and adequately funding infrastructure is critically important for the safety and welfare of the residents of Florida. Therefore, the Legislature finds that the provisions of this act fulfill an important state interest.*

Section 30. *School Concurrency Task Force.—*

(1) The School Concurrency Task Force is created to review the requirements for school concurrency in law and make recommendations regarding streamlining the process and procedures for establishing school concurrency. The task force shall also examine the methodology and processes used for the funding of construction of public schools and make recommendations on revisions to provisions of law and rules which will help ensure that schools are built and available when the expected demands of growth produce the need for new school facilities.

(2) The task force shall be composed of 11 members. The membership must represent local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. The task force shall include two members appointed by the Governor, two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives, one member appointed by the Florida School Boards Association, one member appointed by the Florida Association of Counties, and one member appointed by the Florida League of Cities. The Secretary of the Department of Community Affairs, or a senior management designee, and the Commissioner of Education, or a senior management designee, shall also be ex officio nonvoting members on the task force.

(3) The task force shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2005, with specific recommendations for revisions to provisions of law and rules.

Section 31. *Florida Impact Fee Review Task Force.—*

(1) The Legislature recognizes that impact fees have been an important source of revenues to local governments to fund new growth. Local governments have assumed this responsibility under their constitutional home rule authority. With the increased use of impact fees, questions have arisen about whether their use should be regulated by law.

(2) Effective upon this act becoming law, the Florida Impact Fee Review Task Force is created.

(3)(a) The task force is to be composed of 15 members, who shall be appointed within 30 days after the effective date of this section.

1. Five voting members selected by the President of the Senate and five voting members selected by the Speaker of the House of Representative, none of whom may be a member of the Legislature at the time of the appointment, as follows: one member of a county commission, one member of a city commission or council, one member of a local school board, one member of the development community, and one member of the homebuilding community. The Governor shall appoint two members, one of whom shall be an affordable housing advocate who shall have no current or past direct relationship to local government, school boards, or the development or homebuilding industries. The Governor shall designate one of his or her appointees as the chair.

2. One member of the Senate appointed by the President of the Senate, and one member of the House of Representatives appointed by the Speaker of the House of Representatives, who shall be ex officio, nonvoting members.

3. The Secretary of the Department of Community Affairs or his designee is to serve as an ex officio, nonvoting member.

(4)(a) The task force shall act as an advisory body to the Governor and the Legislature.

(b) The task force shall convene its initial meeting within 60 days after the effective date of this section and thereafter at the call of its chair.

(c) Task Force members shall not receive remuneration for their services, but are entitled to reimbursement by the Legislative Committee on Intergovernmental Relations for travel and per diem expenses in accordance with section 112.061, Florida Statutes.

(5) The Task Force shall survey and review current use of impact fees as a method of financing local infrastructure to accommodate new growth and current case law controlling the use of impact fees. To the extent feasible, the review is to include consideration of the following:

(a) Local government criteria and methodology used for the determination of the amount of impact fees.

(b) Application and relative burden of impact fees in different areas of the state in relation to other methods of financing new infrastructure.

(c) The range of use of impact fees as a percentage of the total capital costs for infrastructure needs created by new development.

(d) The methods used by local governments for the accounting and reporting of the collection and expenditure of all impact fees.

(e) Notice provisions prior to adoption and the effective date of local ordinances creating a new impact fee or increasing an existing impact fee.

(f) Interlocal agreements between counties and cities to allocate impact fee proceeds between them.

(g) Requirements and options related to timing of impact fees payments.

(h) The importance of impact fees to the ability of local government to fund infrastructure needed to mitigate the impacts of development and meet statutory requirements for concurrency.

(i) Methods used by local governments to ameliorate the effect of impact fee costs on affordable housing.

(6) The task force shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2006. The report shall include the task force's recommendations regarding:

(a) Whether there is a need for statutory direction on the methodology and data used to calculate impact fees.

(b) Whether there should be statutory direction on payment, exemption, or waiver of impact fees for affordable housing.

(c) Whether there should be statutory direction on the accounting and reporting of the collection and expenditure of all impact fees.

(d) Whether there is a need for statutory direction on the notice given in advance of the effective date of a new or amended impact fee ordinance.

(e) Whether there is a need for statutory direction on the sharing of impact fees between counties and cities.

(f) Whether there is a need for statutory direction on the timing of payment of impact fees.

(g) Any other recommendation the Task Force deems appropriate.

If the task force makes a recommendation for statutory direction, the report shall also contain the task force's recommendation for statutory changes.

(7) The Legislative Committee on Intergovernmental Relations shall serve as staff to the task force and is authorized to employ technical support and expend funds appropriated to the committee for carrying out the official duties of the task force. All state agencies are directed to cooperate with and assist the task force to the fullest extent possible. All local governments are encouraged to assist and cooperate with the commission as necessary.

(8) Effective July 1, 2005, the sum of $50,000 is appropriated, for fiscal year 2005-2006 only, from the Department of Community Affairs' Grants and Donations Trust Fund to the Legislative Committee on Intergovernmental Relations to fund the per diem and travel expenses of the task force pursuant to section 112.061, Florida Statutes.

Section 32. Subsection (4) of section 339.2817, Florida Statutes, is amended to read:

339.2817 County Incentive Grant Program.—

(4) The *department shall provide 50 percent of project costs for eligible projects.* ~~percentage of matching funds provided from the County Incentive Grant Program to the eligible county will be based on the following:~~

~~(a) For projects on the Florida Intrastate Highway System the department shall provide 60 percent of project costs.~~

~~(b) For projects on the State Highway System the department shall provide 50 percent of project costs.~~

~~(c) For local projects which are demonstrated to relieve traffic congestion on the State Highway System the department shall provide 35 percent of project costs.~~

Section 33. Subsection (6) is added to section 339.2818, Florida Statutes, to read:

339.2818 Small County Outreach Program.—

(6) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15(1)(d) for the purposes of the Small County Outreach Program are hereby annually appropriated for expenditure to support the Small County Outreach Program.

Section 34. Subsection (6) is added to section 341.051, Florida Statutes, to read:

341.051 Administration and financing of public transit and intercity bus service programs and projects.—

(6) ANNUAL APPROPRIATION.—Funds paid into the State Transportation Trust Fund pursuant to s. 201.15(1)(d) for the New Starts Transit Program are hereby annually appropriated for expenditure to support the New Starts Transit Program.

For purposes of this section, the term "net operating costs" means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 35. Subsection (3) is added to section 339.61, Florida Statutes, to read:

339.61 Florida Strategic Intermodal System; legislative findings, declaration, and intent.—

(3) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15(1)(d) for the purposes of the Florida Strategic Intermodal System are hereby annually appropriated for expenditure to support that program.

Section 36. Section 403.891, Florida Statutes, is created to read:

403.891 Annual appropriation from the Water Protection and Sustainability Trust Fund.—

(1) Funds paid into the Water Protection and Sustainability Trust Fund pursuant to s. 201.15(1)(d) are hereby annually appropriated for expenditure for the purposes for which the Water Protection and Sustainability Trust Fund is established.

(2) If the Water Protection and Sustainability Trust Fund is not created, such funds are hereby annually appropriated for expenditure from the Ecosystem Management and Restoration Trust Fund solely for the purposes established in s. 403.890.

Section 37. Section 1013.738, Florida Statutes, is created to read:

1013.738 High Growth District Capital Outlay Assistance Grant Program.—

(1) Subject to funds provided in the General Appropriations Act, the High Growth District Capital Outlay Assistance Grant Program is hereby established. Funds provided pursuant to this section may only be used to construct new student stations.

(2) In order to qualify for a grant, a school district must meet the following criteria:

(a) The district must have levied the full 2 mills of nonvoted discretionary capital outlay millage authorized in s. 1011.71(2), for each of the past 4 fiscal years.

(b) Fifty percent of the revenue derived from the 2-mill nonvoted discretionary capital outlay millage for the past 4 fiscal years, when divided by the district's growth in capital outlay FTE students over this period, produces a value that is less than the average cost per student station calculated pursuant to s. 1013.72(2), and weighted by statewide growth in capital outlay FTE students in elementary, middle, and high schools for the past 4 fiscal years.

(c) The district must have equaled or exceeded twice the statewide average of growth in capital outlay FTE students over this same 4-year period.

(d) The Commissioner of Education must have released all funds allocated to the district from the Classrooms First Program authorized in s. 1013.68, and these funds were fully expended by the district as of February 1 of the current fiscal year.

(e) The total capital outlay FTE students of the district is greater than 15,000 students.

(3) The funds provided in the General Appropriations Act shall be allocated pursuant to the following methodology:

(a) For each eligible district, the Department of Education shall calculate the value of 50 percent of the revenue derived from the 2-mill nonvoted discretionary capital outlay millage for the past 4 fiscal years divided by the increase in capital outlay FTE students for the same period.

(b) The Department of Education shall determine, for each eligible district, the amount that must be added to the value calculated pursuant to paragraph (a) to produce the weighted average value per student station calculated pursuant to paragraph (2)(b).

(c) The value calculated for each eligible district pursuant to paragraph (b) shall be multiplied by the average increase in capital outlay FTE students for the past 4 fiscal years to determine the maximum amount of a grant that may be awarded to a district pursuant to this section.

(d) In the event the funds provided in the General Appropriations Act are insufficient to fully fund the maximum grants calculated pursuant to paragraph (c), the Department of Education shall allocate the funds based on each district's prorated share of the total maximum award amount calculated for all eligible districts.

(4) Moneys distributed to the Public Education Capital Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d) for the High Growth District Capital Outlay Assistance Grant Program created in this section shall be distributed as provided by this section.

Section 38. Subsection (3) is added to section 380.115, Florida Statutes, to read:

380.115 Vested rights and duties; effect of chs. 2002-20 and 2002-296.—

(3) A landowner that has filed an application for a development of regional impact review prior to the adoption of an optional sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan and any requested comprehensive plan amendments that accompany the application.

Section 39. *Unless the developer elects otherwise in writing, the provisions of this act amending chapters 163 and 380, Florida Statutes, shall not apply to any developments of regional impact for which a development order has been issued prior to the effective date of this act or for which a development of regional impact application has been submitted prior to May 1, 2005.*

Section 40. *From the funds paid into the Grants and Donations Trust Fund of the Department of Community Affairs pursuant to section 201.15(1)(d), Florida Statutes, $3 million is hereby annually appropriated to provide technical assistance to local governments and school boards concerning the requirements and implementation of this act, and $250,000 is hereby annually appropriated to support the Century Commission, created by section 163.3247, Florida Statutes.*

Section 41. This act shall take effect July 1, 2005.

And the title is amended as follows:

Lines 4272 through 2279 delete those lines and insert: A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing for sanctions; requiring incorporation of selected water supply projects in the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; providing for a waiver under certain circumstances; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; revising the requirements and criteria for establishing a rural land stewardship area; revising the requirements for designating a stewardship receiving area to address listed species; revising requirements for an ordinance adopting a plan amendment to create a rural land stewardship area; encouraging local governments to include a community vision and an urban service boundary as a component of their comprehensive plans; providing an exception; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that the Department of Transportation be consulted regarding certain level-of-service standards; revising criteria and providing guidelines for transportation concurrency exception areas; requiring a local government to consider the transportation level-of-service standards of adjacent jurisdictions for certain roads; providing a process to monitor de minimis impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established on less than a districtwide basis within 5 years; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing for the adoption of a transportation concurrency management system by ordinance; providing requirements for proportionate fair-share mitigation; providing an exception; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for small scale plan amendment review under certain circumstances; providing exemptions; providing concurrency exemption for certain DRI projects; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; creating s. 339.2819, F.S.; creating the Transportation Regional Incentive Program within the Department of Transportation; providing matching funds for projects meeting certain criteria; amending s. 337.107, F.S.; allowing the inclusion of right-of-way services in certain design-build contracts; amending s. 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services and as part of design-build contracts under certain circumstances; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; deleting language allowing right-of-way services and design and construction phases to be combined for certain projects; deleting an exception; amending s. 380.06, F.S.; providing exceptions; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; amending s. 206.46, F.S.; increasing the threshold for maximum debt service for transfers in the State Transportation Trust Fund; amending s. 339.08, F.S.; providing for expenditure of moneys in the State Transportation Trust Fund; amending s. 339.155, F.S.; providing for the development of regional transportation plans in Regional Transportation Areas; amending s. 339.175, F.S.; making conforming changes to provisions of the act; amending s. 339.55, F.S.; providing for loans for certain projects from the state-funded infrastructure bank within the Department of Transportation; amending s. 1013.64, F.S.; providing for the expenditure of funds in the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.65, F.S.; providing funding for the Classrooms for Kids Program; amending s. 201.15, F.S.; providing for the expenditure of certain excise taxes on documents; providing for appropriations for the 2005-2006 fiscal year on a nonrecurring basis for certain purposes; specifying the evidentiary standard a local government must meet when defending a challenge to an ordinance establishing an impact fee; requiring the Department of Transportation to amend the tentative work program and budget for 2005-2006; prohibits reversion of certain funds; providing a declaration of important state interest; creating s. 1013.789, F.S.; establishing the High Growth County Construction Account program; amending s. 339.2818, F.S.; providing for an annual appropriation from the State Transportation Trust Fund for purposes of funding the Small County Outreach Program; amending s. 341.051, F.S.; providing for an annual appropriation from the State Transportation Trust Fund for purposes of funding the New Starts Transit Program; amending s. 339.61, F.S.; providing for appropriations from the State Transportation Trust Fund; creating s. 403.891, F.S.; appropriating funds to the Water Protection and Sustainability Trust Fund; creating s. 1013.78, F.S.; creating the High Growth District Capital Outlay Assistance Grant Program; providing for grants to school districts meeting certain criteria; Amending s. 380.115, F.S.; allowing an applicant under the development-of-regional impact program to proceed under that program after an optional sector plan is adopted; grandfathering certain developments

of regional impact from the provisions of this act relating to chs. 163 and 380, F.S.; providing annual appropriations from the Grants and Donations Trust Fund for purposes of implementing the act and supporting the Century Commission; providing an effective date.

On motion by Senator Bennett, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for CS for SB 360 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1486, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1486—A bill to be entitled An act relating to property insurance; amending s. 627.701, F.S.; providing that the requirement for a hurricane deductible to apply on an annual basis applies to personal lines residential property insurance policies; requiring insurers that provide commercial residential property insurance to offer alternative hurricane deductibles that apply on an annual basis or to each hurricane; providing an effective date.

House Amendment 1 (865571) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective June 1, 2005, paragraph (e) of subsection (2) of section 215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(2) DEFINITIONS.—As used in this section:

(e) "Retention" means the amount of losses below which an insurer is not entitled to reimbursement from the fund. An insurer's retention shall be calculated as follows:

1. The board shall calculate and report to each insurer the retention multiples for that year. For the contract year beginning June 1, *2005* ~~2004~~, the retention multiple shall be equal to $4.5 billion divided by the total estimated reimbursement premium for the contract year; for subsequent years, the retention multiple shall be equal to $4.5 billion, adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since *2004* ~~2003~~, divided by the total estimated reimbursement premium for the contract year. Total reimbursement premium for purposes of the calculation under this subparagraph shall be estimated using the assumption that all insurers have selected the 90-percent coverage level.

2. The retention multiple as determined under subparagraph 1. shall be adjusted to reflect the coverage level elected by the insurer. For insurers electing the 90-percent coverage level, the adjusted retention multiple is 100 percent of the amount determined under subparagraph 1. For insurers electing the 75-percent coverage level, the retention multiple is 120 percent of the amount determined under subparagraph 1. For insurers electing the 45-percent coverage level, the adjusted retention multiple is 200 percent of the amount determined under subparagraph 1.

3. An insurer shall determine its provisional retention by multiplying its provisional reimbursement premium by the applicable adjusted retention multiple and shall determine its actual retention by multiplying its actual reimbursement premium by the applicable adjusted retention multiple.

4. For insurers who experience multiple covered events causing loss during the contract year, beginning June 1, 2005, each insurer's full retention shall be applied to each of the covered events causing the two largest losses for that insurer. For each other covered event resulting in losses, the insurer's retention shall be reduced to one-third of the full retention. The reimbursement contract shall provide for the reimbursement of losses for each covered event based on the full retention with adjustments made to reflect the reduced retentions after January 1 of the contract year provided the insurer reports its losses as specified in the reimbursement contract.

Section 2. Effective July 1, 2005, section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—

(1) There is created a Hurricane Loss Mitigation Program. The Legislature shall annually appropriate $10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the Department of Community Affairs for the purposes set forth in this section.

(2)(a) Seven million dollars in funds provided in subsection (1) shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(b) Three million dollars in funds provided in subsection (1) shall be used to retrofit existing facilities used as public hurricane shelters. The department must prioritize the use of these funds for projects included in the September 1, 2000, version of the Shelter Retrofit Report prepared in accordance with s. 252.385(3), and each annual report thereafter. The department must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize use of state funds.

(3) By the 2006-2007 fiscal year, the Department of Community Affairs shall develop a low-interest loan program for homeowners and mobile home owners to retrofit their homes with fixtures or apply construction techniques that have been demonstrated to reduce the amount of damage or loss due to a hurricane. Funding for the program shall be used to subsidize or guaranty private-sector loans for this purpose to qualified homeowners by financial institutions chartered by the state or Federal Government. The department may enter into contracts with financial institutions for this purpose. The department shall establish criteria for determining eligibility for the loans and selecting recipients, standards for retrofitting homes or mobile homes, limitations on loan subsidies and loan guaranties, and other terms and conditions of the program, which must be specified in the department's report to the Legislature on January 1, 2006, required by subsection (8). For the 2005-2006 fiscal year, the Department of Community Affairs may use up to $1 million of the funds appropriated pursuant to paragraph (2)(a) to begin the low-interest loan program as a pilot project in one or more counties. The Department of Financial Services, the Office of Financial Regulation, the Florida Housing Finance Corporation, and the Office of Tourism, Trade, and Economic Development shall assist the Department of Community Affairs in establishing the program and pilot project. The department may use up to 2.5 percent of the funds appropriated in any given fiscal year for administering the loan program. The department may adopt rules to implement the program.

(4)~~(3)~~ Forty percent of the total appropriation in paragraph (2)(a) shall be used to inspect and improve tie-downs for mobile homes. Within 30 days after the effective date of that appropriation, the department shall contract with a public higher educational institution in this state

which has previous experience in administering the programs set forth in this subsection to serve as the administrative entity and fiscal agent pursuant to s. 216.346 for the purpose of administering the programs set forth in this subsection in accordance with established policy and procedures. The administrative entity working with the advisory council set up under subsection *(6)*~~(5)~~ shall develop a list of mobile home parks and counties that may be eligible to participate in the tie-down program.

(5)~~(4)~~ Of moneys provided to the Department of Community Affairs in paragraph (2)(a), 10 percent shall be allocated to a Type I Center within the State University System dedicated to hurricane research. The Type I Center shall develop a preliminary work plan approved by the advisory council set forth in subsection *(6)* ~~(5)~~ to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the Department of Community Affairs and assist the department with the report required under subsection *(8)* ~~(7)~~.

(6)~~(5)~~ ~~Except for the program set forth in subsection (3),~~ The Department of Community Affairs shall develop the programs set forth in this section in consultation with an advisory council consisting of a representative designated by the Chief Financial Officer, a representative designated by the Florida Home Builders Association, a representative designated by the Florida Insurance Council, a representative designated by the Federation of Manufactured Home Owners, a representative designated by the Florida Association of Counties, and a representative designated by the Florida Manufactured Housing Association.

(7)~~(6)~~ Moneys provided to the Department of Community Affairs under this section are intended to supplement other funding sources of the Department of Community Affairs and may not supplant other funding sources of the Department of Community Affairs.

(8)~~(7)~~ On January 1st of each year, the Department of Community Affairs shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate.

(9)~~(8)~~ This section is repealed June 30, 2011.

Section 3. Subsections (4) and (5) of section 627.062, Florida Statutes, are amended to read:

627.062 Rate standards.—

(4) The establishment of any rate, rating classification, rating plan or schedule, or variation thereof in violation of part IX of chapter 626 is also in violation of this section. *In order to enhance the ability of consumers to compare premiums and to increase the accuracy and usefulness of rate-comparison information provided by the office to the public, the office shall develop a proposed standard rating territory plan to be used by all authorized property and casualty insurers for residential property insurance. In adopting the proposed plan, the office may consider geographical characteristics relevant to risk, county lines, major roadways, existing rating territories used by a significant segment of the market, and other relevant factors. Such plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives by January 15, 2006. The plan may not be implemented unless authorized by further act of the Legislature.*

(5) With respect to a rate filing involving coverage of the type for which the insurer is required to pay a reimbursement premium to the Florida Hurricane Catastrophe Fund, the insurer may fully recoup in its property insurance premiums any reimbursement premiums paid to the Florida Hurricane Catastrophe Fund, together with reasonable costs of other reinsurance, but may not recoup reinsurance costs that duplicate coverage provided by the Florida Hurricane Catastrophe Fund. *An insurer may not recoup more than 1 year of reimbursement premium at a time. Any under-recoupment from the prior year may be added to the following year's reimbursement premium and any over-recoupment shall be subtracted from the following year's reimbursement premium.*

Section 4. Paragraph (c) of subsection (1) and paragraph (c) of subsection (3) of section 627.0628, Florida Statutes, are amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(c) It is the intent of the Legislature to create the Florida Commission on Hurricane Loss Projection Methodology as a panel of experts to provide the most actuarially sophisticated guidelines and standards for projection of hurricane losses possible, given the current state of actuarial science. It is the further intent of the Legislature that such standards and guidelines must be used by the State Board of Administration in developing reimbursement premium rates for the Florida Hurricane Catastrophe Fund, and*, subject to paragraph (3)(c),* may be used by insurers in rate filings under s. 627.062 unless the way in which such standards and guidelines were applied by the insurer was erroneous, as shown by a preponderance of the evidence.

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

(c) With respect to a rate filing under s. 627.062, an insurer may employ actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable to determine hurricane loss factors for use in a rate filing under s. 627.062*. Such*~~, which~~ findings and factors are admissible and relevant in consideration of a rate filing by the office or in any arbitration or administrative or judicial review *only if the office and the consumer advocate appointed pursuant to s. 627.0613 have access to all of the assumptions and factors that were used in developing the actuarial methods, principles, standards, models, or output ranges, and are not precluded from disclosing such information in a rate proceeding*.

Section 5. Subsection (7) of section 627.0629, Florida Statutes, is amended to read:

627.0629 Residential property insurance; rate filings.—

(7) Any rate filing that is based in whole or part on data from a computer model may not exceed *15* ~~25~~ percent unless there is a public hearing.

Section 6. Section 627.06281, Florida Statutes, is created to read:

627.06281 Public hurricane loss projection model; reporting of data by insurers.—Within 30 days after a written request for loss data and associated exposure data by the office or a type I center within the State University System established to study mitigation, residential property insurers and licensed rating and advisory organizations that compile residential property insurance loss data shall provide loss data and associated exposure data for residential property insurance policies to the office or to a type I center within the State University System established to study mitigation, as directed by the office, for the purposes of developing, maintaining, and updating a public model for hurricane loss projections. The loss data and associated exposure data provided shall be in writing.

Section 7. Paragraphs (a), (c), and (d) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a)1. The Legislature finds that actual and threatened catastrophic losses to property in this state from hurricanes have caused insurers to be unwilling or unable to provide property insurance coverage to the extent sought and needed. It is in the public interest and a public purpose to assist in assuring that property in the state is insured so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare; to the economy of the state; and to the revenues of the state and local governments needed to provide for the public welfare. It is necessary, therefore, to provide property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends by this subsection that property insurance be provided and that it continues, as long as necessary, through an entity organized to achieve efficiencies and economies, *while providing service to policyholders, applicants, and agents that is no less than the*

quality generally provided in the voluntary market, all toward the achievement of the foregoing public purposes. Because it is essential for the corporation to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known, as of July 1, 2002, as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the office. The plan is subject to continuous review by the office. The office may, by order, withdraw approval of all or part of a plan if the office determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

(c) The plan of operation of the corporation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which forms must be approved by the office prior to use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

c. Commercial lines residential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

2.a. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the quota share primary insurance agreement, may not be altered by the inability of the other party to the agreement to pay its specified percentage of hurricane losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that neither the authorized insurer nor the corporation may be held responsible beyond its specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under quota share primary insurance agreements, the corporation and the authorized insurer shall maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by Florida Hurricane Catastrophe Fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of quota share agreements, pricing of quota share agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer shall be voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection*, including*

without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may, but is not required to, seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4.*a.* Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of *8*~~7~~ individuals who are residents of this state, from different geographical areas of this state~~, appointed by the Chief Financial Officer~~ . *The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board, effective August 1, 2005. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance.* The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the *appointing officer* ~~Chief Financial Officer~~ . All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. Any board vacancy shall be filled for the unexpired term by the *appointing officer* ~~Chief Financial Officer~~. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board of governors in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by *the board, as recommended by* the Chief Financial Officer and serve at the pleasure of the *board* ~~Chief Financial Officer~~. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the *board and* ~~office of~~ the Chief Financial Officer.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage. The members of the advisory committee shall consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members must serve for 3-year terms and may serve for consecutive terms. The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to the provisions of s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is

entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus shall be available to defray deficits in that account as to future years and shall be used for that purpose prior to assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the corporation shall make its best efforts to procure catastrophe reinsurance at reasonable rates, *to cover its projected 100-year probable maximum loss* as determined by the board of governors.

10. Must provide that in the event of regular deficit assessments under sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b., in the personal lines account, the commercial lines residential account, or the high-risk account, the corporation shall levy upon corporation policyholders in its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge arising from a regular assessment in such account in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for subject lines of business for the prior calendar year. Market equalization surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

11. The policies issued by the corporation must provide that, if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation.

12. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the corporation. The notice shall also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

13. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the corporation. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

14. Must provide that, with respect to the high-risk account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. In no event shall a limited apportionment company be required to participate in the portion of any assessment, within the high-risk account, pursuant to sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b. in the aggregate which exceeds $50 million after payment of available high-risk account funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan shall provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (g)4. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d.

15. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

(d)1. It is the intent of the Legislature that the rates for coverage provided by the corporation be actuarially sound and not competitive with approved rates charged in the admitted voluntary market, so that the corporation functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. Rates shall include an appropriate catastrophe loading factor that reflects the actual catastrophic exposure of the corporation.

2. For each county, the average rates of the corporation for each line of business for personal lines residential policies excluding rates for wind-only policies shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 20 insurers with the greatest total direct written premium in the state for that line of business in the preceding year, except that with respect to mobile home coverages, the average rates of the corporation shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 5 insurers with the greatest total written premium for mobile home owner's policies in the state in the preceding year.

3. Rates for personal lines residential wind-only policies must be actuarially sound and not competitive with approved rates charged by authorized insurers. ~~However, for personal lines residential wind-only policies issued or renewed between July 1, 2002, and June 30, 2003, the maximum premium increase must be no greater than 10 percent of the Florida Windstorm Underwriting Association premium for that policy in effect on June 30, 2002, as adjusted for coverage changes and seasonal occupancy surcharges. For personal lines residential wind-only policies issued or renewed between July 1, 2003, and June 30, 2004, the corporation shall use its existing filed and approved wind-only rating and classification plans, provided, however, that the maximum premium increase must be no greater than 20 percent of the premium for that policy in effect on June 30, 2003, as adjusted for coverage changes and seasonal occupancy surcharges.~~ Corporation rate manuals shall include a rate surcharge for seasonal occupancy. To ensure that personal lines residential wind-only rates ~~effective on or after July 1, 2004,~~ are not competitive with approved rates charged by authorized insurers, the corporation, in conjunction with the office, shall develop a wind-only ratemaking methodology, which methodology shall be contained in *each* ~~a~~ rate filing made by the corporation with the office ~~by January 1, 2004~~. If the office ~~thereafter~~ determines that the wind-only rates or rating factors filed by the corporation fail to comply with the wind-only ratemaking methodology provided for in this subsection, it shall so notify the corporation and

require the corporation to amend its rates or rating factors to come into compliance within 90 days of notice from the office. ~~The office shall report to the Speaker of the House of Representatives and the President of the Senate on the provisions of the wind-only ratemaking methodology by January 31, 2004.~~

4. For the purposes of establishing a pilot program to evaluate issues relating to the availability and affordability of insurance in an area where historically there has been little market competition, the provisions of subparagraph 2. do not apply to coverage provided by the corporation in Monroe County if the office determines that a reasonable degree of competition does not exist for personal lines residential policies. The provisions of subparagraph 3. do not apply to coverage provided by the corporation in Monroe County if the office determines that a reasonable degree of competition does not exist for personal lines residential policies in the area of that county which is eligible for wind-only coverage. In this county, the rates for personal lines residential coverage shall be actuarially sound and not excessive, inadequate, or unfairly discriminatory and are subject to the other provisions of the paragraph and s. 627.062. The commission shall adopt rules establishing the criteria for determining whether a reasonable degree of competition exists for personal lines residential policies in Monroe County. By March 1, 2006, the office shall submit a report to the Legislature providing an evaluation of the implementation of the pilot program affecting Monroe County.

5.~~4.~~ Rates for commercial lines coverage shall not be subject to the requirements of subparagraph 2., but shall be subject to all other requirements of this paragraph and s. 627.062.

6.~~5.~~ Nothing in this paragraph shall require or allow the corporation to adopt a rate that is inadequate under s. 627.062.

7.~~6.~~ The corporation shall certify to the office at least twice annually that its personal lines rates comply with the requirements of subparagraphs 1. and 2. If any adjustment in the rates or rating factors of the corporation is necessary to ensure such compliance, the corporation shall make and implement such adjustments and file its revised rates and rating factors with the office. If the office thereafter determines that the revised rates and rating factors fail to comply with the provisions of subparagraphs 1. and 2., it shall notify the corporation and require the corporation to amend its rates or rating factors in conjunction with its next rate filing. The office must notify the corporation by electronic means of any rate filing it approves for any insurer among the insurers referred to in subparagraph 2.

8.~~7.~~ In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

9.~~8.~~a. To assist the corporation in developing additional ratemaking methods to assure compliance with subparagraphs 1. and 4., the corporation shall appoint a rate methodology panel consisting of one person recommended by the Florida Association of Insurance Agents, one person recommended by the Professional Insurance Agents of Florida, one person recommended by the Florida Association of Insurance and Financial Advisors, one person recommended by the insurer with the highest voluntary market share of residential property insurance business in the state, one person recommended by the insurer with the second-highest voluntary market share of residential property insurance business in the state, one person recommended by an insurer writing commercial residential property insurance in this state, one person recommended by the Office of Insurance Regulation, and one board member designated by the board chairman, who shall serve as chairman of the panel.

b. By January 1, 2004, the rate methodology panel shall provide a report to the corporation of its findings and recommendations for the use of additional ratemaking methods and procedures, including the use of a rate equalization surcharge in an amount sufficient to assure that the total cost of coverage for policyholders or applicants to the corporation is sufficient to comply with subparagraph 1.

c. Within 30 days after such report, the corporation shall present to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of each house of the Legislature, and the chairs of the standing committees of each house of the Legislature having jurisdiction of insurance issues, a plan for implementing the additional ratemaking methods and an outline of any legislation needed to facilitate use of the new methods.

d. The plan must include a provision that producer commissions paid by the corporation shall not be calculated in such a manner as to include any rate equalization surcharge. However, without regard to the plan to be developed or its implementation, producer commissions paid by the corporation for each account, other than the quota share primary program, shall remain fixed as to percentage, effective rate, calculation, and payment method until January 1, 2004.

10.~~9.~~ By January 1, 2004, the corporation shall develop a notice to policyholders or applicants that the rates of Citizens Property Insurance Corporation are intended to be higher than the rates of any admitted carrier and providing other information the corporation deems necessary to assist consumers in finding other voluntary admitted insurers willing to insure their property.

Section 8. Section 627.40951, Florida Statutes, is created to read:

627.40951 Standard personal lines residential insurance policy.—

(1) The Legislature finds that many consumers who filed property loss claims as a result of the hurricanes that struck this state in 2004 were inadequately insured due to the difficulty consumers encounter in trying to understand the complex nature of property insurance policies. The purpose and intent of this section is to have property and casualty insurers offer standard personal lines residential property insurance policies and standard checklists of policy contents, in accordance with s. 627.4143, to consumers and to ensure that these policies and checklists are written in a simple format with easily readable language that will enable most consumers to understand the principal benefits and coverage provided in the policy; the principal exclusions and limitations or reductions contained in the policy, including, but not limited to, deductibles, coinsurance, and any other limitations or reductions; and any additional coverage provided through any rider or endorsement that accompanies the policy and renewal or cancellation provisions.

(2) The Chief Financial Officer shall appoint an advisory committee composed of two representatives of insurers currently selling personal lines residential property insurance coverage, two representatives of property and casualty agents, two representatives of consumers, two representatives of the Commissioner of Insurance Regulation, and the Insurance Consumer Advocate or her or his designee. The Chief Financial Officer or her or his designee shall serve as chair of the committee. The committee shall develop policy language for coverage that represents general industry standards in the market for comprehensive coverage under personal lines residential insurance policies and shall develop a checklist to be used with each type of personal lines residential property insurance policy. The committee shall review policies and related forms written by Insurance Services Office, Inc. The committee shall file a report containing its recommendations to the President of the Senate and the Speaker of the House of Representatives by January 15, 2006. No insurer shall be required to offer the standard policy unless required by further act of the Legislature.

Section 9. Subsection (1) of section 627.411, Florida Statutes, is amended to read:

627.411 Grounds for disapproval.—

(1) The office shall disapprove any form filed under s. 627.410, or withdraw any previous approval thereof, only if the form:

(a) Is in any respect in violation of, or does not comply with, this code.

(b) Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

(c) Has any title, heading, or other indication of its provisions which is misleading.

(d) Is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible.

(e) Is for residential property insurance and contains provisions that are unfair or inequitable or encourage misrepresentation.

(f)~~(e)~~ Is for health insurance, and:

1. Provides benefits that are unreasonable in relation to the premium charged.~~;~~

2. Contains provisions that are unfair or inequitable or contrary to the public policy of this state or that encourage misrepresentation.~~;~~

3. Contains provisions that apply rating practices that result in unfair discrimination pursuant to s. 626.9541(1)(g)2.

(g)~~(f)~~ Excludes coverage for human immunodeficiency virus infection or acquired immune deficiency syndrome or contains limitations in the benefits payable, or in the terms or conditions of such contract, for human immunodeficiency virus infection or acquired immune deficiency syndrome which are different than those which apply to any other sickness or medical condition.

Section 10. Paragraphs (d) and (e) are added to subsection (2) of section 627.4133, Florida Statutes, to read:

627.4133 Notice of cancellation, nonrenewal, or renewal premium.—

(2) With respect to any personal lines or commercial residential property insurance policy, including, but not limited to, any homeowner's, mobile home owner's, farmowner's, condominium association, condominium unit owner's, apartment building, or other policy covering a residential structure or its contents:

(d)1. Upon a declaration of an emergency pursuant to s. 252.36 and the filing of an order by the Commissioner of Insurance Regulation, an insurer may not cancel or nonrenew a personal residential or commercial residential property insurance policy covering a dwelling or residential property located in this state which has been damaged as a result of a hurricane or wind loss that is the subject of the declaration of emergency for a period of 90 days after the dwelling or residential property has been repaired. A structure is deemed to be repaired when substantially completed and restored to the extent that it is insurable by another authorized insurer that is writing policies in this state.

2. However, an insurer or agent may cancel or nonrenew such a policy prior to the repair of the dwelling or residential property:

a. Upon 10 days' notice for nonpayment of premium; or

b. Upon 45 days' notice:

(I) For a material misstatement or fraud related to the claim;

(II) If the insurer determines that the insured has unreasonably caused a delay in the repair of the dwelling; or

(III) If the insurer has paid policy limits.

3. If the insurer elects to nonrenew a policy covering a property that has been damaged, the insurer shall provide at least 90 days' notice to the insured that the insurer intends to nonrenew the policy 90 days after the dwelling or residential property has been repaired. Nothing in this paragraph shall prevent the insurer from canceling or nonrenewing the policy 90 days after the repairs are complete for the same reasons the insurer would otherwise have canceled or nonrenewed the policy but for the limitations of subparagraph 1. The Financial Services Commission may adopt rules, and the Commissioner of Insurance Regulation may issue orders, necessary to implement this paragraph.

4. This paragraph shall also apply to personal residential and commercial residential policies covering property that was damaged as the result of Tropical Storm Bonnie, Hurricane Charley, Hurricane Frances, Hurricane Ivan, or Hurricane Jeanne.

(e) If any cancellation or nonrenewal of a policy subject to this subsection is to take effect during the duration of a hurricane as defined in s. 627.4025(2)(c), the effective date of such cancellation or nonrenewal is extended until the end of the duration of such hurricane. The insurer may collect premium at the prior rates or the rates then in effect for the period of time for which coverage is extended. This paragraph does not apply to any property with respect to which replacement coverage has been obtained and which is in effect for a claim occurring during the duration of the hurricane.

Section 11. Effective January 1, 2006, section 627.4143, Florida Statutes, is amended to read:

627.4143 Outline of coverage.—

(1) No private passenger automobile or basic homeowner's policy shall be delivered or issued for delivery in this state unless an appropriate outline of coverage has been delivered prior to issuance of the policy or accompanies the policy when issued.

(2) The outline of coverage *for a private passenger motor vehicle insurance policy* shall contain all of the following:

(a) A brief description of the principal benefits and coverage provided in the policy, broken down by each class or type of coverage provided under the policy for which a premium is charged, and itemization of the applicable premium.

(b) A summary statement of the principal exclusions and limitations or reductions contained in the policy by class or type, including, but not limited to, deductibles, coinsurance, and any other limitations or reductions.

(c) A summary statement of any renewal or cancellation provisions.

(d) A description of the credit or surcharge plan that is being applied. The description may display numerical or alphabetical codes on the declarations page or premium notice to enable the insured to determine the reason or reasons why her or his policy is being surcharged or is receiving a credit.

(e) A list of any additional coverage provided through any rider or endorsement which accompanies the policy. The list shall contain a descriptive reference to each additional coverage, rather than solely a reference to a form or code number.

(f) ~~For a private passenger motor vehicle insurance policy,~~ The extent of coverage provided to the insured in the event of collision damage to a rental vehicle rented by the insured. The proof-of-insurance card required by s. 316.646 must also specify whether rental car coverage is provided, and may refer to the outline of coverage as to the details or extent of coverage.

(3) A basic homeowners', mobile homeowners', dwelling, or condominium unit owners' policy may not be delivered or issued for delivery in this state unless a comprehensive checklist of coverage on a form adopted by the commission and an appropriate outline of coverage have been delivered prior to issuance of the policy or accompanies the policy when issued. The commission shall, by rule, adopt a form for the checklist for each type of policy to which this subsection applies. Each form shall indicate that it was adopted by the commission.

(a) The checklist must contain a list of the standard provisions and elements that may typically be included in these policies, whether or not they are included in the particular policy being issued, in a format that allows the insurer to place a check mark next to the provisions elements that are included so that the consumer can see both what is included and what is not included in the policy. As an alternative to checking the boxes on the checklist, an insurer may delete the check boxes from the form and replace them with text indicating whether the provision's elements are included or not. Limits of liability shall be listed for each item. The checklist must include, but is not limited to, the following:

1. Property coverage for the principal premises shown in the declarations.

2. Property coverage for other structures on the residence premises.

3. Whether the principal premises and other structures are insured against the following perils:

a. Fire.

b. Lightning.

c. Explosion.

d. Hurricane loss.

e. Nonhurricane wind loss.

f. Collapse.

g. Mold.

h. Sinkhole loss.

i. Vandalism.

4. Personal property coverage.

5. Whether personal property is insured against the following perils:

a. Fire.

b. Lightning.

c. Hurricane loss.

d. Nonhurricane wind loss.

e. Collapse.

f. Mold.

g. Sinkhole loss.

h. Theft.

6. The following additional coverages:

a. Debris removal.

b. Loss assessment.

c. Additional living expenses.

7. Personal liability coverage.

8. Medical payments coverage.

9. Discounts applied to the premium.

10. Deductibles for loss due to hurricane and loss to other perils.

11. Building ordinance or law coverage.

12. Replacement cost coverage.

13. Actual cash value coverage.

(b) The forms shall allow insurers to place other coverages on the checklists which may or may not be included in the insurer's policies.

(c) The outline of coverage must contain:

1. A brief description of the principal benefits and coverage provided in the policy, broken down by each class or type of coverage provided under the policy for which a premium is charged, and itemization of the applicable premium.

2. A summary statement of the principal exclusions and limitations or reductions contained in the policy by class or type, including, but not limited to, deductibles, coinsurance, and any other limitations or reductions.

3. A summary statement of any renewal or cancellation provisions.

4. A description of the credit or surcharge plan that is being applied. The description may display numerical or alphabetical codes on the declarations page or premium notice to enable the insured to determine the reason or reasons why her or his policy is being surcharged or is receiving a credit.

5. A summary of any additional coverage provided through any rider or endorsement that accompanies the policy.

(4)~~(3)~~ The outline of coverage *for a private passenger motor vehicle policy* is required only on the initial policy issued by an insurer. *The outline of coverage and the checklist for a basic homeowners', mobile homeowners', dwelling, or condominium unit owners' policy is required on the initial policy and each renewal thereof issued by an insurer.*

(5)~~(4)~~ An insurer must insert the following language on the outline of coverage:

"The following outline of coverage *or checklist* is for informational purposes only. Florida law prohibits this outline *or checklist* from changing any of the provisions of the insurance contract which is the subject of this outline. Any endorsement regarding changes in types of coverage, exclusions, limitations, reductions, deductibles, coinsurance, renewal provisions, cancellation provisions, surcharges, or credits will be sent separately."

(6)~~(5)~~ Neither this section nor the outline of coverage *or checklist* mandated by this section alters or modifies the terms of the insurance contract, creates a cause of action, or is admissible in any civil action.

Section 12. Effective October 1, 2005, subsections (3), (4), (8), and (9) of section 627.701, Florida Statutes, as amended by section 4 of chapter 2004-480, Laws of Florida, are amended to read:

627.701 Liability of insureds; coinsurance; deductibles.—

(3)(a) A policy of residential property insurance shall include a deductible amount applicable to hurricane ~~or wind~~ losses no lower than $500 and no higher than 2 percent of the policy dwelling limits with respect to personal lines residential risks, and no higher than 3 percent of the policy limits with respect to commercial lines residential risks; however, if a risk was covered on August 24, 1992, under a policy having a higher deductible than the deductibles allowed by this paragraph, a policy covering such risk may include a deductible no higher than the deductible in effect on August 24, 1992. Notwithstanding the other provisions of this paragraph, a personal lines residential policy covering a risk valued at $50,000 or less may include a deductible amount attributable to hurricane ~~or wind~~ losses no lower than $250, and a personal lines residential policy covering a risk valued at $100,000 or more may include a deductible amount attributable to hurricane ~~or wind~~ losses no higher than *10*~~5~~ percent of the policy limits unless subject to a higher deductible on August 24, 1992; however, no maximum deductible is required with respect to a personal lines residential policy covering a risk valued at more than $500,000. An insurer may require a higher deductible, provided such deductible is the same as or similar to a deductible program lawfully in effect on June 14, 1995. In addition to the deductible amounts authorized by this paragraph, an insurer may also offer policies with a copayment provision under which, after exhaustion of the deductible, the policyholder is responsible for 10 percent of the next $10,000 of insured hurricane ~~or wind~~ losses.

(b)1. Except as otherwise provided in this paragraph, prior to issuing a personal lines residential property insurance policy on or after *January 1, 2006* ~~April 1, 1996~~ , or prior to the first renewal of a residential property insurance policy on or after *January 1, 2006* ~~April 1, 1996~~, the insurer must offer alternative deductible amounts applicable to hurricane ~~or wind~~ losses equal to $500*,* ~~and~~ 2 percent*, 5 percent, and 10 percent*of the policy dwelling limits, unless the *specific percentage* ~~2 percent~~ deductible is less than $500. The written notice of the offer shall specify the hurricane or wind deductible to be applied in the event that the applicant or policyholder fails to affirmatively choose a hurricane deductible. The insurer must provide such policyholder with notice of the availability of the deductible amounts specified in this paragraph in a form approved by the office in conjunction with each renewal of the policy. The failure to provide such notice constitutes a violation of this code but does not affect the coverage provided under the policy.

2. This paragraph does not apply with respect to a deductible program lawfully in effect on June 14, 1995, or to any similar deductible program, if the deductible program requires a minimum deductible amount of no less than 2 percent of the policy limits.

3. With respect to a policy covering a risk with dwelling limits of at least $100,000, but less than $250,000, the insurer may, in lieu of offering a policy with a $500 hurricane or wind deductible as required by subparagraph 1., offer a policy that the insurer guarantees it will not nonrenew for reasons of reducing hurricane loss for one renewal period and that contains up to a 2 percent hurricane or wind deductible as required by subparagraph 1.

4. With respect to a policy covering a risk with dwelling limits of $250,000 or more, the insurer need not offer the $500 hurricane ~~or wind~~

deductible as required by subparagraph 1., but must, except as otherwise provided in this subsection, offer the *other* ~~2 percent~~ hurricane *deductibles* ~~or wind deductible~~ as required by subparagraph 1.

~~(c) In order to provide for the transition from wind deductibles to hurricane deductibles as required by this subsection, an insurer is required to provide wind deductibles meeting the requirements of this subsection until the effective date of the insurer's first rate filing made after January 1, 1997, and is thereafter required to provide hurricane deductibles meeting the requirements of this subsection.~~

(4)*(a)* Any policy that contains a separate hurricane deductible must on its face include in boldfaced type no smaller than 18 points the following statement: "THIS POLICY CONTAINS A SEPARATE DEDUCTIBLE FOR HURRICANE LOSSES, WHICH MAY RESULT IN HIGH OUT-OF-POCKET EXPENSES TO YOU." A policy containing a coinsurance provision applicable to hurricane losses must on its face include in boldfaced type no smaller than 18 points the following statement: "THIS POLICY CONTAINS A CO-PAY PROVISION THAT MAY RESULT IN HIGH OUT-OF-POCKET EXPENSES TO YOU."

(b) Beginning October 1, 2005, for any personal lines residential property insurance policy containing a separate hurricane deductible, the insurer shall compute and prominently display the actual dollar value of the hurricane deductible on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice.

(c) Beginning October 1, 2005, for any personal lines residential property insurance policy containing an inflation guard rider, the insurer shall compute and prominently display the actual dollar value of the hurricane deductible on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice. In addition, beginning October 1, 2005, for any personal lines residential property insurance policy containing an inflation guard rider, the insurer shall notify the policyholder of the possibility that the hurricane deductible may be higher than indicated when loss occurs due to application of the inflation guard rider. Such notification shall be made on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice.

~~(8)(a) The Legislature finds that property insurance coverage has become unaffordable for a significant number of mobile home owners, as evidenced by reports that up to 100,000 mobile home owners have terminated their insurance coverage because they cannot afford to pay approved rates charged in the voluntary or residual markets. The Legislature further finds that additional flexibility in available coverages will enable mobile home owners to obtain affordable insurance and increase capacity.~~

~~(b) Notwithstanding the provisions of subsection (3), with respect to mobile home policies:~~

~~1. The deductible for hurricane coverage may not exceed 10 percent of the property value if the property is not subject to any liens and may not exceed 5 percent of the property value if the property is subject to any liens.~~

~~2. The insurer need not make the offers required by paragraph (3)(b).~~

(8)~~(9)~~ Notwithstanding the other provisions of this section or of other law, but only as to hurricane coverage as defined in s. 627.4025 for commercial lines residential coverages, an insurer may offer a deductible in an amount not exceeding ~~5 percent of the insured value with respect to a condominium association or cooperative association policy, or in an amount not exceeding~~ 10 percent of the insured value ~~with respect to any other commercial lines residential policy,~~ if, at the time of such offer and at each renewal, the insurer also offers to the policyholder a deductible in the amount of 3 percent of the insured value. Nothing in this subsection prohibits any deductible otherwise authorized by this section. All forms by which the offers authorized in this subsection are made or required to be made shall be on forms that are adopted or approved by the commission or office.

Section 13. Subsection (5) of section 627.701, Florida Statutes, as amended by section 4 of chapter 2004-480, Laws of Florida, is amended to read:

627.701 Liability of Insureds; coinsurance; deductibles.—

(5)*(a)* The hurricane deductible of any *personal lines*residential property insurance policy *issued or renewed on or after May 1, 2005,* shall be applied as follows:

1.~~(a)~~ The hurricane deductible shall apply on an annual basis to all covered hurricane losses that occur during the calendar year for losses that are covered under one or more policies issued by the same insurer or an insurer in the same insurer group.

2.~~(b)~~ If a hurricane deductible applies separately to each of one or more structures insured under a single policy, the requirements of this *paragraph* ~~subsection~~ apply with respect to the deductible for each structure.

3.~~(c)~~ If there was a hurricane loss for a prior hurricane or hurricanes during the calendar year, the insurer may apply a deductible to a subsequent hurricane *which* ~~that~~ is the greater of the remaining amount of the hurricane deductible or the amount of the deductible that applies to perils other than a hurricane. Insurers may require policyholders to report hurricane losses that are below the hurricane deductible or to maintain receipts or other records of such hurricane losses in order to apply such losses to subsequent hurricane claims.

4.~~(d)~~ If there are hurricane losses in a calendar year on more than one policy issued by the same insurer or an insurer in the same insurer group, the hurricane deductible shall be the highest amount stated in any one of the policies. If a policyholder who had a hurricane loss under the prior policy is provided or offered a lower hurricane deductible under the new or renewal policy, the insurer must notify the policyholder, in writing, at the time the lower hurricane deductible is provided or offered, that the lower hurricane deductible will not apply until January 1 of the following calendar year.

(b) For commercial residential property insurance policies issued or renewed on or after January 1, 2006, the insurer must offer the policyholder the following alternative hurricane deductibles:

1. A hurricane deductible that applies on an annual basis as provided in paragraph (a); and

2. A hurricane deductible that applies to each hurricane.

Section 14. Effective October 1, 2005, section 627.7011, Florida Statutes, is amended to read:

627.7011 Homeowners' policies; offer of replacement cost coverage and law and ordinance coverage.—

(1) Prior to issuing a homeowner's insurance policy on or after *October 1, 2005* ~~June 1, 1994~~, or prior to the first renewal of a homeowner's insurance policy on or after *October 1, 2005* ~~June 1, 1994~~, the insurer must offer each of the following:

(a) A policy or endorsement providing that any loss which is repaired or replaced will be adjusted on the basis of replacement costs not exceeding policy limits as to the dwelling, rather than actual cash value, but not including costs necessary to meet applicable laws *and ordinances*regulating the construction, use, or repair of any property or requiring the tearing down of any property, including the costs of removing debris.

(b) A policy or endorsement providing that, subject to other policy provisions, any loss which is repaired or replaced at any location will be adjusted on the basis of replacement costs not exceeding policy limits as to the dwelling, rather than actual cash value, and also including costs necessary to meet applicable laws *and ordinances* regulating the construction, use, or repair of any property or requiring the tearing down of any property, including the costs of removing debris; however, such additional costs necessary to meet applicable laws *and ordinances* may be limited to *either* 25 percent *or 50 percent* of the dwelling limit, *as selected by the policyholder,* and such coverage shall apply only to repairs of the damaged portion of the structure unless the total damage to the structure exceeds 50 percent of the replacement cost of the structure.

An insurer is not required to make the offers required by this subsection with respect to the issuance or renewal of a homeowner's policy that contains the provisions specified in paragraph (b) *for law and ordinance coverage limited to 25 percent of the dwelling limit, except that the insurer must offer the law and ordinance coverage limited to 50 percent of*

the dwelling limit. This subsection does not prohibit the offer of a guaranteed replacement cost policy.

(2) Unless the insurer obtains the policyholder's written refusal of the policies or endorsements specified in subsection (1), any policy covering the dwelling is deemed to include the coverage specified in paragraph (1)(b). The rejection or selection of alternative coverage shall be made on a form approved by the office. The form shall fully advise the applicant of the nature of the coverage being rejected. If this form is signed by a named insured, it will be conclusively presumed that there was an informed, knowing rejection of the coverage or election of the alternative coverage on behalf of all insureds. Unless the policyholder requests in writing the coverage specified in this section, it need not be provided in or supplemental to any other policy that renews, insures, extends, changes, supersedes, or replaces an existing policy when the policyholder has rejected the coverage specified in this section or has selected alternative coverage. The insurer must provide such policyholder with notice of the availability of such coverage in a form approved by the office at least once every 3 years. The failure to provide such notice constitutes a violation of this code, but does not affect the coverage provided under the policy.

(3) In the event of a loss for which a dwelling or personal property is insured on the basis of replacement costs, the insurer shall pay the replacement cost without reservation or holdback of any depreciation in value, whether or not the insured replaces or repairs the dwelling or property.

(4) Any homeowner's insurance policy issued or renewed on or after October 1, 2005, must include in bold type no smaller than 18 points the following statement:

"LAW AND ORDINANCE COVERAGE IS AN IMPORTANT COVERAGE THAT YOU MAY WISH TO PURCHASE. YOU MAY ALSO NEED TO CONSIDER THE PURCHASE OF FLOOD INSURANCE FROM THE NATIONAL FLOOD INSURANCE PROGRAM. WITHOUT THIS COVERAGE, YOU MAY HAVE UNCOVERED LOSSES. PLEASE DISCUSS THESE COVERAGES WITH YOUR INSURANCE AGENT."

The intent of this subsection is to encourage policyholders to purchase sufficient coverage to protect them in case events excluded from the standard homeowners policy, such as law and ordinance enforcement and flood, combine with covered events to produce damage or loss to the insured property. The intent is also to encourage policyholders to discuss these issues with their insurance agent.

(5)~~(3)~~ Nothing in this section shall be construed to apply to policies not considered to be "homeowners' policies," as that term is commonly understood in the insurance industry. This section specifically does not apply to mobile home policies. Nothing in this section shall be construed as limiting the ability of any insurer to reject or nonrenew any insured or applicant on the grounds that the structure does not meet underwriting criteria applicable to replacement cost or law and ordinance policies or for other lawful reasons.

Section 15. Effective July 1, 2005, subsections (1) and (7) of section 627.7015, Florida Statutes, are amended, and subsection (2) of that section is reenacted, to read:

627.7015 Alternative procedure for resolution of disputed property insurance claims.—

(1) PURPOSE AND SCOPE.—This section sets forth a nonadversarial alternative dispute resolution procedure for a mediated claim resolution conference prompted by the need for effective, fair, and timely handling of property insurance claims. There is a particular need for an informal, nonthreatening forum for helping parties who elect this procedure to resolve their claims disputes because most homeowner's *and commercial residential* insurance policies obligate insureds to participate in a potentially expensive and time-consuming adversarial appraisal process prior to litigation. The procedure set forth in this section is designed to bring the parties together for a mediated claims settlement conference without any of the trappings or drawbacks of an adversarial process. Before resorting to these procedures, insureds and insurers are encouraged to resolve claims as quickly and fairly as possible. This section is available with respect to claims under personal lines *and commercial residential* policies for all claimants and insurers prior to commencing the appraisal process, or commencing litigation. If requested by the insured, participation by legal counsel shall be permitted. Mediation under this section is also available to litigants referred to the department by a county court or circuit court. This section does not apply to commercial coverages, to private passenger motor vehicle insurance coverages, or to disputes relating to liability coverages in policies of property insurance.

(2) At the time a first-party claim within the scope of this section is filed, the insurer shall notify all first-party claimants of their right to participate in the mediation program under this section. The department shall prepare a consumer information pamphlet for distribution to persons participating in mediation under this section.

(7) *If the insurer fails to comply with subsection (2) by failing to notify a first-party claimant of its right to participate in the mediation program under this section or* if the insurer requests the mediation, and the mediation results are rejected by either party, the insured shall not be required to submit to or participate in any contractual loss appraisal process of the property loss damage as a precondition to legal action for breach of contract against the insurer for its failure to pay the policyholder's claims covered by the policy.

Section 16. Subsection (1) of section 627.702, Florida Statutes, is amended to read:

627.702 Valued policy law.—

(1)*(a)* In the event of the total loss of any building, structure, mobile home as defined in s. 320.01(2), or manufactured building as defined in s. 553.36(12), located in this state and insured by any insurer as to a covered peril, in the absence of any change increasing the risk without the insurer's consent and in the absence of fraudulent or criminal fault on the part of the insured or one acting in her or his behalf, the insurer's liability~~, if any,~~ under the policy for such total loss*, if caused by a covered peril,* shall be in the amount of money for which such property was so insured as specified in the policy and for which a premium has been charged and paid.

(b) The intent of this subsection is not to deprive an insurer of any proper defense under the policy, to create new or additional coverage under the policy, or to require an insurer to pay for a loss caused by a peril other than the covered peril. In furtherance of such legislative intent, when a loss was caused in part by a covered peril and in part by a noncovered peril, paragraph (a) does not apply. In such circumstances, the insurer's liability under this section shall be limited to the amount of the loss caused by the covered peril. However, if the covered perils alone would have caused the total loss, paragraph (a) shall apply. The insurer is never liable for more than the amount necessary to repair, rebuild, or replace the structure following the total loss, after considering all other benefits actually paid for the total loss.

(c) It is the intent of the Legislature that the amendment to this section shall not be applied retroactively and shall apply only to claims filed after effective date of such amendment.

Section 17. Section 627.706, Florida Statutes, is amended to read:

627.706 Sinkhole insurance*; definitions*.—

(1) Every insurer authorized to transact property insurance in this state shall make available coverage for insurable sinkhole losses on any structure, including contents of personal property contained therein, to the extent provided in the form to which the sinkhole coverage attaches.

(2) As used in ss. 627.706-627.7074, and as used in connection with any policy providing coverage for sinkhole losses:

(a) "Sinkhole" means a landform created by subsidence of soil, sediment, or rock as underlying strata are dissolved by ground water. A sinkhole may form by collapse into subterranean voids created by dissolution of limestone or dolostone or by subsidence as these strata are dissolved.

(b)~~(2)~~ "*Sinkhole* loss" means structural damage to the building*, including the foundation, caused by sinkhole activity*. Contents coverage shall apply only if there is structural damage to the building *caused by sinkhole activity*.

(c)~~(3)~~ "Sinkhole *activity* ~~loss~~" means ~~actual physical damage to the property covered arising out of or caused by sudden~~ settlement or *systematic weakening* ~~collapse~~ of the earth supporting such property only

when such settlement or *systematic weakening* ~~collapse~~ results from *movement or raveling of soils, sediments, or rock materials into* subterranean voids created by the *effect* ~~action~~ of water on a limestone or similar rock formation.

(d) "Engineer" means a person, as defined in s. 471.005, who has a bachelor degree or higher in engineering with a specialty in the geotechnical engineering field. An engineer must have geotechnical experience and expertise in the identification of sinkhole activity as well as other potential causes of damage to the structure.

(e) "Professional geologist" means a person, as defined by s. 492.102, who has a bachelor degree or higher in geology or related earth science with expertise in the geology of Florida. A professional geologist must have geological experience and expertise in the identification of sinkhole activity as well as other potential geologic causes of damage to the structure.

(3)~~(4)~~ Every insurer authorized to transact property insurance in this state shall make a proper filing with the office for the purpose of extending the appropriate forms of property insurance to include coverage for ~~insurable~~ sinkhole losses.

Section 18. Section 627.7065, Florida Statutes, is created to read:

627.7065 Database of information relating to sinkholes; the Department of Financial Services and the Department of Environmental Protection.—

(1) The Legislature finds that there has been a dramatic increase in the number of sinkholes and insurance claims for sinkhole damage in the state during the past 10 years. Accordingly, the Legislature recognizes the need to track current and past sinkhole activity and to make the information available for prevention and remediation activities. The Legislature further finds that the Florida Geological Survey of the Department of Environmental Protection has created a partial database of some sinkholes identified in Florida, although the database is not reflective of all sinkholes or insurance claims for sinkhole damage. The Legislature determines that creating a complete electronic database of sinkhole activity serves an important purpose in protecting the public and in studying property claims activities in the insurance industry.

(2) The Department of Financial Services, including the employee of the Division of Consumer Services designated as the primary contact for consumers on issues relating to sinkholes, and the Office of the Insurance Consumer Advocate shall consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity identified in the state.

(3) Representatives of the Department of Financial Services, with the agreement of the Department of Environmental Protection, shall determine the form and content of the database. The content may include standards for reporting and investigating sinkholes for inclusion in the database and requirements for insurers to report to the departments the receipt of claims involving sinkhole loss and other similar activities. The Department of Financial Services may require insurers to report present and past data of sinkhole claims. The database also may include information of damage due to ground settling and other subsidence activity.

(4) The Department of Financial Services may manage the database or may contract for its management and maintenance. The Department of Environmental Protection shall investigate reports of sinkhole activity and include its findings and investigations in the database.

(5) The Department of Environmental Protection, in consultation with the Department of Financial Services, shall present a report of activities relating to the sinkhole database, including recommendations regarding the database and similar matters, to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Chief Financial Officer by December 31, 2005. The report may consider the need for the Legislature to create an entity to study the increase in sinkhole activity in the state and other similar issues relating to sinkhole damage, including recommendations and costs for staffing the entity. The report may include other information, as appropriate.

(6) The Department of Financial Services, in consultation with the Department of Environmental Protection, may adopt rules to implement this section.

Section 19. Section 627.707, Florida Statutes, is amended to read:

627.707 ~~Minimum~~ Standards for investigation of sinkhole claims by insurers; nonrenewals.—

~~(1)~~ Upon receipt of a claim for a sinkhole loss, an insurer must meet the following ~~minimum~~ standards in investigating a claim:

(1)~~(a)~~ ~~Upon receipt of a claim for a sinkhole loss,~~ The insurer must make an inspection of the insured's premises to determine if there has been physical damage to the structure which *may* ~~might~~ be the result of sinkhole activity.

~~(b) If, upon the investigation pursuant to paragraph (a), the insurer discovers damage to a structure which is consistent with sinkhole activity or if the structure is located in close proximity to a structure in which sinkhole damage has been verified, then prior to denying a claim, the insurer must obtain a written certification from an individual qualified to determine the existence of sinkhole activity, stating that the cause of the claim is not sinkhole activity, and that the analysis conducted was of sufficient scope to eliminate sinkhole activity as the cause of damage within a reasonable professional probability. The written certification must also specify the professional discipline and professional licensure or registration under which the analysis was conducted.~~

(2) Following the insurer's initial inspection, the insurer shall engage an engineer or a professional geologist to conduct testing as provided in s. 627.7072 to determine the cause of the loss within a reasonable professional probability and issue a report as provided in s. 627.7073, if:

(a) The insurer is unable to identify a valid cause of the damage or discovers damage to the structure which is consistent with sinkhole loss; or

(b) The policyholder demands testing in accordance with this section or s. 627.7072.

(3) Following the initial inspection of the insured premises, the insurer shall provide written notice to the policyholder disclosing the following information:

(a) What the insurer has determined to be the cause of damage, if the insurer has made such a determination.

(b) A statement of the circumstances under which the insurer is required to engage an engineer or a professional geologist to verify or eliminate sinkhole loss and to engage an engineer to make recommendations regarding land and building stabilization and foundation repair.

(c) A statement regarding the right of the policyholder to request testing by an engineer or a professional geologist and the circumstances under which the policyholder may demand certain testing.

(4) If the insurer determines that there is no sinkhole loss, the insurer may deny the claim. If the insurer denies the claim, without performing testing under s. 627.7072, the policyholder may demand testing by the insurer under s. 627.7072. The policyholder's demand for testing must be communicated to the insurer in writing after the policyholder's receipt of the insurer's denial of the claim.

(5)(a) Subject to paragraph (b), if a sinkhole loss is verified, the insurer shall pay to stabilize the land and building and repair the foundation in accordance with the recommendations of the engineer as provided under s. 627.7073, and in consultation with the policyholder, subject to the coverage and terms of the policy. The insurer shall pay for other repairs to the structure and contents in accordance with the terms of the policy.

(b) The insurer may limit its payment to the actual cash value of the sinkhole loss, not including underpinning or grouting or any other repair technique performed below the existing foundation of the building, until the policyholder enters into a contract for the performance of building stabilization or foundation repairs. After the policyholder enters into the contract, the insurer shall pay the amounts necessary to begin and perform such repairs as the work is performed and the expenses are incurred. The insurer may not require the policyholder to advance payment for such repairs. If repair has begun and the engineer selected or approved by the insurer determines that the repair cannot be completed within the policy limits, the insurer must either complete the engineer's recommended re-

pair or tender the policy limits to the policyholder without a reduction for the repair expenses incurred.

(6) Except as provided in subsection (7), the fees and costs of the engineer or the professional geologist shall be paid by the insurer.

(7)~~(c)~~ If the insurer obtains, pursuant to *s. 627.7073* ~~paragraph (b)~~, written certification that *there is no sinkhole loss or that* the cause of the *damage* ~~claim~~ was not sinkhole activity, and if the policyholder has submitted the sinkhole claim without good faith grounds for submitting such claim, the policyholder shall reimburse the insurer for 50 percent of the *actual costs* ~~cost~~ of the *analyses and services provided* ~~analysis~~ under *ss. 627.7072 and 627.7073* ~~paragraph (b)~~; however, a policyholder is not required to reimburse an insurer more than $2,500 with respect to any claim. A policyholder is required to pay reimbursement under this *subsection* ~~paragraph~~ only if the insurer, prior to ordering the analysis under *s. 627.7072* ~~paragraph (b)~~, informs the policyholder *in writing* of the policyholder's potential liability for reimbursement and gives the policyholder the opportunity to withdraw the claim.

(8)~~(2)~~ No insurer shall nonrenew any policy of property insurance on the basis of filing of claims for partial loss caused by sinkhole damage or clay shrinkage as long as the total of such payments does not exceed the current policy limits of coverage for property damage, and provided the insured has repaired the structure in accordance with the engineering recommendations upon which any payment or policy proceeds were based.

(9) The insurer may engage a structural engineer to make recommendations as to the repair of the structure.

Section 20. Section 627.7072, Florida Statutes, is created to read:

627.7072 Testing standards for sinkholes.—

(1) The engineer and professional geologist shall perform such tests as sufficient, in their professional opinion, to determine the presence or absence of sinkhole loss or other cause of damage within reasonable professional probability and for the engineer to make recommendations regarding necessary building stabilization, and foundation repair.

(2) Testing by a professional geologist shall be conducted in compliance with the Florida Geological Survey Special Publication No. 57 (2005).

Section 21. Section 627.7073, Florida Statutes, is created to read:

627.7073 Sinkhole reports.—

(1) Upon completion of testing as provided in s. 627.7072, the engineer and professional geologist shall issue a report and certification to the insurer and the policyholder as provided in this section.

(a) Sinkhole loss is verified if, based upon tests performed in accordance with s. 627.7072, an engineer and a professional geologist issue a written report and certification stating:

1. That the cause of the actual physical and structural damage is sinkhole activity within a reasonable professional probability.

2. That the analyses conducted were of sufficient scope to identify sinkhole activity as the cause of damage within a reasonable professional probability.

3. A description of the tests performed.

4. A recommendation by the engineer of methods for stabilizing the land and building and for making repairs to the foundation.

(b) If sinkhole activity is eliminated as the cause of damage to the structure, the engineer and professional geologist shall issue a written report and certification to the policyholder and the insurer stating:

1. That the cause of the damage is not sinkhole activity within a reasonable professional probability.

2. That the analyses and tests conducted were of sufficient scope to eliminate sinkhole activity as the cause of damage within a reasonable professional probability.

3. A statement of the cause of the damage within a reasonable professional probability.

4. A description of the tests performed.

(c) The respective findings, opinions, and recommendations of the engineer and professional geologist as to the verification or elimination of a sinkhole loss and the findings, opinions, and recommendations of the engineer as to land and building stabilization and foundation repair shall be presumed correct.

(2) Any insurer that has paid a claim for a sinkhole loss shall file a copy of the report and certification, prepared pursuant to subsection (1), with the county property appraiser who shall record the report and certification with the parcel number. The insurer shall bear the cost of filing and recording the report and certification. There shall be no cause of action or liability against an insurer for compliance with this section. The seller of real property upon which a sinkhole claim has been made shall disclose to the buyer of such property that a claim has been paid and whether or not the full amount of the proceeds were used to repair the sinkhole damage.

Section 22. Effective October 1, 2005, and applicable to policies issued or renewed on or after that date, section 627.711, Florida Statutes, is created to read:

627.711 Notice of premium discounts for hurricane loss mitigation.—Using a form prescribed by the Office of Insurance Regulation, the insurer shall clearly notify the applicant or policyholder of any personal lines residential property insurance policy, at the time of the issuance of the policy and at each renewal, of the availability and the range of each premium discount, credit, other rate differential, or reduction in deductibles for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm can or have been installed or implemented. The prescribed form shall describe generally what actions the policyholders may be able to take to reduce their windstorm premium. The prescribed form and a list of such ranges approved by the office for each insurer licensed in the state and providing such discounts, credits, other rate differentials, or reductions in deductibles for properties described in this subsection shall be available for electronic viewing and download from the Department of Financial Services' or the Office of Insurance Regulation's Internet website. The Financial Services Commission may adopt rules to implement this subsection.

Section 23. *(1)(a) Upon an insurer's receiving a communication with respect to a claim, the insurer shall, within 14 calendar days, review and acknowledge receipt of such communication unless payment is made within that period of time or unless the failure to acknowledge is caused by factors beyond the control of the insurer which reasonably prevent such acknowledgement. If the acknowledgement is not in writing, a notification indicating acknowledgement shall be made in the insurer's claim file and dated. A communication made to or by an agent of an insurer with respect to a claim shall constitute communication to or by the insurer.*

(b) As used in this subsection, the term "agent" means any person to whom an insurer has granted authority or responsibility to receive or make such communications with respect to claims on behalf of the insurer.

(c) This subsection shall not apply to claimants represented by counsel beyond those communications necessary to provide forms and instructions.

(2) Such acknowledgement shall be responsive to the communication. If the communication constitutes a notification of a claim, unless the acknowledgement reasonably advises the claimant that the claim appears not to be covered by the insurer, the acknowledgement shall provide necessary claim forms, and instructions, including an appropriate telephone number.

(3) Unless otherwise provided by the policy of insurance or by law, within 10 working days after an insurer receives proof of loss statements the insurer shall begin such investigation as is reasonably necessary unless the failure to begin such investigation is caused by factors beyond the control of the insurer which reasonably prevent the commencement of such investigation.

(4) For purposes of this section, the term "insurer" means any residential property insurer.

Section 24. *Task Force on Long-Term Solutions for Florida's Hurricane Insurance Market.—*

(1) TASK FORCE CREATED.—There is created the Task Force on Long-Term Solutions for Florida's Hurricane Insurance Market.

(2) ADMINISTRATION.—The task force shall be administratively housed within the Office of the Chief Financial Officer, but shall operate independently of any state officer or agency. The Office of the Chief Financial Officer shall provide such administrative support as the task force deems necessary to accomplish its mission and shall provide necessary funding for the task force within its existing resources. The Executive Office of the Governor, the Department of Financial Services, and the Office of Insurance Regulation shall provide substantive staff support for the task force.

(3) MEMBERSHIP.—The members of the task force shall be appointed as follows:

(a) The Governor shall appoint three members who have expertise in financial matters, one of whom is a representative of the mortgage lending industry, one of whom is a representative of the real estate or construction industry, and one of whom is a representative of insurance consumers.

(b) The Chief Financial Officer shall appoint three members who have expertise in financial matters, one of whom is a representative of a national property insurer or of a Florida-only subsidiary of a national property insurer, one of whom is a representative of a domestic property insurer in this state, and one of whom is a representative of insurance agents.

(c) The President of the Senate shall appoint three members.

(d) The Speaker of the House of Representatives shall appoint three members.

(e) The Commissioner of Insurance Regulation shall serve as an ex officio voting member of the task force.

Members of the task force shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in section 112.061, Florida Statutes.

(4) PURPOSE AND INTENT.—The Legislature recognizes that the continued availability of hurricane insurance coverage for property owners in this state is essential to the state's economic survival. The Legislature further recognizes that legislative efforts to resolve problems in the hurricane insurance market in 2005 may not be sufficient to address this state's long-term needs and that further action may be necessary in subsequent legislative sessions. The purpose of the task force is to make recommendations to the legislative and executive branches of this state's government relating to the creation and maintenance of insurance capacity in the private sector and public sector which is sufficient to ensure that all property owners in this state are able to obtain appropriate insurance coverage for hurricane losses, as further described in this section.

(5) SPECIFIC TASKS.—The task force shall conduct such research and hearings as it deems necessary to achieve the purposes specified in subsection (4) and shall develop information on relevant issues, including, but not limited to, the following issues:

(a) Whether this state currently has sufficient hurricane insurance capacity to ensure the continuation of a healthy, competitive marketplace, taking into consideration both private-sector resources and public-sector resources.

(b) Identifying the future demands on this state's hurricane insurance capacity, taking into account population growth, coastal growth, and anticipated future hurricane activity.

(c) Whether the Florida Hurricane Catastrophe Fund fulfilled its purpose of creating additional insurance capacity sufficient to ameliorate the current dangers to the state's economy and to the public health, safety, and welfare in its response to the 2004 hurricane season.

(d) The extent to which the growth in Citizens Property Insurance Corporation is attributable to insufficient insurance capacity.

(e) The extent to which the growth trends of Citizens Property Insurance Corporation create long-term problems for property owners, buyers, and sellers in this state and for other persons and businesses that depend on a viable market.

(f) The operation and role of Citizens Property Insurance Corporation, including:

1. How to ensure that the corporation operates as an insurer of last resort which does not compete with insurers in the voluntary market, but which charges rates that are not excessive, inadequate, or unfairly discriminatory;

2. Whether the bonuses paid by the corporation to carriers taking policies out of the corporation provide a cost-effective means of reducing the potential liability of the corporation;

3. Whether the "Consumer Choice" law should be repealed or amended to ensure that the corporation serves as the insurer of last resort;

4. Whether coverage amounts should be limited;

5. Whether the corporation has hired an adequate level of permanent claims and adjusting staff in addition to outsourcing its claims-adjusting functions to independent adjusting firms;

6. The effect of reducing or expanding the areas that are eligible for coverage in the high-risk, wind-only account;

7. Whether the corporation should purchase reinsurance or take other actions that reduce the potential for debt financing and deficit assessments; and

8. An evaluation of the infrastructure and administration of the corporation and how to improve customer service, claims handling, and communication and the exchange of information with agents of policyholders of the corporation.

(6) REPORT AND RECOMMENDATIONS.—By April 1, 2006, the task force shall provide a report containing findings relating to the tasks identified in subsection (5) and recommendations consistent with the purposes of this section and also consistent with such findings. The task force shall submit the report to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives. The task force may also submit such interim reports as it deems appropriate.

(7) ADDITIONAL ACTIVITIES.—The task force shall monitor the implementation of hurricane insurance-related legislation enacted during the 2005 Regular Session and shall make such additional recommendations as it deems appropriate for further legislative action during the 2004-2006 legislative biennium.

(8) EXPIRATION.—The task force shall expire at the end of the 2004-2006 legislative biennium.

Section 25. *The Office of Insurance Regulation shall, by January 1, 2006, submit a report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of the Senate and the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives having jurisdiction over matters relating to property and casualty insurance. The report shall include findings and recommendations on requiring residential property insurers to provide law and ordinance coverage for residential property insurance policies, the increase or decrease in insurance costs associated with requiring such coverage, and such other related information as the Office of Insurance Regulation determines is appropriate for the Legislature to consider.*

Section 26. *Notwithstanding that revenues of Citizens Property Insurance Corporation are not state revenues, the Auditor General shall perform an operational audit, as defined in section 11.45(1), Florida Statutes, of the Citizens Property Insurance Corporation created under section 627.351(6), Florida Statutes. The scope of the audit shall also include:*

(1) An analysis of the corporation's infrastructure, customer service, claims handling, accessibility of policyholder information to the agent of record, take-out programs, take-out bonuses, and financing arrangements.

(2) An evaluation of costs associated with the administration and servicing of the policies issued by the corporation to determine alternatives by which costs can be reduced, customer service improved, and claims handling improved.

The audit shall contain policy alternatives for the Legislature to consider. The Auditor General shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than February 1, 2006.

Section 27. *The board of governors of the Citizens Property Insurance Corporation created under section 627.351(6), Florida Statutes, shall, by February 1, 2006, submit a report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of the Senate and the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives having jurisdiction over matters relating to property and casualty insurance. The report shall include the board's findings and recommendations on the following issues:*

(1) The number of policies and the aggregate premium of the Citizens Property Insurance Corporation, before and after enactment of this act, and projections for future policy and premium growth.

(2) Increases or decreases in availability of residential property coverage in the voluntary market and the effectiveness of this act in improving the availability of residential property coverage in the voluntary market in the state.

(3) The board's efforts to depopulate the corporation and the willingness of insurers in the voluntary market to avail themselves of depopulation incentives.

(4) Further actions that could be taken by the Legislature to improve availability of residential property coverage in the voluntary and residual markets.

(5) Actions that the board has taken to restructure the corporation and recommendations for legislative action to restructure the corporation, including, but not limited to, actions relating to claims handling and customer service.

(6) Projected surpluses or deficits and possible means of providing funding to ensure the continued solvency of the corporation.

(7) The corporation's efforts to procure catastrophe reinsurance to cover its projected 100-year probable maximum loss with specification as to what best efforts were made by the corporation to procure such reinsurance.

(8) Such other issues as the board determines are worthy of the Legislature's consideration.

Section 28. *For the 2005-2006 fiscal year, there is appropriated $350,000 in recurring funds from the Insurance Regulatory Trust Fund and four positions are authorized to the Office of the Consumer Advocate within the Department of Financial Services for the purposes provided in section 627.0613, Florida Statutes.*

Section 29. *The amendment to section 627.0628, Florida Statutes, and the creation of section 627.06281, Florida Statutes, as provided in this act shall take effect on the same date that House Bill 1939, Senate Bill 1478, or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.*

Section 30. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the retention of losses for which an insurer is not entitled to reimbursement from the Florida Hurricane Catastrophe Fund; amending s. 215.559, F.S.; revising the allocation of funds appropriated to the Department of Community Affairs from the Florida Hurricane Catastrophe Fund for the Hurricane Loss Mitigation Program; requiring that the department establish a low-interest loan program and pilot project for hurricane loss mitigation; authorizing contractual agreements between the department and financial institutions; authorizing the Department of Community Affairs to adopt rules; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to submit a proposed plan to the Legislature establishing uniform rating territories to be used by insurers for residential property insurance rate filings; requiring a further act of the Legislature to implement the plan; limiting the recoupment by an insurer in its rates of the reimbursement premium it pays to the Florida Hurricane Catastrophe Fund; amending s. 627.0628, F.S.; restricting the admissibility and relevance in rate proceedings of findings of the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; lowering the percentage amount of a rate filing based on a computer model which requires a public hearing; creating s. 627.06281, F.S.; requiring residential property insurers and rating and advisory organizations to report hurricane loss data for development of a public hurricane model for hurricane loss projections; amending s. 627.351, F.S.; revising the appointments to the board and the approval of officers and employees of the corporation; providing additional legislative intent relating to the Citizens Property Insurance Corporation; authorizing the corporation to issue bonds and incur indebtedness for certain purposes; requiring creation of a Market Accountability Advisory Committee to assist the corporation for certain purposes; providing for appointment of committee members; providing for terms; requiring reports to the corporation; revising requirements for the plan of operation of the corporation; deleting an obsolete reporting requirement; establishing a pilot program; specifying nonapplication of certain policy requirements in a county lacking reasonable degrees of competition for certain policies under certain circumstances; requiring the commission to adopt rules; deleting an obsolete rate methodology panel reporting requirement provision; creating s. 627.40951, F.S.; providing legislative findings and intent; providing for an advisory committee; providing for membership; providing for recommendations to be submitted to the Legislature regarding standard residential property insurance policies; amending s. 627.411, F.S.; adding grounds for which the Office of Insurance Regulation must disapprove a form filed by an insurer; amending s. 627.4133, F.S.; prohibiting insurers from canceling or nonrenewing residential property insurance policies under certain emergency circumstances; providing exceptions; providing notice requirements; providing application to personal residential and commercial residential policies covering certain damaged property; extending the effective date of certain policies under certain hurricane circumstances; authorizing the insurer to collect premiums for the extended period; providing nonapplication; amending s. 627.4143, F.S.; requiring insurers to provide personal lines property insurance policyholders with a checklist of items contained in policies; authorizing the Financial Services Commission to adopt rules; prescribing elements to be contained in the checklist; requiring the checklist and outline of insurance coverage to be sent with each renewal; clarifying that homeowners' insurance includes mobile homeowners', dwelling, and condominium unit owners' insurance for purposes of the outline of coverage; amending s. 627.701, F.S.; increasing the maximum allowable hurricane deductible for personal lines and certain commercial lines residential policies; requiring insurers to offer specified hurricane deductibles for such policies; requiring insurers to provide written notice explaining hurricane deductible options for such policies; providing for computation and display of the dollar value of hurricane deductibles; requiring insurers to compute and display actual dollar values of certain riders for certain policies; amending s. 627.701, F.S.; providing that the requirement for a hurricane deductible to apply on an annual basis applies to personal lines residential property insurance policies; requiring insurers that provide commercial residential property insurance to offer alternative hurricane deductibles that apply on an annual basis or to each hurricane; amending s. 627.7011, F.S.; requiring insurers to offer coverage for additional costs of repair due to laws and ordinances; requiring insurers to pay the replacement cost for a loss insured on that basis, whether or not the insured replaces or repairs the dwelling or property; requiring certain homeowner's insurance policies to contain a specified statement; providing intent; amending s. 627.7015, F.S.; revising purpose and scope provisions relating to an alternative procedure for resolution of disputed property insurance claims; providing that failure of an insurer to notify a claimant of the availability of mediation excuses an insured from being required to submit to certain loss appraisal processes; amending s. 627.702, F.S.; providing legislative intent regarding the requirement that an insurer pay policy limits if there is a total loss of a building;

providing nonapplication of certain insurer liability requirements under certain circumstances; limiting an insurer's liability to certain loss covered by a covered peril; amending s. 627.706, F.S., relating to sinkhole insurance; providing definitions; creating s. 627.7065, F.S.; providing legislative findings; requiring the Department of Financial Services and the Office of the Insurance Consumer Advocate to consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity; providing requirements for the form and content of the database; authorizing the Department of Financial Services to require insurers to provide certain information; providing for management of the database; requiring the department to investigate sinkhole activity reports and include findings and investigations in the database; requiring the Department of Environmental Protection to report on the database to the Governor, Legislature, and Chief Financial Officer; authorizing the Department of Financial Services to adopt implementing rules; amending s. 627.707, F.S.; revising standards for investigations of sinkhole claims by insurers; requiring an insurer to engage an engineer or professional geologist for certain purposes; requiring a report under certain circumstances; requiring an insurer to provide written notice to a policyholder disclosing certain information; authorizing an insurer to deny a claim under certain circumstances; authorizing a policyholder to demand certain testing; providing requirements; specifying required activities for insurers if a sinkhole loss is verified; specifying payment requirements for insurers; providing limitations; requiring the insurer to pay fees of the engineer and geologist; authorizing an insurer to engage a structural engineer for certain purposes; creating s. 627.7072, F.S.; specifying requirements for sinkhole testing by engineers and geologists; creating s. 627.7073, F.S.; providing reporting requirements for engineers and geologists after testing for sinkholes; specifying a presumption of correctness of certain findings; requiring an insurer paying a sinkhole loss claim to file a report and certification with the county property appraiser; requiring the property appraiser to record the report and certification; requiring the insurer to bear the cost of filing and recording; requiring a seller of certain property to make certain disclosures to property buyers under certain circumstances; creating s. 627.711, F.S.; requiring insurers to notify applicants or policyholders of the availability and amounts of certain discounts, credits, rate differentials, or reductions in deductibles for properties on which certain fixtures have been installed or construction techniques have been implemented; requiring insurers to provide qualifying information; authorizing the Financial Services Commission to adopt rules; creating s. 627.712, F.S.; requiring property insurers to pay or deny claims within certain time periods; providing that overdue payments bear interest; creating the Task Force on Long-Term Solutions for Florida's Hurricane Insurance Market; requiring the Executive Office of the Governor, the Department of Financial Services, and the Office of Insurance Regulation to provide administrative support and staff support; providing membership; providing purpose and intent; providing for research and hearings on specified issues; requiring the task force to submit a report of findings and recommendations to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives; providing for additional activities; providing for expiration of the task force; requiring the Office of Insurance Regulation to submit a report to the Legislature relating to residential property insurance; providing report requirements; requiring the Office of the Auditor General to conduct an operational audit of Citizens Property Insurance Corporation; specifying audit requirements; requiring a report; requiring the board of governors of the Citizens Property Insurance Corporation to submit a report to the Legislature relating to property and casualty insurance; specifying report requirements; providing an appropriation and authorizing positions; providing a contingent effective date; providing effective dates.

On motion by Senator Garcia, the Senate concurred in the House amendment.

CS for SB 1486 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Baker	Constantine
Alexander	Bullard	Crist
Argenziano	Campbell	Dawson
Aronberg	Carlton	Diaz de la Portilla
Atwater	Clary	Dockery
Fasano	Lawson	Saunders
Garcia	Lynn	Sebesta
Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wise
Klein	Rich	

Nays—1

Wilson

Vote after roll call:

Yea—Bennett

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

Ms. Faye Blanton May 6, 2005
Secretary of the Florida Senate

Dear Madam Secretary:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Acupuncture		
Appointee:	Teisinger-Nicholson, Mary Katherine	10/31/2004
Florida Building Commission		
Appointee:	Parrino, Craig	07/26/2007
Florida Communities Trust		
Appointee:	Lindblad, Ellen L.	01/31/2005
Florida Development Finance Corporation		
Appointee:	Brooks, Theodore H., Jr.	05/02/2008
Harbormaster for the Port of Fort Pierce, Saint Lucie County		
Appointee:	Porter, Jesse Wayman	04/04/2005
Board of Nursing		
Appointee:	Braga, Eddie Dean	10/31/2007
Board of Pharmacy		
Appointee:	Mudri, John P.	10/31/2005
Apalachee Regional Planning Council, Region 2		
Appointee:	Scott, Michael A.	10/01/2006
North Central Florida Regional Planning Council, Region 3		
Appointees:	Donovan, Dixie	10/01/2004
	Haas, Sandra K.	10/01/2004
	Painter, James F. "Jim"	10/01/2004
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Berry, Clare G.	10/01/2004
	Dungey, Mary Louise	10/01/2004
	Fleckenstein, Rea T.	10/01/2004
	Franklin, Deidra O.	10/01/2004
	Maxwell, Harry L.	10/01/2004
	Vallencourt, Carol	10/01/2004
Withlacoochee Regional Planning Council, Region 5		
Appointees:	Beard, Terrell E.	10/01/2006
	Gabriel, Patricia R.	10/01/2004
	Hammond, Terry L.	10/01/2004
	Poole, Eugene A.	10/01/2004
East Central Florida Regional Planning Council, Region 6		
Appointee:	Kane, Rita A.	10/01/2006
Central Florida Regional Planning Council, Region 7		

Office and Appointment		For Term Ending
Appointees:	Fields, Kay	10/01/2004
	Macias, Tomas	10/01/2004
Tampa Bay Regional Planning Council, Region 8		
Appointee:	Traviesa, A. Trey	10/01/2006
Southwest Florida Regional Planning Council, Region 9		
Appointee:	Messina, Andrea	10/01/2004
Treasure Coast Regional Planning Council, Region 10		
Appointees:	Baine, Herman	10/01/2004
	Hemphill, Nancy E.	10/01/2006
Florida Commission on Tourism		
Appointee:	Morrison, Robert B., Jr.	06/30/2008
Florida Transportation Commission		
Appointee:	Eddins, Heidi J.	09/30/2007
Manasota Basin Board of the Southwest Florida Water Management District		
Appointee:	Strelec, Frank	03/01/2005
Board of Directors, Enterprise Florida, Inc.		
Appointee:	McDonald, Brian A.	07/01/2008
Parole Commission		
Appointee:	Pate, Tena M.	06/30/2010
State Board of Education		
Appointees:	Callaway, Donna G.	12/31/2005
	Martinez, Roberto	12/31/2008
	Raulerson, Phoebe H.	12/31/2008
Board of Governors		
Appointees:	Albors, Rene	01/06/2006
	Desai, Akshay M.	01/06/2006
	Duncan, Ann W.	01/06/2012
	Marshall, J. Stanley	01/06/2012
	McCollum, Ira "Bill" William, Jr.	01/06/2012
	Pappas, M. Lynn	01/06/2012
Board of Trustees, Florida A & M University		
Appointees:	Allen, W. George	01/06/2010
	Benjamin, Regina	01/06/2010
	Branker, Laura	01/06/2010
	Griffin, David	01/06/2010
Board of Trustees, Florida Atlantic University		
Appointees:	Adams, Scott H.	01/06/2010
	Feder, David	01/06/2010
	Grossman, Armand W.	01/06/2006
	Gupta, Rajendra P.	01/06/2010
	Janke, Lalita M.	01/06/2010
	Tripp, Norman D.	01/06/2010
Board of Trustees, University of Central Florida		
Appointees:	Christiansen, Patrick T.	01/06/2010
	Perez, Hector "Tico" A.	01/06/2010
	Santiago, Conrad	01/06/2010
	Weiss, Allen R.	01/06/2010
Board of Trustees, Florida State University		
Appointees:	Brooks, Derrick	01/06/2010
	Furlow, Jessie V.	01/06/2010
	Knowles, Harold M.	01/06/2010
	McFarlain, Richard C.	01/06/2010
Board of Trustees, Florida Gulf Coast University		
Appointees:	Harrington, Lindsay	01/06/2006
	Lester, W. Bernard	01/06/2010
	Lucas, David	01/06/2010
	Whitcomb, Jaynie	01/06/2005
	Whitcomb, Jaynie M.	01/06/2010
Board of Trustees, Florida International University		
Appointees:	Atkins, Betsy S.	01/06/2010
	Frost, Patricia	01/06/2010
	Landon, R. Kirk	01/06/2010
	Parker, David R.	01/06/2010
Board of Trustees, New College of Florida		
Appointees:	Heiser, Rolland V.	01/06/2010
	Hudson, Warren P.	01/06/2010
	Mason, Raymond E., Jr.	01/06/2010
	Smiley, Jane T.	01/06/2010
Board of Trustees, University of Florida		
Appointees:	Cunningham, Courtney	01/06/2010
	Daniels, Roland C.	01/06/2010
	Merkel, Joelen K.	01/06/2010
	Powell, Earl W.	01/06/2010
Board of Trustees, University of North Florida		
Appointees:	Abdullah, Edythe M.	01/06/2010
	Coggin, Luther W.	01/06/2010
	Halverson, Steven T.	01/06/2010
	Taylor, R. Bruce	01/06/2010
Board of Trustees, University of South Florida		
Appointees:	Garcia, Sonja W.	01/06/2010
	Patel, Kiran C.	01/06/2010
	Soran, Robert	01/06/2010
	Tomasino, Sherrill M.	01/06/2010
Board of Trustees, University of West Florida		
Appointees:	Bell, Honor M.	01/06/2010
	Fetterman, Nancy A.	01/06/2006
	Herrick, Sharon Hess	01/06/2010
	Smith, Roy W., Jr.	01/06/2010
	Young, Jarl T.	01/06/2010
Environmental Regulation Commission		
Appointee:	Klena, Christine M.	07/01/2007
Governing Board of the Northwest Florida Water Management District		
Appointee:	Benson, Lois	03/01/2005
Governing Board of the South Florida Water Management District		
Appointees:	Carlson, Alice J.	03/01/2007
	Lindahl, Lennart E.	03/01/2009
	Wade, Malcolm S., Jr.	03/01/2009
Investment Advisory Council		
Appointee:	Dahl, James H.	12/12/2008
Secretary of Management Services		
Appointee:	Hosay, Robert H.	Pleasure of Governor
Secretary of Health Care Administration		
Appointee:	Levine, Alan M.	Pleasure of Governor
Secretary of Elderly Affairs		
Appointee:	Tucker, Susan M.	Pleasure of Governor

The Senate Committee on Ethics and Elections did not consider the following appointees because the terms of the appointees expired:

Herman Baine; Lois Benson; Clare G. Berry; Dixie Donovan; Mary Louise Dungey; Kay Fields; Rhea T. Fleckenstein; Deidra O. Franklin; Patricia R. Gabriel; Sandra Haas; Terry L. Hammond; Ellen L. Lindblad; Tomas Macias; Harry L. Maxwell; Andrea Messina; James F. "Jim" Painter; Eugene A. Poole; Jesse Wayman Porter; Frank Strelec; Mary Katherine Teisinger-Nicholson; Carol Vallencourt; Jaynie Whitcomb

The Senate Committee on Ethics and Elections did not consider the following appointees because the appointees resigned:

Rita A. Kane; Christine M. Klena; Michael A. Scott; Trey A. Traviesa

The Senate Committee on Ethics and Elections did not consider the following appointment because the appointee is deceased:

Theodore H. Brooks, Jr.

The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2005 Regular Session of the Florida Legislature:

Terrell E. Beard; Eddie Dean Braga; Heidi J. Eddins; Robert H. Hosay; Robert B. Morrison; John P. Mudri; Craig Parrino; Susan M. Tucker

The Senate Committee on Ethics and Elections did not consider the following appointment and the appointee was not acted on by the Senate upon adjournment of the 2005 Regular Session of the Florida Legislature because the appointee was removed by the Governor by Executive Order Number 05-35:

Nancy Hemphill

The following executive appointments were referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Education considered and recommended the confirmation of the executive appointments pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Ethics and Elections did not consider the following appointments during the 2005 Regular Session:

Edythe M. Abdullah; Donna G. Callaway; Warren P. Hudson; Roberto Martinez; Phoebe H. Raulerson; Conrad Santiago; Jane T. Smiley

The following executive appointment was referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Criminal Justice considered and recommended the confirmation of the executive appointment pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Ethics and Elections did not consider the following appointment during the 2005 Regular Session:

Tena M. Pate

The following executive appointment was referred to the Senate Committee on Health Care and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Health Care and the Senate Committee on Ethics and Elections did not consider the following appointment during the 2005 Regular Session:

Alan M. Levine

The following executive appointment was referred to the Senate Committee on Commerce and Consumer Services and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Commerce and Consumer Services and the Senate Committee on Ethics and Elections did not consider the following appointment during the 2005 Regular Session

Brian A. McDonald

The following executive appointments were referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Education and the Senate Committee on Ethics and Elections did not consider the following appointments during the 2005 Regular Session:

Scott H. Adams; Rene Albors; W. George Allen; Betsy S. Atkins; Honor M. Bell; Regina Benjamin; Laura Branker; Derrick Brooks; Patrick T. Christiansen; Luther W. Coggin; Courtney Cunningham; Roland C. Daniels; Akshay M. Desai; Ann W. Duncan; David Feder; Nancy A. Fetterman; Patricia Frost; Jessie V. Furlow; Sonja W. Garcia; David Griffin; Armand W. Grossman; Rajendra P. Gupta; Steven T. Halverson; Lindsay Harrington; Roland V. Heiser; Sharon Hess Herrick; Lalita M. Janke; Harold M. Knowles; R. Kirk Landon; W. Bernard Lester; David Lucas; Joelen K. Merkel; J. Stanley Marshall; Raymond E. Mason; Ira "Bill" William McCollum, Jr., Richard C. McFarlain; M. Lynn Pappas; David R. Parker; Karin C. Patel; Hector "Tico" A. Perez; Earl W. Powell; Roy W. Smith; Robert Soran; R. Bruce Taylor; Sherrill C. Tomasino; Norman D. Tripp; Allen R. Weiss; Jaynie M. Whitcomb; Jarl T. Young

The following executive appointment was referred to the Senate Committee on Governmental Oversight and Productivity and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Governmental Oversight and Productivity and the Senate Committee on Ethics and Elections did not consider the following appointment during the 2005 Regular Session:

James H. Dahl

The following executive appointments were referred to the Senate Committee on Environmental Preservation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Environmental Preservation and the Senate Committee on Ethics and Elections did not consider the following appointments during the 2005 Regular Session:

Alice J. Carlson; Lennart E. Lindahl; Malcolm S. Wade, Jr.

Respectfully submitted,
Bill Posey, Chair

Ms. Faye Blanton May 6, 2005
Secretary of the Florida Senate

Dear Madam Secretary:

Please be advised that the following appointments were not received by the Florida Senate for consideration in the 2005 Regular Session. Therefore, pursuant to s. 114.05(1)(e), F.S., the Senate took no action on these appointments during the regular session immediately following the effective date of the appointment.

Office and Appointment		*For Term Beginning*
Florida Gulf Coast University		
Appointee:	Plutarco Villalobos	02/04/2005
North Central Florida Regional Planning Council, Region 3		
Appointees:	John Carlson	12/20/2004
	Dixie Donovan	12/20/2004

Respectfully submitted,
Bill Posey, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 332 by the required constitutional three-fifths vote of the membership of the House; has passed CS for CS for CS for SB 442, CS for CS for CS for SB 444, SB 670, CS for SB 738, CS for SB 798, CS for CS for SB 838, CS for SB 1184, SB 1450, CS for CS for SB 1912, CS for CS for CS for SB 2048, CS for SB 2070, CS for CS for SB 2236 and CS for CS for SB 2264 and CS for SB 2348; and has receded from House Amendment 1 and passed CS for CS for SB 370, CS for CS for SB 758 and CS for CS for SB 1910.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Reports in their entirety and

passed CS for SB 388, CS for SB 392, CS for SB 394, CS for SB 400, CS for CS for SB 404, CS for SB 408, CS for SB 410, CS for SB 424, SB 2600 and SB 2602, as amended by the Conference Committee Reports; has concurred in Senate Amendment 1 to House Amendment 2 and receded from House Amendment 1 and passed CS for CS for SB 662 as amended; has concurred in Senate amendment(s) to House amendment(s) and passed CS for SB 484 and CS for CS for SB 1322 as further amended; and has discharged House conferees on CS for CS for CS for SB 360, concurred in Senate amendment(s) to House amendment(s), and passed CS for CS for CS for SB 360 as further amended.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed HB 315, HB 811, HB 1377, HB 1479, HB 1567, HB 1659, HB 1697, HB 1717, HB 1855, HB 1889 and HB 1907, as amended; has concurred in Senate amendment(s) and passed HB 1681 as further amended; has concurred in Senate amendment(s) to House Amendment 1 to Senate Amendment 1 and passed HB 1917 as further amended; and has receded from House Amendment 1 to Senate Amendment 1 and passed HB 1813 as previously amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 5 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—CS for CS for CS for SB 2; Baker—CS for SB 476, CS for CS for SB 1220, SB 2458; Bullard—CS for CS for SB 2502; Crist—CS for SB 1372; Haridopolos—CS for CS for SB 486; Lynn—CS for SJR 4, SB 332, CS for CS for SB 444, CS for CS for SB 838, CS for SB 1208, CS for CS for SB 1264, CS for SB 1542, SB 1612, SB 2118, CS for CS for SB 2176, CS for SJR 2200, CS for SB 2352, CS for CS for SB 2570; Margolis—SR 2786; Posey—CS for SJR 6, SB 48, SB 80, SB 116, SB 1216, CS for SB 1420, SB 1672, CS for CS for SB 1766, CS for SB 1864, SB 1932, SB 2046, SB 2148; Wilson—CS for SB 48, CS for SB 72, CS for SB 74, SB 1042, CS for CS for SB 1216, CS for SB 1232, CS for SB 1262, CS for CS for SB 1308, CS for SB 1592, CS for SB 1808, CS for SB 1884, SB 2148, CS for SB CS for SB 2214, CS for CS for SB 2426

ADJOURNMENT

On motion by Senator Pruitt, the Senate adjourned sine die at 11:49 p.m.