

CHAPTER 2005-71

Senate Bill No. 2602

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 determining 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.

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

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.