

FOR CONSIDERATION By the Committee on Fiscal Policy and  
Calendar Committee

576-2193B-07

1                                   A bill to be entitled  
2           An act implementing the 2007-2008 General  
3           Appropriations Act; providing legislative  
4           intent; providing for use of specified  
5           calculations with respect to the Florida  
6           Education Finance Program; requiring that funds  
7           appropriated for forensic mental health  
8           treatment services be allocated to the areas of  
9           the state having the greatest demand for  
10          services and treatment capacity; requiring the  
11          Department of Children and Family Services to  
12          ensure that certain information regarding child  
13          welfare cases is entered into the Florida Safe  
14          Families Network; requiring that the department  
15          coordinate with the Office of the State Courts  
16          Administrator and the Statewide Guardian Ad  
17          Litem Office in order to provide judges,  
18          magistrates, and guardians ad litem with access  
19          to such information; requiring that the  
20          department report its progress on providing  
21          such access to the Governor and Legislature;  
22          providing for future expiration; authorizing  
23          the Department of Corrections and the  
24          Department of Juvenile Justice to make certain  
25          expenditures to defray costs incurred by a  
26          municipality or county as a result of opening  
27          or operating a facility under authority of the  
28          respective department; amending s. 216.262,  
29          F.S.; providing for additional positions to  
30          operate additional prison bed capacity under  
31          certain circumstances; amending s. 216.292,

1 F.S.; authorizing certain transfers of  
2 appropriations for operations from general  
3 revenue between budget categories and entities  
4 of the criminal conflict and civil regional  
5 counsels and the budget category for child  
6 dependency and civil conflict cases within the  
7 Justice Administrative Commission; providing  
8 for future expiration of such provisions;  
9 authorizing the Department of Legal Affairs to  
10 expend appropriated funds on programs funded in  
11 the preceding fiscal year; amending s.  
12 932.7055, F.S.; providing for the expenditure  
13 of funds in a special law enforcement trust  
14 fund established by the governing body of a  
15 municipality; authorizing the Executive Office  
16 of the Governor to transfer funds between  
17 departments for purposes of aligning amounts  
18 paid for risk management premiums and for  
19 purposes of aligning amounts paid for human  
20 resource management services; reenacting s.  
21 287.17(3)(a) and (6), F.S.; authorizing the use  
22 of state aircraft for commuting; providing for  
23 the future expiration of certain amendments to  
24 such provisions; amending s. 255.249, F.S.;  
25 requiring the Department of Management Services  
26 to annually publish and furnish to the Governor  
27 and the Legislature a master leasing report;  
28 deleting provisions requiring the department to  
29 submit a report of leases that are due to  
30 expire and amendments and supplements to and  
31 waivers of the terms and conditions of lease

1 | agreements; requiring state agencies to provide  
2 | information concerning space needs to the  
3 | Department of Management Services; delaying the  
4 | expiration of provisions requiring that  
5 | specified clauses, which may not be amended,  
6 | supplemented, or waived, be included in the  
7 | terms and conditions of a lease; authorizing  
8 | the Department of Management Services to  
9 | contract for services in carrying out the  
10 | strategic leasing plan; providing for future  
11 | expiration of such provisions; amending s.  
12 | 255.25, F.S.; authorizing state agencies to use  
13 | the services of a tenant broker; authorizing  
14 | the department to procure a term contract for  
15 | real estate consulting and brokerage services;  
16 | providing requirements for such contract;  
17 | providing for future expiration of such  
18 | provisions; requiring an annual report to the  
19 | Legislature and the Governor; amending s.  
20 | 255.503, F.S.; requiring that the department  
21 | provide an analysis to the Legislature, the  
22 | Governor, and the Division of Bond Finance of  
23 | the State Board of Administration relating to  
24 | the disposition of a facility within the  
25 | Florida Facilities Pool; directing the  
26 | Department of Environmental Protection to make  
27 | specified awards of grant moneys for  
28 | pollution-control purposes; amending s.  
29 | 320.08058, F.S.; revising requirements for  
30 | distributing the proceeds from the annual use  
31 | fee for the Florida panther license plate;

1 providing for future expiration of such  
2 revision; amending s. 550.135, F.S.; revising  
3 the distribution of revenues deposited into the  
4 Pari-mutuel Wagering Trust Fund; providing for  
5 such funds to be used for additional purposes  
6 relating to the regulation of slot machine  
7 gaming; requiring that certain unappropriated  
8 funds be deposited into the General Revenue  
9 Fund; providing for future expiration of such  
10 provisions; amending s. 581.031, F.S.;  
11 authorizing the Department of Agriculture and  
12 Consumer Services to conduct research projects  
13 concerning citrus disease; providing for future  
14 expiration of such authorization; amending s.  
15 570.20, F.S.; authorizing moneys in the General  
16 Inspection Trust Fund to be appropriated for  
17 certain programs operated by the Department of  
18 Agriculture and Consumer Services; amending s.  
19 320.08058, F.S.; authorizing proceeds from the  
20 Professional Sports Development Trust Fund to  
21 be used for operational expenses of the Florida  
22 Sports Foundation and financial support of the  
23 Sunshine State Games; amending s. 253.034,  
24 F.S.; authorizing the deposit of funds from the  
25 sale of property located in Palm Beach County  
26 into the Highway Safety Operating Trust Fund by  
27 the Department of Highway Safety and Motor  
28 Vehicles; amending s. 311.22, F.S.; prescribing  
29 the required matching funds for dredging  
30 projects that meet specified conditions;  
31 extending the period for a local government to

1 apply to the Executive Office of the Governor  
2 for a waiver of certain requirements governing  
3 matching funding for public assistance  
4 projects; providing a finding that the  
5 authorization and issuance of certain debt is  
6 in the best interest of the state; providing  
7 for the effect of a veto of one or more  
8 specific appropriations or proviso to which  
9 implementing language refers; providing for the  
10 continued operation of certain provisions  
11 notwithstanding a future repeal or expiration  
12 provided by the act; providing for  
13 severability; providing effective dates.  
14

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

17 Section 1. It is the intent of the Legislature that  
18 the implementing and administering provisions of this act  
19 apply to the General Appropriations Act for the 2007-2008  
20 fiscal year.

21 Section 2. In order to implement Specific  
22 Appropriations 7, 8, and 86 through 91 of the 2007-2008  
23 General Appropriations Act, the calculations of the Florida  
24 Education Finance Program for the 2007-2008 fiscal year in the  
25 document entitled "Public School Funding--The Florida  
26 Education Finance Program" dated \_\_\_\_\_, and filed with the  
27 Secretary of the Senate are incorporated by reference for the  
28 purpose of displaying the calculations used by the  
29 Legislature, consistent with the requirements of the Florida  
30 Statutes, in making appropriations for the Florida Education  
31 Finance Program.

1           Section 3. In order to implement Specific  
2 Appropriation 388 of the 2007-2008 General Appropriations Act,  
3 and notwithstanding s. 394.908(3)(a) and (b), Florida  
4 Statutes, funds appropriated for forensic mental health  
5 treatment services in Specific Appropriation 388 shall be  
6 allocated to the areas of the state having the greatest demand  
7 for services and treatment capacity. This section expires July  
8 1, 2008.

9           Section 4. In order to implement Specific  
10 Appropriations 311 and 321 of the 2007-2008 General  
11 Appropriations Act, the Department of Children and Family  
12 Services shall ensure that all public and private agencies and  
13 institutions participating in child welfare cases enter  
14 information specified by rule of the department into the  
15 Florida Safe Families Network in order to maintain the  
16 accuracy and usefulness of the system. The Florida Safe  
17 Families Network is intended to be the department's automated  
18 child welfare case-management system designed to provide child  
19 welfare workers with a mechanism for managing child welfare  
20 cases more efficiently and tracking children and families more  
21 effectively. The department shall coordinate with the Office  
22 of the State Courts Administrator and the Statewide Guardian  
23 Ad Litem Office for the purpose of providing any judge or  
24 magistrate and any guardian ad litem assigned to a dependency  
25 court case with access to information in the Florida Safe  
26 Families Network relating to a child welfare case which is  
27 required to be filed with the court pursuant to chapter 39,  
28 Florida Statutes, by the date of the network's release during  
29 the 2007-2008 fiscal year. The department shall report to the  
30 Governor, the President of the Senate, and the Speaker of the  
31 House of Representatives by February 1, 2008, with respect to

1 progress on providing access to the Florida Safe Families  
2 Network as provided in this section. This section expires July  
3 1, 2008.

4 Section 5. In order to fulfill legislative intent  
5 regarding the use of funds contained in Specific  
6 Appropriations 741, 755, 766, and 1232 of the 2007-2008  
7 General Appropriations Act, the Department of Corrections and  
8 the Department of Juvenile Justice may expend appropriated  
9 funds to assist in defraying the costs of impacts that are  
10 incurred by a municipality or county and associated with  
11 opening or operating a facility under the authority of the  
12 respective department which is located within that  
13 municipality or county. The amount that is to be paid under  
14 this section for any facility may not exceed 1 percent of the  
15 facility construction cost, less building impact fees imposed  
16 by the municipality or by the county if the facility is  
17 located in the unincorporated portion of the county. This  
18 section expires July 1, 2008.

19 Section 6. In order to implement Specific  
20 Appropriations 730 through 830 and 868 through 899 of the  
21 2007-2008 General Appropriations Act, subsection (4) of  
22 section 216.262, Florida Statutes, is amended to read:

23 216.262 Authorized positions.--

24 (4) Notwithstanding the provisions of this chapter on  
25 increasing the number of authorized positions, and for the  
26 2007-2008 ~~2006-2007~~ fiscal year only, if the actual inmate  
27 population of the Department of Corrections exceeds the inmate  
28 population projections of the February 16, 2007 ~~March 21,~~  
29 ~~2006~~, Criminal Justice Estimating Conference by 1 percent for  
30 2 consecutive months or 2 percent for any month, the Executive  
31 Office of the Governor, with the approval of the Legislative

1 Budget Commission, shall immediately notify the Criminal  
2 Justice Estimating Conference, which shall convene as soon as  
3 possible to revise the estimates. The Department of  
4 Corrections may then submit a budget amendment requesting the  
5 establishment of positions in excess of the number authorized  
6 by the Legislature and additional appropriations from  
7 unallocated general revenue sufficient to provide for  
8 essential staff, fixed capital improvements, and other  
9 resources to provide classification, security, food services,  
10 health services, and other variable expenses within the  
11 institutions to accommodate the estimated increase in the  
12 inmate population. All actions taken pursuant to the authority  
13 granted in this subsection shall be subject to review and  
14 approval by the Legislative Budget Commission. This subsection  
15 expires July 1, ~~2008~~ 2007.

16 Section 7. In order to implement Specific  
17 Appropriations 908, 913, 915, and 1161C through 1161AK of the  
18 2007-2008 General Appropriations Act, paragraphs (c), (d), and  
19 (e) are added to subsection (3) of section 216.292, Florida  
20 Statutes, to read:

21 216.292 Appropriations nontransferable; exceptions.--

22 (3) The following transfers are authorized with the  
23 approval of the Executive Office of the Governor for the  
24 executive branch or the Chief Justice for the judicial branch,  
25 subject to the notice and objection provisions of s. 216.177:

26 (c) The transfer of appropriations for operations from  
27 general revenue between categories of appropriations within  
28 each criminal conflict and civil regional counsel budget  
29 entity. This paragraph expires July 1, 2008.

30  
31



1        (d) The transfer of appropriations for operations from  
2 general revenue between criminal conflict and civil regional  
3 counsel budget entities. This paragraph expires July 1, 2008.

4        (e) The transfer of appropriations for operations from  
5 general revenue between criminal conflict and civil regional  
6 counsel budget entities and the child dependency and civil  
7 conflict case appropriation category and the criminal conflict  
8 case costs appropriation category within the Justice  
9 Administrative Commission. This paragraph expires July 1,  
10 2008.

11        Section 8. In order to implement Specific  
12 Appropriations 1388 and 1389 of the 2007-2008 General  
13 Appropriations Act, the Department of Legal Affairs is  
14 authorized to expend appropriated funds in Specific  
15 Appropriations 1388 and 1389 on the same programs that were  
16 funded by the department pursuant to specific appropriations  
17 made in general appropriations acts in prior years.

18        Section 9. In order to implement Specific  
19 Appropriation 1297 of the 2007-2008 General Appropriations  
20 Act, paragraph (d) of subsection (4) of section 932.7055,  
21 Florida Statutes, is amended to read:

22            932.7055 Disposition of liens and forfeited  
23 property.--

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

26            (d) Notwithstanding any other provision of this  
27 subsection, and for the 2007-2008 ~~2006-2007~~ fiscal year only,  
28 the funds in a special law enforcement trust fund established  
29 by the governing body of a municipality may be expended to  
30 reimburse the general fund of the municipality for moneys  
31 advanced from the general fund to the special law enforcement

1 trust fund prior to October 1, 2001. This paragraph expires  
2 July 1, ~~2008~~ 2007.

3 Section 10. In order to implement the appropriation of  
4 funds in Special Categories-Risk Management Insurance of the  
5 2007-2008 General Appropriations Act, and pursuant to the  
6 notice, review, and objection procedures of s. 216.177,  
7 Florida Statutes, the Executive Office of the Governor is  
8 authorized to transfer funds appropriated in the appropriation  
9 category "Special Categories-Risk Management Insurance" of the  
10 2007-2008 General Appropriations Act between departments in  
11 order to align the budget authority granted with the premiums  
12 paid by each department for risk management insurance. This  
13 section expires July 1, 2008.

14 Section 11. In order to implement the appropriation of  
15 funds in Special Categories-Transfer to Department of  
16 Management Services-Human Resources Services Purchased Per  
17 Statewide Contract of the 2007-2008 General Appropriations  
18 Act, and pursuant to the notice, review, and objection  
19 procedures of s. 216.177, Florida Statutes, the Executive  
20 Office of the Governor is authorized to transfer funds  
21 appropriated in the appropriation category "Special  
22 Categories-Transfer to Department of Management Services-Human  
23 Resources Services Purchased Per Statewide Contract" of the  
24 2007-2008 General Appropriations Act between departments in  
25 order to align the budget authority granted with the  
26 assessments that must be paid by each agency to the Department  
27 of Management Services for human resource management services.  
28 This section expires July 1, 2008.

29 Section 12. In order to implement Specific  
30 Appropriations 2942 through 2950 of the 2007-2008 General  
31 Appropriations Act, paragraph (a) of subsection (3) and

1 subsection (6) of section 287.17, Florida Statutes, are  
2 reenacted to read:

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

5 (3)

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

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

25 Section 13. The amendment of s. 287.17, Florida  
26 Statutes, as carried forward by this act from chapters 2005-71  
27 and 2006-26, Laws of Florida, shall expire July 1, 2008, and  
28 the text of that section shall revert to that in existence on  
29 June 30, 2005, except that any amendments to such text enacted  
30 other than by chapters 2005-71 and 2006-26, Laws of Florida,  
31 shall be preserved and continue to operate to the extent that

1 such amendments are not dependent upon the portions of such  
2 text which expire pursuant to this section.

3 Section 14. In order to implement Specific  
4 Appropriations 2915 through 2928 of the 2007-2008 General  
5 Appropriations Act, subsections (3) and (4) of section  
6 255.249, Florida Statutes, are amended, and subsection (6) is  
7 added to that section, to read:

8 255.249 Department of Management Services;  
9 responsibility; department rules.--

10 (3)(a) The department shall, to the extent feasible,  
11 coordinate the vacation of privately owned leased space with  
12 the expiration of the lease on that space and, when a lease is  
13 terminated before expiration of its base term, will make a  
14 reasonable effort to place another state agency in the space  
15 vacated. Any state agency may lease the space in any building  
16 that was subject to a lease terminated by a state agency for a  
17 period of time equal to the remainder of the base term without  
18 the requirement of competitive bidding.

19 (b) The department shall annually publish a master  
20 leasing report ~~that lists, by agency, all leases that are due~~  
21 ~~to expire within 24 months. The annual report must include the~~  
22 ~~following information for each lease: location; size of leased~~  
23 ~~space; current cost per leased square foot; lease expiration~~  
24 ~~date; and a determination of whether sufficient state owned~~  
25 ~~office space will be available at the expiration of the lease~~  
26 ~~to house affected employees. The report must also include a~~  
27 ~~list of amendments and supplements to and waivers of terms and~~  
28 ~~conditions in lease agreements that have been approved~~  
29 ~~pursuant to s. 255.25(2)(a) during the previous 12 months and~~  
30 ~~an associated comprehensive analysis, including financial~~  
31 ~~implications, showing that any amendment, supplement, or~~

1 ~~waiver is in the state's long term best interest.~~ The  
2 department shall furnish the master leasing ~~this~~ report to the  
3 Executive Office of the Governor and the Legislature by  
4 September 15 of each year which provides the following  
5 information: ~~This paragraph expires July 1, 2007.~~

6 1. A list, by agency and by geographic market, of all  
7 leases that are due to expire within 24 months.

8 2. Details of each lease, including location, size,  
9 cost per leased square foot, lease-expiration date, and a  
10 determination of whether sufficient state-owned office space  
11 will be available at the expiration of the lease to  
12 accommodate affected employees.

13 3. A list of amendments and supplements to and waivers  
14 of terms and conditions in lease agreements that have been  
15 approved pursuant to s. 255.25(2)(a) during the previous 12  
16 months and an associated comprehensive analysis, including  
17 financial implications, showing that any amendment,  
18 supplement, or waiver is in the state's long-term best  
19 interest.

20 4. Financial impacts to the pool rental rate due to  
21 the sale, removal, acquisition, or construction of pool  
22 facilities.

23 5. Changes in occupancy rate, maintenance costs, and  
24 efficiency costs of leases in the state portfolio. Changes to  
25 occupancy costs in leased space by market and changes to space  
26 consumption by agency and by market.

27 6. An analysis of portfolio supply and demand.

28 7. Cost-benefit analyses of acquisition, build, and  
29 consolidation opportunities, recommendations for strategic  
30 consolidation, and strategic recommendations for disposition,  
31 acquisition, and building.

1           8. The updated plan required by s. 255.25(4)(c).

2           (c) By June 30 of each year, each state agency shall  
3 annually provide to the department all information regarding  
4 agency programs affecting the need for or use of space by that  
5 agency, reviews of lease-expiration schedules for each  
6 geographic area, active and planned full-time equivalent data,  
7 business case analyses related to consolidation plans by an  
8 agency, and current occupancy and relocation costs, inclusive  
9 of furnishings, fixtures and equipment, data, and  
10 communications.

11           (4) The department shall adopt ~~promulgate~~ rules  
12 pursuant to chapter 120 providing:

13           (a) Methods for accomplishing the duties outlined in  
14 subsection (1).

15           (b) Procedures for soliciting and accepting  
16 competitive proposals for leased space of 5,000 square feet or  
17 more in privately owned buildings, for evaluating the  
18 proposals received, for exemption from competitive bidding  
19 requirements of any lease the purpose of which is the  
20 provision of care and living space for persons or emergency  
21 space needs as provided in s. 255.25(10), and for the securing  
22 of at least three documented quotes for a lease that is not  
23 required to be competitively bid.

24           (c) A standard method for determining square footage  
25 or any other measurement used as the basis for lease payments  
26 or other charges.

27           (d) Methods of allocating space in both state-owned  
28 office buildings and privately owned buildings leased by the  
29 state based on use, personnel, and office equipment.

30           (e)1. Acceptable terms and conditions for inclusion in  
31 lease agreements.

1           2. Such terms and conditions shall include, at a  
2 minimum, the following clauses, which may not be amended,  
3 supplemented, or waived:

4           a. As provided in s. 255.2502, "The State of Florida's  
5 performance and obligation to pay under this contract is  
6 contingent upon an annual appropriation by the Legislature."

7           b. "The Lessee shall have the right to terminate,  
8 without penalty, this lease in the event a State-owned  
9 building becomes available to the Lessee for occupancy ~~in the~~  
10 ~~County of ....., Florida, during the term of said lease for~~  
11 ~~the purposes for which this space is being leased~~ upon giving  
12 6 months' advance written notice to the Lessor by Certified  
13 Mail, Return Receipt Requested."

14  
15 This subparagraph expires July 1, 2008 ~~2007~~.

16           (f) Maximum rental rates, by geographic areas or by  
17 county, for leasing privately owned space.

18           (g) A standard method for the assessment of rent to  
19 state agencies and other authorized occupants of state-owned  
20 office space, notwithstanding the source of funds.

21           (h) For full disclosure of the names and the extent of  
22 interest of the owners holding a 4-percent or more interest in  
23 any privately owned property leased to the state or in the  
24 entity holding title to the property, for exemption from such  
25 disclosure of any beneficial interest which is represented by  
26 stock in any corporation registered with the Securities and  
27 Exchange Commission or registered pursuant to chapter 517,  
28 which stock is for sale to the general public, and for  
29 exemption from such disclosure of any leasehold interest in  
30 property located outside the territorial boundaries of the  
31 United States.

1 (i) For full disclosure of the names of all public  
2 officials, agents, or employees holding any interest in any  
3 privately owned property leased to the state or in the entity  
4 holding title to the property, and the nature and extent of  
5 their interest, for exemption from such disclosure of any  
6 beneficial interest which is represented by stock in any  
7 corporation registered with the Securities and Exchange  
8 Commission or registered pursuant to chapter 517, which stock  
9 is for sale to the general public, and for exemption from such  
10 disclosure of any leasehold interest in property located  
11 outside the territorial boundaries of the United States.

12 (j) A method for reporting leases for nominal or no  
13 consideration.

14 (k) For a lease of less than 5,000 square feet, a  
15 method for certification by the agency head or the agency  
16 head's designated representative that all criteria for leasing  
17 have been fully complied with and for the filing of a copy of  
18 such lease and all supporting documents with the department  
19 for its review and approval as to technical sufficiency.

20 (6) The department may contract for real estate  
21 consulting or tenant brokerage services in order to carry out  
22 its duties relating to the strategic leasing plan. The  
23 contract shall be procured pursuant to s. 287.057. The vendor  
24 that is awarded the contract shall be compensated by the  
25 department, subject to the provisions of the contract, and  
26 such compensation is subject to appropriation by the  
27 Legislature. The real estate consultant or tenant broker may  
28 not receive compensation directly from a lessor for services  
29 that are rendered pursuant to the contract. Moneys paid to the  
30 real estate consultant or tenant broker are exempt from any  
31 charge imposed under s. 287.1345. Moneys paid by a lessor to



1 the department under a facility-leasing arrangement are not  
2 subject to the charges imposed under s. 215.20.

3 Section 15. The amendments to s. 255.249, Florida  
4 Statutes, made by this act shall expire July 1, 2008, and the  
5 text of that section shall revert to that in existence on June  
6 29, 2007, except that any amendments to such text enacted  
7 other than by this act shall be preserved and continue to  
8 operate to the extent that such amendments are not dependent  
9 upon the portions of such text which expire pursuant to this  
10 section.

11 Section 16. In order to implement Specific  
12 Appropriations 2915 through 2928 of the 2007-2008 General  
13 Appropriations Act, paragraph (d) of subsection (2) and  
14 paragraph (c) of subsection (4) of section 255.25, Florida  
15 Statutes, are amended, and paragraphs (f) and (g) are added to  
16 subsection (3) of that section, to read:

17 255.25 Approval required prior to construction or  
18 lease of buildings.--

19 (2)

20 (d) Notwithstanding paragraph (a) and except as  
21 provided in ss. 255.249 and 255.2501, a state agency may not  
22 lease a building or any part thereof unless prior approval of  
23 the lease terms and conditions and of the need therefor is  
24 first obtained from the Department of Management Services. The  
25 department may not approve any term or condition in a lease  
26 agreement which has been amended, supplemented, or waived  
27 unless a comprehensive analysis, including financial  
28 implications, demonstrates that such amendment, supplement, or  
29 waiver is in the state's long-term best interest. Any approved  
30 lease may include an option to purchase or an option to renew  
31 the lease, or both, upon such terms and conditions as are

1 established by the department subject to final approval by the  
2 head of the Department of Management Services and the  
3 provisions of s. 255.2502. This paragraph expires July 1, ~~2008~~  
4 ~~2007~~.

5 (3)

6 (f) Notwithstanding s. 287.056(1), a state agency may,  
7 at the sole discretion of the agency head or his or her  
8 designee, use the services of a tenant broker to assist with a  
9 competitive solicitation undertaken by the agency. In making  
10 its determination whether to use a tenant broker, a state  
11 agency shall consult with the department. A state agency may  
12 not use the services of a tenant broker unless the tenant  
13 broker is under a term contract with the state which complies  
14 with paragraph (g). If a state agency uses the services of a  
15 tenant broker with respect to a transaction, the agency may  
16 not enter into a lease with any landlord to which the tenant  
17 broker is providing brokerage services for that transaction.

18 (g) The Department of Management Services may,  
19 pursuant to s. 287.042(2)(a), procure a term contract for real  
20 estate consulting and brokerage services. A state agency may  
21 not purchase services from the contract unless the contract  
22 has been procured under s. 287.057(1), (2), or (3) after March  
23 1, 2007, and contains the following provisions or  
24 requirements:

25 1. Awarded brokers must maintain an office or presence  
26 in the market served. In awarding the contract, preference  
27 must be given to brokers that are licensed in this state under  
28 chapter 475 and that have 3 or more years of experience in the  
29 market served. The contract may be made with up to three  
30 tenant brokers in order to serve the marketplace in the north,  
31 central, and south areas of the state.

1           2. Each contracted tenant broker shall work under the  
2 direction, supervision, and authority of the state agency,  
3 subject to the rules governing lease procurements.

4           3. The department shall provide training for the  
5 awarded tenant brokers concerning the rules governing the  
6 procurement of leases.

7           4. Tenant brokers must comply with all applicable  
8 provisions of s. 475.278.

9           5. Real estate consultants and tenant brokers shall be  
10 compensated by the state agency, subject to the provisions of  
11 the term contract, and such compensation is subject to  
12 appropriation by the Legislature. A real estate consultant or  
13 tenant broker may not receive compensation directly from a  
14 lessor for services that are rendered under the term contract.  
15 Moneys paid to a real estate consultant or tenant broker are  
16 exempt from any charge imposed under s. 287.1345. Moneys paid  
17 by a lessor to the state agency under a facility leasing  
18 arrangement are not subject to the charges imposed under s.  
19 215.20. All terms relating to the compensation of the real  
20 estate consultant or tenant broker shall be specified in the  
21 term contract and may not be supplemented or modified by the  
22 state agency using the contract.

23           6. The department shall conduct periodic  
24 customer-satisfaction surveys.

25           7. Each state agency shall report the following  
26 information to the department:

27           a. The number of leases that adhere to the goal of the  
28 workspace-management initiative of 180 square feet per FTE.

29           b. The quality of space leased and the adequacy of  
30 tenant-improvement funds.

31

1 c. The timeliness of lease procurement, measured from  
2 the date of the agency's request to the finalization of the  
3 lease.

4 d. Whether cost-benefit analyses were performed before  
5 execution of the lease in order to ensure that the lease is in  
6 the best interest of the state.

7 e. The lease costs compared to market rates for  
8 similar types and classifications of space according to the  
9 official classifications of the Building Owners and Managers  
10 Association.

11 (4)

12 (c) Because the state has a substantial financial  
13 investment in state-owned buildings, it is legislative policy  
14 and intent that when state-owned buildings meet the needs of  
15 state agencies, agencies must fully use such buildings before  
16 leasing privately owned buildings. By September 15, 2006, the  
17 Department of Management Services shall create a 5-year plan  
18 for implementing this policy. The department shall update this  
19 plan annually, detailing proposed departmental actions to meet  
20 the plan's goals and shall furnish this plan annually as part  
21 of the master leasing report. ~~The department shall furnish~~  
22 ~~this plan to the President of the Senate, the Speaker of the~~  
23 ~~House of Representatives, and the Executive Office of the~~  
24 ~~Governor by September 15 of each year.~~ This paragraph expires  
25 July 1, 2008 ~~2007~~.

26 Section 17. The amendments to s. 255.25, Florida  
27 Statutes, made by this act shall expire July 1, 2008, and the  
28 text of that section shall revert to that in existence on June  
29 29, 2007, except that any amendments to such text enacted  
30 other than by this act shall be preserved and continue to  
31 operate to the extent that such amendments are not dependent

1 upon the portions of such text which expire pursuant to this  
2 section.

3 Section 18. In order to implement Specific  
4 Appropriations 2915 through 2928 of the 2007-2008 General  
5 Appropriations Act, subsection (7) of section 255.503, Florida  
6 Statutes, is amended to read:

7 255.503 Powers of the Department of Management  
8 Services.--The Department of Management Services shall have  
9 all the authority necessary to carry out and effectuate the  
10 purposes and provisions of this act, including, but not  
11 limited to, the authority to:

12 (7)(a) Sell, lease, release, or otherwise dispose of  
13 facilities in the pool in accordance with applicable law.

14 (b) No later than the date upon which the department  
15 recommends to the Division of State Lands of the Department of  
16 Environmental Protection the disposition of any facility  
17 within the Florida Facilities Pool, the department shall  
18 provide to the President of the Senate, the Speaker of the  
19 House of Representatives, the Executive Office of the  
20 Governor, and the Division of Bond Finance of the State Board  
21 of Administration an analysis that includes:

22 1. The cost benefit of the proposed facility  
23 disposition, including the facility's current operating  
24 expenses, condition, and market value, and viable alternatives  
25 for work space for impacted state employees.

26 2. The effect of the proposed facility disposition on  
27 the financial status of the Florida Facilities Pool, including  
28 the effect on rental rates and coverage requirement for the  
29 bonds.

30  
31 This paragraph expires July 1, ~~2008~~ 2007.

1           Section 19. Notwithstanding s. 403.7095, Florida  
2 Statutes, in order to implement Specific Appropriation 1907 of  
3 the 2007-2008 General Appropriations Act, the Department of  
4 Environmental Protection shall award:

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

9           (2) \$2,941,932 to be used for Innovative Grants.

10  
11 This section expires July 1, 2008.

12           Section 20. In order to implement Specific  
13 Appropriations 2057 through 2082 of the 2007-2008 General  
14 Appropriations Act, subsection (5) of section 320.08058,  
15 Florida Statutes, is amended to read:

16           320.08058 Specialty license plates.--

17           (5) FLORIDA PANTHER LICENSE PLATES.--

18           (a) The department shall develop a Florida panther  
19 license plate as provided in this section. Florida panther  
20 license plates must bear the design of a Florida panther and  
21 the colors that department approves. In small letters, the  
22 word "Florida" must appear at the bottom of the plate.

23           (b) The department shall distribute the Florida  
24 panther license plate annual use fee to in the following  
25 ~~manner:~~

26           ~~1. Eighty five percent must be deposited in the~~  
27 Florida Panther Research and Management Trust Fund in the Fish  
28 and Wildlife Conservation Commission to be used for education  
29 and programs to protect the endangered Florida panther.  
30  
31

1           ~~2. Fifteen percent, but no less than \$300,000, must be~~  
2 ~~deposited in the Florida Communities Trust Fund to be used~~  
3 ~~pursuant to the Florida Communities Trust Act.~~

4           (c) A person or corporation that purchases 10,000 or  
5 more panther license plates shall pay an annual use fee of \$5  
6 per plate and an annual processing fee of \$2 per plate, in  
7 addition to the applicable license tax required under s.  
8 320.08.

9           Section 21. The amendments to s. 320.08058, Florida  
10 Statutes, made by this act shall expire July 1, 2008, and the  
11 text of that section shall revert to that in existence on June  
12 29, 2007, except that any amendments to such text enacted  
13 other than by this act shall be preserved and continue to  
14 operate to the extent that such amendments are not dependent  
15 upon the portions of the text which expire pursuant to this  
16 section.

17           Section 22. In order to implement Specific  
18 Appropriations 2453 through 2461 of the 2007-2008 General  
19 Appropriations Act, section 550.135, Florida Statutes, is  
20 amended to read:

21           550.135 Division of moneys derived under this  
22 law.--All moneys that are deposited with the Chief Financial  
23 Officer to the credit of the Pari-mutuel Wagering Trust Fund  
24 shall be distributed as follows:

25           (1)(a) The ~~daily license fee~~ revenues collected  
26 pursuant to this chapter ~~s. 550.0951(1)~~ shall be used to fund  
27 the operating cost of the division and to provide a  
28 proportionate share for ~~of~~ the operation of the office of the  
29 secretary and the Division of Administration of the Department  
30 of Business and Professional Regulation; however, other  
31 collections in the Pari-mutuel Wagering Trust Fund may also be

1 used to fund the operation of the division in accordance with  
2 authorized appropriations.

3 (b) The revenues collected pursuant to chapter 551  
4 shall be used to fund the operating costs of the division and  
5 the Department of Law Enforcement in carrying out regulation  
6 and enforcement activities with respect to slot machine gaming  
7 and to provide a proportionate share for the operation of the  
8 office of the secretary and the Division of Administration of  
9 the Department of Business and Professional Regulation.

10 (2)(a) On June 30 of each year, all unappropriated  
11 funds collected pursuant to this chapter in excess of \$1.5  
12 million ~~in the Pari mutuel Wagering Trust Fund~~ shall be  
13 deposited with the Chief Financial Officer to the credit of  
14 the General Revenue Fund.

15 (b) On June 30 of each year, all unappropriated funds  
16 collected pursuant to chapter 551 in excess of the sum of the  
17 amounts appropriated in the General Appropriations Act for the  
18 following fiscal year for the uses permitted in subsection (1)  
19 shall be deposited with the Chief Financial Officer to the  
20 credit of the General Revenue Fund.

21 Section 23. The amendments to s. 550.135, Florida  
22 Statutes, made by this act shall expire July 1, 2008, and the  
23 text of that section shall revert to that in existence on June  
24 29, 2007, except that any amendments to such text enacted  
25 other than by this act shall be preserved and continue to  
26 operate to the extent that such amendments are not dependent  
27 upon the portions of the text which expire pursuant to this  
28 section.

29 Section 24. In order to implement Specific  
30 Appropriation 1553A of the 2007-2008 General Appropriations  
31



1 Act, subsection (32) is added to section 581.031, Florida  
2 Statutes, to read:

3 581.031 Department; powers and duties.--The department  
4 has the following powers and duties:

5 (32) To conduct or cause to be conducted those  
6 research projects on citrus disease, including, but not  
7 limited to, citrus canker and citrus greening, which are  
8 recommended by the Florida Citrus Production Research Advisory  
9 Council, within the limits of appropriations made specifically  
10 for such purpose. This subsection expires July 1, 2008.

11 Section 25. In order to implement Specific  
12 Appropriations 1426 through 1600 of the 2007-2008 General  
13 Appropriations Act, section 570.20, Florida Statutes, is  
14 amended to read:

15 570.20 General Inspection Trust Fund.--

16 (1) All donations and all inspection fees and other  
17 funds authorized and received from whatever source in the  
18 enforcement of the inspection laws administered by the  
19 department shall be paid into the General Inspection Trust  
20 Fund of Florida, which is created in the office of the Chief  
21 Financial Officer. All expenses incurred in carrying out the  
22 provisions of the inspection laws shall be paid from this fund  
23 as other funds are paid from the State Treasury. A percentage  
24 of all revenue deposited in this fund, including transfers  
25 from any subsidiary accounts, shall be deposited in the  
26 General Revenue Fund pursuant to chapter 215, except that  
27 funds collected for marketing orders shall pay at the rate of  
28 3 percent.

29 (2) For the 2007-2008 fiscal year only and  
30 notwithstanding any other provision of law to the contrary, in  
31 addition to the spending authorized in subsection (1), moneys

1 in the General Inspection Trust Fund may be appropriated for  
2 programs operated by the department which are related to the  
3 programs authorized by this chapter. This subsection expires  
4 July 1, 2008.

5 Section 26. In order to implement Specific  
6 Appropriation 2761 of the 2007-2008 General Appropriations  
7 Act, paragraph (b) of subsection (9) of section 320.08058,  
8 Florida Statutes, is amended to read:

9 320.08058 Specialty license plates.--

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

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

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

28 2. The remaining proceeds of the Florida Professional  
29 Sports Team license plate must be allocated to the Florida  
30 Sports Foundation, a direct-support organization of the Office  
31 of Tourism, Trade, and Economic Development. These funds must

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

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

29 |         4. For the 2007-2008 ~~2006-2007~~ fiscal year only and  
30 | notwithstanding the provisions of subparagraphs 1. and 2.,  
31 | proceeds from the Professional Sports Development Trust Fund

1 may also be used for operational expenses of the Florida  
2 Sports Foundation and financial support of the Sunshine State  
3 Games. This subparagraph expires July 1, 2008 ~~2007~~.

4 Section 27. In order to implement section 33 of the  
5 2007-2008 General Appropriations Act, subsection (13) of  
6 section 253.034, Florida Statutes, is amended to read:

7 253.034 State-owned lands; uses.--

8 (13) Notwithstanding the provisions of this section,  
9 funds from the sale of property by the Department of Highway  
10 Safety and Motor Vehicles located in Palm Beach County are  
11 authorized to be deposited into the Highway Safety Operating  
12 Trust Fund to facilitate the exchange as provided in the  
13 General Appropriations Act, provided that at the conclusion of  
14 both exchanges the values are equalized. This subsection  
15 expires July 1, 2008 ~~2007~~.

16 Section 28. In order to implement Specific  
17 Appropriation 2188 of the 2007-2008 General Appropriations  
18 Act, subsection (3) of section 311.22, Florida Statutes, is  
19 amended to read:

20 311.22 Additional authorization for funding certain  
21 dredging projects.--

22 (3) For the 2007-2008 ~~2006-2007~~ fiscal year only and  
23 notwithstanding the matching basis specified in subsection  
24 (1), funding for projects in subsection (1) shall require a  
25 minimum 25 percent match of funds received pursuant to this  
26 section. This subsection expires July 1, 2008 ~~2007~~.

27 Section 29. In order to implement Specific  
28 Appropriation 1621AD of the 2007-2008 General Appropriations  
29 Act and notwithstanding s. 252.37(5)(b), Florida Statutes,  
30 local governments that failed to apply for a waiver under s.  
31 252.37, Florida Statutes, within the first 18 months following

1 the declaration of a disaster resulting from Hurricanes  
2 Charley, Frances, Ivan, and Jeanne may submit applications for  
3 consideration by the Executive Office of the Governor until  
4 January 1, 2008. The Executive Office of the Governor may  
5 approve a waiver, subject to the requirement for legislative  
6 notice and review under s. 216.177, Florida Statutes, of all  
7 or a portion of the required match for public assistance  
8 projects for local governments if the Executive Office of the  
9 Governor determines that such a match requirement cannot be  
10 provided, or that doing so would impose a documented hardship  
11 on the local government, and if the local government applies  
12 for the waiver by the date specified in this section.

13 Section 30. In order to implement the issuance of new  
14 debt authorized in the 2007-2008 General Appropriations Act,  
15 and pursuant to the requirements of s. 215.98, Florida  
16 Statutes, the Legislature determines that the authorization  
17 and issuance of debt for the 2007-2008 fiscal year is in the  
18 best interest of the state and should be implemented.

19 Section 31. A section of this act that implements a  
20 specific appropriation or specifically identified proviso  
21 language in the 2007-2008 General Appropriations Act is void  
22 if the specific appropriation or specifically identified  
23 proviso language is vetoed. A section of this act that  
24 implements more than one specific appropriation or more than  
25 one portion of specifically identified proviso language in the  
26 2007-2008 General Appropriations Act is void if all the  
27 specific appropriations or portions of specifically identified  
28 proviso language are vetoed.

29 Section 32. If any other act passed in 2007 contains a  
30 provision that is substantively the same as a provision in  
31 this act, but that removes or is otherwise not subject to the

1 future repeal applied to such provision by this act, the  
2 Legislature intends that the provision in the other act shall  
3 take precedence and shall continue to operate, notwithstanding  
4 the future repeal provided by this act.

5 Section 33. If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 invalidity does not affect other provisions or applications of  
8 the act which can be given effect without the invalid  
9 provision or application, and to this end the provisions of  
10 this act are severable.

11 Section 34. Except as otherwise expressly provided in  
12 this act, this act shall take effect June 30, 2007; or, if  
13 this act fails to become a law until after that date, it shall  
14 take effect upon becoming a law and shall operate  
15 retroactively to June 30, 2007.

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17 \*\*\*\*\*

18 SENATE SUMMARY

19 Implements the 2007-2008 General Appropriations Act.  
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