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601-05204E-08

Proposed Committee Substitute by the Committee on General
Government Appropriations

1 A bill to be entitled

2 An act implementing the 2008-2009 General Appropriations
3 Act; providing legislative intent; amending s. 201.15,
4 F.S.; providing for moneys in the Invasive Plant Control
5 Trust Fund from the excise tax on documents to be used for
6 Everglades restoration and for the Water Resource Action
7 Plan; authorizing the transfer of moneys in the Invasive
8 Plant Control Trust Fund to the Save Our Everglades Trust
9 Fund and the Ecosystem Management and Restoration Trust
10 Fund; reenacting s. 215.32, F.S., relating to the source
11 and use of certain state trust funds in order to implement
12 the transfer of moneys in the General Revenue Fund from
13 trust funds in the 2008-2009 General Appropriations Act;
14 authorizing the Executive Office of the Governor to
15 transfer certain specified funds between departments for
16 purposes of paying risk management insurance; providing
17 for expiration of such authority; authorizing the
18 Executive Office of the Governor to transfer certain
19 specified funds between departments for purposes of paying
20 for human resource management services; providing for
21 expiration of such authority; amending s. 253.01, F.S.;
22 providing for moneys in the Internal Improvement Trust
23 Fund to be used for grants and aids to local governments
24 for the drinking water facility construction state
25 revolving loan program; providing for future expiration of
26 such provision; amending s. 255.503, F.S.; delaying the
27 expiration of provisions authorizing the Department of



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28 Management Services to sell, lease, or otherwise dispose
29 of facilities within the Florida Facilities Pool and
30 report to the Legislature, the Governor, and the Division
31 of Bond Finance; reenacting s. 287.17(3)(a) and (6), F.S.;
32 authorizing the use of state aircraft for commuting;
33 providing for the future expiration of certain amendments
34 to such provisions; requiring the Department of
35 Environmental Protection to award funds to certain small
36 counties for programs in litter prevention, recycling and
37 solid waste programs, and the Innovation Grant Program;
38 amending s. 570.20, F.S.; delaying the expiration of
39 provisions authorizing moneys in the General Inspection
40 Trust Fund to be appropriated for certain programs
41 operated by the Department of Agriculture and Consumer
42 Services; authorizing the Department of Financial Services
43 to expend certain funds for salaries, other personnel
44 services, and related expenses; providing for the effect
45 of a veto of one or more specific appropriations or
46 proviso provisions to which implementing language refers;
47 providing for the continued operation of certain
48 provisions notwithstanding a future repeal or expiration
49 provided by the act; providing for severability; providing
50 for contingent retroactive application; providing
51 effective dates.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. It is the intent of the Legislature that the
56 implementing and administering provisions of this act apply to
57 the act making appropriations for the 2008-2009 fiscal year.



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58 Section 2. In order to implement Specific Appropriations
59 1654 and 1662 of the 2008-2009 General Appropriations Act,
60 subsection (6) of section 201.15, Florida Statutes, as amended by
61 section 43 of chapter 2007-73 and section 1 of chapter 2007-335,
62 Laws of Florida, is amended to read:

63 201.15 Distribution of taxes collected.--All taxes
64 collected under this chapter shall be distributed as follows and
65 shall be subject to the service charge imposed in s. 215.20(1),
66 except that such service charge shall not be levied against any
67 portion of taxes pledged to debt service on bonds to the extent
68 that the amount of the service charge is required to pay any
69 amounts relating to the bonds:

70 (6) The lesser of two and twenty-eight hundredths percent
71 of the remaining taxes collected under this chapter or \$34.1
72 million in each fiscal year shall be paid into the State Treasury
73 to the credit of the Invasive Plant Control Trust Fund to carry
74 out the purposes set forth in ss. 369.22 and 369.252, Everglades
75 restoration, and the Water Resource Action Plan, as provided in
76 the General Appropriations Act.

77 Section 3. In order to implement Specific Appropriations
78 1654, 1662, 1767, and 1773 of the 2008-2009 General
79 Appropriations Act, moneys in the Invasive Plant Control Trust
80 Fund are authorized to be transferred to the Save Our Everglades
81 Trust Fund for Everglades restoration projects and to the
82 Ecosystem Management and Restoration Trust Fund for the Water
83 Restoration Action Plan, as provided in the General
84 Appropriations Act. This section expires July 1, 2009.

85 Section 4. In order to implement the transfer of moneys to
86 the General Revenue Fund from trust funds in the 2008-2009
87 General Appropriations Act, paragraph (b) of subsection (2) of



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88 | section 215.32, Florida Statutes, is reenacted to read:

89 | 215.32 State funds; segregation.--

90 | (2) The source and use of each of these funds shall be as
91 | follows:

92 | (b)1. The trust funds shall consist of moneys received by
93 | the state which under law or under trust agreement are segregated
94 | for a purpose authorized by law. The state agency or branch of
95 | state government receiving or collecting such moneys shall be
96 | responsible for their proper expenditure as provided by law. Upon
97 | the request of the state agency or branch of state government
98 | responsible for the administration of the trust fund, the Chief
99 | Financial Officer may establish accounts within the trust fund at
100 | a level considered necessary for proper accountability. Once an
101 | account is established within a trust fund, the Chief Financial
102 | Officer may authorize payment from that account only upon
103 | determining that there is sufficient cash and releases at the
104 | level of the account.

105 | 2. In addition to other trust funds created by law, to the
106 | extent possible, each agency shall use the following trust funds
107 | as described in this subparagraph for day-to-day operations:

108 | a. Operations or operating trust fund, for use as a
109 | depository for funds to be used for program operations funded by
110 | program revenues, with the exception of administrative activities
111 | when the operations or operating trust fund is a proprietary
112 | fund.

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

115 | c. Administrative trust fund, for use as a depository for
116 | funds to be used for management activities that are departmental
117 | in nature and funded by indirect cost earnings and assessments



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118 | against trust funds. Proprietary funds are excluded from the
119 | requirement of using an administrative trust fund.

120 | d. Grants and donations trust fund, for use as a depository
121 | for funds to be used for allowable grant or donor agreement
122 | activities funded by restricted contractual revenue from private
123 | and public nonfederal sources.

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

126 | f. Clearing funds trust fund, for use as a depository for
127 | funds to account for collections pending distribution to lawful
128 | recipients.

129 | g. Federal grant trust fund, for use as a depository for
130 | funds to be used for allowable grant activities funded by
131 | restricted program revenues from federal sources.

132 |

133 | To the extent possible, each agency must adjust its internal
134 | accounting to use existing trust funds consistent with the
135 | requirements of this subparagraph. If an agency does not have
136 | trust funds listed in this subparagraph and cannot make such
137 | adjustment, the agency must recommend the creation of the
138 | necessary trust funds to the Legislature no later than the next
139 | scheduled review of the agency's trust funds pursuant to s.
140 | 215.3206.

141 | 3. All such moneys are hereby appropriated to be expended
142 | in accordance with the law or trust agreement under which they
143 | were received, subject always to the provisions of chapter 216
144 | relating to the appropriation of funds and to the applicable laws
145 | relating to the deposit or expenditure of moneys in the State
146 | Treasury.

147 | 4.a. Notwithstanding any provision of law restricting the



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148 use of trust funds to specific purposes, unappropriated cash
149 balances from selected trust funds may be authorized by the
150 Legislature for transfer to the Budget Stabilization Fund and
151 General Revenue Fund in the General Appropriations Act.

152 b. This subparagraph does not apply to trust funds required
153 by federal programs or mandates; trust funds established for bond
154 covenants, indentures, or resolutions whose revenues are legally
155 pledged by the state or public body to meet debt service or other
156 financial requirements of any debt obligations of the state or
157 any public body; the State Transportation Trust Fund; the trust
158 fund containing the net annual proceeds from the Florida
159 Education Lotteries; the Florida Retirement System Trust Fund;
160 trust funds under the management of the State Board of Education
161 or the Board of Governors of the State University System, where
162 such trust funds are for auxiliary enterprises, self-insurance,
163 and contracts, grants, and donations, as those terms are defined
164 by general law; trust funds that serve as clearing funds or
165 accounts for the Chief Financial Officer or state agencies; trust
166 funds that account for assets held by the state in a trustee
167 capacity as an agent or fiduciary for individuals, private
168 organizations, or other governmental units; and other trust funds
169 authorized by the State Constitution.

170 Section 5. In order to implement the appropriation of funds
171 in Special Categories-Risk Management Insurance of the 2008-2009
172 General Appropriations Act, and pursuant to the notice, review,
173 and objection procedures of s. 216.177, Florida Statutes, the
174 Executive Office of the Governor is authorized to transfer funds
175 appropriated in the appropriation category "Special Categories-
176 Risk Management Insurance" of the 2008-2009 General
177 Appropriations Act between departments in order to align the



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178 budget authority granted with the premiums paid by each
179 department for risk management insurance. This section expires
180 July 1, 2009.

181 Section 6. In order to implement the appropriation of funds
182 in Special Categories-Transfer to Department of Management
183 Services-Human Resources Services Purchased Per Statewide
184 Contract of the 2008-2009 General Appropriations Act, and
185 pursuant to the notice, review, and objection procedures of s.
186 216.177, Florida Statutes, the Executive Office of the Governor
187 is authorized to transfer funds appropriated in the appropriation
188 category "Special Categories-Transfer to Department of Management
189 Services-Human Resources Services Purchased Per Statewide
190 Contract" of the 2008-2009 General Appropriations Act between
191 departments in order to align the budget authority granted with
192 the assessments that must be paid by each agency to the
193 Department of Management Services for human resource management
194 services. This section expires July 1, 2009.

195 Section 7. In order to implement Specific Appropriation
196 1775 of the 2008-2009 General Appropriations Act, subsection (3)
197 of section 253.01, Florida Statutes, is amended to read:

198 253.01 Internal Improvement Trust Fund established.--

199 (3) In addition to the uses allowed in subsection (2) for
200 the 2008-2009 ~~2007-2008~~ fiscal year, moneys in the Internal
201 Improvement Trust Fund are authorized ~~to be transferred to the~~
202 ~~Ecosystem Management and Restoration Trust Fund~~ for grants and
203 aids to local governments for the drinking water facility
204 construction state revolving loan program, water projects as
205 provided in the General Appropriations Act. This subsection
206 expires July 1, 2009 ~~2008~~.



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207 Section 8. In order to implement Specific Appropriations
208 2801 through 2814 of the 2008-2009 General Appropriations Act,
209 subsection (7) of section 255.503, Florida Statutes, is amended
210 to read:

211 255.503 Powers of the Department of Management
212 Services.--The Department of Management Services shall have all
213 the authority necessary to carry out and effectuate the purposes
214 and provisions of this act, including, but not limited to, the
215 authority to:

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

218 (b) No later than the date upon which the department
219 recommends to the Division of State Lands of the Department of
220 Environmental Protection the disposition of any facility within
221 the Florida Facilities Pool, the department shall provide to the
222 President of the Senate, the Speaker of the House of
223 Representatives, the Executive Office of the Governor, and the
224 Division of Bond Finance of the State Board of Administration an
225 analysis that includes:

226 1. The cost benefit of the proposed facility disposition,
227 including the facility's current operating expenses, condition,
228 and market value, and viable alternatives for work space for
229 impacted state employees.

230 2. The effect of the proposed facility disposition on the
231 financial status of the Florida Facilities Pool, including the
232 effect on rental rates and coverage requirement for the bonds.

233

234 This paragraph expires July 1, 2009 ~~2008~~.

235 Section 9. In order to implement Specific Appropriations
236 2826 through 2835 of the 2008-2009 General Appropriations Act,



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237 paragraph (a) of subsection (3) and subsection (6) of section
238 287.17, Florida Statutes, are reenacted to read:

239 287.17 Limitation on use of motor vehicles and aircraft.--

240 (3) (a) The term "official state business" may not be
241 construed to permit the use of a motor vehicle for commuting
242 purposes, unless special assignment of a motor vehicle is
243 authorized as a perquisite by the Department of Management
244 Services, required by an employee after normal duty hours to
245 perform duties of the position to which assigned, or authorized
246 for an employee whose home is the official base of operation.

247 (6) It is the intention of the Legislature that persons
248 traveling on state aircraft for purposes consistent with, but not
249 necessarily constituting, official state business may travel only
250 when accompanying persons who are traveling on official state
251 business and that such persons shall pay the state for all costs
252 associated with such travel. Notwithstanding paragraph (3) (a), a
253 person traveling on state aircraft for purposes other than
254 official state business shall pay for any trip not exclusively
255 for state business by paying a prorated share of all fixed and
256 variable expenses related to the ownership, operation, and use of
257 such aircraft.

258 Section 10. The amendment of s. 287.17, Florida Statutes,
259 as carried forward by this act from chapters 2005-71, 2006-26,
260 and 2007-73, Laws of Florida, shall expire July 1, 2009, and the
261 text of that section shall revert to that in existence on June
262 30, 2005, except that any amendments to such text enacted other
263 than by chapters 2005-71, 2006-26, and 2007-73, Laws of Florida,
264 shall be preserved and continue to operate to the extent that
265 such amendments are not dependent upon the portions of such text
266 which expire pursuant to this section.



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267 Section 11. Notwithstanding s. 403.7095, Florida Statutes,
268 in order to implement Specific Appropriation 1819 of the 2008-
269 2009 General Appropriations Act, the Department of Environmental
270 Protection shall award:

271 (1) The sum of \$9,428,773 in grants equally to counties
272 having populations of fewer than 100,000 for waste tire and
273 litter prevention, recycling education, and general solid waste
274 programs.

275 (2) The sum of \$4,944,281 to be used for the Innovative
276 Grant Program.

277
278 This section expires July 1, 2009.

279 Section 12. In order to implement Specific Appropriation
280 1336 through 1496 of the 2008-2009 General Appropriations Act,
281 section 570.20, Florida Statutes, is amended to read:

282 570.20 General Inspection Trust Fund.--

283 (1) All donations and all inspection fees and other funds
284 authorized and received from whatever source in the enforcement
285 of the inspection laws administered by the department shall be
286 paid into the General Inspection Trust Fund of Florida, which is
287 created in the office of the Chief Financial Officer. All
288 expenses incurred in carrying out the provisions of the
289 inspection laws shall be paid from this fund as other funds are
290 paid from the State Treasury. A percentage of all revenue
291 deposited in this fund, including transfers from any subsidiary
292 accounts, shall be deposited in the General Revenue Fund pursuant
293 to chapter 215, except that funds collected for marketing orders
294 shall pay at the rate of 3 percent.

295 (2) For the 2008-2009 ~~2007-2008~~ fiscal year only and
296 notwithstanding any other provision of law to the contrary, in



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297 | addition to the spending authorized in subsection (1), moneys in
298 | the General Inspection Trust Fund may be appropriated for
299 | programs operated by the department which are related to the
300 | programs authorized by this chapter. This subsection expires July
301 | 1, 2009 ~~2008~~.

302 | Section 13. In order to implement Specific Appropriations
303 | 2536, 2537, 2538, 2539, and 2542 of the 2008-2009 General
304 | Appropriations Act, for the 2008-2009 fiscal year only and
305 | notwithstanding any conflicting requirements of section 4 of
306 | chapter 2006-12, Laws of Florida, the Department of Financial
307 | Services may expend \$998,820 of the funds appropriated by section
308 | 4 of chapter 2006-12, Laws of Florida, for salaries, other
309 | personnel services, and related expenses.

310 | Section 14. Any section of this act which implements a
311 | specific appropriation or specifically identified proviso
312 | language in the act making appropriations for the 2008-2009
313 | fiscal year is void if the specific appropriation or specifically
314 | identified proviso language is vetoed. Any section of this act
315 | which implements more than one specific appropriation or more
316 | than one portion of specifically identified proviso language in
317 | the act making appropriations for the 2008-2009 fiscal year is
318 | void if all the specific appropriations or portions of
319 | specifically identified proviso language are vetoed.

320 | Section 15. If any other act passed in 2008 contains a
321 | provision that is substantively the same as a provision in this
322 | act, but that removes or is otherwise not subject to the future
323 | repeal applied to such provision by this act, the Legislature
324 | intends that the provision in the other act shall take precedence
325 | and shall continue to operate, notwithstanding the future repeal
326 | provided by this act.



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327 Section 16. If any provision of this act or its application
328 to any person or circumstance is held invalid, the invalidity
329 does not affect other provisions or applications of the act which
330 can be given effect without the invalid provision or application,
331 and to this end the provisions of this act are severable.

332 Section 17. Except as otherwise expressly provided in this
333 act, this act shall take effect July 1, 2008; or, if this act
334 fails to become law until after that date, it shall take effect
335 upon becoming a law and shall operate retroactively to July 1,
336 2008.