

By the Committee on General Government Appropriations; and  
Senator Alexander

601-06430-08

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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  
28 Management Services to sell, lease, or otherwise dispose  
29 of facilities within the Florida Facilities Pool and

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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

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87 General Appropriations Act, paragraph (b) of subsection (2) of  
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

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116 funds to be used for management activities that are departmental  
117 in nature and funded by indirect cost earnings and assessments  
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

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145 relating to the deposit or expenditure of moneys in the State  
146 Treasury.

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

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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  
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

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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~~.

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.



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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,  
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 prerequisite 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.

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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.

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

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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  
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

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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.

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.