

By the Committee on Transportation and Economic Development  
Appropriations; and Senator Fasano

606-06478-08

20081884c1

1 A bill to be entitled

2 An act implementing the 2008-2009 General Appropriations  
3 Act; providing legislative intent; reenacting s.  
4 215.32(2)(b), F.S., relating to the source and use of  
5 certain trust funds in order to implement the transfer of  
6 moneys to the General Revenue Fund from trust funds in the  
7 2008-2009 General Appropriations Act; amending s. 253.034,  
8 F.S.; delaying the expiration of provisions authorizing  
9 the deposit of funds from the sale of property located in  
10 Palm Beach County into the Highway Safety Operating Trust  
11 Fund by the Department of Highway Safety and Motor  
12 Vehicles; amending s. 320.08058, F.S.; delaying the  
13 expiration of provisions authorizing proceeds from the  
14 Professional Sports Development Trust Fund to be used for  
15 operational expenses of the Florida Sports Foundation and  
16 financial support of the Sunshine State Games; amending s.  
17 339.135, F.S.; delaying the expiration of provisions  
18 requiring the Department of Transportation to transfer  
19 funds to the Office of Tourism, Trade, and Economic  
20 Development for the purpose of funding economic  
21 development transportation projects; amending s. 553.721,  
22 F.S.; providing for the proceeds from the surcharge  
23 collected by the Department of Community Affairs on  
24 building additions and renovations to be used to fund  
25 regional planning councils, civil legal assistance, and  
26 the Front Porch Florida Initiative; providing for the  
27 effect of a veto of one or more specific appropriations or  
28 proviso provisions to which implementing language refers;  
29 providing for the continued operation of certain

606-06478-08

20081884c1

30 provisions notwithstanding a future repeal or expiration  
31 provided by the act; providing for severability; providing  
32 for contingent retroactive application; providing  
33 effective dates.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
37 Section 1. It is the intent of the Legislature that the  
38 implementing and administering provisions of this act apply to  
39 the act making appropriations for the 2008-2009 fiscal year.

40 Section 2. In order to implement the transfer of moneys to  
41 the General Revenue Fund from trust funds in the 2008-2009  
42 General Appropriations Act, paragraph (b) of subsection (2) of  
43 section 215.32, Florida Statutes, is reenacted to read:

44 215.32 State funds; segregation.--

45 (2) The source and use of each of these funds shall be as  
46 follows:

47 (b)1. The trust funds shall consist of moneys received by  
48 the state which under law or under trust agreement are segregated  
49 for a purpose authorized by law. The state agency or branch of  
50 state government receiving or collecting such moneys shall be  
51 responsible for their proper expenditure as provided by law. Upon  
52 the request of the state agency or branch of state government  
53 responsible for the administration of the trust fund, the Chief  
54 Financial Officer may establish accounts within the trust fund at  
55 a level considered necessary for proper accountability. Once an  
56 account is established within a trust fund, the Chief Financial  
57 Officer may authorize payment from that account only upon  
58 determining that there is sufficient cash and releases at the

606-06478-08

20081884c1

59 | level of the account.

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

63 |         a. Operations or operating trust fund, for use as a  
64 | depository for funds to be used for program operations funded by  
65 | program revenues, with the exception of administrative activities  
66 | when the operations or operating trust fund is a proprietary  
67 | fund.

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

70 |         c. Administrative trust fund, for use as a depository for  
71 | funds to be used for management activities that are departmental  
72 | in nature and funded by indirect cost earnings and assessments  
73 | against trust funds. Proprietary funds are excluded from the  
74 | requirement of using an administrative trust fund.

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

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

81 |         f. Clearing funds trust fund, for use as a depository for  
82 | funds to account for collections pending distribution to lawful  
83 | recipients.

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

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606-06478-08

20081884c1

88 To the extent possible, each agency must adjust its internal  
89 accounting to use existing trust funds consistent with the  
90 requirements of this subparagraph. If an agency does not have  
91 trust funds listed in this subparagraph and cannot make such  
92 adjustment, the agency must recommend the creation of the  
93 necessary trust funds to the Legislature no later than the next  
94 scheduled review of the agency's trust funds pursuant to s.  
95 215.3206.

96 3. All such moneys are hereby appropriated to be expended  
97 in accordance with the law or trust agreement under which they  
98 were received, subject always to the provisions of chapter 216  
99 relating to the appropriation of funds and to the applicable laws  
100 relating to the deposit or expenditure of moneys in the State  
101 Treasury.

102 4.a. Notwithstanding any provision of law restricting the  
103 use of trust funds to specific purposes, unappropriated cash  
104 balances from selected trust funds may be authorized by the  
105 Legislature for transfer to the Budget Stabilization Fund and  
106 General Revenue Fund in the General Appropriations Act.

107 b. This subparagraph does not apply to trust funds required  
108 by federal programs or mandates; trust funds established for bond  
109 covenants, indentures, or resolutions whose revenues are legally  
110 pledged by the state or public body to meet debt service or other  
111 financial requirements of any debt obligations of the state or  
112 any public body; the State Transportation Trust Fund; the trust  
113 fund containing the net annual proceeds from the Florida  
114 Education Lotteries; the Florida Retirement System Trust Fund;  
115 trust funds under the management of the State Board of Education  
116 or the Board of Governors of the State University System, where

606-06478-08

20081884c1

117 such trust funds are for auxiliary enterprises, self-insurance,  
118 and contracts, grants, and donations, as those terms are defined  
119 by general law; trust funds that serve as clearing funds or  
120 accounts for the Chief Financial Officer or state agencies; trust  
121 funds that account for assets held by the state in a trustee  
122 capacity as an agent or fiduciary for individuals, private  
123 organizations, or other governmental units; and other trust funds  
124 authorized by the State Constitution.

125 Section 3. In order to implement Section 9 of the 2008-2009  
126 General Appropriations Act, subsection (13) of section 253.034,  
127 Florida Statutes, is amended to read:

128 253.034 State-owned lands; uses.--

129 (13) Notwithstanding the provisions of this section, funds  
130 from the sale of property by the Department of Highway Safety and  
131 Motor Vehicles located in Palm Beach County are authorized to be  
132 deposited into the Highway Safety Operating Trust Fund to  
133 facilitate the exchange as provided in the General Appropriations  
134 Act, provided that at the conclusion of both exchanges the values  
135 are equalized. This subsection expires July 1, 2009 ~~2008~~.

136 Section 4. In order to implement Specific Appropriation  
137 2638 of the 2008-2009 General Appropriations Act, paragraph (b)  
138 of subsection (9) of section 320.08058, Florida Statutes, is  
139 amended to read:

140 320.08058 Specialty license plates.--

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

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

144 1. Fifty-five percent of the proceeds from the Florida  
145 Professional Sports Team plate must be deposited into the

606-06478-08

20081884c1

146 Professional Sports Development Trust Fund within the Office of  
147 Tourism, Trade, and Economic Development. These funds must be  
148 used solely to attract and support major sports events in this  
149 state. As used in this subparagraph, the term "major sports  
150 events" means, but is not limited to, championship or all-star  
151 contests of Major League Baseball, the National Basketball  
152 Association, the National Football League, the National Hockey  
153 League, the men's and women's National Collegiate Athletic  
154 Association Final Four basketball championship, or a horseracing  
155 or dogracing Breeders' Cup. All funds must be used to support and  
156 promote major sporting events, and the uses must be approved by  
157 the Florida Sports Foundation.

158       2. The remaining proceeds of the Florida Professional  
159 Sports Team license plate must be allocated to the Florida Sports  
160 Foundation, a direct-support organization of the Office of  
161 Tourism, Trade, and Economic Development. These funds must be  
162 deposited into the Professional Sports Development Trust Fund  
163 within the Office of Tourism, Trade, and Economic Development.  
164 These funds must be used by the Florida Sports Foundation to  
165 promote the economic development of the sports industry; to  
166 distribute licensing and royalty fees to participating  
167 professional sports teams; to promote education programs in  
168 Florida schools that provide an awareness of the benefits of  
169 physical activity and nutrition standards; to partner with the  
170 Department of Education and the Department of Health to develop a  
171 program that recognizes schools whose students demonstrate  
172 excellent physical fitness or fitness improvement; to institute a  
173 grant program for communities bidding on minor sporting events  
174 that create an economic impact for the state; to distribute funds

606-06478-08

20081884c1

175 to Florida-based charities designated by the Florida Sports  
176 Foundation and the participating professional sports teams; and  
177 to fulfill the sports promotion responsibilities of the Office of  
178 Tourism, Trade, and Economic Development.

179 3. The Florida Sports Foundation shall provide an annual  
180 financial audit in accordance with s. 215.981 of its financial  
181 accounts and records by an independent certified public  
182 accountant pursuant to the contract established by the Office of  
183 Tourism, Trade, and Economic Development as specified in s.  
184 288.1229(5). The auditor shall submit the audit report to the  
185 Office of Tourism, Trade, and Economic Development for review and  
186 approval. If the audit report is approved, the office shall  
187 certify the audit report to the Auditor General for review.

188 4. For the 2008-2009 ~~2007-2008~~ fiscal year only and  
189 notwithstanding the provisions of subparagraphs 1. and 2.,  
190 proceeds from the Professional Sports Development Trust Fund may  
191 also be used for operational expenses of the Florida Sports  
192 Foundation and financial support of the Sunshine State Games.  
193 This subparagraph expires July 1, 2009 ~~2008~~.

194 Section 5. In order to implement Specific Appropriation  
195 2115 of the 2008-2009 General Appropriations Act, subsection (5)  
196 of section 339.135, Florida Statutes, is amended to read:

197 339.135 Work program; legislative budget request;  
198 definitions; preparation, adoption, execution, and amendment.--

199 (5) (a) ADOPTION OF THE WORK PROGRAM.--The original approved  
200 budget for operational and fixed capital expenditures for the  
201 department shall be the Governor's budget recommendation and the  
202 first year of the tentative work program, as both are amended by  
203 the General Appropriations Act and any other act containing

606-06478-08

20081884c1

204 appropriations. In accordance with the appropriations act, the  
205 department shall, prior to the beginning of the fiscal year,  
206 adopt a final work program which shall only include the original  
207 approved budget for the department for the ensuing fiscal year  
208 together with any roll forwards approved pursuant to paragraph  
209 (6) (c) and the portion of the tentative work program for the  
210 following 4 fiscal years revised in accordance with the original  
211 approved budget for the department for the ensuing fiscal year  
212 together with said roll forwards. The adopted work program may  
213 include only those projects submitted as part of the tentative  
214 work program developed under the provisions of subsection (4)  
215 plus any projects which are separately identified by specific  
216 appropriation in the General Appropriations Act and any roll  
217 forwards approved pursuant to paragraph (6) (c). However, any  
218 transportation project of the department which is identified by  
219 specific appropriation in the General Appropriations Act shall be  
220 deducted from the funds annually distributed to the respective  
221 district pursuant to paragraph (4) (a). In addition, the  
222 department shall not in any year include any project or allocate  
223 funds to a program in the adopted work program that is contrary  
224 to existing law for that particular year. Projects shall not be  
225 undertaken unless they are listed in the adopted work program.

226 (b) Notwithstanding paragraph (a), and for the 2008-2009  
227 ~~2007-2008~~ fiscal year only, the Department of Transportation  
228 shall transfer funds to the Office of Tourism, Trade, and  
229 Economic Development in an amount equal to \$40 million  
230 ~~\$25,400,000~~ for the purpose of funding economic development  
231 transportation projects. This transfer shall not reduce, delete,  
232 or defer any existing projects funded, as of July 1, 2008 ~~2007~~,



606-06478-08

20081884c1

233 in the Department of Transportation's 5-year work program. This  
234 paragraph expires July 1, 2009 ~~2008~~.

235 (c) Notwithstanding paragraph (a), and for the 2007-2008  
236 fiscal year only, the Department of Transportation shall provide  
237 funds for the Seaport Strategic Planning and Financing Task Force  
238 in an amount not to exceed \$75,000; the preliminary engineering  
239 and environmental plans and activities for the construction of an  
240 interchange on Suncoast Parkway and Lutz Fern Road in an amount  
241 not to exceed \$975,000; the Rehabilitation of Local Bridges in an  
242 amount not to exceed \$300,000; and the East Winterberry Bridge  
243 Replacement in an amount not to exceed \$500,000. To fund these  
244 specific appropriations, the Department of Transportation shall  
245 not reduce, delete, or defer any existing projects funded as of  
246 July 1, 2007, in the 5-year work program. This paragraph expires  
247 July 1, 2008.

248 Section 6. In order to implement Specific Appropriations  
249 1511, 1586, and 1606A and section 10 of the 2008-2009 General  
250 Appropriations Act, section 553.721, Florida Statutes, is amended  
251 to read:

252 553.721 Surcharge.--

253 (1) In order for the Department of Community Affairs to  
254 administer and carry out the purposes of this part and related  
255 activities, there is hereby created a surcharge, to be assessed  
256 at the rate of one-half cent per square foot under-roof floor  
257 space permitted pursuant to s. 125.56(4) or s. 166.201. However,  
258 for additions, alterations, or renovations to existing buildings,  
259 the surcharge shall be computed on the basis of the square  
260 footage being added, altered, or renovated. The unit of  
261 government responsible for collecting a permit fee pursuant to s.

606-06478-08

20081884c1

262 | 125.56(4) or s. 166.201 shall collect such surcharge and remit  
263 | the funds collected to the department on a quarterly calendar  
264 | basis, and such unit of government may retain an amount up to 5  
265 | percent of the surcharge collected to cover costs associated with  
266 | the collection and remittance of such surcharge. All funds  
267 | remitted to the department pursuant to this subsection shall be  
268 | deposited in the Operating Trust Fund. Funds collected from such  
269 | surcharge shall not be used to fund research on techniques for  
270 | mitigation of radon in existing buildings. Funds used by the  
271 | department as well as funds to be transferred to the Department  
272 | of Health shall be as prescribed in the annual General  
273 | Appropriations Act. The department shall adopt rules governing  
274 | the collection and remittance of surcharges in accordance with  
275 | chapter 120.

276 | (2) Notwithstanding subsection (1), and for the 2008-2009  
277 | fiscal year only, the amount transferred from the Operating Trust  
278 | Fund to the Grants and Donations Trust Fund of the Department of  
279 | Community Affairs pursuant to the General Appropriations Act for  
280 | the 2008-2009 fiscal year shall be used for the regional planning  
281 | councils, civil legal assistance, and the Front Porch Florida  
282 | Initiative.

283 | Section 7. Any section of this act which implements a  
284 | specific appropriation or specifically identified proviso  
285 | language in the act making appropriations for the 2008-2009  
286 | fiscal year is void if the specific appropriation or specifically  
287 | identified proviso language is vetoed. Any section of this act  
288 | which implements more than one specific appropriation or more  
289 | than one portion of specifically identified proviso language in  
290 | the act making appropriations for the 2008-2009 fiscal year is

606-06478-08

20081884c1

291 void if all the specific appropriations or portions of  
292 specifically identified proviso language are vetoed.

293       Section 8. If any other act passed in 2008 contains a  
294 provision that is substantively the same as a provision in this  
295 act, but that removes or is otherwise not subject to the future  
296 repeal applied to such provision by this act, the Legislature  
297 intends that the provision in the other act shall take precedence  
298 and shall continue to operate, notwithstanding the future repeal  
299 provided by this act.

300       Section 9. If any provision of this act or its application  
301 to any person or circumstance is held invalid, the invalidity  
302 does not affect other provisions or applications of the act which  
303 can be given effect without the invalid provision or application,  
304 and to this end the provisions of this act are severable.

305       Section 10. Except as otherwise expressly provided in this  
306 act, this act shall take effect July 1, 2008; or, if this act  
307 fails to become law until after that date, it shall take effect  
308 upon becoming a law and shall operate retroactively to July 1,  
309 2008.