

By the Committee on Fiscal Policy and Calendar Committee

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1 A bill to be entitled

2 An act implementing the 2008-2009 General Appropriations
3 Act; providing legislative intent; incorporating by
4 reference certain calculations of the Florida Education
5 Finance Program for the 2008-2009 fiscal year; providing
6 for allocating funds for alcohol, drug abuse, and mental
7 health services to areas of the state having the greatest
8 demand for services and treatment capacity and as
9 specified in the General Appropriations Act; requiring the
10 Department of Children and Family Services to ensure
11 information is entered into the Florida Safe Families
12 Network; requiring coordination between the department and
13 the Office of the State Courts Administrator and the
14 Statewide Guardian Ad Litem Office to provide information
15 relating to child welfare cases; requiring a report to the
16 Governor and Legislature; providing for future expiration
17 of such provisions; authorizing the Department of
18 Corrections and the Department of Juvenile Justice to
19 expend funds to defray the cost of impacts incurred by a
20 municipality or county which are associated with a
21 facility operated by each respective department; providing
22 for future expiration of such authorization; amending s.
23 216.262, F.S.; extending the expiration date of provisions
24 authorizing additional positions to operate added prison
25 bed capacity; authorizing the Department of Legal Affairs
26 to expend funds for certain programs pursuant to specific
27 appropriations; amending s. 932.7055, F.S.; extending the
28 expiration date of provisions authorizing the expenditure
29 of funds in a special law enforcement trust fund

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30 established by the governing body of a municipality;
31 reenacting s. 985.686(3), F.S., providing for the payment
32 of costs of providing detention care for juveniles;
33 providing for the future expiration of certain amendments
34 to such provisions; specifying certain limitations on
35 reimbursements to a health care provider or hospital by
36 the Department of Corrections; providing an exception for
37 hospitals that reported a negative operating margin for
38 the prior year; requiring that contract rates of the
39 Department of Corrections be based on a percentage of the
40 Medicare allowable rate; amending s. 201.15, F.S.;

41 providing for moneys in the Invasive Plant Control Trust
42 Fund from the excise tax on documents to be used for
43 Everglades restoration and for the Water Resource Action
44 Plan; authorizing the transfer of moneys in the Invasive
45 Plant Control Trust Fund to the Save Our Everglades Trust
46 Fund and the Ecosystem Management and Restoration Trust
47 Fund; authorizing the Executive Office of the Governor to
48 transfer certain specified funds between departments for
49 purposes of paying risk management insurance; providing
50 for expiration of such authority; authorizing the
51 Executive Office of the Governor to transfer certain
52 specified funds between departments for purposes of paying
53 for human resource management services; providing for
54 expiration of such authority; amending s. 253.01, F.S.;

55 providing for moneys in the Internal Improvement Trust
56 Fund to be used for grants and aids to local governments
57 for the drinking water facility construction state
58 revolving loan program; providing for future expiration of

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59 | such provision; amending s. 255.503, F.S.; delaying the
60 | expiration of provisions authorizing the Department of
61 | Management Services to sell, lease, or otherwise dispose
62 | of facilities within the Florida Facilities Pool and
63 | report to the Legislature, the Governor, and the Division
64 | of Bond Finance; reenacting s. 287.17(3)(a) and (6), F.S.;
65 | authorizing the use of state aircraft for commuting;
66 | providing for the future expiration of certain amendments
67 | to such provisions; requiring the Department of
68 | Environmental Protection to award funds to certain small
69 | counties for programs in litter prevention, recycling and
70 | solid waste programs, and the Innovation Grant Program;
71 | amending s. 570.20, F.S.; delaying the expiration of
72 | provisions authorizing moneys in the General Inspection
73 | Trust Fund to be appropriated for certain programs
74 | operated by the Department of Agriculture and Consumer
75 | Services; authorizing the Department of Financial Services
76 | to expend certain funds for salaries, other personnel
77 | services, and related expenses; amending s. 253.034, F.S.;
78 | delaying the expiration of provisions authorizing the
79 | deposit of funds from the sale of property located in Palm
80 | Beach County into the Highway Safety Operating Trust Fund
81 | by the Department of Highway Safety and Motor Vehicles;
82 | amending s. 320.08058, F.S.; delaying the expiration of
83 | provisions authorizing proceeds from the Professional
84 | Sports Development Trust Fund to be used for operational
85 | expenses of the Florida Sports Foundation and financial
86 | support of the Sunshine State Games; amending s. 339.135,
87 | F.S.; delaying the expiration of provisions requiring the

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88 Department of Transportation to transfer funds to the
89 Office of Tourism, Trade, and Economic Development for the
90 purpose of funding economic development transportation
91 projects; amending s. 553.721, F.S.; providing for the
92 proceeds from the surcharge collected by the Department of
93 Community Affairs on building additions and renovations to
94 be used to fund regional planning councils, civil legal
95 assistance, and the Front Porch Florida Initiative;
96 providing for the authorization and issuance of new debt;
97 reenacting s. 215.32(2)(b), F.S., relating to the source
98 and use of certain trust funds in order to implement the
99 transfer of moneys in the General Revenue Fund from trust
100 funds in the 2008-2009 General Appropriations Act;
101 providing for the effect of a veto of one or more specific
102 appropriations or proviso provisions to which implementing
103 language refers; providing for the continued operation of
104 certain provisions notwithstanding a future repeal or
105 expiration provided by the act; providing for
106 severability; providing for contingent retroactive
107 application; providing effective dates.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. It is the intent of the Legislature that the
112 implementing and administering provisions of this act apply to
113 the act making appropriations for the 2008-2009 fiscal year.

114 Section 2. In order to implement Specific Appropriations 6,
115 7, and 81 through 83 of the 2008-2009 General Appropriations Act,
116 the calculations of the Florida Education Finance Program for the

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117 2008-2009 fiscal year in the document entitled "Public School
118 Funding - The Florida Education Finance Program" dated April 3,
119 2008, and filed with the Secretary of the Senate are incorporated
120 by reference for the purposes of displaying the calculations used
121 by the Legislature, consistent with the requirements of the
122 Florida Statutes, in making appropriations for the Florida
123 Education Finance Program.

124 Section 3. In order to implement Specific Appropriation 464
125 of the 2008-2009 General Appropriations Act, and notwithstanding
126 s. 394.908(3) (a) and (b), Florida Statutes, \$92,566,551 from the
127 General Revenue Fund and \$13,295,722 from trust funds
128 appropriated in Specific Appropriation 464 shall be allocated to
129 the areas of the state having the greatest demand for services
130 and treatment capacity. This section expires July 1, 2009.

131 Section 4. In order to implement Specific Appropriation 397
132 of the 2008-2009 General Appropriations Act, and notwithstanding
133 s. 394.908(3) (a) and (b), Florida Statutes, \$29,619,045 from the
134 trust funds appropriated in Specific Appropriation 397 shall be
135 allocated as specified in the General Appropriations Act.

136 Section 5. In order to implement Specific Appropriations
137 302 and 314 of the 2008-2009 General Appropriations Act, the
138 Department of Children and Family Services shall ensure that all
139 public and private agencies and institutions participating in
140 child welfare cases enter information specified by rule of the
141 department into the Florida Safe Families Network in order to
142 maintain the accuracy and usefulness of the system. The Florida
143 Safe Families Network is intended to be the department's
144 automated child welfare case-management system designed to
145 provide child welfare workers with a mechanism for managing child

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146 welfare cases more efficiently and tracking children and families
147 more effectively. The department shall coordinate with the Office
148 of the State Courts Administrator and the Statewide Guardian Ad
149 Litem Office for the purpose of providing any judge or magistrate
150 and any guardian ad litem assigned to a dependency court case
151 with access to information in the Florida Safe Families Network
152 relating to a child welfare case which is required to be filed
153 with the court pursuant to chapter 39, Florida Statutes, by the
154 date of the network's release during the 2008-2009 fiscal year.
155 The department shall report to the Governor, the President of the
156 Senate, and the Speaker of the House of Representatives by
157 February 1, 2009, with respect to progress on providing access to
158 the Florida Safe Families Network as provided in this section.
159 This section expires July 1, 2009.

160 Section 6. In order to fulfill legislative intent regarding
161 the use of funds contained in Specific Appropriations 721M, 721Z,
162 721AK, and 1146 of the 2008-2009 General Appropriations Act, the
163 Department of Corrections and the Department of Juvenile Justice
164 may expend appropriated funds to assist in defraying the costs of
165 impacts that are incurred by a municipality or county and
166 associated with opening or operating a facility under the
167 authority of the respective department which is located within
168 that municipality or county. The amount that is to be paid under
169 this section for any facility may not exceed 1 percent of the
170 facility construction cost, less building impact fees imposed by
171 the municipality or by the county if the facility is located in
172 the unincorporated portion of the county. This section expires
173 July 1, 2009.

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174 Section 7. In order to implement Specific Appropriations
175 708 through 766 and 780 through 806 of the 2008-2009 General
176 Appropriations Act, subsection (4) of section 216.262, Florida
177 Statutes, is amended to read:

178 216.262 Authorized positions.--

179 (4) Notwithstanding the provisions of this chapter on
180 increasing the number of authorized positions, and for the 2008-
181 2009 ~~2007-2008~~ fiscal year only, if the average daily actual
182 inmate population of the Department of Corrections exceeds the
183 inmate population projections of the February 15, 2008 ~~16, 2007~~,
184 Criminal Justice Estimating Conference by 1 percent for 2
185 consecutive months or 2 percent for any month, the Executive
186 Office of the Governor, with the approval of the Legislative
187 Budget Commission, shall immediately notify the Criminal Justice
188 Estimating Conference, which shall convene as soon as possible to
189 revise the estimates. The Department of Corrections may then
190 submit a budget amendment requesting the establishment of
191 positions in excess of the number authorized by the Legislature
192 and additional appropriations from unallocated general revenue
193 sufficient to provide for essential staff, fixed capital
194 improvements, and other resources to provide classification,
195 security, food services, health services, and other variable
196 expenses within the institutions to accommodate the estimated
197 increase in the inmate population. All actions taken pursuant to
198 the authority granted in this subsection shall be subject to
199 review and approval by the Legislative Budget Commission. This
200 subsection expires July 1, 2009 ~~2008~~.

201 Section 8. In order to implement Specific Appropriations
202 1301 and 1302 of the 2008-2009 General Appropriations Act, the

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203 Department of Legal Affairs is authorized to expend appropriated
204 funds in Specific Appropriations 1301 and 1302 on the same
205 programs that were funded by the department pursuant to specific
206 appropriations made in general appropriations acts in prior
207 years.

208 Section 9. In order to implement Specific Appropriation
209 1210 of the 2008-2009 General Appropriations Act, subsection (4)
210 of section 932.7055, Florida Statutes, is amended to read:

211 932.7055 Disposition of liens and forfeited property.--

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

214 (a) Payment of the balance due on any lien preserved by the
215 court in the forfeiture proceedings.

216 (b) Payment of the cost incurred by the seizing agency in
217 connection with the storage, maintenance, security, and
218 forfeiture of such property.

219 (c) Payment of court costs incurred in the forfeiture
220 proceeding.

221 (d) Notwithstanding any other provision of this subsection,
222 and for the 2008-2009 ~~2007-2008~~ fiscal year only, the funds in a
223 special law enforcement trust fund established by the governing
224 body of a municipality may be expended to reimburse the general
225 fund of the municipality for moneys advanced from the general
226 fund to the special law enforcement trust fund prior to October
227 1, 2001. This paragraph expires July 1, 2009 ~~2008~~.

228 Section 10. In order to implement Specific Appropriation
229 1080 of the 2008-2009 General Appropriations Act, subsection (3)
230 of section 985.686, Florida Statutes, is reenacted to read:

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231 985.686 Shared county and state responsibility for juvenile
232 detention.--

233 (3) Each county shall pay the costs of providing detention
234 care, exclusive of the costs of any preadjudicatory nonmedical
235 educational or therapeutic services and \$2.5 million provided for
236 additional medical and mental health care at the detention
237 centers, for juveniles for the period of time prior to final
238 court disposition. The department shall develop an accounts
239 payable system to allocate costs that are payable by the
240 counties.

241 Section 11. The amendment to s. 985.686(3), Florida
242 Statutes, as carried forward by this act from chapter 2007-73,
243 Laws of Florida, shall expire July 1, 2009, and the text of that
244 subsection shall revert to that in existence on June 30, 2008,
245 except that any amendments to such text enacted other than by
246 this act shall be preserved and continue to operate to the extent
247 that such amendments are not dependent upon the portions of such
248 text which expire pursuant to this section.

249 Section 12. In order to implement Specific Appropriation
250 786 of the 2008-2009 General Appropriations Act, the Department
251 of Corrections shall comply with the following reimbursement
252 limitations:

253 (1) If no contract exists between the Department of
254 Corrections and the health care provider or hospital regarding
255 services, payments may not exceed 110 percent of the Medicare
256 allowable rate.

257 (2) If a contract has been executed between the Department
258 of Corrections and the health care provider or hospital, payments
259 shall continue at the currently contracted rates through the

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260 current term of the contract; however, if the contract expires or
261 is subject to renewal during the 2007-2008 fiscal year, the
262 payments may not exceed 110 percent of Medicare allowable rate.

263 (3) If the Department of Corrections enters into a new
264 contract with a health care provider or hospital, the payments
265 may not exceed 110 percent of the Medicare allowable rate.

266 (4) Notwithstanding the limitations of subsections (1),
267 (2), and (3) to the contrary, the Department of Corrections may
268 pay up to 125 percent of the Medicare allowable rate for
269 hospitals that reported to the Agency for Health Care
270 Administration, through hospital audited financial data, a
271 negative operating margin for the previous year.

272
273 The Department of Corrections may not negotiate contracts for
274 medical services for rates other than rates based on a percentage
275 of the Medicare allowable rate.

276 Section 13. In order to implement Specific Appropriations
277 1654, 1662, 1767, and 1773 of the 2008-2009 General
278 Appropriations Act, moneys in the Invasive Plant Control Trust
279 Fund are authorized to be transferred to the Save Our Everglades
280 Trust Fund for Everglades restoration projects and to the
281 Ecosystem Management and Restoration Trust Fund for the Water
282 Restoration Action Plan, as provided in the General
283 Appropriations Act. This section expires July 1, 2009.

284 Section 14. In order to implement Specific Appropriations
285 1654 and 1662 of the 2008-2009 General Appropriations Act,
286 subsection (6) of section 201.15, Florida Statutes, as amended by
287 section 43 of chapter 2007-73 and section 1 of chapter 2007-335,
288 Laws of Florida, is amended to read:

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289 201.15 Distribution of taxes collected.--All taxes
290 collected under this chapter shall be distributed as follows and
291 shall be subject to the service charge imposed in s. 215.20(1),
292 except that such service charge shall not be levied against any
293 portion of taxes pledged to debt service on bonds to the extent
294 that the amount of the service charge is required to pay any
295 amounts relating to the bonds:

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

303 Section 15. In order to implement the appropriation of
304 funds in Special Categories-Risk Management Insurance of the
305 2008-2009 General Appropriations Act, and pursuant to the notice,
306 review, and objection procedures of s. 216.177, Florida Statutes,
307 the Executive Office of the Governor is authorized to transfer
308 funds appropriated in the appropriation category "Special
309 Categories-Risk Management Insurance" of the 2008-2009 General
310 Appropriations Act between departments in order to align the
311 budget authority granted with the premiums paid by each
312 department for risk management insurance. This section expires
313 July 1, 2009.

314 Section 16. In order to implement the appropriation of
315 funds in Special Categories-Transfer to Department of Management
316 Services-Human Resources Services Purchased Per Statewide
317 Contract of the 2008-2009 General Appropriations Act, and

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318 pursuant to the notice, review, and objection procedures of s.
319 216.177, Florida Statutes, the Executive Office of the Governor
320 is authorized to transfer funds appropriated in the appropriation
321 category "Special Categories-Transfer to Department of Management
322 Services-Human Resources Services Purchased Per Statewide
323 Contract" of the 2008-2009 General Appropriations Act between
324 departments in order to align the budget authority granted with
325 the assessments that must be paid by each agency to the
326 Department of Management Services for human resource management
327 services. This section expires July 1, 2009.

328 Section 17. In order to implement Specific Appropriation
329 1775 of the 2008-2009 General Appropriations Act, subsection (3)
330 of section 253.01, Florida Statutes, is amended to read:

331 253.01 Internal Improvement Trust Fund established.--

332 (3) In addition to the uses allowed in subsection (2) for
333 the 2008-2009 ~~2007-2008~~ fiscal year, moneys in the Internal
334 Improvement Trust Fund are authorized ~~to be transferred to the~~
335 ~~Ecosystem Management and Restoration Trust Fund~~ for grants and
336 aids to local governments for the drinking water facility
337 construction state revolving loan program, water projects as
338 provided in the General Appropriations Act. This subsection
339 expires July 1, 2009 ~~2008~~.

340 Section 18. In order to implement Specific Appropriations
341 2801 through 2814 of the 2008-2009 General Appropriations Act,
342 subsection (7) of section 255.503, Florida Statutes, is amended
343 to read:

344 255.503 Powers of the Department of Management
345 Services.--The Department of Management Services shall have all
346 the authority necessary to carry out and effectuate the purposes

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347 and provisions of this act, including, but not limited to, the
348 authority to:

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

351 (b) No later than the date upon which the department
352 recommends to the Division of State Lands of the Department of
353 Environmental Protection the disposition of any facility within
354 the Florida Facilities Pool, the department shall provide to the
355 President of the Senate, the Speaker of the House of
356 Representatives, the Executive Office of the Governor, and the
357 Division of Bond Finance of the State Board of Administration an
358 analysis that includes:

359 1. The cost benefit of the proposed facility disposition,
360 including the facility's current operating expenses, condition,
361 and market value, and viable alternatives for work space for
362 impacted state employees.

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

366

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

368 Section 19. In order to implement Specific Appropriations
369 2826 through 2835 of the 2008-2009 General Appropriations Act,
370 paragraph (a) of subsection (3) and subsection (6) of section
371 287.17, Florida Statutes, are reenacted to read:

372 287.17 Limitation on use of motor vehicles and aircraft.--

373 (3) (a) The term "official state business" may not be
374 construed to permit the use of a motor vehicle for commuting
375 purposes, unless special assignment of a motor vehicle is

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376 authorized as a perquisite by the Department of Management
377 Services, required by an employee after normal duty hours to
378 perform duties of the position to which assigned, or authorized
379 for an employee whose home is the official base of operation.

380 (6) It is the intention of the Legislature that persons
381 traveling on state aircraft for purposes consistent with, but not
382 necessarily constituting, official state business may travel only
383 when accompanying persons who are traveling on official state
384 business and that such persons shall pay the state for all costs
385 associated with such travel. Notwithstanding paragraph (3)(a), a
386 person traveling on state aircraft for purposes other than
387 official state business shall pay for any trip not exclusively
388 for state business by paying a prorated share of all fixed and
389 variable expenses related to the ownership, operation, and use of
390 such aircraft.

391 Section 20. The amendment of s. 287.17, Florida Statutes,
392 as carried forward by this act from chapters 2005-71, 2006-26,
393 and 2007-73, Laws of Florida, shall expire July 1, 2009, and the
394 text of that section shall revert to that in existence on June
395 30, 2005, except that any amendments to such text enacted other
396 than by chapters 2005-71, 2006-26, and 2007-73, Laws of Florida,
397 shall be preserved and continue to operate to the extent that
398 such amendments are not dependent upon the portions of such text
399 which expire pursuant to this section.

400 Section 21. Notwithstanding s. 403.7095, Florida Statutes,
401 in order to implement Specific Appropriation 1819 of the 2008-
402 2009 General Appropriations Act, the Department of Environmental
403 Protection shall award:

404 (1) The sum of \$9,428,773 in grants equally to counties

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405 having populations of fewer than 100,000 for waste tire and
406 litter prevention, recycling education, and general solid waste
407 programs.

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

410

411 This section expires July 1, 2009.

412 Section 22. In order to implement Specific Appropriation
413 1336 through 1496 of the 2008-2009 General Appropriations Act,
414 section 570.20, Florida Statutes, is amended to read:

415 570.20 General Inspection Trust Fund.--

416 (1) All donations and all inspection fees and other funds
417 authorized and received from whatever source in the enforcement
418 of the inspection laws administered by the department shall be
419 paid into the General Inspection Trust Fund of Florida, which is
420 created in the office of the Chief Financial Officer. All
421 expenses incurred in carrying out the provisions of the
422 inspection laws shall be paid from this fund as other funds are
423 paid from the State Treasury. A percentage of all revenue
424 deposited in this fund, including transfers from any subsidiary
425 accounts, shall be deposited in the General Revenue Fund pursuant
426 to chapter 215, except that funds collected for marketing orders
427 shall pay at the rate of 3 percent.

428 (2) For the 2008-2009 ~~2007-2008~~ fiscal year only and
429 notwithstanding any other provision of law to the contrary, in
430 addition to the spending authorized in subsection (1), moneys in
431 the General Inspection Trust Fund may be appropriated for
432 programs operated by the department which are related to the

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433 programs authorized by this chapter. This subsection expires July
434 1, 2009 ~~2008~~.

435 Section 23. In order to implement Specific Appropriations
436 2536, 2537, 2538, 2539, and 2542 of the 2008-2009 General
437 Appropriations Act, for the 2008-2009 fiscal year only and
438 notwithstanding any conflicting requirements of section 4 of
439 chapter 2006-12, Laws of Florida, the Department of Financial
440 Services may expend \$998,820 of the funds appropriated by section
441 4 of chapter 2006-12, Laws of Florida, for salaries, other
442 personnel services, and related expenses.

443 Section 24. In order to implement Section 61 of the 2008-
444 2009 General Appropriations Act, subsection (13) of section
445 253.034, Florida Statutes, is amended to read:

446 253.034 State-owned lands; uses.--

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

454 Section 25. In order to implement Specific Appropriation
455 2638 of the 2008-2009 General Appropriations Act, paragraph (b)
456 of subsection (9) of section 320.08058, Florida Statutes, is
457 amended to read:

458 320.08058 Specialty license plates.--

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

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

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462 1. Fifty-five percent of the proceeds from the Florida
463 Professional Sports Team plate must be deposited into the
464 Professional Sports Development Trust Fund within the Office of
465 Tourism, Trade, and Economic Development. These funds must be
466 used solely to attract and support major sports events in this
467 state. As used in this subparagraph, the term "major sports
468 events" means, but is not limited to, championship or all-star
469 contests of Major League Baseball, the National Basketball
470 Association, the National Football League, the National Hockey
471 League, the men's and women's National Collegiate Athletic
472 Association Final Four basketball championship, or a horseracing
473 or dogracing Breeders' Cup. All funds must be used to support and
474 promote major sporting events, and the uses must be approved by
475 the Florida Sports Foundation.

476 2. The remaining proceeds of the Florida Professional
477 Sports Team license plate must be allocated to the Florida Sports
478 Foundation, a direct-support organization of the Office of
479 Tourism, Trade, and Economic Development. These funds must be
480 deposited into the Professional Sports Development Trust Fund
481 within the Office of Tourism, Trade, and Economic Development.
482 These funds must be used by the Florida Sports Foundation to
483 promote the economic development of the sports industry; to
484 distribute licensing and royalty fees to participating
485 professional sports teams; to promote education programs in
486 Florida schools that provide an awareness of the benefits of
487 physical activity and nutrition standards; to partner with the
488 Department of Education and the Department of Health to develop a
489 program that recognizes schools whose students demonstrate
490 excellent physical fitness or fitness improvement; to institute a

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491 grant program for communities bidding on minor sporting events
492 that create an economic impact for the state; to distribute funds
493 to Florida-based charities designated by the Florida Sports
494 Foundation and the participating professional sports teams; and
495 to fulfill the sports promotion responsibilities of the Office of
496 Tourism, Trade, and Economic Development.

497 3. The Florida Sports Foundation shall provide an annual
498 financial audit in accordance with s. 215.981 of its financial
499 accounts and records by an independent certified public
500 accountant pursuant to the contract established by the Office of
501 Tourism, Trade, and Economic Development as specified in s.
502 288.1229(5). The auditor shall submit the audit report to the
503 Office of Tourism, Trade, and Economic Development for review and
504 approval. If the audit report is approved, the office shall
505 certify the audit report to the Auditor General for review.

506 4. For the 2008-2009 ~~2007-2008~~ fiscal year only and
507 notwithstanding the provisions of subparagraphs 1. and 2.,
508 proceeds from the Professional Sports Development Trust Fund may
509 also be used for operational expenses of the Florida Sports
510 Foundation and financial support of the Sunshine State Games.
511 This subparagraph expires July 1, 2009 ~~2008~~.

512 Section 26. In order to implement Specific Appropriation
513 2115 of the 2008-2009 General Appropriations Act, subsection (5)
514 of section 339.135, Florida Statutes, is amended to read:

515 339.135 Work program; legislative budget request;
516 definitions; preparation, adoption, execution, and amendment.--

517 (5) (a) ADOPTION OF THE WORK PROGRAM.--The original approved
518 budget for operational and fixed capital expenditures for the
519 department shall be the Governor's budget recommendation and the

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520 first year of the tentative work program, as both are amended by
521 the General Appropriations Act and any other act containing
522 appropriations. In accordance with the appropriations act, the
523 department shall, prior to the beginning of the fiscal year,
524 adopt a final work program which shall only include the original
525 approved budget for the department for the ensuing fiscal year
526 together with any roll forwards approved pursuant to paragraph
527 (6) (c) and the portion of the tentative work program for the
528 following 4 fiscal years revised in accordance with the original
529 approved budget for the department for the ensuing fiscal year
530 together with said roll forwards. The adopted work program may
531 include only those projects submitted as part of the tentative
532 work program developed under the provisions of subsection (4)
533 plus any projects which are separately identified by specific
534 appropriation in the General Appropriations Act and any roll
535 forwards approved pursuant to paragraph (6) (c). However, any
536 transportation project of the department which is identified by
537 specific appropriation in the General Appropriations Act shall be
538 deducted from the funds annually distributed to the respective
539 district pursuant to paragraph (4) (a). In addition, the
540 department shall not in any year include any project or allocate
541 funds to a program in the adopted work program that is contrary
542 to existing law for that particular year. Projects shall not be
543 undertaken unless they are listed in the adopted work program.

544 (b) Notwithstanding paragraph (a), and for the 2008-2009
545 ~~2007-2008~~ fiscal year only, the Department of Transportation
546 shall transfer funds to the Office of Tourism, Trade, and
547 Economic Development in an amount equal to \$60 million
548 ~~\$25,400,000~~ for the purpose of funding economic development

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549 transportation projects. This transfer shall not reduce, delete,
550 or defer any existing projects funded, as of July 1, 2008 ~~2007~~,
551 in the Department of Transportation's 5-year work program. This
552 paragraph expires July 1, 2009 ~~2008~~.

553 (c) Notwithstanding paragraph (a), and for the 2007-2008
554 fiscal year only, the Department of Transportation shall provide
555 funds for the Seaport Strategic Planning and Financing Task Force
556 in an amount not to exceed \$75,000; the preliminary engineering
557 and environmental plans and activities for the construction of an
558 interchange on Suncoast Parkway and Lutz Fern Road in an amount
559 not to exceed \$975,000; the Rehabilitation of Local Bridges in an
560 amount not to exceed \$300,000; and the East Winterberry Bridge
561 Replacement in an amount not to exceed \$500,000. To fund these
562 specific appropriations, the Department of Transportation shall
563 not reduce, delete, or defer any existing projects funded as of
564 July 1, 2007, in the 5-year work program. This paragraph expires
565 July 1, 2008.

566 Section 27. In order to implement Specific Appropriations
567 1511, 1586, and 1606A and section 63 of the 2008-2009 General
568 Appropriations Act, section 553.721, Florida Statutes, is amended
569 to read:

570 553.721 Surcharge.--

571 (1) In order for the Department of Community Affairs to
572 administer and carry out the purposes of this part and related
573 activities, there is hereby created a surcharge, to be assessed
574 at the rate of one-half cent per square foot under-roof floor
575 space permitted pursuant to s. 125.56(4) or s. 166.201. However,
576 for additions, alterations, or renovations to existing buildings,
577 the surcharge shall be computed on the basis of the square

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578 | footage being added, altered, or renovated. The unit of
579 | government responsible for collecting a permit fee pursuant to s.
580 | 125.56(4) or s. 166.201 shall collect such surcharge and remit
581 | the funds collected to the department on a quarterly calendar
582 | basis, and such unit of government may retain an amount up to 5
583 | percent of the surcharge collected to cover costs associated with
584 | the collection and remittance of such surcharge. All funds
585 | remitted to the department pursuant to this subsection shall be
586 | deposited in the Operating Trust Fund. Funds collected from such
587 | surcharge shall not be used to fund research on techniques for
588 | mitigation of radon in existing buildings. Funds used by the
589 | department as well as funds to be transferred to the Department
590 | of Health shall be as prescribed in the annual General
591 | Appropriations Act. The department shall adopt rules governing
592 | the collection and remittance of surcharges in accordance with
593 | chapter 120.

594 | (2) Notwithstanding subsection (1), and for the 2008-2009
595 | fiscal year only, the amount transferred from the Operating Trust
596 | Fund to the Grants and Donations Trust Fund of the Department of
597 | Community Affairs pursuant to the General Appropriations Act for
598 | the 2008-2009 fiscal year shall be used for the regional planning
599 | councils, civil legal assistance, and the Front Porch Florida
600 | Initiative.

601 | Section 28. In order to implement the issuance of new debt
602 | authorized in the 2008-2009 General Appropriations Act, and
603 | pursuant to the requirements of s. 215.98, Florida Statutes, the
604 | Legislature determines that the authorization and issuance of
605 | debt for the 2008-2009 fiscal year is in the best interest of the
606 | state and should be implemented.

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607 Section 29. In order to implement the transfer of moneys to
608 the General Revenue Fund from trust funds in the 2008-2009
609 General Appropriations Act, paragraph (b) of subsection (2) of
610 section 215.32, Florida Statutes, is reenacted to read:

611 215.32 State funds; segregation.--

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

614 (b)1. The trust funds shall consist of moneys received by
615 the state which under law or under trust agreement are segregated
616 for a purpose authorized by law. The state agency or branch of
617 state government receiving or collecting such moneys shall be
618 responsible for their proper expenditure as provided by law. Upon
619 the request of the state agency or branch of state government
620 responsible for the administration of the trust fund, the Chief
621 Financial Officer may establish accounts within the trust fund at
622 a level considered necessary for proper accountability. Once an
623 account is established within a trust fund, the Chief Financial
624 Officer may authorize payment from that account only upon
625 determining that there is sufficient cash and releases at the
626 level of the account.

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

630 a. Operations or operating trust fund, for use as a
631 depository for funds to be used for program operations funded by
632 program revenues, with the exception of administrative activities
633 when the operations or operating trust fund is a proprietary
634 fund.

635 b. Operations and maintenance trust fund, for use as a

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636 depository for client services funded by third-party payors.

637 c. Administrative trust fund, for use as a depository for
638 funds to be used for management activities that are departmental
639 in nature and funded by indirect cost earnings and assessments
640 against trust funds. Proprietary funds are excluded from the
641 requirement of using an administrative trust fund.

642 d. Grants and donations trust fund, for use as a depository
643 for funds to be used for allowable grant or donor agreement
644 activities funded by restricted contractual revenue from private
645 and public nonfederal sources.

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

648 f. Clearing funds trust fund, for use as a depository for
649 funds to account for collections pending distribution to lawful
650 recipients.

651 g. Federal grant trust fund, for use as a depository for
652 funds to be used for allowable grant activities funded by
653 restricted program revenues from federal sources.

654

655 To the extent possible, each agency must adjust its internal
656 accounting to use existing trust funds consistent with the
657 requirements of this subparagraph. If an agency does not have
658 trust funds listed in this subparagraph and cannot make such
659 adjustment, the agency must recommend the creation of the
660 necessary trust funds to the Legislature no later than the next
661 scheduled review of the agency's trust funds pursuant to s.
662 215.3206.

663 3. All such moneys are hereby appropriated to be expended
664 in accordance with the law or trust agreement under which they

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665 were received, subject always to the provisions of chapter 216
666 relating to the appropriation of funds and to the applicable laws
667 relating to the deposit or expenditure of moneys in the State
668 Treasury.

669 4.a. Notwithstanding any provision of law restricting the
670 use of trust funds to specific purposes, unappropriated cash
671 balances from selected trust funds may be authorized by the
672 Legislature for transfer to the Budget Stabilization Fund and
673 General Revenue Fund in the General Appropriations Act.

674 b. This subparagraph does not apply to trust funds required
675 by federal programs or mandates; trust funds established for bond
676 covenants, indentures, or resolutions whose revenues are legally
677 pledged by the state or public body to meet debt service or other
678 financial requirements of any debt obligations of the state or
679 any public body; the State Transportation Trust Fund; the trust
680 fund containing the net annual proceeds from the Florida
681 Education Lotteries; the Florida Retirement System Trust Fund;
682 trust funds under the management of the State Board of Education
683 or the Board of Governors of the State University System, where
684 such trust funds are for auxiliary enterprises, self-insurance,
685 and contracts, grants, and donations, as those terms are defined
686 by general law; trust funds that serve as clearing funds or
687 accounts for the Chief Financial Officer or state agencies; trust
688 funds that account for assets held by the state in a trustee
689 capacity as an agent or fiduciary for individuals, private
690 organizations, or other governmental units; and other trust funds
691 authorized by the State Constitution.

692 Section 30. Any section of this act which implements a
693 specific appropriation or specifically identified proviso

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694 language in the act making appropriations for the 2008-2009
695 fiscal year is void if the specific appropriation or specifically
696 identified proviso language is vetoed. Any section of this act
697 which implements more than one specific appropriation or more
698 than one portion of specifically identified proviso language in
699 the act making appropriations for the 2008-2009 fiscal year is
700 void if all the specific appropriations or portions of
701 specifically identified proviso language are vetoed.

702 Section 31. If any other act passed in 2008 contains a
703 provision that is substantively the same as a provision in this
704 act, but that removes or is otherwise not subject to the future
705 repeal applied to such provision by this act, the Legislature
706 intends that the provision in the other act shall take precedence
707 and shall continue to operate, notwithstanding the future repeal
708 provided by this act.

709 Section 32. If any provision of this act or its application
710 to any person or circumstance is held invalid, the invalidity
711 does not affect other provisions or applications of the act which
712 can be given effect without the invalid provision or application,
713 and to this end the provisions of this act are severable.

714 Section 33. Except as otherwise expressly provided in this
715 act, this act shall take effect July 1, 2008; or, if this act
716 fails to become law until after that date, it shall take effect
717 upon becoming a law and shall operate retroactively to July 1,
718 2008.