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CHAMBER ACTION

Senate

House

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Floor: 1/AD/2R
4/16/2008 11:57 AM

1 Senator Carlton moved the following **amendment**:

2
3 **Senate Amendment (with title amendment)**

4 Delete everything after the enacting clause
5 and insert:

6 Section 1. It is the intent of the Legislature that the
7 implementing and administering provisions of this act apply to
8 the act making appropriations for the 2008-2009 fiscal year.

9 Section 2. In order to implement Specific Appropriations 6,
10 7, and 81 through 83 of the 2008-2009 General Appropriations Act,
11 the calculations of the Florida Education Finance Program for the
12 2008-2009 fiscal year in the document entitled "Public School
13 Funding - The Florida Education Finance Program" dated April 3,
14 2008, and filed with the Secretary of the Senate are incorporated
15 by reference for the purposes of displaying the calculations used
16 by the Legislature, consistent with the requirements of the



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17 Florida Statutes, in making appropriations for the Florida
18 Education Finance Program.

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

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

31 Section 5. In order to implement Specific Appropriations
32 302 and 314 of the 2008-2009 General Appropriations Act, the
33 Department of Children and Family Services shall ensure that all
34 public and private agencies and institutions participating in
35 child welfare cases enter information specified by rule of the
36 department into the Florida Safe Families Network in order to
37 maintain the accuracy and usefulness of the system. The Florida
38 Safe Families Network is intended to be the department's
39 automated child welfare case-management system designed to
40 provide child welfare workers with a mechanism for managing child
41 welfare cases more efficiently and tracking children and families
42 more effectively. The department shall coordinate with the Office
43 of the State Courts Administrator and the Statewide Guardian Ad
44 Litem Office for the purpose of providing any judge or magistrate
45 and any guardian ad litem assigned to a dependency court case
46 with access to information in the Florida Safe Families Network



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47 relating to a child welfare case which is required to be filed
48 with the court pursuant to chapter 39, Florida Statutes, by the
49 date of the network's release during the 2008-2009 fiscal year.
50 The department shall report to the Governor, the President of the
51 Senate, and the Speaker of the House of Representatives by
52 February 1, 2009, with respect to progress on providing access to
53 the Florida Safe Families Network as provided in this section.
54 This section expires July 1, 2009.

55 Section 6. In order to fulfill legislative intent regarding
56 the use of funds contained in Specific Appropriations 721M, 721Z,
57 721AK, and 1146 of the 2008-2009 General Appropriations Act, the
58 Department of Corrections and the Department of Juvenile Justice
59 may expend appropriated funds to assist in defraying the costs of
60 impacts that are incurred by a municipality or county and
61 associated with opening or operating a facility under the
62 authority of the respective department which is located within
63 that municipality or county. The amount that is to be paid under
64 this section for any facility may not exceed 1 percent of the
65 facility construction cost, less building impact fees imposed by
66 the municipality or by the county if the facility is located in
67 the unincorporated portion of the county. This section expires
68 July 1, 2009.

69 Section 7. In order to implement Specific Appropriations
70 708 through 766 and 780 through 806 of the 2008-2009 General
71 Appropriations Act, subsection (4) of section 216.262, Florida
72 Statutes, is amended to read:

73 216.262 Authorized positions.--

74 (4) Notwithstanding the provisions of this chapter on
75 increasing the number of authorized positions, and for the 2008-
76 2009 ~~2007-2008~~ fiscal year only, if the average daily actual



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77 inmate population of the Department of Corrections exceeds the
78 inmate population projections of the February 15, 2008 ~~16, 2007~~,
79 Criminal Justice Estimating Conference by 1 percent for 2
80 consecutive months or 2 percent for any month, the Executive
81 Office of the Governor, with the approval of the Legislative
82 Budget Commission, shall immediately notify the Criminal Justice
83 Estimating Conference, which shall convene as soon as possible to
84 revise the estimates. The Department of Corrections may then
85 submit a budget amendment requesting the establishment of
86 positions in excess of the number authorized by the Legislature
87 and additional appropriations from unallocated general revenue
88 sufficient to provide for essential staff, fixed capital
89 improvements, and other resources to provide classification,
90 security, food services, health services, and other variable
91 expenses within the institutions to accommodate the estimated
92 increase in the inmate population. All actions taken pursuant to
93 the authority granted in this subsection shall be subject to
94 review and approval by the Legislative Budget Commission. This
95 subsection expires July 1, 2009 ~~2008~~.

96 Section 8. In order to implement Specific Appropriations
97 1301 and 1302 of the 2008-2009 General Appropriations Act, the
98 Department of Legal Affairs is authorized to expend appropriated
99 funds in Specific Appropriations 1301 and 1302 on the same
100 programs that were funded by the department pursuant to specific
101 appropriations made in general appropriations acts in prior
102 years.

103 Section 9. In order to implement Specific Appropriation
104 1210 of the 2008-2009 General Appropriations Act, subsection (4)
105 of section 932.7055, Florida Statutes, is amended to read:

106 932.7055 Disposition of liens and forfeited property.--



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

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

111 (b) Payment of the cost incurred by the seizing agency in
112 connection with the storage, maintenance, security, and
113 forfeiture of such property.

114 (c) Payment of court costs incurred in the forfeiture
115 proceeding.

116 (d) Notwithstanding any other provision of this subsection,
117 and for the 2008-2009 ~~2007-2008~~ fiscal year only, the funds in a
118 special law enforcement trust fund established by the governing
119 body of a municipality may be expended to reimburse the general
120 fund of the municipality for moneys advanced from the general
121 fund to the special law enforcement trust fund prior to October
122 1, 2001. This paragraph expires July 1, 2009 ~~2008~~.

123 Section 10. In order to implement Specific Appropriation
124 1080 of the 2008-2009 General Appropriations Act, subsection (3)
125 of section 985.686, Florida Statutes, is reenacted to read:

126 985.686 Shared county and state responsibility for juvenile
127 detention.--

128 (3) Each county shall pay the costs of providing detention
129 care, exclusive of the costs of any preadjudicatory nonmedical
130 educational or therapeutic services and \$2.5 million provided for
131 additional medical and mental health care at the detention
132 centers, for juveniles for the period of time prior to final
133 court disposition. The department shall develop an accounts
134 payable system to allocate costs that are payable by the
135 counties.



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

144 Section 12. In order to implement Specific Appropriation
145 786 of the 2008-2009 General Appropriations Act, the Department
146 of Corrections shall comply with the following reimbursement
147 limitations:

148 (1) If no contract exists between the Department of
149 Corrections and the health care provider or hospital regarding
150 services, payments may not exceed 110 percent of the Medicare
151 allowable rate.

152 (2) If a contract has been executed between the Department
153 of Corrections and the health care provider or hospital, payments
154 shall continue at the currently contracted rates through the
155 current term of the contract; however, if the contract expires or
156 is subject to renewal during the 2007-2008 fiscal year, the
157 payments may not exceed 110 percent of Medicare allowable rate.

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

161 (4) Notwithstanding the limitations of subsections (1),
162 (2), and (3) to the contrary, the Department of Corrections may
163 pay up to 125 percent of the Medicare allowable rate for
164 hospitals that reported to the Agency for Health Care



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165 Administration, through hospital audited financial data, a
166 negative operating margin for the previous year.

167
168 The Department of Corrections may not negotiate contracts for
169 medical services for rates other than rates based on a percentage
170 of the Medicare allowable rate.

171 Section 13. In order to implement Specific Appropriations
172 1654, 1662, 1767, and 1773 of the 2008-2009 General
173 Appropriations Act, moneys in the Invasive Plant Control Trust
174 Fund are authorized to be transferred to the Save Our Everglades
175 Trust Fund for Everglades restoration projects and to the
176 Ecosystem Management and Restoration Trust Fund for the Water
177 Restoration Action Plan, as provided in the General
178 Appropriations Act. This section expires July 1, 2009.

179 Section 14. In order to implement Specific Appropriations
180 1654 and 1662 of the 2008-2009 General Appropriations Act,
181 subsection (6) of section 201.15, Florida Statutes, as amended by
182 section 43 of chapter 2007-73 and section 1 of chapter 2007-335,
183 Laws of Florida, is amended to read:

184 201.15 Distribution of taxes collected.--All taxes
185 collected under this chapter shall be distributed as follows and
186 shall be subject to the service charge imposed in s. 215.20(1),
187 except that such service charge shall not be levied against any
188 portion of taxes pledged to debt service on bonds to the extent
189 that the amount of the service charge is required to pay any
190 amounts relating to the bonds:

191 (6) The lesser of two and twenty-eight hundredths percent
192 of the remaining taxes collected under this chapter or \$34.1
193 million in each fiscal year shall be paid into the State Treasury
194 to the credit of the Invasive Plant Control Trust Fund to carry



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195 out the purposes set forth in ss. 369.22 and 369.252, Everglades
196 restoration, and the Water Resource Action Plan, as provided in
197 the General Appropriations Act.

198 Section 15. In order to implement the appropriation of
199 funds in Special Categories-Risk Management Insurance of the
200 2008-2009 General Appropriations Act, and pursuant to the notice,
201 review, and objection procedures of s. 216.177, Florida Statutes,
202 the Executive Office of the Governor is authorized to transfer
203 funds appropriated in the appropriation category "Special
204 Categories-Risk Management Insurance" of the 2008-2009 General
205 Appropriations Act between departments in order to align the
206 budget authority granted with the premiums paid by each
207 department for risk management insurance. This section expires
208 July 1, 2009.

209 Section 16. In order to implement the appropriation of
210 funds in Special Categories-Transfer to Department of Management
211 Services-Human Resources Services Purchased Per Statewide
212 Contract of the 2008-2009 General Appropriations Act, and
213 pursuant to the notice, review, and objection procedures of s.
214 216.177, Florida Statutes, the Executive Office of the Governor
215 is authorized to transfer funds appropriated in the appropriation
216 category "Special Categories-Transfer to Department of Management
217 Services-Human Resources Services Purchased Per Statewide
218 Contract" of the 2008-2009 General Appropriations Act between
219 departments in order to align the budget authority granted with
220 the assessments that must be paid by each agency to the
221 Department of Management Services for human resource management
222 services. This section expires July 1, 2009.



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223 Section 17. In order to implement Specific Appropriation
224 1775 of the 2008-2009 General Appropriations Act, subsection (3)
225 of section 253.01, Florida Statutes, is amended to read:

226 253.01 Internal Improvement Trust Fund established.--

227 (3) In addition to the uses allowed in subsection (2) for
228 the 2008-2009 ~~2007-2008~~ fiscal year, moneys in the Internal
229 Improvement Trust Fund are authorized ~~to be transferred to the~~
230 ~~Ecosystem Management and Restoration Trust Fund~~ for grants and
231 aids to local governments for the drinking water facility
232 construction state revolving loan program, ~~water projects~~ as
233 provided in the General Appropriations Act. This subsection
234 expires July 1, 2009 ~~2008~~.

235 Section 18. In order to implement Specific Appropriations
236 2801 through 2814 of the 2008-2009 General Appropriations Act,
237 subsection (7) of section 255.503, Florida Statutes, is amended
238 to read:

239 255.503 Powers of the Department of Management
240 Services.--The Department of Management Services shall have all
241 the authority necessary to carry out and effectuate the purposes
242 and provisions of this act, including, but not limited to, the
243 authority to:

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

246 (b) No later than the date upon which the department
247 recommends to the Division of State Lands of the Department of
248 Environmental Protection the disposition of any facility within
249 the Florida Facilities Pool, the department shall provide to the
250 President of the Senate, the Speaker of the House of
251 Representatives, the Executive Office of the Governor, and the



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252 | Division of Bond Finance of the State Board of Administration an
253 | analysis that includes:

254 | 1. The cost benefit of the proposed facility disposition,
255 | including the facility's current operating expenses, condition,
256 | and market value, and viable alternatives for work space for
257 | impacted state employees.

258 | 2. The effect of the proposed facility disposition on the
259 | financial status of the Florida Facilities Pool, including the
260 | effect on rental rates and coverage requirement for the bonds.

261 |

262 | This paragraph expires July 1, 2009 ~~2008~~.

263 | Section 19. In order to implement Specific Appropriations
264 | 2826 through 2835 of the 2008-2009 General Appropriations Act,
265 | paragraph (a) of subsection (3) and subsection (6) of section
266 | 287.17, Florida Statutes, are reenacted to read:

267 | 287.17 Limitation on use of motor vehicles and aircraft.--

268 | (3) (a) The term "official state business" may not be
269 | construed to permit the use of a motor vehicle for commuting
270 | purposes, unless special assignment of a motor vehicle is
271 | authorized as a perquisite by the Department of Management
272 | Services, required by an employee after normal duty hours to
273 | perform duties of the position to which assigned, or authorized
274 | for an employee whose home is the official base of operation.

275 | (6) It is the intention of the Legislature that persons
276 | traveling on state aircraft for purposes consistent with, but not
277 | necessarily constituting, official state business may travel only
278 | when accompanying persons who are traveling on official state
279 | business and that such persons shall pay the state for all costs
280 | associated with such travel. Notwithstanding paragraph (3) (a), a
281 | person traveling on state aircraft for purposes other than



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282 official state business shall pay for any trip not exclusively
283 for state business by paying a prorated share of all fixed and
284 variable expenses related to the ownership, operation, and use of
285 such aircraft.

286 Section 20. The amendment of s. 287.17, Florida Statutes,
287 as carried forward by this act from chapters 2005-71, 2006-26,
288 and 2007-73, Laws of Florida, shall expire July 1, 2009, and the
289 text of that section shall revert to that in existence on June
290 30, 2005, except that any amendments to such text enacted other
291 than by chapters 2005-71, 2006-26, and 2007-73, Laws of Florida,
292 shall be preserved and continue to operate to the extent that
293 such amendments are not dependent upon the portions of such text
294 which expire pursuant to this section.

295 Section 21. Notwithstanding s. 403.7095, Florida Statutes,
296 in order to implement Specific Appropriation 1819 of the 2008-
297 2009 General Appropriations Act, the Department of Environmental
298 Protection shall award:

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

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

305
306 This section expires July 1, 2009.

307 Section 22. In order to implement Specific Appropriation
308 1336 through 1496 of the 2008-2009 General Appropriations Act,
309 section 570.20, Florida Statutes, is amended to read:

310 570.20 General Inspection Trust Fund.--



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311 (1) All donations and all inspection fees and other funds
312 authorized and received from whatever source in the enforcement
313 of the inspection laws administered by the department shall be
314 paid into the General Inspection Trust Fund of Florida, which is
315 created in the office of the Chief Financial Officer. All
316 expenses incurred in carrying out the provisions of the
317 inspection laws shall be paid from this fund as other funds are
318 paid from the State Treasury. A percentage of all revenue
319 deposited in this fund, including transfers from any subsidiary
320 accounts, shall be deposited in the General Revenue Fund pursuant
321 to chapter 215, except that funds collected for marketing orders
322 shall pay at the rate of 3 percent.

323 (2) For the 2008-2009 ~~2007-2008~~ fiscal year only and
324 notwithstanding any other provision of law to the contrary, in
325 addition to the spending authorized in subsection (1), moneys in
326 the General Inspection Trust Fund may be appropriated for
327 programs operated by the department which are related to the
328 programs authorized by this chapter. This subsection expires July
329 1, 2009 ~~2008~~.

330 Section 23. In order to implement Specific Appropriations
331 2536, 2537, 2538, 2539, and 2542 of the 2008-2009 General
332 Appropriations Act, for the 2008-2009 fiscal year only and
333 notwithstanding any conflicting requirements of section 4 of
334 chapter 2006-12, Laws of Florida, the Department of Financial
335 Services may expend \$998,820 of the funds appropriated by section
336 4 of chapter 2006-12, Laws of Florida, for salaries, other
337 personnel services, and related expenses.

338 Section 24. In order to implement Section 61 of the 2008-
339 2009 General Appropriations Act, subsection (13) of section
340 253.034, Florida Statutes, is amended to read:



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341 253.034 State-owned lands; uses.--

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

349 Section 25. In order to implement Specific Appropriation
350 2638 of the 2008-2009 General Appropriations Act, paragraph (b)
351 of subsection (9) of section 320.08058, Florida Statutes, is
352 amended to read:

353 320.08058 Specialty license plates.--

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

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

357 1. Fifty-five percent of the proceeds from the Florida
358 Professional Sports Team plate must be deposited into the
359 Professional Sports Development Trust Fund within the Office of
360 Tourism, Trade, and Economic Development. These funds must be
361 used solely to attract and support major sports events in this
362 state. As used in this subparagraph, the term "major sports
363 events" means, but is not limited to, championship or all-star
364 contests of Major League Baseball, the National Basketball
365 Association, the National Football League, the National Hockey
366 League, the men's and women's National Collegiate Athletic
367 Association Final Four basketball championship, or a horseracing
368 or dogracing Breeders' Cup. All funds must be used to support and
369 promote major sporting events, and the uses must be approved by
370 the Florida Sports Foundation.



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371 2. The remaining proceeds of the Florida Professional
372 Sports Team license plate must be allocated to the Florida Sports
373 Foundation, a direct-support organization of the Office of
374 Tourism, Trade, and Economic Development. These funds must be
375 deposited into the Professional Sports Development Trust Fund
376 within the Office of Tourism, Trade, and Economic Development.
377 These funds must be used by the Florida Sports Foundation to
378 promote the economic development of the sports industry; to
379 distribute licensing and royalty fees to participating
380 professional sports teams; to promote education programs in
381 Florida schools that provide an awareness of the benefits of
382 physical activity and nutrition standards; to partner with the
383 Department of Education and the Department of Health to develop a
384 program that recognizes schools whose students demonstrate
385 excellent physical fitness or fitness improvement; to institute a
386 grant program for communities bidding on minor sporting events
387 that create an economic impact for the state; to distribute funds
388 to Florida-based charities designated by the Florida Sports
389 Foundation and the participating professional sports teams; and
390 to fulfill the sports promotion responsibilities of the Office of
391 Tourism, Trade, and Economic Development.

392 3. The Florida Sports Foundation shall provide an annual
393 financial audit in accordance with s. 215.981 of its financial
394 accounts and records by an independent certified public
395 accountant pursuant to the contract established by the Office of
396 Tourism, Trade, and Economic Development as specified in s.
397 288.1229(5). The auditor shall submit the audit report to the
398 Office of Tourism, Trade, and Economic Development for review and
399 approval. If the audit report is approved, the office shall
400 certify the audit report to the Auditor General for review.



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401 4. For the 2008-2009 ~~2007-2008~~ fiscal year only and
402 notwithstanding the provisions of subparagraphs 1. and 2.,
403 proceeds from the Professional Sports Development Trust Fund may
404 also be used for operational expenses of the Florida Sports
405 Foundation and financial support of the Sunshine State Games.
406 This subparagraph expires July 1, 2009 ~~2008~~.

407 Section 26. In order to implement Specific Appropriation
408 2115 of the 2008-2009 General Appropriations Act, subsection (5)
409 of section 339.135, Florida Statutes, is amended to read:

410 339.135 Work program; legislative budget request;
411 definitions; preparation, adoption, execution, and amendment.--

412 (5) (a) ADOPTION OF THE WORK PROGRAM.--The original approved
413 budget for operational and fixed capital expenditures for the
414 department shall be the Governor's budget recommendation and the
415 first year of the tentative work program, as both are amended by
416 the General Appropriations Act and any other act containing
417 appropriations. In accordance with the appropriations act, the
418 department shall, prior to the beginning of the fiscal year,
419 adopt a final work program which shall only include the original
420 approved budget for the department for the ensuing fiscal year
421 together with any roll forwards approved pursuant to paragraph
422 (6) (c) and the portion of the tentative work program for the
423 following 4 fiscal years revised in accordance with the original
424 approved budget for the department for the ensuing fiscal year
425 together with said roll forwards. The adopted work program may
426 include only those projects submitted as part of the tentative
427 work program developed under the provisions of subsection (4)
428 plus any projects which are separately identified by specific
429 appropriation in the General Appropriations Act and any roll
430 forwards approved pursuant to paragraph (6) (c). However, any



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431 transportation project of the department which is identified by
432 specific appropriation in the General Appropriations Act shall be
433 deducted from the funds annually distributed to the respective
434 district pursuant to paragraph (4)(a). In addition, the
435 department shall not in any year include any project or allocate
436 funds to a program in the adopted work program that is contrary
437 to existing law for that particular year. Projects shall not be
438 undertaken unless they are listed in the adopted work program.

439 (b) Notwithstanding paragraph (a), and for the 2008-2009
440 ~~2007-2008~~ fiscal year only, the Department of Transportation
441 shall transfer funds to the Office of Tourism, Trade, and
442 Economic Development in an amount equal to \$60 million
443 ~~\$25,400,000~~ for the purpose of funding economic development
444 transportation projects. This transfer shall not reduce, delete,
445 or defer any existing projects funded, as of July 1, 2008 ~~2007~~,
446 in the Department of Transportation's 5-year work program. This
447 paragraph expires July 1, 2009 ~~2008~~.

448 (c) Notwithstanding paragraph (a), and for the 2007-2008
449 fiscal year only, the Department of Transportation shall provide
450 funds for the Seaport Strategic Planning and Financing Task Force
451 in an amount not to exceed \$75,000; the preliminary engineering
452 and environmental plans and activities for the construction of an
453 interchange on Suncoast Parkway and Lutz Fern Road in an amount
454 not to exceed \$975,000; the Rehabilitation of Local Bridges in an
455 amount not to exceed \$300,000; and the East Winterberry Bridge
456 Replacement in an amount not to exceed \$500,000. To fund these
457 specific appropriations, the Department of Transportation shall
458 not reduce, delete, or defer any existing projects funded as of
459 July 1, 2007, in the 5-year work program. This paragraph expires
460 July 1, 2008.



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461 Section 27. In order to implement Specific Appropriations
462 1511, 1586, and 1606A and section 63 of the 2008-2009 General
463 Appropriations Act, section 553.721, Florida Statutes, is amended
464 to read:

465 553.721 Surcharge.--

466 (1) In order for the Department of Community Affairs to
467 administer and carry out the purposes of this part and related
468 activities, there is hereby created a surcharge, to be assessed
469 at the rate of one-half cent per square foot under-roof floor
470 space permitted pursuant to s. 125.56(4) or s. 166.201. However,
471 for additions, alterations, or renovations to existing buildings,
472 the surcharge shall be computed on the basis of the square
473 footage being added, altered, or renovated. The unit of
474 government responsible for collecting a permit fee pursuant to s.
475 125.56(4) or s. 166.201 shall collect such surcharge and remit
476 the funds collected to the department on a quarterly calendar
477 basis, and such unit of government may retain an amount up to 5
478 percent of the surcharge collected to cover costs associated with
479 the collection and remittance of such surcharge. All funds
480 remitted to the department pursuant to this subsection shall be
481 deposited in the Operating Trust Fund. Funds collected from such
482 surcharge shall not be used to fund research on techniques for
483 mitigation of radon in existing buildings. Funds used by the
484 department as well as funds to be transferred to the Department
485 of Health shall be as prescribed in the annual General
486 Appropriations Act. The department shall adopt rules governing
487 the collection and remittance of surcharges in accordance with
488 chapter 120.

489 (2) Notwithstanding subsection (1), and for the 2008-2009
490 fiscal year only, the amount transferred from the Operating Trust



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491 Fund to the Grants and Donations Trust Fund of the Department of
492 Community Affairs pursuant to the General Appropriations Act for
493 the 2008-2009 fiscal year shall be used for the regional planning
494 councils, civil legal assistance, and the Front Porch Florida
495 Initiative.

496 Section 28. In order to implement the issuance of new debt
497 authorized in the 2008-2009 General Appropriations Act, and
498 pursuant to the requirements of s. 215.98, Florida Statutes, the
499 Legislature determines that the authorization and issuance of
500 debt for the 2008-2009 fiscal year is in the best interest of the
501 state and should be implemented.

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

506 215.32 State funds; segregation.--

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

509 (b)1. The trust funds shall consist of moneys received by
510 the state which under law or under trust agreement are segregated
511 for a purpose authorized by law. The state agency or branch of
512 state government receiving or collecting such moneys shall be
513 responsible for their proper expenditure as provided by law. Upon
514 the request of the state agency or branch of state government
515 responsible for the administration of the trust fund, the Chief
516 Financial Officer may establish accounts within the trust fund at
517 a level considered necessary for proper accountability. Once an
518 account is established within a trust fund, the Chief Financial
519 Officer may authorize payment from that account only upon



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520 | determining that there is sufficient cash and releases at the
521 | level of the account.

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

525 | a. Operations or operating trust fund, for use as a
526 | depository for funds to be used for program operations funded by
527 | program revenues, with the exception of administrative activities
528 | when the operations or operating trust fund is a proprietary
529 | fund.

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

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

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

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

543 | f. Clearing funds trust fund, for use as a depository for
544 | funds to account for collections pending distribution to lawful
545 | recipients.

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

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550 To the extent possible, each agency must adjust its internal
551 accounting to use existing trust funds consistent with the
552 requirements of this subparagraph. If an agency does not have
553 trust funds listed in this subparagraph and cannot make such
554 adjustment, the agency must recommend the creation of the
555 necessary trust funds to the Legislature no later than the next
556 scheduled review of the agency's trust funds pursuant to s.
557 215.3206.

558 3. All such moneys are hereby appropriated to be expended
559 in accordance with the law or trust agreement under which they
560 were received, subject always to the provisions of chapter 216
561 relating to the appropriation of funds and to the applicable laws
562 relating to the deposit or expenditure of moneys in the State
563 Treasury.

564 4.a. Notwithstanding any provision of law restricting the
565 use of trust funds to specific purposes, unappropriated cash
566 balances from selected trust funds may be authorized by the
567 Legislature for transfer to the Budget Stabilization Fund and
568 General Revenue Fund in the General Appropriations Act.

569 b. This subparagraph does not apply to trust funds required
570 by federal programs or mandates; trust funds established for bond
571 covenants, indentures, or resolutions whose revenues are legally
572 pledged by the state or public body to meet debt service or other
573 financial requirements of any debt obligations of the state or
574 any public body; the State Transportation Trust Fund; the trust
575 fund containing the net annual proceeds from the Florida
576 Education Lotteries; the Florida Retirement System Trust Fund;
577 trust funds under the management of the State Board of Education
578 or the Board of Governors of the State University System, where
579 such trust funds are for auxiliary enterprises, self-insurance,



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580 and contracts, grants, and donations, as those terms are defined
581 by general law; trust funds that serve as clearing funds or
582 accounts for the Chief Financial Officer or state agencies; trust
583 funds that account for assets held by the state in a trustee
584 capacity as an agent or fiduciary for individuals, private
585 organizations, or other governmental units; and other trust funds
586 authorized by the State Constitution.

587 Section 30. Any section of this act which implements a
588 specific appropriation or specifically identified proviso
589 language in the act making appropriations for the 2008-2009
590 fiscal year is void if the specific appropriation or specifically
591 identified proviso language is vetoed. Any section of this act
592 which implements more than one specific appropriation or more
593 than one portion of specifically identified proviso language in
594 the act making appropriations for the 2008-2009 fiscal year is
595 void if all the specific appropriations or portions of
596 specifically identified proviso language are vetoed.

597 Section 31. If any other act passed in 2008 contains a
598 provision that is substantively the same as a provision in this
599 act, but that removes or is otherwise not subject to the future
600 repeal applied to such provision by this act, the Legislature
601 intends that the provision in the other act shall take precedence
602 and shall continue to operate, notwithstanding the future repeal
603 provided by this act.

604 Section 32. If any provision of this act or its application
605 to any person or circumstance is held invalid, the invalidity
606 does not affect other provisions or applications of the act which
607 can be given effect without the invalid provision or application,
608 and to this end the provisions of this act are severable.



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609 Section 33. Except as otherwise expressly provided in this
610 act, this act shall take effect July 1, 2008; or, if this act
611 fails to become law until after that date, it shall take effect
612 upon becoming a law and shall operate retroactively to July 1,
613 2008.

614
615 ===== T I T L E A M E N D M E N T =====

616 And the title is amended as follows:

617 Delete everything before the enacting clause
618 and insert:

619 A bill to be entitled
620 An act implementing the 2008-2009 General Appropriations
621 Act; providing legislative intent; incorporating by
622 reference certain calculations of the Florida Education
623 Finance Program for the 2008-2009 fiscal year; providing
624 for allocating funds for alcohol, drug abuse, and mental
625 health services to areas of the state having the greatest
626 demand for services and treatment capacity and as
627 specified in the General Appropriations Act; requiring the
628 Department of Children and Family Services to ensure
629 information is entered into the Florida Safe Families
630 Network; requiring coordination between the department and
631 the Office of the State Courts Administrator and the
632 Statewide Guardian Ad Litem Office to provide information
633 relating to child welfare cases; requiring a report to the
634 Governor and Legislature; providing for future expiration
635 of such provisions; authorizing the Department of
636 Corrections and the Department of Juvenile Justice to
637 expend funds to defray the cost of impacts incurred by a
638 municipality or county which are associated with a



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639 facility operated by each respective department; providing
640 for future expiration of such authorization; amending s.
641 216.262, F.S.; extending the expiration date of provisions
642 authorizing additional positions to operate added prison
643 bed capacity; authorizing the Department of Legal Affairs
644 to expend funds for certain programs pursuant to specific
645 appropriations; amending s. 932.7055, F.S.; extending the
646 expiration date of provisions authorizing the expenditure
647 of funds in a special law enforcement trust fund
648 established by the governing body of a municipality;
649 reenacting s. 985.686(3), F.S., providing for the payment
650 of costs of providing detention care for juveniles;
651 providing for the future expiration of certain amendments
652 to such provisions; specifying certain limitations on
653 reimbursements to a health care provider or hospital by
654 the Department of Corrections; providing an exception for
655 hospitals that reported a negative operating margin for
656 the prior year; requiring that contract rates of the
657 Department of Corrections be based on a percentage of the
658 Medicare allowable rate; amending s. 201.15, F.S.;
659 providing for moneys in the Invasive Plant Control Trust
660 Fund from the excise tax on documents to be used for
661 Everglades restoration and for the Water Resource Action
662 Plan; authorizing the transfer of moneys in the Invasive
663 Plant Control Trust Fund to the Save Our Everglades Trust
664 Fund and the Ecosystem Management and Restoration Trust
665 Fund; authorizing the Executive Office of the Governor to
666 transfer certain specified funds between departments for
667 purposes of paying risk management insurance; providing
668 for expiration of such authority; authorizing the



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669 Executive Office of the Governor to transfer certain
670 specified funds between departments for purposes of paying
671 for human resource management services; providing for
672 expiration of such authority; amending s. 253.01, F.S.;

673 providing for moneys in the Internal Improvement Trust
674 Fund to be used for grants and aids to local governments
675 for the drinking water facility construction state
676 revolving loan program; providing for future expiration of
677 such provision; amending s. 255.503, F.S.; delaying the
678 expiration of provisions authorizing the Department of
679 Management Services to sell, lease, or otherwise dispose
680 of facilities within the Florida Facilities Pool and
681 report to the Legislature, the Governor, and the Division
682 of Bond Finance; reenacting s. 287.17(3)(a) and (6), F.S.;

683 authorizing the use of state aircraft for commuting;
684 providing for the future expiration of certain amendments
685 to such provisions; requiring the Department of
686 Environmental Protection to award funds to certain small
687 counties for programs in litter prevention, recycling and
688 solid waste programs, and the Innovation Grant Program;
689 amending s. 570.20, F.S.; delaying the expiration of
690 provisions authorizing moneys in the General Inspection
691 Trust Fund to be appropriated for certain programs
692 operated by the Department of Agriculture and Consumer
693 Services; authorizing the Department of Financial Services
694 to expend certain funds for salaries, other personnel
695 services, and related expenses; amending s. 253.034, F.S.;

696 delaying the expiration of provisions authorizing the
697 deposit of funds from the sale of property located in Palm
698 Beach County into the Highway Safety Operating Trust Fund



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699 | by the Department of Highway Safety and Motor Vehicles;
700 | amending s. 320.08058, F.S.; delaying the expiration of
701 | provisions authorizing proceeds from the Professional
702 | Sports Development Trust Fund to be used for operational
703 | expenses of the Florida Sports Foundation and financial
704 | support of the Sunshine State Games; amending s. 339.135,
705 | F.S.; delaying the expiration of provisions requiring the
706 | Department of Transportation to transfer funds to the
707 | Office of Tourism, Trade, and Economic Development for the
708 | purpose of funding economic development transportation
709 | projects; amending s. 553.721, F.S.; providing for the
710 | proceeds from the surcharge collected by the Department of
711 | Community Affairs on building additions and renovations to
712 | be used to fund regional planning councils, civil legal
713 | assistance, and the Front Porch Florida Initiative;
714 | providing for the authorization and issuance of new debt;
715 | reenacting s. 215.32(2)(b), F.S., relating to the source
716 | and use of certain trust funds in order to implement the
717 | transfer of moneys in the General Revenue Fund from trust
718 | funds in the 2008-2009 General Appropriations Act;
719 | providing for the effect of a veto of one or more specific
720 | appropriations or proviso provisions to which implementing
721 | language refers; providing for the continued operation of
722 | certain provisions notwithstanding a future repeal or
723 | expiration provided by the act; providing for
724 | severability; providing for contingent retroactive
725 | application; providing effective dates.