

1 A bill to be entitled
2 An act implementing the 2008-2009 General Appropriations
3 Act; providing legislative intent; amending s. 1001.451,
4 F.S.; revising the incentive grant amounts for regional
5 consortium service organizations; amending s. 1012.225,
6 F.S.; revising the dates when Merit Award Program plans
7 must be submitted; amending s. 394.908, F.S.; requiring
8 that funds appropriated for forensic mental health
9 treatment services be allocated to the areas of the state
10 having the greatest demand for services and treatment
11 capacity; providing allocation requirements for specified
12 funds appropriated for mental health services; providing
13 for a health care collaborative action network and
14 discount health care pilot program in Miami-Dade County;
15 authorizing the Executive Office of the Governor to
16 approve the increase in nonoperating transfer budget
17 authority for trust funds in the Department of Children
18 and Family Services; authorizing the Department of
19 Corrections and the Department of Juvenile Justice to make
20 certain expenditures to defray costs incurred by a
21 municipality or county as a result of opening or operating
22 a facility under authority of the respective department;
23 amending s. 216.262, F.S.; providing for additional
24 positions to operate additional prison bed capacity under
25 certain circumstances; amending s. 216.292, F.S.;
26 authorizing certain transfers of appropriations for
27 operations from general revenue between budget categories
28 and entities of the criminal conflict and civil regional

29 | counsels and the budget category for child dependency and
30 | civil conflict cases within the Justice Administrative
31 | Commission; providing for future expiration of such
32 | provisions; authorizing the Department of Legal Affairs to
33 | expend appropriated funds on programs funded in the
34 | preceding fiscal year; authorizing the Department of Legal
35 | Affairs to transfer certain funds to pay salaries and
36 | benefits; amending s. 112.24, F.S.; providing
37 | circumstances under which a receiving party is not
38 | required to pay certain reimbursement costs for a state
39 | employee pursuant to an intergovernmental interchange;
40 | authorizing the Executive Office of the Governor to
41 | transfer funds between departments for purposes of
42 | aligning amounts paid for risk management premiums and for
43 | purposes of aligning amounts paid for human resource
44 | management services; amending s. 110.123, F.S.; providing
45 | for the state's monthly contribution for employees under
46 | the state group insurance program; authorizing the
47 | Department of Financial Services to expend certain funds
48 | for salaries and related expenses; amending s. 215.5595,
49 | F.S.; revising legislative findings; providing for
50 | appropriated state funds to be exchanged for surplus notes
51 | issued by residential property insurers under the program;
52 | revising the conditions and requirements for providing
53 | funds to insurers under the program; requiring a
54 | commitment by the insurer to meet minimum premium-to-
55 | surplus writing ratios for residential property insurance
56 | and for taking policies out of Citizens Property Insurance

57 Corporation; authorizing the State Board of Administration
58 to charge a fee for late payments; providing that
59 amendments made by the act do not affect the terms of
60 surplus notes approved prior to a specified date;
61 authorizing the State Board of Administration and an
62 insurer to renegotiate such terms consistent with such
63 amendments; requiring Citizens Property Insurance
64 Corporation to transfer funds to the General Revenue Fund
65 for appropriation by the Legislature for program purposes;
66 amending s. 252.373, F.S.; requiring the Division of
67 Emergency Management to provide emergency power generators
68 to special-needs hurricane evacuation shelters from the
69 Emergency Management, Preparedness, and Assistance Trust
70 Fund; amending s. 215.559, F.S.; requiring the Division of
71 Emergency Management to provide emergency power generators
72 to special-needs hurricane evacuation shelters from the
73 Grants and Donations Trust Fund; amending s. 288.1088,
74 F.S.; requiring the availability of incentives to
75 stimulate economic growth in certain rural areas; amending
76 s. 553.75, F.S.; authorizing the use of communication
77 media technology at certain meetings of the Florida
78 Building Commission; amending s. 259.032, F.S.; authorizes
79 the transfer of funds from the Conservation and Recreation
80 Lands Trust Fund for certain cleanup and beach restoration
81 activities; providing for reversion of certain provisions;
82 amending s. 216.221, F.S.; providing for conditions under
83 which the Governor is authorized to request a transfer of
84 funds from the Budget Stabilization Fund to the General

85 Revenue Fund; amending s. 215.5601, F.S.; providing for
 86 conditions under which the Governor is authorized to
 87 request a transfer of funds from the Lawton Chiles
 88 Endowment Fund to the General Revenue Fund and providing
 89 for a schedule of repayment; providing for the effect of a
 90 veto of one or more specific appropriations or proviso to
 91 which implementing language refers; providing for the
 92 continued operation of certain provisions notwithstanding
 93 a future repeal or expiration provided by the act;
 94 providing for severability; providing effective dates.

95

96 Be It Enacted by the Legislature of the State of Florida:

97

98 Section 1. It is the intent of the Legislature that the
 99 implementing and administering provisions of this act apply to
 100 the General Appropriations Act for the 2008-2009 fiscal year.

101 Section 2. In order to implement Specific Appropriation
 102 101 of the 2008-2009 General Appropriations Act, paragraph (a)
 103 of subsection (2) of section 1001.451, Florida Statutes, is
 104 amended to read:

105 1001.451 Regional consortium service organizations.--In
 106 order to provide a full range of programs to larger numbers of
 107 students, minimize duplication of services, and encourage the
 108 development of new programs and services:

109 (2) (a) 1. Each regional consortium service organization
 110 that consists of four or more school districts is eligible to
 111 receive, through the Department of Education, an incentive grant
 112 of \$50,000 per school district and eligible member to be used

113 for the delivery of services within the participating school
 114 districts. The determination of services and use of such funds
 115 shall be established by the board of directors of the regional
 116 consortium service organization. The funds shall be distributed
 117 to each regional consortium service organization no later than
 118 30 days following the release of the funds to the department.

119 2. For the 2008-2009 fiscal year only, the amount of the
 120 incentive grant authorized under subparagraph 1. is reduced by 4
 121 percent to \$48,000 per school district and eligible member. This
 122 subparagraph expires July 1, 2009.

123 Section 3. In order to implement Specific Appropriation 81
 124 of the 2008-2009 General Appropriations Act, subsection (5) of
 125 section 1012.225, Florida Statutes, is amended to read:

126 1012.225 Merit Award Program for Instructional Personnel
 127 and School-Based Administrators.--

128 (5) REVIEW OF PERFORMANCE-BASED PAY PLANS.--

129 (a) Each participating district school board must submit
 130 its Merit Award Program plan for the 2008-2009 fiscal year to
 131 the Commissioner of Education for review by October 1, 2008 ~~of~~
 132 ~~each year~~. The plan must include the negotiated, district-
 133 adopted plan or charter school adopted plan if the district does
 134 not submit a plan intended for use in the following year. The
 135 commissioner shall complete a review of each plan submitted and
 136 determine compliance with the requirements of this section by
 137 November 15 of each year. If a submitted plan fails to meet the
 138 requirements of this section, the commissioner must identify in
 139 writing the specific revisions that are required. Revised plans
 140 must be finalized and resubmitted by a school district, or by a

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141 charter school if the district does not submit a plan, for the
142 commissioner's review by January 31 of each year. The
143 commissioner shall certify those school district or charter
144 school plans that do not comply with this section to the
145 Governor, the President of the Senate, and the Speaker of the
146 House of Representatives by February 15 of each year.

147 (b) Any charter school that does not follow the school
148 district's salary schedule may adopt its own performance-based
149 plan in accordance with this section. Charter school proposals
150 shall be included with the school district plans or may be
151 submitted independently if the district does not submit a plan.

152 (c) Each district school board shall establish a procedure
153 to annually review both the assessment and compensation
154 components of its plan in order to determine compliance with
155 this section. After this review and by October 1 of each year,
156 the district school board shall submit a report to the
157 Commissioner of Education, along with supporting documentation
158 that will enable the commissioner to verify the district's
159 compliance with this section during the prior school year. The
160 commissioner shall submit a report to the Governor, the
161 President of the Senate, and the Speaker of the House of
162 Representatives certifying those school district or charter
163 school plans that do not comply with this section or whose plans
164 were not implemented in accordance with this section by December
165 1 of each year.

166 ~~(d) For purposes of the 2007-2008 school year, the plan~~
167 ~~submitted as required in paragraph (a) applies to the 2007-2008~~
168 ~~school year as well as the 2008-2009 school year. Thereafter,~~

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169 ~~all plans submitted and approved within the timelines set forth~~
170 ~~in paragraph (a) apply to the following school year.~~

171 Section 4. The amendments to s. 1012.225(5), Florida
172 Statutes, made by this act shall expire July 1, 2009, and the
173 text of that section shall revert to that in existence on June
174 30, 2008, except that any amendments to such text enacted other
175 than by this act shall be preserved and continue to operate to
176 the extent that such amendments are not dependent upon the
177 portions of such text which expire pursuant to this section.

178 Section 5. In order to implement Specific Appropriations
179 376 through 415 of the 2008-2009 General Appropriations Act,
180 subsection (3) of section 394.908, Florida Statutes, is amended
181 to read:

182 394.908 Substance abuse and mental health funding equity;
183 distribution of appropriations.--In recognition of the
184 historical inequity in the funding of substance abuse and mental
185 health services for the department's districts and regions and
186 to rectify this inequity and provide for equitable funding in
187 the future throughout the state, the following funding process
188 shall be used:

189 (3) (a) Any additional funding beyond the 2005-2006 fiscal
190 year base appropriation for alcohol, drug abuse, and mental
191 health services shall be allocated to districts for substance
192 abuse and mental health services based on:

193 1.(a) Epidemiological estimates of disabilities that apply
194 to the respective target populations.

195 2.(b) A pro rata share distribution that ensures districts
196 below the statewide average funding level per person in each

197 target population of "persons in need" receive funding necessary
 198 to achieve equity.

199 (b) Notwithstanding paragraph (a) and for the 2008-2009
 200 fiscal year only, funds appropriated for forensic mental health
 201 treatment services shall be allocated to the areas of the state
 202 having the greatest demand for services and treatment capacity.
 203 This paragraph expires July 1, 2009.

204 (c) Notwithstanding paragraph (a) and for the 2008-2009
 205 fiscal year only, additional funds appropriated for mental
 206 health services from funds available through the Community-Based
 207 Medicaid Administrative Claiming Program shall be allocated as
 208 provided in the 2008-2009 General Appropriations Act and in
 209 proportion to contributed provider earnings. Where these mental
 210 health funds are used in lieu of funds from the General Revenue
 211 Fund, the allocation of funds shall be unchanged from the
 212 allocation for those funds for the 2007-2008 fiscal year. This
 213 paragraph expires July 1, 2009.

214 Section 6. Health care collaborative action network and
 215 discount health care pilot program.--

216 (1) In order to implement Specific Appropriation 588 of
 217 the 2008-2009 General Appropriations Act, the Department of
 218 Health shall develop and establish a health care collaborative
 219 action network as a 1-year pilot program in Miami-Dade County.

220 (2) In order to implement the pilot program, the Miami-
 221 Dade County Health Department shall:

222 (a) Establish an alliance of hospitals, federally
 223 qualified health centers, free clinics, physician groups and
 224 other health care providers in Miami-Dade County for the purpose

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225 of increasing access to and coordination of care. Approval of a
226 certificate of need by the Agency for Health Care Administration
227 for any provider in Miami-Dade County during the 1-year pilot
228 program shall be contingent on that provider actively
229 participating in the alliance. The Department of Health shall
230 require all contract providers in Miami-Dade County to
231 participate in the alliance as a condition of the contract and
232 shall impose this requirement on all future contracts entered
233 into during the 1-year pilot program and amend all existing
234 contracts to reflect this requirement.

235 (b) Ensure coordination of service delivery, increased
236 access to health care, enhanced cooperation among participating
237 network providers, elimination of duplication, and establishment
238 of a medical home for all patients served by members of the
239 network.

240 (c) Establish a discount health care card program and
241 negotiate with provider members of the alliance to establish
242 discounted charges for services provided to enrollees in the
243 discount health care card program. Approval of a certificate of
244 need by the Agency for Health Care Administration for any
245 provider in Miami-Dade County during the 1-year pilot program
246 shall be contingent on that provider actively participating in
247 the discount health care card program. The Department of Health
248 shall require all contract providers in Miami-Dade County to
249 participate in the discount health care card program as a
250 condition of the contract and shall impose this requirement on
251 all future contracts entered into during the 1-year pilot
252 program and amend all existing contracts to reflect this

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253 requirement.

254 (d) Ensure that the discount health care card is available
255 to any uninsured resident of Miami-Dade County with a family
256 income below 200 percent of the federal poverty level.
257 Reimbursement or payment for health care services by a
258 participant's health insurance policy or health plan or other
259 coverage contract shall be governed by the terms of that
260 contract.

261 (e) Ensure that primary care services, either for free or
262 at a discount rate, are made available to all uninsured and
263 underserved populations in Miami-Dade County by the network
264 members.

265 (f) Encourage participating providers to create and
266 maintain an electronic medical record for each Miami-Dade County
267 resident who participates in the pilot program.

268 (3) On January 1, 2009, the department shall submit to the
269 Governor, the President of the Senate, and the Speaker of the
270 House of Representatives a report on the success and outcomes
271 achieved by the pilot program, which must include a
272 recommendation as to whether the pilot program should be
273 continued, terminated, or expanded in the next fiscal year.

274 (4) This section expires July 1, 2009.

275 Section 7. In order to implement Specific Appropriations
276 290 through 469 of the 2008-2009 General Appropriations Act and
277 notwithstanding the provisions of chapter 216, Florida Statutes,
278 the Executive Office of the Governor, in consultation with the
279 Legislature, may approve the increase in nonoperating transfer
280 budget authority for trust funds in the Department of Children

281 and Family Services to continue programs authorized by the 2008-
 282 2009 General Appropriations Act. This section expires July 1,
 283 2009.

284 Section 8. In order to fulfill legislative intent
 285 regarding the use of funds contained in Specific Appropriations
 286 721L, 721X, 721AI, and 1146 of the 2008-2009 General
 287 Appropriations Act, the Department of Corrections and the
 288 Department of Juvenile Justice may expend appropriated funds to
 289 assist in defraying the costs of impacts that are incurred by a
 290 municipality or county and associated with opening or operating
 291 a facility under the authority of the respective department
 292 which is located within that municipality or county. The amount
 293 that is to be paid under this section for any facility may not
 294 exceed 1 percent of the facility construction cost, less
 295 building impact fees imposed by the municipality or by the
 296 county if the facility is located in the unincorporated portion
 297 of the county. This section expires July 1, 2009.

298 Section 9. In order to implement Specific Appropriations
 299 721A through 760H and 780 through 806 of the 2008-2009 General
 300 Appropriations Act, subsection (4) of section 216.262, Florida
 301 Statutes, is amended to read:

302 216.262 Authorized positions.--

303 (4) Notwithstanding the provisions of this chapter on
 304 increasing the number of authorized positions, and for the 2008-
 305 2009 ~~2007-2008~~ fiscal year only, if the actual inmate population
 306 of the Department of Corrections exceeds the inmate population
 307 projections of the February 15, 2008 ~~February 16, 2007~~, Criminal
 308 Justice Estimating Conference by 1 percent for 2 consecutive

309 months or 2 percent for any month, the Executive Office of the
 310 Governor, with the approval of the Legislative Budget
 311 Commission, shall immediately notify the Criminal Justice
 312 Estimating Conference, which shall convene as soon as possible
 313 to revise the estimates. The Department of Corrections may then
 314 submit a budget amendment requesting the establishment of
 315 positions in excess of the number authorized by the Legislature
 316 and additional appropriations from unallocated general revenue
 317 sufficient to provide for essential staff, fixed capital
 318 improvements, and other resources to provide classification,
 319 security, food services, health services, and other variable
 320 expenses within the institutions to accommodate the estimated
 321 increase in the inmate population. All actions taken pursuant to
 322 the authority granted in this subsection shall be subject to
 323 review and approval by the Legislative Budget Commission. This
 324 subsection expires July 1, 2009 ~~2008~~.

325 Section 10. In order to implement Specific Appropriations
 326 819, 821, and 1048 through 1072 of the 2008-2009 General
 327 Appropriations Act, paragraphs (c), (d), and (e) of subsection
 328 (3) of section 216.292, Florida Statutes, are amended to read:

329 216.292 Appropriations nontransferable; exceptions.--

330 (3) The following transfers are authorized with the
 331 approval of the Executive Office of the Governor for the
 332 executive branch or the Chief Justice for the judicial branch,
 333 subject to the notice and objection provisions of s. 216.177:

334 (c) The transfer of appropriations for operations from
 335 general revenue between categories of appropriations within each
 336 criminal conflict and civil regional counsel budget entity. This

337 paragraph expires July 1, 2009 ~~2008~~.

338 (d) The transfer of appropriations for operations from
 339 general revenue between criminal conflict and civil regional
 340 counsel budget entities. This paragraph expires July 1, 2009
 341 ~~2008~~.

342 (e) The transfer of appropriations for operations from
 343 general revenue between criminal conflict and civil regional
 344 counsel budget entities and the child dependency and civil
 345 conflict case appropriation category and the criminal conflict
 346 case costs appropriation category within the Justice
 347 Administrative Commission. This paragraph expires July 1, 2009
 348 ~~2008~~.

349 Section 11. In order to implement Specific Appropriations
 350 1301 and 1302 of the 2008-2009 General Appropriations Act, the
 351 Department of Legal Affairs is authorized to expend appropriated
 352 funds in those specific appropriations on the same programs that
 353 were funded by the department pursuant to specific
 354 appropriations made in general appropriations acts in prior
 355 years. This section expires July 1, 2009.

356 Section 12. In order to implement Specific Appropriations
 357 1266, 1286, 1307, and 1317 of the 2008-2009 General
 358 Appropriations Act, the Department of Legal Affairs is
 359 authorized to transfer cash remaining after required
 360 disbursements from Attorney General case numbers L01-6-1004,
 361 L03-6-1002, and L01-6-1009 from FLAIR account 41-74-2-601001-
 362 41100100-00-181076-00 to the Operating Trust fund to pay
 363 salaries and benefits. This section expires July 1, 2009.

364 Section 13. In order to implement Specific Appropriations

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365 | for salaries and benefits in the 2008-2009 General
366 | Appropriations Act, paragraph (b) of subsection (3) of section
367 | 112.24, Florida Statutes, is amended to read:

368 | 112.24 Intergovernmental interchange of public
369 | employees.--To encourage economical and effective utilization of
370 | public employees in this state, the temporary assignment of
371 | employees among agencies of government, both state and local,
372 | and including school districts and public institutions of higher
373 | education is authorized under terms and conditions set forth in
374 | this section. State agencies, municipalities, and political
375 | subdivisions are authorized to enter into employee interchange
376 | agreements with other state agencies, the Federal Government,
377 | another state, a municipality, or a political subdivision
378 | including a school district, or with a public institution of
379 | higher education. State agencies are also authorized to enter
380 | into employee interchange agreements with private institutions
381 | of higher education and other nonprofit organizations under the
382 | terms and conditions provided in this section. In addition, the
383 | Governor or the Governor and Cabinet may enter into employee
384 | interchange agreements with a state agency, the Federal
385 | Government, another state, a municipality, or a political
386 | subdivision including a school district, or with a public
387 | institution of higher learning to fill, subject to the
388 | requirements of chapter 20, appointive offices which are within
389 | the executive branch of government and which are filled by
390 | appointment by the Governor or the Governor and Cabinet. Under
391 | no circumstances shall employee interchange agreements be
392 | utilized for the purpose of assigning individuals to participate

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393 in political campaigns. Duties and responsibilities of
394 interchange employees shall be limited to the mission and goals
395 of the agencies of government.

396 (3) Salary, leave, travel and transportation, and
397 reimbursements for an employee of a sending party that is
398 participating in an interchange program shall be handled as
399 follows:

400 (b)1. The assignment of an employee of a state agency
401 either on detail or on leave of absence may be made without
402 reimbursement by the receiving party for the travel and
403 transportation expenses to or from the place of the assignment
404 or for the pay and benefits, or a part thereof, of the employee
405 during the assignment.

406 2. For the 2008-2009 fiscal year only, the assignment of
407 an employee of a state agency as provided in subparagraph 1. may
408 only be made as authorized in the General Appropriations Act.
409 This subparagraph expires July 1, 2009.

410 Section 14. In order to implement the appropriation of
411 funds in Special Categories-Risk Management Insurance of the
412 2008-2009 General Appropriations Act, and pursuant to the
413 notice, review, and objection procedures of s. 216.177, Florida
414 Statutes, the Executive Office of the Governor is authorized to
415 transfer funds appropriated in the appropriation category
416 "Special Categories-Risk Management Insurance" of the 2008-2009
417 General Appropriations Act between departments in order to align
418 the budget authority granted with the premiums paid by each
419 department for risk management insurance. This section expires
420 July 1, 2009.

421 Section 15. In order to implement the appropriation of
 422 funds in Special Categories-Transfer to Department of Management
 423 Services-Human Resources Services Purchased Per Statewide
 424 Contract of the 2008-2009 General Appropriations Act, and
 425 pursuant to the notice, review, and objection procedures of s.
 426 216.177, Florida Statutes, the Executive Office of the Governor
 427 is authorized to transfer funds appropriated in the
 428 appropriation category "Special Categories-Transfer to
 429 Department of Management Services-Human Resources Services
 430 Purchased Per Statewide Contract" of the 2008-2009 General
 431 Appropriations Act between departments in order to align the
 432 budget authority granted with the assessments that must be paid
 433 by each agency to the Department of Management Services for
 434 human resource management services. This section expires July 1,
 435 2009.

436 Section 16. In order to implement specific appropriations
 437 for salaries and benefits in the 2008-2009 General
 438 Appropriations Act, paragraph (a) of subsection (12) of section
 439 110.123, Florida Statutes, is amended to read:

440 110.123 State group insurance program.--

441 (12) HEALTH SAVINGS ACCOUNTS.--The department is
 442 authorized to establish health savings accounts for full-time
 443 and part-time state employees in association with a health
 444 insurance plan option authorized by the Legislature and
 445 conforming to the requirements and limitations of federal
 446 provisions relating to the Medicare Prescription Drug,
 447 Improvement, and Modernization Act of 2003.

448 (a)1. A member participating in this health insurance plan

449 option shall be eligible to receive an employer contribution
 450 into the employee's health savings account from the State
 451 Employees Health Insurance Trust Fund in an amount to be
 452 determined by the Legislature. A member is not eligible for an
 453 employer contribution upon termination of employment. For the
 454 2008-2009 ~~2007-2008~~ fiscal year, the state's monthly
 455 contribution for employees having individual coverage shall be
 456 \$41.66 and the monthly contribution for employees having family
 457 coverage shall be \$83.33.

458 2. A member participating in this health insurance plan
 459 option shall be eligible to deposit the member's own funds into
 460 a health savings account.

461 Section 17. In order to implement Specific Appropriations
 462 2536, 2537, 2538, and 2542 of the 2008-2009 General
 463 Appropriations Act, for the 2008-2009 fiscal year only and
 464 notwithstanding any conflicting requirements of section 4 of
 465 chapter 2006-12, Laws of Florida, the Department of Financial
 466 Services may expend \$998,820 of the funds appropriated by
 467 section 4 of chapter 2006-12, Laws of Florida, for salaries and
 468 related expenses. This section expires July 1, 2009.

469 Section 18. In order to implement section 38 of the 2008-
 470 2009 General Appropriations Act, section 215.5595, Florida
 471 Statutes, is amended to read:

472 215.5595 Insurance Capital Build-Up Incentive Program.--

473 (1) Upon entering the 2008 ~~2006~~ hurricane season, the
 474 Legislature finds that:

475 (a) The losses in this state ~~Florida~~ from eight hurricanes
 476 in 2004 and 2005 have seriously strained the resources of both

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477 the voluntary insurance market and the public sector mechanisms
478 of Citizens Property Insurance Corporation and the Florida
479 Hurricane Catastrophe Fund.

480 ~~(b) Private reinsurance is much less available and at a~~
481 ~~significantly greater cost to residential property insurers as~~
482 ~~compared to 1 year ago, particularly for amounts below the~~
483 ~~insurer's retention or retained losses that must be paid before~~
484 ~~reimbursement is provided by the Florida Hurricane Catastrophe~~
485 ~~Fund.~~

486 ~~(c) The Office of Insurance Regulation has reported that~~
487 ~~the insolvency of certain insurers may be imminent.~~

488 ~~(d) Hurricane forecast experts predict that the 2006~~
489 ~~hurricane season will be an active hurricane season and that the~~
490 ~~Atlantic and Gulf Coast regions face an active hurricane cycle~~
491 ~~of 10 to 20 years or longer.~~

492 (b)(e) Citizens Property Insurance Corporation has over
493 1.2 million policies in force and has the largest market share
494 of any insurer writing residential property insurance in this
495 state, and faces the threat of a catastrophic loss that ~~The~~
496 ~~number of cancellations or nonrenewals of residential property~~
497 ~~insurance policies is expected to increase and the number of new~~
498 ~~residential policies written in the voluntary market are likely~~
499 ~~to decrease, causing increased policy growth and exposure to the~~
500 ~~state insurer of last resort, Citizens Property Insurance~~
501 ~~Corporation, and threatening to increase the deficit of the~~
502 ~~corporation, currently estimated to be over \$1.7 billion. This~~
503 ~~deficit~~ must be funded by assessments against insurers and
504 policyholders, unless otherwise funded by the state. The program

505 has a substantial positive effect on the depopulation efforts of
506 Citizens Property Insurance Corporation since companies
507 participating in the program have removed over 199,000 policies
508 from the corporation. Companies participating in the program
509 have issued a significant number of new policies thereby keeping
510 an estimated 480,000 new policies out of the corporation.

511 (c)-(f) Policyholders are subject to high ~~increased~~
512 premiums and assessments that are increasingly making such
513 coverage unaffordable and that may force policyholders to sell
514 their homes and even leave the state.

515 (d)-(g) The increased risk to the public sector and private
516 sector continues to pose ~~poses~~ a serious threat to the economy
517 of this state, particularly the building and financing of
518 residential structures, and existing mortgages may be placed in
519 default.

520 ~~(h) The losses from 2004 and 2005, combined with the~~
521 ~~expectation that the increase in hurricane activity will~~
522 ~~continue for the foreseeable future, have caused both insurers~~
523 ~~and reinsurers to limit the capital they are willing to commit~~
524 ~~to covering the hurricane risk in Florida; attracting new~~
525 ~~capital to the Florida market is a critical priority; and~~
526 ~~providing a low cost source of capital would enable insurers to~~
527 ~~write additional residential property insurance coverage and act~~
528 ~~to mitigate premium increases.~~

529 (e)-(i) Appropriating state funds to be exchanged for ~~used~~
530 ~~as~~ surplus notes issued by ~~for~~ residential property insurers,
531 under conditions requiring the insurer to contribute additional
532 private sector capital and to write a minimum level of premiums

533 for residential hurricane coverage, is a valid and important
 534 public purpose.

535 (f) Extending the program will provide an incentive for
 536 investors to commit additional capital to the residential
 537 insurance market in this state.

538 (2) The purpose of this section is to provide funds in
 539 exchange for surplus notes to be issued by new or existing
 540 authorized residential property insurers under the Insurance
 541 Capital Build-Up Incentive Program administered by the State
 542 Board of Administration, under the following conditions:

543 (a) The amount of state funds provided in exchange for a
 544 ~~the surplus note to~~ ~~for~~ any insurer or insurer group, other than
 545 an insurer writing only manufactured housing policies, may not
 546 exceed \$25 million or 20 percent of the total amount of funds
 547 appropriated for ~~available under~~ the program, whichever is
 548 greater. The amount of the surplus note for any insurer or
 549 insurer group writing residential property insurance covering
 550 only manufactured housing may not exceed \$7 million.

551 (b) The insurer must contribute an amount of new capital
 552 to its surplus which is at least equal to the amount of the
 553 surplus note and must apply to the board by September 1, 2008
 554 ~~July 1, 2006~~. If an insurer applies after September 1, 2008 ~~July~~
 555 ~~1, 2006~~, but before June 1, 2009 ~~2007~~, the amount of the surplus
 556 note is limited to one-half of the new capital that the insurer
 557 contributes to its surplus, except that an insurer writing only
 558 manufactured housing policies is eligible to receive a surplus
 559 note of up to \$7 million. For purposes of this section, new

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560 capital must be in the form of cash or cash equivalents as
561 specified in s. 625.012(1).

562 (c) The insurer's surplus, new capital, and the surplus
563 note must total at least \$50 million, except for insurers
564 writing residential property insurance covering only
565 manufactured housing. The insurer's surplus, new capital, and
566 the surplus note must total at least \$14 million for insurers
567 writing only residential property insurance covering
568 manufactured housing policies as provided in paragraph (a).

569 (d) The insurer must commit to increase its writings of
570 residential property insurance, including the peril of wind, and
571 to meet ~~meeting~~ a minimum writing ratio of net written premium
572 to surplus of at least 1:1 for the first year after receiving
573 the state funds, 1.5:1 for the second year, and 2:1 for the
574 remaining term of the surplus note. Alternatively, the insurer
575 must meet a minimum writing ratio of gross written premium to
576 surplus of at least 3:1 for the first year after receiving the
577 state funds, 4.5:1 for the second year, and 6:1 for the
578 remaining term of the surplus note. The writing ratios, which
579 shall be determined by the Office of Insurance Regulation and
580 certified quarterly to the board. For this purpose, the term
581 "~~net written~~ premium" means ~~net written~~ premium for residential
582 property insurance in this state Florida, including the peril of
583 wind, and "surplus" refers to the entire surplus of the insurer.
584 The insurer must also commit to writing at least 10 percent of
585 its net or gross written premium for new policies, not including
586 renewal premiums, for policies taken out of Citizens Property
587 Insurance Corporation, during each of the first 3 years after

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588 receiving the state funds in exchange for the surplus note,
589 which shall be determined by the Office of Insurance Regulation
590 and certified annually to the board. The office may determine
591 that an insurer meets the requirement for taking policies out of
592 the corporation, by written notice to the board, upon a finding
593 that the insurer made offers of coverage to policyholders of the
594 corporation which would have resulted in meeting this
595 requirement had the policyholders accepted the offer. If the
596 required ratio or the required writings for policies taken out
597 of the corporation is not maintained during the term of the
598 surplus note, the board may increase the interest rate,
599 accelerate the repayment of interest and principal, or shorten
600 the term of the surplus note, subject to approval by the
601 Commissioner of Insurance of payments by the insurer of
602 principal and interest as provided in paragraph (f).

603 (e) If the requirements of this section are met, the board
604 may approve an application by an insurer for funds in exchange
605 for issuance of a surplus note, unless the board determines that
606 the financial condition of the insurer and its business plan for
607 writing residential property insurance in Florida places an
608 unreasonably high level of financial risk to the state of
609 nonpayment in full of the interest and principal. The board
610 shall consult with the Office of Insurance Regulation and may
611 contract with independent financial and insurance consultants in
612 making this determination.

613 (f) The surplus note must be repayable to the state with a
614 term of 20 years. The surplus note shall accrue interest on the
615 unpaid principal balance at a rate equivalent to the 10-year

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616 U.S. Treasury Bond rate, require the payment only of interest
617 during the first 3 years, and include such other terms as
618 approved by the board. The board may charge late fees up to 5
619 percent for late payments or other late remittances. Payment of
620 principal, ~~or~~ interest, or late fees by the insurer on the
621 surplus note must be approved by the Commissioner of Insurance,
622 who shall approve such payment unless the commissioner
623 determines that such payment will substantially impair the
624 financial condition of the insurer. If such a determination is
625 made, the commissioner shall approve such payment that will not
626 substantially impair the financial condition of the insurer.

627 (g) The total amount of funds available for the program is
628 limited to the amount appropriated by the Legislature for this
629 purpose. If the amount of surplus notes requested by insurers
630 exceeds the amount of funds available, the board may prioritize
631 insurers that are eligible and approved, with priority for
632 funding given to insurers writing only manufactured housing
633 policies, regardless of the date of application, based on the
634 financial strength of the insurer, the viability of its proposed
635 business plan for writing additional residential property
636 insurance in the state, and the effect on competition in the
637 residential property insurance market. Between insurers writing
638 residential property insurance covering manufactured housing,
639 priority shall be given to the insurer writing the highest
640 percentage of its policies covering manufactured housing.

641 ~~(h) The board may allocate portions of the funds available~~
642 ~~for the program and establish dates for insurers to apply for~~

643 ~~surplus notes from such allocation which are earlier than the~~
 644 ~~dates established in paragraph (b).~~

645 (h)~~(i)~~ Notwithstanding paragraph (d), a newly formed
 646 manufactured housing insurer that is eligible for a surplus note
 647 under this section shall meet the premium to surplus ratio
 648 provisions of s. 624.4095.

649 (i)~~(j)~~ As used in this section, "an insurer writing only
 650 manufactured housing policies" includes:

651 1. A Florida domiciled insurer that begins writing
 652 personal lines residential manufactured housing policies in
 653 Florida after March 1, 2007, and that removes a minimum of
 654 50,000 policies from Citizens Property Insurance Corporation
 655 without accepting a bonus, provided at least 25 percent of its
 656 policies cover manufactured housing. Such an insurer may count
 657 any funds above the minimum capital and surplus requirement that
 658 were contributed into the insurer after March 1, 2007, as new
 659 capital under this section.

660 2. A Florida domiciled insurer that writes at least 40
 661 percent of its policies covering manufactured housing in
 662 Florida.

663 (3) As used in this section, the term:

664 (a) "Board" means the State Board of Administration.

665 (b) "Program" means the Insurance Capital Build-Up
 666 Incentive Program established by this section.

667 (4) The state funds provided to the insurer in exchange
 668 for the ~~A~~ surplus note provided to an insurer pursuant to this
 669 section are ~~is~~ considered borrowed surplus ~~an asset~~ of the
 670 insurer pursuant to s. 628.401 ~~625.012~~.

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671 (5) If an insurer that receives funds in exchange for the
672 issuance of a surplus note pursuant to this section is rendered
673 insolvent, the state is a class 3 creditor pursuant to s.
674 631.271 for the unpaid principal and interest on the surplus
675 note.

676 (6) The board shall adopt rules prescribing the
677 procedures, administration, and criteria for approving the
678 applications of insurers to receive funds in exchange for
679 issuance of surplus notes pursuant to this section, which may be
680 adopted pursuant to the procedures for emergency rules of
681 chapter 120. Otherwise, actions and determinations by the board
682 pursuant to this section are exempt from chapter 120.

683 (7) The board shall invest and reinvest the funds
684 appropriated for the program in accordance with s. 215.47 and
685 consistent with board policy.

686 (8) The amendments to this section enacted in 2008 do not
687 affect the terms or conditions of surplus notes that were
688 approved prior to January 1, 2008. However, the board may
689 renegotiate the terms of any surplus note issued by an insurer
690 prior to January 2008 under this program, upon the agreement of
691 the insurer and the board, consistent with the requirements of
692 this section as amended in 2008.

693 (9) Citizens Property Insurance Corporation shall transfer
694 \$250 million to the General Revenue Fund on or before August 1,
695 2008, for appropriation by the Legislature to the program.

696 Section 19. The amendments to s. 215.5595, Florida
697 Statutes, made by this act shall expire July 1, 2009, and the
698 text of that section shall revert to that in existence on June

699 30, 2008, except that any amendments to such text enacted other
 700 than by this act shall be preserved and continue to operate to
 701 the extent that such amendments are not dependent upon the
 702 portions of such text which expire pursuant to this section.

703 Section 20. In order to implement Specific Appropriation
 704 1541 of the 2008-2009 General Appropriations Act, subsection (5)
 705 is added to section 252.373, Florida Statutes, to read:

706 252.373 Allocation of funds; rules.--

707 (5) Notwithstanding subsection (1) and for the 2008-2009
 708 fiscal year only, the Division of Emergency Management shall use
 709 funds appropriated from the Emergency Management, Preparedness,
 710 and Assistance Trust Fund to provide emergency power generators
 711 in special-needs hurricane evacuation shelters pursuant to the
 712 provisions of section 1 of chapter 2006-71, Laws of Florida,
 713 except that such funds may not be used for administrative
 714 purposes and the matching fund requirements of Specific
 715 Appropriation 1541 of the 2008-2009 General Appropriations Act
 716 must be met. This subsection expires July 1, 2009.

717 Section 21. In order to implement Specific Appropriation
 718 1541 of the 2008-2009 General Appropriations Act, subsection (8)
 719 of section 215.559, Florida Statutes, is renumbered as
 720 subsection (9), and a new subsection (8) is added to that
 721 section to read:

722 215.559 Hurricane Loss Mitigation Program.--

723 (8) Notwithstanding any other provision of this section
 724 and for the 2008-2009 fiscal year only, the Division of
 725 Emergency Management shall use funds appropriated from the
 726 Grants and Donations Trust Fund to provide emergency power

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727 generators in special-needs hurricane evacuation shelters
728 pursuant to the provisions of section 1 of chapter 2006-71, Laws
729 of Florida, except that such funds may not be used for
730 administrative purposes and the matching fund requirements of
731 Specific Appropriation 1541 of the 2008-2009 General
732 Appropriations Act must be met. This subsection expires July 1,
733 2009.

734 Section 22. In order to implement Specific Appropriation
735 2635 of the 2008-2009 General Appropriations Act, subsection (1)
736 of section 288.1088, Florida Statutes, is amended to read:

737 288.1088 Quick Action Closing Fund.--

738 (1)(a) The Legislature finds that attracting, retaining,
739 and providing favorable conditions for the growth of certain
740 high-impact business facilities, privately developed critical
741 rural infrastructure, or key facilities in economically
742 distressed urban or rural communities which provide widespread
743 economic benefits to the public through high-quality employment
744 opportunities in such facilities or in related facilities
745 attracted to the state, through the increased tax base provided
746 by the high-impact facility and related businesses, through an
747 enhanced entrepreneurial climate in the state and the resulting
748 business and employment opportunities, and through the
749 stimulation and enhancement of the state's universities and
750 community colleges. In the global economy, there exists serious
751 and fierce international competition for these facilities, and
752 in most instances, when all available resources for economic
753 development have been used, the state continues to encounter
754 severe competitive disadvantages in vying for these business

755 facilities. Florida's rural areas must provide a competitive
756 environment for business in the information age. This often
757 requires an incentive to make it feasible for private investors
758 to provide infrastructure in those areas. The state's less
759 populated regions that seek economic development, that have
760 suitable land and water resources to accommodate growth in an
761 environmentally acceptable manner, and that have adopted a
762 conceptual long-term buildout overlay to the comprehensive plan
763 under s. 163.3184 and a detailed specific area plan that
764 implements the conceptual long-term buildout overlay to the
765 comprehensive plan must be provided incentives to actively
766 pursue high-impact business facilities that will serve as a
767 catalyst to stimulate economic growth.

768 (b) The Legislature therefore declares that sufficient
769 resources shall be available to respond to extraordinary
770 economic opportunities and to compete effectively for these
771 high-impact business facilities, critical private infrastructure
772 in rural areas, and key businesses in less populated regions and
773 economically distressed urban or rural communities.

774 Section 23. The amendments to s. 288.1088(1), Florida
775 Statutes, made by this act shall expire July 1, 2009, and the
776 text of that section shall revert to that in existence on June
777 30, 2008, except that any amendments to such text enacted other
778 than by this act shall be preserved and continue to operate to
779 the extent that such amendments are not dependent upon the
780 portions of such text which expire pursuant to this section.

781 Section 24. In order to implement Specific Appropriation
782 1591 of the 2008-2009 General Appropriations Act, subsection (3)

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783 of section 553.75, Florida Statutes, is amended to read:

784 553.75 Organization of commission; rules and regulations;
785 meetings; staff; fiscal affairs.--

786 (3) The department shall be responsible for the provision
787 of administrative and staff support services relating to the
788 functions of the commission. With respect to matters within the
789 jurisdiction of the commission, the department shall be
790 responsible for the implementation and faithful discharge of all
791 decisions of the commission made pursuant to its authority under
792 the provisions of this part. The department may use
793 communications media technology to conduct any meetings of the
794 commission or meetings held in conjunction with the commission.

795 Section 25. The amendments to s. 553.75(3), Florida
796 Statutes, made by this act shall expire July 1, 2009, and the
797 text of that section shall revert to that in existence on June
798 30, 2008, except that any amendments to such text enacted other
799 than by this act shall be preserved and continue to operate to
800 the extent that such amendments are not dependent upon the
801 portions of such text which expire pursuant to this section.

802 Section 26. In order to implement Specific Appropriations
803 1748, 1756, and 1770 of the 2008-2009 General Appropriations
804 Act, paragraphs (c) and (d) are added to subsection (2) of
805 section 259.032, Florida Statutes, to read:

806 259.032 Conservation and Recreation Lands Trust Fund;
807 purpose.--

808 (2)

809 (c) Notwithstanding any other provision of this section
810 and for the 2008-2009 fiscal year only, funds in the

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811 Conservation and Recreation Lands Trust Fund may be transferred
 812 to the Nonmandatory Land Reclamation Trust Fund for activities
 813 associated with the cleanup of the Mulberry and Piney Point
 814 sites and expended as directed by the Legislature in the 2008-
 815 2009 General Appropriations Act. This paragraph expires July 1,
 816 2009.

817 (d) Notwithstanding any other provision of this section
 818 and for the 2008-2009 fiscal year only, funds in the
 819 Conservation and Recreation Lands Trust Fund may be transferred
 820 to the Ecosystem Management and Restoration Trust Fund for beach
 821 restoration activities and expended as directed by the
 822 Legislature in the 2008-2009 General Appropriations Act. This
 823 paragraph expires July 1, 2009.

824 Section 27. In order to implement the 2008-2009 General
 825 Appropriations Act, and effective upon this act becoming a law,
 826 subsections (3) through (11) of section 216.221, Florida
 827 Statutes, are renumbered as subsections (4) through (12),
 828 respectively, and a new subsection (3) is added to that section
 829 to read:

830 216.221 Appropriations as maximum appropriations;
 831 adjustment of budgets to avoid or eliminate deficits.--

832 (3) Notwithstanding s. 216.222, and for the 2007-2008 and
 833 2008-2009 fiscal years only, if the Revenue Estimating
 834 Conference projects that General Revenue Fund collections will
 835 fall below the March 11, 2008, official estimates, adjusted for
 836 changes in the law enacted at the 2008 Regular Session of the
 837 Legislature, by \$200 million or more in either year or in both
 838 years combined, the Governor is authorized to submit to the

839 Legislative Budget Commission a budget amendment, and the
 840 Legislative Budget Commission is authorized to approve such
 841 budget amendment, requesting the transfer of funds from the
 842 Budget Stabilization Fund to the General Revenue Fund. The total
 843 of all such transfers made pursuant to this subsection may not
 844 exceed the lesser of the projected revenue shortfalls as
 845 described in this subsection or one-half of the May 1, 2008,
 846 cash balance in the Budget Stabilization Fund. This subsection
 847 expires July 1, 2009.

848 Section 28. In order to implement the 2008-2009 General
 849 Appropriations Act, and effective upon this act becoming a law,
 850 paragraph (f) is added to subsection (5) of section 215.5601,
 851 Florida Statutes, to read:

852 215.5601 Lawton Chiles Endowment Fund.--

853 (5) AVAILABILITY OF FUNDS; USES.--

854 (f) Notwithstanding any other provision of this section,
 855 and for the 2007-2008 and 2008-2009 fiscal years only, if
 856 transfers from the Budget Stabilization Fund authorized in s.
 857 216.221(3) are insufficient to address projected revenue
 858 shortfalls as described in that subsection, the Governor is
 859 authorized to submit to the Legislative Budget Commission a
 860 budget amendment, and the Legislative Budget Commission is
 861 authorized to approve such budget amendment, requesting the
 862 transfer of funds from the Lawton Chiles Endowment Fund to the
 863 General Revenue Fund. The total of all such transfers made
 864 pursuant to this subsection shall not exceed the lesser of the
 865 projected revenue shortfalls remaining after transfers from the
 866 Budget Stabilization Fund as described in s. 216.221(3) or \$1

867 billion. Any expenditure from the Lawton Chiles Endowment Fund
 868 made pursuant to this paragraph must be restored by making five
 869 equal annual transfers from the General Revenue Fund, beginning
 870 in the third fiscal year following that in which the expenditure
 871 was made. This paragraph expires July 1, 2009.

872 Section 29. A section of this act that implements a
 873 specific appropriation or specifically identified proviso
 874 language in the 2008-2009 General Appropriations Act is void if
 875 the specific appropriation or specifically identified proviso
 876 language is vetoed. A section of this act that implements more
 877 than one specific appropriation or more than one portion of
 878 specifically identified proviso language in the 2008-2009
 879 General Appropriations Act is void if all the specific
 880 appropriations or portions of specifically identified proviso
 881 language are vetoed.

882 Section 30. If any other act passed in 2008 contains a
 883 provision that is substantively the same as a provision in this
 884 act, but that removes or is otherwise not subject to the future
 885 repeal applied to such provision by this act, the Legislature
 886 intends that the provision in the other act shall take
 887 precedence and shall continue to operate, notwithstanding the
 888 future repeal provided by this act.

889 Section 31. If any provision of this act or its
 890 application to any person or circumstance is held invalid, the
 891 invalidity does not affect other provisions or applications of
 892 the act which can be given effect without the invalid provision
 893 or application, and to this end the provisions of this act are
 894 severable.

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895 | Section 32. Except as otherwise expressly provided in this
896 | act, this act shall take effect July 1, 2008; or, if this act
897 | fails to become a law until after that date, it shall take
898 | effect upon becoming a law and shall operate retroactively to
899 | July 1, 2008.