

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 prohibiting certain statutory amendments or transfer of
67 funds for use by Citizens Property Insurance Corporation
68 for certain purposes; amending s. 252.373, F.S.;
69 requiring the Division of Emergency Management to provide
70 emergency power generators to special-needs hurricane
71 evacuation shelters from the Emergency Management,
72 Preparedness, and Assistance Trust Fund; amending s.
73 215.559, F.S.; requiring the Division of Emergency
74 Management to provide emergency power generators to
75 special-needs hurricane evacuation shelters from the
76 Grants and Donations Trust Fund; amending s. 288.1088,
77 F.S.; requiring the availability of incentives to
78 stimulate economic growth in certain rural areas; amending
79 s. 553.75, F.S.; authorizing the use of communication
80 media technology at certain meetings of the Florida
81 Building Commission; amending s. 259.032, F.S.; authorizes
82 the transfer of funds from the Conservation and Recreation
83 Lands Trust Fund for certain cleanup and beach restoration
84 activities; providing for reversion of certain provisions;

85 | amending s. 216.221, F.S.; providing for conditions under
 86 | which the Governor is authorized to request a transfer of
 87 | funds from the Budget Stabilization Fund to the General
 88 | Revenue Fund; amending s. 215.5601, F.S.; providing for
 89 | conditions under which the Governor is authorized to
 90 | request a transfer of funds from the Lawton Chiles
 91 | Endowment Fund to the General Revenue Fund and providing
 92 | for a schedule of repayment; providing for temporary
 93 | reduction of legislators' salaries; prohibiting the
 94 | Department of Revenue from making certain distributions in
 95 | the 2008-2009 fiscal year to certain sports facilities;
 96 | providing for the effect of a veto of one or more specific
 97 | appropriations or proviso to which implementing language
 98 | refers; providing for the continued operation of certain
 99 | provisions notwithstanding a future repeal or expiration
 100 | provided by the act; providing for severability; providing
 101 | effective dates.

102 |
 103 | Be It Enacted by the Legislature of the State of Florida:

104 |
 105 | Section 1. It is the intent of the Legislature that the
 106 | implementing and administering provisions of this act apply to
 107 | the General Appropriations Act for the 2008-2009 fiscal year.

108 | Section 2. In order to implement Specific Appropriation
 109 | 101 of the 2008-2009 General Appropriations Act, paragraph (a)
 110 | of subsection (2) of section 1001.451, Florida Statutes, is
 111 | amended to read:

112 | 1001.451 Regional consortium service organizations.--In

113 order to provide a full range of programs to larger numbers of
 114 students, minimize duplication of services, and encourage the
 115 development of new programs and services:

116 (2) (a) 1. Each regional consortium service organization
 117 that consists of four or more school districts is eligible to
 118 receive, through the Department of Education, an incentive grant
 119 of \$50,000 per school district and eligible member to be used
 120 for the delivery of services within the participating school
 121 districts. The determination of services and use of such funds
 122 shall be established by the board of directors of the regional
 123 consortium service organization. The funds shall be distributed
 124 to each regional consortium service organization no later than
 125 30 days following the release of the funds to the department.

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

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

133 1012.225 Merit Award Program for Instructional Personnel
 134 and School-Based Administrators.--

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

136 (a) Each participating district school board must submit
 137 its Merit Award Program plan for the 2008-2009 fiscal year to
 138 the Commissioner of Education for review by October 1, 2008 ~~of~~
 139 ~~each year~~. The plan must include the negotiated, district-
 140 adopted plan or charter school adopted plan if the district does

141 not submit a plan intended for use in the following year. The
142 commissioner shall complete a review of each plan submitted and
143 determine compliance with the requirements of this section by
144 November 15 of each year. If a submitted plan fails to meet the
145 requirements of this section, the commissioner must identify in
146 writing the specific revisions that are required. Revised plans
147 must be finalized and resubmitted by a school district, or by a
148 charter school if the district does not submit a plan, for the
149 commissioner's review by January 31 of each year. The
150 commissioner shall certify those school district or charter
151 school plans that do not comply with this section to the
152 Governor, the President of the Senate, and the Speaker of the
153 House of Representatives by February 15 of each year.

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

159 (c) Each district school board shall establish a procedure
160 to annually review both the assessment and compensation
161 components of its plan in order to determine compliance with
162 this section. After this review and by October 1 of each year,
163 the district school board shall submit a report to the
164 Commissioner of Education, along with supporting documentation
165 that will enable the commissioner to verify the district's
166 compliance with this section during the prior school year. The
167 commissioner shall submit a report to the Governor, the
168 President of the Senate, and the Speaker of the House of

169 Representatives certifying those school district or charter
 170 school plans that do not comply with this section or whose plans
 171 were not implemented in accordance with this section by December
 172 1 of each year.

173 ~~(d) For purposes of the 2007-2008 school year, the plan~~
 174 ~~submitted as required in paragraph (a) applies to the 2007-2008~~
 175 ~~school year as well as the 2008-2009 school year. Thereafter,~~
 176 ~~all plans submitted and approved within the timelines set forth~~
 177 ~~in paragraph (a) apply to the following school year.~~

178 Section 4. The amendments to s. 1012.225(5), Florida
 179 Statutes, made by this act shall expire July 1, 2009, and the
 180 text of that section shall revert to that in existence on June
 181 30, 2008, except that any amendments to such text enacted other
 182 than by this act shall be preserved and continue to operate to
 183 the extent that such amendments are not dependent upon the
 184 portions of such text which expire pursuant to this section.

185 Section 5. In order to implement Specific Appropriations
 186 376 through 415 of the 2008-2009 General Appropriations Act,
 187 subsection (3) of section 394.908, Florida Statutes, is amended
 188 to read:

189 394.908 Substance abuse and mental health funding equity;
 190 distribution of appropriations.--In recognition of the
 191 historical inequity in the funding of substance abuse and mental
 192 health services for the department's districts and regions and
 193 to rectify this inequity and provide for equitable funding in
 194 the future throughout the state, the following funding process
 195 shall be used:

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

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

202 2.(b) A pro rata share distribution that ensures districts
 203 below the statewide average funding level per person in each
 204 target population of "persons in need" receive funding necessary
 205 to achieve equity.

206 (b) Notwithstanding paragraph (a) and for the 2008-2009
 207 fiscal year only, funds appropriated for forensic mental health
 208 treatment services shall be allocated to the areas of the state
 209 having the greatest demand for services and treatment capacity.
 210 This paragraph expires July 1, 2009.

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

221 Section 6. Health care collaborative action network and
 222 discount health care pilot program.--

223 (1) In order to implement Specific Appropriation 588 of

224 the 2008-2009 General Appropriations Act, the Department of
225 Health shall develop and establish a health care collaborative
226 action network as a 1-year pilot program in Miami-Dade County.

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

229 (a) Establish an alliance of hospitals, federally
230 qualified health centers, free clinics, physician groups and
231 other health care providers in Miami-Dade County for the purpose
232 of increasing access to and coordination of care. Approval of a
233 certificate of need by the Agency for Health Care Administration
234 for any provider in Miami-Dade County during the 1-year pilot
235 program shall be contingent on that provider actively
236 participating in the alliance. The Department of Health shall
237 require all contract providers in Miami-Dade County to
238 participate in the alliance as a condition of the contract and
239 shall impose this requirement on all future contracts entered
240 into during the 1-year pilot program and amend all existing
241 contracts to reflect this requirement.

242 (b) Ensure coordination of service delivery, increased
243 access to health care, enhanced cooperation among participating
244 network providers, elimination of duplication, and establishment
245 of a medical home for all patients served by members of the
246 network.

247 (c) Establish a discount health care card program and
248 negotiate with provider members of the alliance to establish
249 discounted charges for services provided to enrollees in the
250 discount health care card program. Approval of a certificate of
251 need by the Agency for Health Care Administration for any

252 provider in Miami-Dade County during the 1-year pilot program
253 shall be contingent on that provider actively participating in
254 the discount health care card program. The Department of Health
255 shall require all contract providers in Miami-Dade County to
256 participate in the discount health care card program as a
257 condition of the contract and shall impose this requirement on
258 all future contracts entered into during the 1-year pilot
259 program and amend all existing contracts to reflect this
260 requirement.

261 (d) Ensure that the discount health care card is available
262 to any uninsured resident of Miami-Dade County with a family
263 income below 200 percent of the federal poverty level.
264 Reimbursement or payment for health care services by a
265 participant's health insurance policy or health plan or other
266 coverage contract shall be governed by the terms of that
267 contract.

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

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

275 (3) On January 1, 2009, the department shall submit to the
276 Governor, the President of the Senate, and the Speaker of the
277 House of Representatives a report on the success and outcomes
278 achieved by the pilot program, which must include a
279 recommendation as to whether the pilot program should be

280 continued, terminated, or expanded in the next fiscal year.

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

282 Section 7. In order to implement Specific Appropriations
 283 290 through 469 of the 2008-2009 General Appropriations Act and
 284 notwithstanding the provisions of chapter 216, Florida Statutes,
 285 the Executive Office of the Governor, in consultation with the
 286 Legislature, may approve the increase in nonoperating transfer
 287 budget authority for trust funds in the Department of Children
 288 and Family Services to continue programs authorized by the 2008-
 289 2009 General Appropriations Act. This section expires July 1,
 290 2009.

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

305 Section 9. In order to implement Specific Appropriations
 306 721A through 760H and 780 through 806 of the 2008-2009 General
 307 Appropriations Act, subsection (4) of section 216.262, Florida

308 Statutes, is amended to read:

309 216.262 Authorized positions.--

310 (4) Notwithstanding the provisions of this chapter on
 311 increasing the number of authorized positions, and for the 2008-
 312 2009 ~~2007-2008~~ fiscal year only, if the actual inmate population
 313 of the Department of Corrections exceeds the inmate population
 314 projections of the February 15, 2008 ~~February 16, 2007~~, Criminal
 315 Justice Estimating Conference by 1 percent for 2 consecutive
 316 months or 2 percent for any month, the Executive Office of the
 317 Governor, with the approval of the Legislative Budget
 318 Commission, shall immediately notify the Criminal Justice
 319 Estimating Conference, which shall convene as soon as possible
 320 to revise the estimates. The Department of Corrections may then
 321 submit a budget amendment requesting the establishment of
 322 positions in excess of the number authorized by the Legislature
 323 and additional appropriations from unallocated general revenue
 324 sufficient to provide for essential staff, fixed capital
 325 improvements, and other resources to provide classification,
 326 security, food services, health services, and other variable
 327 expenses within the institutions to accommodate the estimated
 328 increase in the inmate population. All actions taken pursuant to
 329 the authority granted in this subsection shall be subject to
 330 review and approval by the Legislative Budget Commission. This
 331 subsection expires July 1, 2009 ~~2008~~.

332 Section 10. In order to implement Specific Appropriations
 333 819, 821, and 1048 through 1072 of the 2008-2009 General
 334 Appropriations Act, paragraphs (c), (d), and (e) of subsection
 335 (3) of section 216.292, Florida Statutes, are amended to read:

336 216.292 Appropriations nontransferable; exceptions.--

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

341 (c) The transfer of appropriations for operations from
 342 general revenue between categories of appropriations within each
 343 criminal conflict and civil regional counsel budget entity. This
 344 paragraph expires July 1, 2009 ~~2008~~.

345 (d) The transfer of appropriations for operations from
 346 general revenue between criminal conflict and civil regional
 347 counsel budget entities. This paragraph expires July 1, 2009
 348 ~~2008~~.

349 (e) The transfer of appropriations for operations from
 350 general revenue between criminal conflict and civil regional
 351 counsel budget entities and the child dependency and civil
 352 conflict case appropriation category and the criminal conflict
 353 case costs appropriation category within the Justice
 354 Administrative Commission. This paragraph expires July 1, 2009
 355 ~~2008~~.

356 Section 11. In order to implement Specific Appropriations
 357 1301 and 1302 of the 2008-2009 General Appropriations Act, the
 358 Department of Legal Affairs is authorized to expend appropriated
 359 funds in those specific appropriations on the same programs that
 360 were funded by the department pursuant to specific
 361 appropriations made in general appropriations acts in prior
 362 years. This section expires July 1, 2009.

363 Section 12. In order to implement Specific Appropriations

364 1266, 1286, 1307, and 1317 of the 2008-2009 General
 365 Appropriations Act, the Department of Legal Affairs is
 366 authorized to transfer cash remaining after required
 367 disbursements from Attorney General case numbers L01-6-1004,
 368 L03-6-1002, and L01-6-1009 from FLAIR account 41-74-2-601001-
 369 41100100-00-181076-00 to the Operating Trust fund to pay
 370 salaries and benefits. This section expires July 1, 2009.

371 Section 13. In order to implement Specific Appropriations
 372 for salaries and benefits in the 2008-2009 General
 373 Appropriations Act, paragraph (b) of subsection (3) of section
 374 112.24, Florida Statutes, is amended to read:

375 112.24 Intergovernmental interchange of public
 376 employees.--To encourage economical and effective utilization of
 377 public employees in this state, the temporary assignment of
 378 employees among agencies of government, both state and local,
 379 and including school districts and public institutions of higher
 380 education is authorized under terms and conditions set forth in
 381 this section. State agencies, municipalities, and political
 382 subdivisions are authorized to enter into employee interchange
 383 agreements with other state agencies, the Federal Government,
 384 another state, a municipality, or a political subdivision
 385 including a school district, or with a public institution of
 386 higher education. State agencies are also authorized to enter
 387 into employee interchange agreements with private institutions
 388 of higher education and other nonprofit organizations under the
 389 terms and conditions provided in this section. In addition, the
 390 Governor or the Governor and Cabinet may enter into employee
 391 interchange agreements with a state agency, the Federal

392 Government, another state, a municipality, or a political
393 subdivision including a school district, or with a public
394 institution of higher learning to fill, subject to the
395 requirements of chapter 20, appointive offices which are within
396 the executive branch of government and which are filled by
397 appointment by the Governor or the Governor and Cabinet. Under
398 no circumstances shall employee interchange agreements be
399 utilized for the purpose of assigning individuals to participate
400 in political campaigns. Duties and responsibilities of
401 interchange employees shall be limited to the mission and goals
402 of the agencies of government.

403 (3) Salary, leave, travel and transportation, and
404 reimbursements for an employee of a sending party that is
405 participating in an interchange program shall be handled as
406 follows:

407 (b)1. The assignment of an employee of a state agency
408 either on detail or on leave of absence may be made without
409 reimbursement by the receiving party for the travel and
410 transportation expenses to or from the place of the assignment
411 or for the pay and benefits, or a part thereof, of the employee
412 during the assignment.

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

417 Section 14. In order to implement the appropriation of
418 funds in Special Categories-Risk Management Insurance of the
419 2008-2009 General Appropriations Act, and pursuant to the

420 notice, review, and objection procedures of s. 216.177, Florida
421 Statutes, the Executive Office of the Governor is authorized to
422 transfer funds appropriated in the appropriation category
423 "Special Categories-Risk Management Insurance" of the 2008-2009
424 General Appropriations Act between departments in order to align
425 the budget authority granted with the premiums paid by each
426 department for risk management insurance. This section expires
427 July 1, 2009.

428 Section 15. In order to implement the appropriation of
429 funds in Special Categories-Transfer to Department of Management
430 Services-Human Resources Services Purchased Per Statewide
431 Contract of the 2008-2009 General Appropriations Act, and
432 pursuant to the notice, review, and objection procedures of s.
433 216.177, Florida Statutes, the Executive Office of the Governor
434 is authorized to transfer funds appropriated in the
435 appropriation category "Special Categories-Transfer to
436 Department of Management Services-Human Resources Services
437 Purchased Per Statewide Contract" of the 2008-2009 General
438 Appropriations Act between departments in order to align the
439 budget authority granted with the assessments that must be paid
440 by each agency to the Department of Management Services for
441 human resource management services. This section expires July 1,
442 2009.

443 Section 16. In order to implement specific appropriations
444 for salaries and benefits in the 2008-2009 General
445 Appropriations Act, paragraph (a) of subsection (12) of section
446 110.123, Florida Statutes, is amended to read:

447 110.123 State group insurance program.--

448 (12) HEALTH SAVINGS ACCOUNTS.--The department is
 449 authorized to establish health savings accounts for full-time
 450 and part-time state employees in association with a health
 451 insurance plan option authorized by the Legislature and
 452 conforming to the requirements and limitations of federal
 453 provisions relating to the Medicare Prescription Drug,
 454 Improvement, and Modernization Act of 2003.

455 (a)1. A member participating in this health insurance plan
 456 option shall be eligible to receive an employer contribution
 457 into the employee's health savings account from the State
 458 Employees Health Insurance Trust Fund in an amount to be
 459 determined by the Legislature. A member is not eligible for an
 460 employer contribution upon termination of employment. For the
 461 2008-2009 ~~2007-2008~~ fiscal year, the state's monthly
 462 contribution for employees having individual coverage shall be
 463 \$41.66 and the monthly contribution for employees having family
 464 coverage shall be \$83.33.

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

468 Section 17. In order to implement Specific Appropriations
 469 2536, 2537, 2538, and 2542 of the 2008-2009 General
 470 Appropriations Act, for the 2008-2009 fiscal year only and
 471 notwithstanding any conflicting requirements of section 4 of
 472 chapter 2006-12, Laws of Florida, the Department of Financial
 473 Services may expend \$998,820 of the funds appropriated by
 474 section 4 of chapter 2006-12, Laws of Florida, for salaries and
 475 related expenses. This section expires July 1, 2009.

476 Section 18. In order to implement section 38 of the 2008-
 477 2009 General Appropriations Act, section 215.5595, Florida
 478 Statutes, is amended to read:

479 215.5595 Insurance Capital Build-Up Incentive Program.--

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

482 (a) The losses in this state ~~Florida~~ from eight hurricanes
 483 in 2004 and 2005 have seriously strained the resources of both
 484 the voluntary insurance market and the public sector mechanisms
 485 of Citizens Property Insurance Corporation and the Florida
 486 Hurricane Catastrophe Fund.

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

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

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

499 (b)(e) Citizens Property Insurance Corporation has over
 500 1.2 million policies in force and has the largest market share
 501 of any insurer writing residential property insurance in this
 502 state, and faces the threat of a catastrophic loss that ~~The~~
 503 ~~number of cancellations or nonrenewals of residential property~~

504 ~~insurance policies is expected to increase and the number of new~~
505 ~~residential policies written in the voluntary market are likely~~
506 ~~to decrease, causing increased policy growth and exposure to the~~
507 ~~state insurer of last resort, Citizens Property Insurance~~
508 ~~Corporation, and threatening to increase the deficit of the~~
509 ~~corporation, currently estimated to be over \$1.7 billion. This~~
510 ~~deficit~~ must be funded by assessments against insurers and
511 policyholders, unless otherwise funded by the state. The program
512 has a substantial positive effect on the depopulation efforts of
513 Citizens Property Insurance Corporation since companies
514 participating in the program have removed over 199,000 policies
515 from the corporation. Companies participating in the program
516 have issued a significant number of new policies thereby keeping
517 an estimated 480,000 new policies out of the corporation.

518 (c)~~(f)~~ Policyholders are subject to high increased
519 premiums and assessments that are increasingly making such
520 coverage unaffordable and that may force policyholders to sell
521 their homes and even leave the state.

522 (d)~~(g)~~ The increased risk to the public sector and private
523 sector continues to pose ~~poses~~ a serious threat to the economy
524 of this state, particularly the building and financing of
525 residential structures, and existing mortgages may be placed in
526 default.

527 ~~(h) The losses from 2004 and 2005, combined with the~~
528 ~~expectation that the increase in hurricane activity will~~
529 ~~continue for the foreseeable future, have caused both insurers~~
530 ~~and reinsurers to limit the capital they are willing to commit~~
531 ~~to covering the hurricane risk in Florida; attracting new~~

532 ~~capital to the Florida market is a critical priority, and~~
533 ~~providing a low-cost source of capital would enable insurers to~~
534 ~~write additional residential property insurance coverage and act~~
535 ~~to mitigate premium increases.~~

536 (e)(i) Appropriating state funds to be exchanged for used
537 ~~as~~ surplus notes issued by ~~for~~ residential property insurers,
538 under conditions requiring the insurer to contribute additional
539 private sector capital and to write a minimum level of premiums
540 for residential hurricane coverage, is a valid and important
541 public purpose.

542 (f) Extending the program will provide an incentive for
543 investors to commit additional capital to the residential
544 insurance market in this state.

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

550 (a) The amount of state funds provided in exchange for a
551 ~~the~~ surplus note to ~~for~~ any insurer or insurer group, other than
552 an insurer writing only manufactured housing policies, may not
553 exceed \$25 million or 20 percent of the total amount of funds
554 appropriated for ~~available under~~ the program, whichever is
555 greater. The amount of the surplus note for any insurer or
556 insurer group writing residential property insurance covering
557 only manufactured housing may not exceed \$7 million.

558 (b) The insurer must contribute an amount of new capital
559 to its surplus which is at least equal to the amount of the

560 surplus note and must apply to the board by September 1, 2008
 561 ~~July 1, 2006~~. If an insurer applies after September 1, 2008 ~~July~~
 562 ~~1, 2006~~, but before June 1, ~~2009~~ 2007, the amount of the surplus
 563 note is limited to one-half of the new capital that the insurer
 564 contributes to its surplus, except that an insurer writing only
 565 manufactured housing policies is eligible to receive a surplus
 566 note of up to \$7 million. For purposes of this section, new
 567 capital must be in the form of cash or cash equivalents as
 568 specified in s. 625.012(1).

569 (c) The insurer's surplus, new capital, and the surplus
 570 note must total at least \$50 million, except for insurers
 571 writing residential property insurance covering only
 572 manufactured housing. The insurer's surplus, new capital, and
 573 the surplus note must total at least \$14 million for insurers
 574 writing only residential property insurance covering
 575 manufactured housing policies as provided in paragraph (a).

576 (d) The insurer must commit to increase its writings of
 577 residential property insurance, including the peril of wind, and
 578 to meet ~~meeting~~ a minimum writing ratio of net written premium
 579 to surplus of at least 1:1 for the first year after receiving
 580 the state funds, 1.5:1 for the second year, and 2:1 for the
 581 remaining term of the surplus note. Alternatively, the insurer
 582 must meet a minimum writing ratio of gross written premium to
 583 surplus of at least 3:1 for the first year after receiving the
 584 state funds, 4.5:1 for the second year, and 6:1 for the
 585 remaining term of the surplus note. The writing ratios, ~~which~~
 586 shall be determined by the Office of Insurance Regulation and
 587 certified quarterly to the board. For this purpose, the term

588 ~~"net written premium"~~ means ~~net written~~ premium for residential
 589 property insurance in this state Florida, including the peril of
 590 wind, and "surplus" refers to the entire surplus of the insurer.
 591 The insurer must also commit to writing at least 10 percent of
 592 its net or gross written premium for new policies, not including
 593 renewal premiums, for policies taken out of Citizens Property
 594 Insurance Corporation, during each of the first 3 years after
 595 receiving the state funds in exchange for the surplus note,
 596 which shall be determined by the Office of Insurance Regulation
 597 and certified annually to the board. The office may determine
 598 that an insurer meets the requirement for taking policies out of
 599 the corporation, by written notice to the board, upon a finding
 600 that the insurer made offers of coverage to policyholders of the
 601 corporation which would have resulted in meeting this
 602 requirement had the policyholders accepted the offer. If the
 603 required ratio or the required writings for policies taken out
 604 of the corporation is not maintained during the term of the
 605 surplus note, the board may increase the interest rate,
 606 accelerate the repayment of interest and principal, or shorten
 607 the term of the surplus note, subject to approval by the
 608 Commissioner of Insurance of payments by the insurer of
 609 principal and interest as provided in paragraph (f).

610 (e) If the requirements of this section are met, the board
 611 may approve an application by an insurer for funds in exchange
 612 for issuance of a surplus note, unless the board determines that
 613 the financial condition of the insurer and its business plan for
 614 writing residential property insurance in Florida places an
 615 unreasonably high level of financial risk to the state of

616 nonpayment in full of the interest and principal. The board
617 shall consult with the Office of Insurance Regulation and may
618 contract with independent financial and insurance consultants in
619 making this determination.

620 (f) The surplus note must be repayable to the state with a
621 term of 20 years. The surplus note shall accrue interest on the
622 unpaid principal balance at a rate equivalent to the 10-year
623 U.S. Treasury Bond rate, require the payment only of interest
624 during the first 3 years, and include such other terms as
625 approved by the board. The board may charge late fees up to 5
626 percent for late payments or other late remittances. Payment of
627 principal, ~~or interest, or late fees~~ by the insurer on the
628 surplus note must be approved by the Commissioner of Insurance,
629 who shall approve such payment unless the commissioner
630 determines that such payment will substantially impair the
631 financial condition of the insurer. If such a determination is
632 made, the commissioner shall approve such payment that will not
633 substantially impair the financial condition of the insurer.

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

644 residential property insurance market. Between insurers writing
645 residential property insurance covering manufactured housing,
646 priority shall be given to the insurer writing the highest
647 percentage of its policies covering manufactured housing.

648 ~~(h) The board may allocate portions of the funds available~~
649 ~~for the program and establish dates for insurers to apply for~~
650 ~~surplus notes from such allocation which are earlier than the~~
651 ~~dates established in paragraph (b).~~

652 (h)(i) Notwithstanding paragraph (d), a newly formed
653 manufactured housing insurer that is eligible for a surplus note
654 under this section shall meet the premium to surplus ratio
655 provisions of s. 624.4095.

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

658 1. A Florida domiciled insurer that begins writing
659 personal lines residential manufactured housing policies in
660 Florida after March 1, 2007, and that removes a minimum of
661 50,000 policies from Citizens Property Insurance Corporation
662 without accepting a bonus, provided at least 25 percent of its
663 policies cover manufactured housing. Such an insurer may count
664 any funds above the minimum capital and surplus requirement that
665 were contributed into the insurer after March 1, 2007, as new
666 capital under this section.

667 2. A Florida domiciled insurer that writes at least 40
668 percent of its policies covering manufactured housing in
669 Florida.

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

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

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

674 (4) The state funds provided to the insurer in exchange
 675 for the A surplus note provided to an insurer pursuant to this
 676 section are ~~is~~ considered borrowed surplus an asset of the
 677 insurer pursuant to s. 628.401 ~~625.012~~.

678 (5) If an insurer that receives funds in exchange for the
 679 issuance of a surplus note pursuant to this section is rendered
 680 insolvent, the state is a class 3 creditor pursuant to s.
 681 631.271 for the unpaid principal and interest on the surplus
 682 note.

683 (6) The board shall adopt rules prescribing the
 684 procedures, administration, and criteria for approving the
 685 applications of insurers to receive funds in exchange for
 686 issuance of surplus notes pursuant to this section, which may be
 687 adopted pursuant to the procedures for emergency rules of
 688 chapter 120. Otherwise, actions and determinations by the board
 689 pursuant to this section are exempt from chapter 120.

690 (7) The board shall invest and reinvest the funds
 691 appropriated for the program in accordance with s. 215.47 and
 692 consistent with board policy.

693 (8) The amendments to this section enacted in 2008 do not
 694 affect the terms or conditions of surplus notes that were
 695 approved prior to January 1, 2008. However, the board may
 696 renegotiate the terms of any surplus note issued by an insurer
 697 prior to January 2008 under this program, upon the agreement of
 698 the insurer and the board, consistent with the requirements of
 699 this section as amended in 2008.

700 (9) Citizens Property Insurance Corporation shall transfer
 701 \$250 million to the General Revenue Fund on or before August 1,
 702 2008, for appropriation by the Legislature to the program.

703 Section 19. No amendments made to s. 215.5595, Florida
 704 Statutes, or any transfer of funds authorized by this act shall
 705 be used by Citizens Property Insurance Corporation as
 706 justification or cause in seeking any premium or assessment
 707 increase.

708 Section 20. The amendments to s. 215.5595, Florida
 709 Statutes, made by this act shall expire July 1, 2009, and the
 710 text of that section shall revert to that in existence on June
 711 30, 2008, except that any amendments to such text enacted other
 712 than by this act shall be preserved and continue to operate to
 713 the extent that such amendments are not dependent upon the
 714 portions of such text which expire pursuant to this section.

715 Section 21. In order to implement Specific Appropriation
 716 1541 of the 2008-2009 General Appropriations Act, subsection (5)
 717 is added to section 252.373, Florida Statutes, to read:

718 252.373 Allocation of funds; rules.--

719 (5) Notwithstanding subsection (1) and for the 2008-2009
 720 fiscal year only, the Division of Emergency Management shall use
 721 funds appropriated from the Emergency Management, Preparedness,
 722 and Assistance Trust Fund to provide emergency power generators
 723 in special-needs hurricane evacuation shelters pursuant to the
 724 provisions of section 1 of chapter 2006-71, Laws of Florida,
 725 except that such funds may not be used for administrative
 726 purposes and the matching fund requirements of Specific
 727 Appropriation 1541 of the 2008-2009 General Appropriations Act

728 must be met. This subsection expires July 1, 2009.

729 Section 22. In order to implement Specific Appropriation
 730 1541 of the 2008-2009 General Appropriations Act, subsection (8)
 731 of section 215.559, Florida Statutes, is renumbered as
 732 subsection (9), and a new subsection (8) is added to that
 733 section to read:

734 215.559 Hurricane Loss Mitigation Program.--

735 (8) Notwithstanding any other provision of this section
 736 and for the 2008-2009 fiscal year only, the Division of
 737 Emergency Management shall use funds appropriated from the
 738 Grants and Donations Trust Fund to provide emergency power
 739 generators in special-needs hurricane evacuation shelters
 740 pursuant to the provisions of section 1 of chapter 2006-71, Laws
 741 of Florida, except that such funds may not be used for
 742 administrative purposes and the matching fund requirements of
 743 Specific Appropriation 1541 of the 2008-2009 General
 744 Appropriations Act must be met. This subsection expires July 1,
 745 2009.

746 Section 23. In order to implement Specific Appropriation
 747 2635 of the 2008-2009 General Appropriations Act, subsection (1)
 748 of section 288.1088, Florida Statutes, is amended to read:

749 288.1088 Quick Action Closing Fund.--

750 (1) (a) The Legislature finds that attracting, retaining,
 751 and providing favorable conditions for the growth of certain
 752 high-impact business facilities, privately developed critical
 753 rural infrastructure, or key facilities in economically
 754 distressed urban or rural communities which provide widespread
 755 economic benefits to the public through high-quality employment

756 opportunities in such facilities or in related facilities
757 attracted to the state, through the increased tax base provided
758 by the high-impact facility and related businesses, through an
759 enhanced entrepreneurial climate in the state and the resulting
760 business and employment opportunities, and through the
761 stimulation and enhancement of the state's universities and
762 community colleges. In the global economy, there exists serious
763 and fierce international competition for these facilities, and
764 in most instances, when all available resources for economic
765 development have been used, the state continues to encounter
766 severe competitive disadvantages in vying for these business
767 facilities. Florida's rural areas must provide a competitive
768 environment for business in the information age. This often
769 requires an incentive to make it feasible for private investors
770 to provide infrastructure in those areas. The state's less
771 populated regions that seek economic development, that have
772 suitable land and water resources to accommodate growth in an
773 environmentally acceptable manner, and that have adopted a
774 conceptual long-term buildout overlay to the comprehensive plan
775 under s. 163.3184 and a detailed specific area plan that
776 implements the conceptual long-term buildout overlay to the
777 comprehensive plan must be provided incentives to actively
778 pursue high-impact business facilities that will serve as a
779 catalyst to stimulate economic growth.

780 (b) The Legislature therefore declares that sufficient
781 resources shall be available to respond to extraordinary
782 economic opportunities and to compete effectively for these
783 high-impact business facilities, critical private infrastructure

784 in rural areas, and key businesses in less populated regions and
785 economically distressed urban or rural communities.

786 Section 24. The amendments to s. 288.1088(1), Florida
787 Statutes, made by this act shall expire July 1, 2009, and the
788 text of that section shall revert to that in existence on June
789 30, 2008, except that any amendments to such text enacted other
790 than by this act shall be preserved and continue to operate to
791 the extent that such amendments are not dependent upon the
792 portions of such text which expire pursuant to this section.

793 Section 25. In order to implement Specific Appropriation
794 1591 of the 2008-2009 General Appropriations Act, subsection (3)
795 of section 553.75, Florida Statutes, is amended to read:

796 553.75 Organization of commission; rules and regulations;
797 meetings; staff; fiscal affairs.--

798 (3) The department shall be responsible for the provision
799 of administrative and staff support services relating to the
800 functions of the commission. With respect to matters within the
801 jurisdiction of the commission, the department shall be
802 responsible for the implementation and faithful discharge of all
803 decisions of the commission made pursuant to its authority under
804 the provisions of this part. The department may use
805 communications media technology to conduct any meetings of the
806 commission or meetings held in conjunction with the commission.

807 Section 26. The amendments to s. 553.75(3), Florida
808 Statutes, made by this act shall expire July 1, 2009, and the
809 text of that section shall revert to that in existence on June
810 30, 2008, except that any amendments to such text enacted other
811 than by this act shall be preserved and continue to operate to

812 the extent that such amendments are not dependent upon the
 813 portions of such text which expire pursuant to this section.

814 Section 27. In order to implement Specific Appropriations
 815 1748, 1756, and 1770 of the 2008-2009 General Appropriations
 816 Act, paragraphs (c) and (d) are added to subsection (2) of
 817 section 259.032, Florida Statutes, to read:

818 259.032 Conservation and Recreation Lands Trust Fund;
 819 purpose.--

820 (2)

821 (c) Notwithstanding any other provision of this section
 822 and for the 2008-2009 fiscal year only, funds in the
 823 Conservation and Recreation Lands Trust Fund may be transferred
 824 to the Nonmandatory Land Reclamation Trust Fund for activities
 825 associated with the cleanup of the Mulberry and Piney Point
 826 sites and expended as directed by the Legislature in the 2008-
 827 2009 General Appropriations Act. This paragraph expires July 1,
 828 2009.

829 (d) Notwithstanding any other provision of this section
 830 and for the 2008-2009 fiscal year only, funds in the
 831 Conservation and Recreation Lands Trust Fund may be transferred
 832 to the Ecosystem Management and Restoration Trust Fund for beach
 833 restoration activities and expended as directed by the
 834 Legislature in the 2008-2009 General Appropriations Act. This
 835 paragraph expires July 1, 2009.

836 Section 28. In order to implement the 2008-2009 General
 837 Appropriations Act, and effective upon this act becoming a law,
 838 subsections (3) through (11) of section 216.221, Florida
 839 Statutes, are renumbered as subsections (4) through (12),

840 respectively, and a new subsection (3) is added to that section
 841 to read:

842 216.221 Appropriations as maximum appropriations;
 843 adjustment of budgets to avoid or eliminate deficits.--

844 (3) Notwithstanding s. 216.222, and for the 2007-2008 and
 845 2008-2009 fiscal years only, if the Revenue Estimating
 846 Conference projects that General Revenue Fund collections will
 847 fall below the March 11, 2008, official estimates, adjusted for
 848 changes in the law enacted at the 2008 Regular Session of the
 849 Legislature, by \$200 million or more in either year or in both
 850 years combined, the Governor is authorized to submit to the
 851 Legislative Budget Commission a budget amendment, and the
 852 Legislative Budget Commission is authorized to approve such
 853 budget amendment, requesting the transfer of funds from the
 854 Budget Stabilization Fund to the General Revenue Fund. The total
 855 of all such transfers made pursuant to this subsection may not
 856 exceed the lesser of the projected revenue shortfalls as
 857 described in this subsection or one-half of the May 1, 2008,
 858 cash balance in the Budget Stabilization Fund. This subsection
 859 expires July 1, 2009.

860 Section 29. In order to implement the 2008-2009 General
 861 Appropriations Act, and effective upon this act becoming a law,
 862 paragraph (f) is added to subsection (5) of section 215.5601,
 863 Florida Statutes, to read:

864 215.5601 Lawton Chiles Endowment Fund.--

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

866 (f) Notwithstanding any other provision of this section,
 867 and for the 2007-2008 and 2008-2009 fiscal years only, if

868 transfers from the Budget Stabilization Fund authorized in s.
 869 216.221(3) are insufficient to address projected revenue
 870 shortfalls as described in that subsection, the Governor is
 871 authorized to submit to the Legislative Budget Commission a
 872 budget amendment, and the Legislative Budget Commission is
 873 authorized to approve such budget amendment, requesting the
 874 transfer of funds from the Lawton Chiles Endowment Fund to the
 875 General Revenue Fund. The total of all such transfers made
 876 pursuant to this subsection shall not exceed the lesser of the
 877 projected revenue shortfalls remaining after transfers from the
 878 Budget Stabilization Fund as described in s. 216.221(3) or \$1
 879 billion. Any expenditure from the Lawton Chiles Endowment Fund
 880 made pursuant to this paragraph must be restored by making five
 881 equal annual transfers from the General Revenue Fund, beginning
 882 in the third fiscal year following that in which the expenditure
 883 was made. This paragraph expires July 1, 2009.

884 Section 30. For the 2008-2009 fiscal year, salaries of
 885 legislators shall be reduced by 2.5 percent. Any moneys
 886 resulting from such reduction shall revert to the General
 887 Revenue Fund. This section expires July 1, 2009.

888 Section 31. Notwithstanding s. 212.20(6)(d), Florida
 889 Statutes, the Department of Revenue may not make any
 890 distribution in the 2008-2009 fiscal year to any facility for a
 891 new professional sports franchise or a facility for a retained
 892 professional sports franchise as defined in s. 288.1162, Florida
 893 Statutes.

894 Section 32. A section of this act that implements a
 895 specific appropriation or specifically identified proviso

896 language in the 2008-2009 General Appropriations Act is void if
 897 the specific appropriation or specifically identified proviso
 898 language is vetoed. A section of this act that implements more
 899 than one specific appropriation or more than one portion of
 900 specifically identified proviso language in the 2008-2009
 901 General Appropriations Act is void if all the specific
 902 appropriations or portions of specifically identified proviso
 903 language are vetoed.

904 Section 33. If any other act passed in 2008 contains a
 905 provision that is substantively the same as a provision in this
 906 act, but that removes or is otherwise not subject to the future
 907 repeal applied to such provision by this act, the Legislature
 908 intends that the provision in the other act shall take
 909 precedence and shall continue to operate, notwithstanding the
 910 future repeal provided by this act.

911 Section 34. If any provision of this act or its
 912 application to any person or circumstance is held invalid, the
 913 invalidity does not affect other provisions or applications of
 914 the act which can be given effect without the invalid provision
 915 or application, and to this end the provisions of this act are
 916 severable.

917 Section 35. Except as otherwise expressly provided in this
 918 act, this act shall take effect July 1, 2008; or, if this act
 919 fails to become a law until after that date, it shall take
 920 effect upon becoming a law and shall operate retroactively to
 921 July 1, 2008.