

## ENROLLED

HB 5003, Engrossed 2

2008 Legislature

1 A bill to be entitled  
2 An act implementing the 2008-2009 General Appropriations  
3 Act; providing legislative intent; incorporating by  
4 reference certain calculations of the Florida Education  
5 Finance Program for the 2008-2009 fiscal year; amending s.  
6 394.908, F.S.; requiring that funds appropriated for  
7 forensic mental health treatment services be allocated to  
8 the areas of the state having the greatest demand for  
9 services and treatment capacity; providing allocation  
10 requirements for specified funds appropriated for mental  
11 health services; requiring the Department of Children and  
12 Family Services to ensure information is entered into the  
13 Florida Safe Families Network; requiring coordination  
14 between the department and the Office of the State Courts  
15 Administrator and the Statewide Guardian Ad Litem Office  
16 to provide information relating to child welfare cases;  
17 requiring a report to the Governor and Legislature;  
18 amending s. 287.057, F.S.; authorizing the Department of  
19 Health to enter into an agreement with a specified private  
20 contractor to finance, design, and construct a hospital  
21 for the treatment of patients with active tuberculosis;  
22 requiring the Agency for Health Care Administration to  
23 study the effects of certain required minimum nursing home  
24 staffing ratios and report to the Governor and  
25 Legislature; prohibiting the agency from imposing  
26 sanctions related to such staffing ratios; authorizing the  
27 Department of Corrections and the Department of Juvenile  
28 Justice to make certain expenditures to defray costs

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29 | incurred by a municipality or county as a result of  
30 | opening or operating a facility under authority of the  
31 | respective department; amending s. 216.262, F.S.;  
32 | providing for additional positions to operate additional  
33 | prison bed capacity under certain circumstances;  
34 | authorizing the Department of Legal Affairs to expend  
35 | appropriated funds on programs funded in the preceding  
36 | fiscal year; amending s. 932.7055, F.S.; extending the  
37 | expiration date of provisions authorizing the expenditure  
38 | of funds in a special law enforcement trust fund  
39 | established by the governing body of a municipality;  
40 | specifying certain limitations on reimbursements to a  
41 | health care provider or hospital by the Department of  
42 | Corrections; providing an exception for hospitals that  
43 | reported a negative operating margin for the prior year;  
44 | requiring that contract rates of the Department of  
45 | Corrections be based on a percentage of the Medicare  
46 | allowable rate; authorizing the Department of Legal  
47 | Affairs to transfer certain funds to pay salaries and  
48 | benefits; amending s. 112.061, F.S.; providing for certain  
49 | reimbursement for travel expenses of Supreme Court  
50 | justices; amending s. 112.24, F.S.; providing conditions  
51 | on the assignment of an employee of a state agency without  
52 | reimbursement from the receiving agency; authorizing the  
53 | Executive Office of the Governor to transfer funds between  
54 | departments for purposes of aligning amounts paid for risk  
55 | management premiums and for purposes of aligning amounts  
56 | paid for human resource management services; amending s.

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57 | 110.123, F.S.; providing for the state's monthly  
58 | contribution for employees under the state group insurance  
59 | program; amending s. 255.503, F.S.; delaying the  
60 | expiration of provisions authorizing the Department of  
61 | Management Services to sell, lease, or otherwise dispose  
62 | of facilities within the Florida Facilities Pool and  
63 | report to the Legislature, the Governor, and the Division  
64 | of Bond Finance; reenacting s. 287.17(3)(a) and (6), F.S.;  
65 | authorizing the use of state aircraft for commuting;  
66 | providing for the future expiration of certain amendments  
67 | to such provisions; amending s. 61.1824, F.S.; requiring  
68 | electronic disbursement of certain payments made to the  
69 | State Disbursement Unit; amending s. 409.2558, F.S.;  
70 | requiring electronic disbursement of certain payments made  
71 | to the State Disbursement Unit; authorizing the Department  
72 | of Revenue to extend the length of a specified contract;  
73 | offsetting reductions in ad valorem tax revenue  
74 | experienced by fiscally constrained counties occurring as  
75 | a direct result of the implementation of revisions of  
76 | Article VII of the State Constitution approved in the  
77 | special election held on January 29, 2008; amending s.  
78 | 255.518, F.S.; revising provisions relating to payment of  
79 | obligations during the construction of any facility  
80 | financed by such obligations; authorizing the Department  
81 | of Financial Services to expend certain funds for salaries  
82 | and related expenses; amending s. 215.559, F.S.; providing  
83 | for allocation of funds appropriated to the Hurricane Loss  
84 | Mitigation Program for specified purposes; amending s.

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85 | 253.034, F.S.; delaying the expiration of provisions  
86 | authorizing the deposit of funds from the sale of property  
87 | located in Palm Beach County into the Highway Safety  
88 | Operating Trust Fund by the Department of Highway Safety  
89 | and Motor Vehicles; amending s. 339.135, F.S.; delaying  
90 | the expiration of provisions requiring the Department of  
91 | Transportation to transfer funds to the Office of Tourism,  
92 | Trade, and Economic Development for the purpose of funding  
93 | transportation-related needs of economic development  
94 | transportation projects, space and aerospace  
95 | infrastructure, and other economic development projects;  
96 | amending s. 553.721, F.S.; providing for the proceeds from  
97 | the surcharge collected by the Department of Community  
98 | Affairs on building additions and renovations to be used  
99 | to fund regional planning councils, civil legal  
100 | assistance, and the Front Porch Florida Initiative;  
101 | amending s. 339.08, F.S.; providing for administrative  
102 | expenses from the State Transportation Trust Fund;  
103 | amending s. 253.01, F.S.; providing for moneys in the  
104 | Internal Improvement Trust Fund to be used for grants and  
105 | aids to local governments for the drinking water facility  
106 | construction state revolving loan program; amending ss.  
107 | 212.08, 220.183, and 624.5105, F.S.; providing allocations  
108 | and limitations on community contribution tax credits;  
109 | amending s. 403.7095, F.S.; authorizing the Department of  
110 | Environmental Protection to award funds under the solid  
111 | waste management grant program for certain purposes;  
112 | amending s. 570.20, F.S.; delaying the expiration of

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113 provisions authorizing moneys in the General Inspection  
 114 Trust Fund to be appropriated for certain programs  
 115 operated by the Department of Agriculture and Consumer  
 116 Services; providing fund transfer authority relating to  
 117 the Florida Forever Act; amending s. 373.1961, F.S.;  
 118 providing that funding for alternative water supply shall  
 119 be allocated as shown in the General Appropriations Act;  
 120 amending s. 403.890, F.S.; authorizing transfer of moneys  
 121 in the Water Protection and Sustainability Program Trust  
 122 Fund to the Ecosystem Management and Restoration Trust  
 123 Fund for grants and aids to local governments for water  
 124 projects as provided in the General Appropriations Act;  
 125 amending s. 375.041, F.S.; authorizing transfer of moneys  
 126 in the Land Acquisition Trust Fund to the Ecosystem  
 127 Management and Restoration Trust Fund for grants and aids  
 128 to local governments for water projects as provided in the  
 129 General Appropriations Act; amending s. 376.3071, F.S.;  
 130 extending use of funds in the Inland Protection Trust Fund  
 131 for certain limited interim soil-source removals;  
 132 providing for the authorization and issuance of new debt;  
 133 amending s. 373.472, F.S.; suspending certain uses and  
 134 purposes of the Save Our Everglades Trust Fund;  
 135 authorizing the Department of Agriculture and Consumer  
 136 Services, at its discretion, to extend, revise, and renew  
 137 certain contracts or agreements in order to provide  
 138 consistency and continuity in agriculture promotion  
 139 throughout the state; authorizing and providing conditions  
 140 for the transfer of funds from the Budget Stabilization

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141 Fund or the Lawton Chiles Endowment Fund to the General  
 142 Revenue Fund; amending s. 215.5601, F.S.; revising the  
 143 investment objective of the Lawton Chiles Endowment Fund  
 144 and providing construction with respect thereto; providing  
 145 intent with respect to the issuance of debt; reenacting s.  
 146 215.32(2)(b), F.S., relating to the source and use of  
 147 certain trust funds in order to implement the transfer of  
 148 moneys in the General Revenue Fund from trust funds in the  
 149 2008-2009 General Appropriations Act; providing for  
 150 reduction in legislator salaries; providing for future  
 151 expiration of various provisions; providing for reversion  
 152 of statutory text of certain provisions; providing for the  
 153 effect of a veto of one or more specific appropriations or  
 154 proviso to which implementing language refers; providing  
 155 for the continued operation of certain provisions  
 156 notwithstanding a future repeal or expiration provided by  
 157 the act; providing for severability; providing effective  
 158 dates.

159  
 160 Be It Enacted by the Legislature of the State of Florida:

161  
 162 Section 1. It is the intent of the Legislature that the  
 163 implementing and administering provisions of this act apply to  
 164 the General Appropriations Act for the 2008-2009 fiscal year.

165 Section 2. In order to implement Specific Appropriations  
 166 6, 7, and 81 through 83 of the 2008-2009 General Appropriations  
 167 Act, the calculations of the Florida Education Finance Program  
 168 for the 2008-2009 fiscal year in the document entitled "Public

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169 School Funding - The Florida Education Finance Program" dated  
 170 April 28, 2008, and filed with the Clerk of the House of  
 171 Representatives are incorporated by reference for the purpose of  
 172 displaying the calculations used by the Legislature, consistent  
 173 with the requirements of the Florida Statutes, in making  
 174 appropriations for the Florida Education Finance Program.

175 Section 3. In order to implement Specific Appropriations  
 176 376 through 415 of the 2008-2009 General Appropriations Act,  
 177 subsection (3) of section 394.908, Florida Statutes, is amended  
 178 to read:

179 394.908 Substance abuse and mental health funding equity;  
 180 distribution of appropriations.--In recognition of the  
 181 historical inequity in the funding of substance abuse and mental  
 182 health services for the department's districts and regions and  
 183 to rectify this inequity and provide for equitable funding in  
 184 the future throughout the state, the following funding process  
 185 shall be used:

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

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

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

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

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

211        Section 4. In order to implement Specific Appropriations  
 212 302 and 314 of the 2008-2009 General Appropriations Act, the  
 213 Department of Children and Family Services shall ensure that all  
 214 public and private agencies and institutions participating in  
 215 child welfare cases enter information specified by rule of the  
 216 department into the Florida Safe Families Network in order to  
 217 maintain the accuracy and usefulness of the system. The Florida  
 218 Safe Families Network is intended to be the department's  
 219 automated child welfare case-management system designed to  
 220 provide child welfare workers with a mechanism for managing  
 221 child welfare cases more efficiently and tracking children and  
 222 families more effectively. The department shall coordinate with  
 223 the Office of the State Courts Administrator and the Statewide



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224 Guardian Ad Litem Office for the purpose of providing any judge  
 225 or magistrate and any guardian ad litem assigned to a dependency  
 226 court case with access to information in the Florida Safe  
 227 Families Network relating to a child welfare case which is  
 228 required to be filed with the court pursuant to chapter 39,  
 229 Florida Statutes, by the date of the network's release during  
 230 the 2008-2009 fiscal year. The department shall report to the  
 231 Governor, the President of the Senate, and the Speaker of the  
 232 House of Representatives by February 1, 2009, with respect to  
 233 progress on providing access to the Florida Safe Families  
 234 Network as provided in this section. This section expires July  
 235 1, 2009.

236 Section 5. Effective upon this act becoming a law, in  
 237 order to implement Specific Appropriations 552, 554, 560, 562,  
 238 and 563 of the 2008-2009 General Appropriations Act, paragraph  
 239 (c) is added to subsection (14) of section 287.057, Florida  
 240 Statutes, to read:

241 287.057 Procurement of commodities or contractual  
 242 services.--

243 (14)

244 (c) The Department of Health shall enter into an  
 245 agreement, not to exceed 20 years, with a private contractor to  
 246 finance, design, and construct a hospital, of no more than 50  
 247 beds, for the treatment of patients with active tuberculosis and  
 248 to operate all aspects of daily operations within the facility.  
 249 The contractor may sponsor the issuance of tax-exempt  
 250 certificates of participation or other securities to finance the  
 251 project, and the state may enter into a lease-purchase agreement

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252 for the facility. The department shall begin the implementation  
 253 of this initiative by July 1, 2008. This paragraph expires July  
 254 1, 2009.

255 Section 6. In order to implement Specific Appropriation  
 256 236 of the 2008-2009 General Appropriations Act, the Agency for  
 257 Health Care Administration shall study the effects of the  
 258 minimum nursing home staffing ratios found in s. 400.23(3),  
 259 Florida Statutes, and the relationship to Medicaid reimbursement  
 260 and the quality of care provided to residents. The agency shall  
 261 report its findings to the Governor, the President of the  
 262 Senate, and the Speaker of the House of Representatives by  
 263 February 1, 2009. Until July 1, 2009, the agency shall not  
 264 impose sanctions against a nursing home for failure to meet the  
 265 staffing ratios in s. 400.23(3), Florida Statutes, or failure to  
 266 impose a moratorium on new admissions pursuant to s.  
 267 400.141(15)(d), Florida Statutes, as long as the certified  
 268 nursing assistant ratio is not below 2.6 hours per resident per  
 269 day and the licensed nurse ratio is not below 1.0 hours per  
 270 resident per day. This section expires July 1, 2009.

271 Section 7. In order to fulfill legislative intent  
 272 regarding the use of funds contained in Specific Appropriations  
 273 721K, 721Y, 721AJ, and 1146 of the 2008-2009 General  
 274 Appropriations Act, the Department of Corrections and the  
 275 Department of Juvenile Justice may expend appropriated funds to  
 276 assist in defraying the costs of impacts that are incurred by a  
 277 municipality or county and associated with opening or operating  
 278 a facility under the authority of the respective department  
 279 which is located within that municipality or county. The amount

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280 that is to be paid under this section for any facility may not  
 281 exceed 1 percent of the facility construction cost, less  
 282 building impact fees imposed by the municipality or by the  
 283 county if the facility is located in the unincorporated portion  
 284 of the county. This section expires July 1, 2009.

285 Section 8. In order to implement Specific Appropriations  
 286 721A through 760H and 780 through 806A of the 2008-2009 General  
 287 Appropriations Act, subsection (4) of section 216.262, Florida  
 288 Statutes, is amended to read:

289 216.262 Authorized positions.--

290 (4) Notwithstanding the provisions of this chapter on  
 291 increasing the number of authorized positions, and for the 2008-  
 292 2009 ~~2007-2008~~ fiscal year only, if the actual inmate population  
 293 of the Department of Corrections exceeds the inmate population  
 294 projections of the February 15, 2008 ~~February 16, 2007~~, Criminal  
 295 Justice Estimating Conference by 1 percent for 2 consecutive  
 296 months or 2 percent for any month, the Executive Office of the  
 297 Governor, with the approval of the Legislative Budget  
 298 Commission, shall immediately notify the Criminal Justice  
 299 Estimating Conference, which shall convene as soon as possible  
 300 to revise the estimates. The Department of Corrections may then  
 301 submit a budget amendment requesting the establishment of  
 302 positions in excess of the number authorized by the Legislature  
 303 and additional appropriations from unallocated general revenue  
 304 sufficient to provide for essential staff, fixed capital  
 305 improvements, and other resources to provide classification,  
 306 security, food services, health services, and other variable  
 307 expenses within the institutions to accommodate the estimated

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308 | increase in the inmate population. All actions taken pursuant to  
 309 | the authority granted in this subsection shall be subject to  
 310 | review and approval by the Legislative Budget Commission. This  
 311 | subsection expires July 1, 2009 ~~2008~~.

312 |       Section 9. In order to implement Specific Appropriations  
 313 | 1301 and 1302 of the 2008-2009 General Appropriations Act, the  
 314 | Department of Legal Affairs is authorized to expend appropriated  
 315 | funds in those specific appropriations on the same programs that  
 316 | were funded by the department pursuant to specific  
 317 | appropriations made in general appropriations acts in prior  
 318 | years. This section expires July 1, 2009.

319 |       Section 10. In order to implement Specific Appropriation  
 320 | 1210 of the 2008-2009 General Appropriations Act, subsection (4)  
 321 | of section 932.7055, Florida Statutes, is amended to read:

322 |       932.7055 Disposition of liens and forfeited property.--

323 |       (4) The proceeds from the sale of forfeited property shall  
 324 | be disbursed in the following priority:

325 |       (a) Payment of the balance due on any lien preserved by  
 326 | the court in the forfeiture proceedings.

327 |       (b) Payment of the cost incurred by the seizing agency in  
 328 | connection with the storage, maintenance, security, and  
 329 | forfeiture of such property.

330 |       (c) Payment of court costs incurred in the forfeiture  
 331 | proceeding.

332 |       (d) Notwithstanding any other provision of this  
 333 | subsection, and for the 2008-2009 ~~2007-2008~~ fiscal year only,  
 334 | the funds in a special law enforcement trust fund established by  
 335 | the governing body of a municipality may be expended to

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336 reimburse the general fund of the municipality for moneys  
 337 advanced from the general fund to the special law enforcement  
 338 trust fund prior to October 1, 2001. This paragraph expires July  
 339 1, 2009 ~~2008~~.

340 Section 11. In order to implement Specific Appropriation  
 341 786 of the 2008-2009 General Appropriations Act, the Department  
 342 of Corrections shall comply with the following reimbursement  
 343 limitations:

344 (1) If no contract exists between the Department of  
 345 Corrections and a hospital licensed under chapter 395 or a  
 346 health care provider providing services at a hospital licensed  
 347 under chapter 395 regarding services, payments may not exceed  
 348 110 percent of the Medicare allowable rate.

349 (2) If a contract has been executed between the Department  
 350 of Corrections and a hospital licensed under chapter 395 or a  
 351 health care provider providing services at a hospital licensed  
 352 under chapter 395, payments shall continue at the currently  
 353 contracted rates through the current term of the contract;  
 354 however, if the contract expires or is subject to renewal during  
 355 the 2007-2008 fiscal year, the payments may not exceed 110  
 356 percent of Medicare allowable rate.

357 (3) If the Department of Corrections enters into a new  
 358 contract with a hospital licensed under chapter 395 or a health  
 359 care provider providing services at a hospital licensed under  
 360 chapter 395, the payments may not exceed 110 percent of the  
 361 Medicare allowable rate.

362 (4) Notwithstanding the limitations of subsections (1),  
 363 (2), and (3) to the contrary, the Department of Corrections may

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364 pay up to 125 percent of the Medicare allowable rate for  
 365 hospitals licensed under chapter 395 that reported to the Agency  
 366 for Health Care Administration, through hospital audited  
 367 financial data, a negative operating margin for the previous  
 368 year.

369 (5) This section shall not be applicable to charges for  
 370 medical services provided at any hospital operated by the  
 371 Department of Corrections.

372  
 373 The Department of Corrections may not negotiate contracts for  
 374 medical services at hospitals licensed under chapter 395 for  
 375 rates other than rates based on a percentage of the Medicare  
 376 allowable rate. This section expires July 1, 2009.

377 Section 12. In order to implement Specific Appropriations  
 378 1266, 1286, 1307, and 1317 of the 2008-2009 General  
 379 Appropriations Act, the Department of Legal Affairs is  
 380 authorized to transfer cash remaining after required  
 381 disbursements from Attorney General case numbers L01-6-1004,  
 382 L03-6-1002, and L01-6-1009 from FLAIR account 41-74-2-601001-  
 383 41100100-00-181076-00 to the Operating Trust fund to pay  
 384 salaries and benefits. This section expires July 1, 2009.

385 Section 13. In order to implement Specific Appropriation  
 386 3205 of the 2008-2009 General Appropriations Act, subsection  
 387 (16) is added to section 112.061, Florida Statutes, to read:

388 112.061 Per diem and travel expenses of public officers,  
 389 employees, and authorized persons.--

390 (16) SUPREME COURT JUSTICES.--Notwithstanding any  
 391 provision of this section to the contrary, the Chief Justice of

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392 the Supreme Court is authorized to reimburse justices of the  
 393 Supreme Court for travel expenses, including travel, per diem,  
 394 and subsistence allowances, associated with travel to  
 395 Tallahassee on official business for the state from the county  
 396 in which the justice resides for no more than 36 trips per  
 397 justice, provided that reimbursement may not be made for travel  
 398 to Tallahassee if the justice resides within 50 miles of the  
 399 headquarters of the Supreme Court. This subsection expires July  
 400 1, 2009.

401 Section 14. In order to implement Specific Appropriations  
 402 for salaries and benefits in the 2008-2009 General  
 403 Appropriations Act, paragraph (b) of subsection (3) of section  
 404 112.24, Florida Statutes, is amended to read:

405 112.24 Intergovernmental interchange of public  
 406 employees.--To encourage economical and effective utilization of  
 407 public employees in this state, the temporary assignment of  
 408 employees among agencies of government, both state and local,  
 409 and including school districts and public institutions of higher  
 410 education is authorized under terms and conditions set forth in  
 411 this section. State agencies, municipalities, and political  
 412 subdivisions are authorized to enter into employee interchange  
 413 agreements with other state agencies, the Federal Government,  
 414 another state, a municipality, or a political subdivision  
 415 including a school district, or with a public institution of  
 416 higher education. State agencies are also authorized to enter  
 417 into employee interchange agreements with private institutions  
 418 of higher education and other nonprofit organizations under the  
 419 terms and conditions provided in this section. In addition, the

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420 Governor or the Governor and Cabinet may enter into employee  
 421 interchange agreements with a state agency, the Federal  
 422 Government, another state, a municipality, or a political  
 423 subdivision including a school district, or with a public  
 424 institution of higher learning to fill, subject to the  
 425 requirements of chapter 20, appointive offices which are within  
 426 the executive branch of government and which are filled by  
 427 appointment by the Governor or the Governor and Cabinet. Under  
 428 no circumstances shall employee interchange agreements be  
 429 utilized for the purpose of assigning individuals to participate  
 430 in political campaigns. Duties and responsibilities of  
 431 interchange employees shall be limited to the mission and goals  
 432 of the agencies of government.

433 (3) Salary, leave, travel and transportation, and  
 434 reimbursements for an employee of a sending party that is  
 435 participating in an interchange program shall be handled as  
 436 follows:

437 (b)1. The assignment of an employee of a state agency  
 438 either on detail or on leave of absence may be made without  
 439 reimbursement by the receiving party for the travel and  
 440 transportation expenses to or from the place of the assignment  
 441 or for the pay and benefits, or a part thereof, of the employee  
 442 during the assignment.

443 2. For the 2008-2009 fiscal year only, the assignment of  
 444 an employee of a state agency as provided in subparagraph 1. may  
 445 be made if recommended by the Governor or Chief Justice, as  
 446 appropriate, and approved by the chairs of the Senate Fiscal  
 447 Policy and Calendar Committee and the House Policy and Budget



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448 Council. Such actions shall be deemed approved if neither chair  
 449 provides written notice of objection within 14 days after the  
 450 chair's receiving notice of the action pursuant to s. 216.177.  
 451 This subparagraph expires July 1, 2009.

452 Section 15. In order to implement the appropriation of  
 453 funds in Special Categories-Risk Management Insurance of the  
 454 2008-2009 General Appropriations Act, and pursuant to the  
 455 notice, review, and objection procedures of s. 216.177, Florida  
 456 Statutes, the Executive Office of the Governor is authorized to  
 457 transfer funds appropriated in the appropriation category  
 458 "Special Categories-Risk Management Insurance" of the 2008-2009  
 459 General Appropriations Act between departments in order to align  
 460 the budget authority granted with the premiums paid by each  
 461 department for risk management insurance. This section expires  
 462 July 1, 2009.

463 Section 16. In order to implement the appropriation of  
 464 funds in Special Categories-Transfer to Department of Management  
 465 Services-Human Resources Services Purchased Per Statewide  
 466 Contract of the 2008-2009 General Appropriations Act, and  
 467 pursuant to the notice, review, and objection procedures of s.  
 468 216.177, Florida Statutes, the Executive Office of the Governor  
 469 is authorized to transfer funds appropriated in the  
 470 appropriation category "Special Categories-Transfer to  
 471 Department of Management Services-Human Resources Services  
 472 Purchased Per Statewide Contract" of the 2008-2009 General  
 473 Appropriations Act between departments in order to align the  
 474 budget authority granted with the assessments that must be paid  
 475 by each agency to the Department of Management Services for

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476 human resource management services. This section expires July 1,  
 477 2009.

478 Section 17. In order to implement specific appropriations  
 479 for salaries and benefits in the 2008-2009 General  
 480 Appropriations Act, paragraph (a) of subsection (12) of section  
 481 110.123, Florida Statutes, is amended to read:

482 110.123 State group insurance program.--

483 (12) HEALTH SAVINGS ACCOUNTS.--The department is  
 484 authorized to establish health savings accounts for full-time  
 485 and part-time state employees in association with a health  
 486 insurance plan option authorized by the Legislature and  
 487 conforming to the requirements and limitations of federal  
 488 provisions relating to the Medicare Prescription Drug,  
 489 Improvement, and Modernization Act of 2003.

490 (a)1. A member participating in this health insurance plan  
 491 option shall be eligible to receive an employer contribution  
 492 into the employee's health savings account from the State  
 493 Employees Health Insurance Trust Fund in an amount to be  
 494 determined by the Legislature. A member is not eligible for an  
 495 employer contribution upon termination of employment. For the  
 496 2008-2009 ~~2007-2008~~ fiscal year, the state's monthly  
 497 contribution for employees having individual coverage shall be  
 498 \$41.66 and the monthly contribution for employees having family  
 499 coverage shall be \$83.33.

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

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503           Section 18. In order to implement Specific Appropriations  
 504 2801 through 2814 of the 2008-2009 General Appropriations Act,  
 505 subsection (7) of section 255.503, Florida Statutes, is amended  
 506 to read:

507           255.503 Powers of the Department of Management  
 508 Services.--The Department of Management Services shall have all  
 509 the authority necessary to carry out and effectuate the purposes  
 510 and provisions of this act, including, but not limited to, the  
 511 authority to:

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

514           (b) No later than the date upon which the department  
 515 recommends to the Division of State Lands of the Department of  
 516 Environmental Protection the disposition of any facility within  
 517 the Florida Facilities Pool, the department shall provide to the  
 518 President of the Senate, the Speaker of the House of  
 519 Representatives, the Executive Office of the Governor, and the  
 520 Division of Bond Finance of the State Board of Administration an  
 521 analysis that includes:

522           1. The cost benefit of the proposed facility disposition,  
 523 including the facility's current operating expenses, condition,  
 524 and market value, and viable alternatives for work space for  
 525 impacted state employees.

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

529

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

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531 Section 19. In order to implement Specific Appropriations  
 532 2826 through 2835 of the 2008-2009 General Appropriations Act,  
 533 paragraph (a) of subsection (3) and subsection (6) of section  
 534 287.17, Florida Statutes, are reenacted to read:

535 287.17 Limitation on use of motor vehicles and aircraft.--

536 (3) (a) The term "official state business" may not be  
 537 construed to permit the use of a motor vehicle for commuting  
 538 purposes, unless special assignment of a motor vehicle is  
 539 authorized as a perquisite by the Department of Management  
 540 Services, required by an employee after normal duty hours to  
 541 perform duties of the position to which assigned, or authorized  
 542 for an employee whose home is the official base of operation.

543 (6) It is the intention of the Legislature that persons  
 544 traveling on state aircraft for purposes consistent with, but  
 545 not necessarily constituting, official state business may travel  
 546 only when accompanying persons who are traveling on official  
 547 state business and that such persons shall pay the state for all  
 548 costs associated with such travel. Notwithstanding paragraph  
 549 (3) (a), a person traveling on state aircraft for purposes other  
 550 than official state business shall pay for any trip not  
 551 exclusively for state business by paying a prorated share of all  
 552 fixed and variable expenses related to the ownership, operation,  
 553 and use of such aircraft.

554 Section 20. The amendment of s. 287.17, Florida Statutes,  
 555 as carried forward by this act from chapters 2005-71, 2006-26,  
 556 and 2007-73, Laws of Florida, shall expire July 1, 2009, and the  
 557 text of that section shall revert to that in existence on June  
 558 30, 2005, except that any amendments to such text enacted other

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559 than by chapters 2005-71, 2006-26, and 2007-73, Laws of Florida,  
 560 shall be preserved and continue to operate to the extent that  
 561 such amendments are not dependent upon the portions of such text  
 562 which expire pursuant to this section.

563 Section 21. In order to implement Specific Appropriation  
 564 3070 of the 2008-2009 General Appropriations Act, paragraph (d)  
 565 of subsection (3) of section 61.1824, Florida Statutes, is  
 566 amended to read:

567 61.1824 State Disbursement Unit.--

568 (3) The State Disbursement Unit shall perform the  
 569 following functions:

570 (d) To the extent feasible, use automated procedures for  
 571 the collection and disbursement of support payments, including,  
 572 but not limited to, having procedures for:

- 573 1. Receipt of payments from obligors, employers, other  
 574 states and jurisdictions, and other entities.
- 575 2. Timely disbursement of payments to obligees, the  
 576 department, and other state Title IV-D agencies.
- 577 3. Accurate identification of payment source and amount.
- 578 4. Furnishing any parent, upon request, timely information  
 579 on the current status of support payments under an order  
 580 requiring payments to be made by or to the parent, except that  
 581 in cases described in paragraph (1)(b), prior to the date the  
 582 State Disbursement Unit becomes fully operational, the State  
 583 Disbursement Unit shall not be required to convert and maintain  
 584 in automated form records of payments kept pursuant to s.  
 585 61.181.

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586           5. Electronic disbursement of support payments to  
 587 obligees. The State Disbursement Unit shall notify obligees of  
 588 electronic disbursement options ~~and encourage their use through~~  
 589 ~~promotional material.~~ Any payments made to the State  
 590 Disbursement Unit that are owed to the obligee shall be  
 591 disbursed electronically. The obligee may designate a personal  
 592 account for deposit of payments. If the obligee does not  
 593 designate a personal account, the State Disbursement Unit shall  
 594 deposit any payments into a stored-value account that can be  
 595 accessed by the obligee.

596           Section 22. The amendment of s. 61.1824(3)(d), Florida  
 597 Statutes, made by this act shall expire July 1, 2009, and the  
 598 text of that paragraph shall revert to that in existence on June  
 599 30, 2008, except that any amendments to such text enacted other  
 600 than by this act shall be preserved and continue to operate to  
 601 the extent that such amendments are not dependent upon the  
 602 portions of such text which expire pursuant to this section.

603           Section 23. In order to implement Specific Appropriation  
 604 3070 of the 2008-2009 General Appropriations Act, subsections  
 605 (2) through (8) of section 409.2558, Florida Statutes, are  
 606 renumbered as subsections (3) through (9), respectively, and a  
 607 new subsection (2) is added to that section, to read:

608           409.2558 Support distribution and disbursement.--  
 609           (2) ELECTRONIC DISBURSEMENT OF PAYMENTS.--Any payments  
 610 made to the State Disbursement Unit that are owed to the obligee  
 611 in a Title IV-D case shall be disbursed electronically. The  
 612 obligee may designate a personal account for deposit of  
 613 payments. If the obligee does not designate a personal account,

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614 the State Disbursement Unit shall deposit any payments into a  
615 stored-value account that can be accessed by the obligee. This  
616 subsection expires July 1, 2009.

617 Section 24. In order to implement Specific Appropriation  
618 3070 of the 2008-2009 General Appropriations Act,  
619 notwithstanding ss. 61.1826(4)(a) and 287.057, Florida Statutes,  
620 relating to contract extensions and renewals, the Department of  
621 Revenue shall extend for 66 months contract C3636 entered into  
622 pursuant to s. 61.1826, Florida Statutes. This section expires  
623 July 1, 2009.

624 Section 25. (1) In order to implement Specific  
625 Appropriation 3056A of the 2008-2009 General Appropriations Act  
626 and notwithstanding the provisions of Section 9 of chapter 2007-  
627 339, Laws of Florida, the moneys provided in Specific  
628 Appropriation 3056A are appropriated to offset the reductions in  
629 ad valorem tax revenue experienced by fiscally constrained  
630 counties, as defined in s. 218.67(1), Florida Statutes, which  
631 occur as a direct result of the implementation of revisions of  
632 Article VII of the State Constitution approved in the special  
633 election held on January 29, 2008. The moneys appropriated for  
634 this purpose shall be distributed in January of 2009 among the  
635 fiscally constrained counties based on each county's proportion  
636 of the total reduction in ad valorem tax revenue resulting from  
637 the implementation of the revision.

638 (2) On or before November 15, 2008, each fiscally  
639 constrained county shall apply to the Department of Revenue to  
640 participate in the distribution of the appropriation and provide  
641 documentation supporting the county's estimated reduction in ad

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642 valorem tax revenue in the form and manner prescribed by the  
 643 Department of Revenue. The documentation must include an  
 644 estimate of the reduction in taxable value directly attributable  
 645 to revisions of Article VII of the State Constitution for all  
 646 county taxing jurisdictions within the county and shall be  
 647 prepared by the property appraiser in each fiscally constrained  
 648 county. The documentation must also include the county millage  
 649 rates applicable in all such jurisdictions for both the current  
 650 year and the prior year; rolled-back rates, determined as  
 651 provided in s. 200.065, Florida Statutes, for each county taxing  
 652 jurisdiction; and maximum millage rates that could have been  
 653 levied by majority vote pursuant to s. 200.185, Florida  
 654 Statutes. For purposes of this section, each fiscally  
 655 constrained county's reduction in ad valorem tax revenue shall  
 656 be calculated as 95 percent of the estimated reduction in  
 657 taxable value times the 2007 applicable millage rate.

658 (3) This section expires July 1, 2009, and shall be  
 659 superseded if similar provisions contained in Senate Bill 1588,  
 660 2008 Regular Session, become law.

661 Section 26. In order to implement Specific Appropriation  
 662 2819 of the 2008-2009 General Appropriations Act, paragraph (b)  
 663 of subsection (1) of section 255.518, Florida Statutes, is  
 664 amended to read:

665 255.518 Obligations; purpose, terms, approval,  
 666 limitations.--

667 (1)

668 (b) Payment of debt service charges ~~and any reserves~~ on  
 669 obligations during the construction of any facility financed by



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670 such obligations shall be made from funds other than proceeds of  
 671 obligations.

672 Section 27. The amendment to s. 255.518(1)(b), Florida  
 673 Statutes, by this act shall expire July 1, 2009, and the text of  
 674 that paragraph shall revert to that in existence on June 30,  
 675 2008, except that any amendments to such text enacted other than  
 676 by this act shall be preserved and continue to operate to the  
 677 extent that such amendments are not dependent upon the portions  
 678 of such text which expire pursuant to this section.

679 Section 28. In order to implement Specific Appropriations  
 680 2536, 2537, 2538, and 2542 of the 2008-2009 General  
 681 Appropriations Act, for the 2008-2009 fiscal year only and  
 682 notwithstanding any conflicting requirements of section 4 of  
 683 chapter 2006-12, Laws of Florida, the Department of Financial  
 684 Services may expend \$998,820 of the funds appropriated by  
 685 section 4 of chapter 2006-12, Laws of Florida, for salaries and  
 686 related expenses. This section expires July 1, 2009.

687 Section 29. In order to implement Specific Appropriation  
 688 1541 of the 2008-2009 General Appropriations Act, subsection (8)  
 689 of section 215.559, Florida Statutes, is renumbered as  
 690 subsection (9), respectively, and a new subsection (8) is added  
 691 to that section to read:

692 215.559 Hurricane Loss Mitigation Program.--

693 (8)(a) Notwithstanding any other provision of this section  
 694 and for the 2008-2009 fiscal year only, the \$10 million  
 695 appropriation provided for in section (1) shall be allocated as  
 696 follows:

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697           1. The sum of \$2.8 million shall be used to inspect and  
 698 improve tie-downs for mobile homes for the same purpose as  
 699 specified in paragraph (3)(a).

700           2. The sum of \$700,000 shall be allocated to the Florida  
 701 International University for the same purpose as specified in  
 702 subsection (4).

703           3. The sum of \$6,421,764 shall be used to install  
 704 emergency power generators in special-needs hurricane evacuation  
 705 shelters as provided in section 1 of chapter 2006-71, Laws of  
 706 Florida, except that such funds may not be used for  
 707 administrative purposes.

708           4. The sum of \$78,236 shall be allocated for operational  
 709 purposes of the department as specified in the 2008-2009 General  
 710 Appropriations Act.

711           (b) This subsection expires July 1, 2009.

712           Section 30. In order to implement Section 61 of the 2008-  
 713 2009 General Appropriations Act, subsection (13) of section  
 714 253.034, Florida Statutes, is amended to read:

715           253.034 State-owned lands; uses.--

716           (13) Notwithstanding the provisions of this section, funds  
 717 from the sale of property by the Department of Highway Safety  
 718 and Motor Vehicles located in Palm Beach County are authorized  
 719 to be deposited into the Highway Safety Operating Trust Fund to  
 720 facilitate the exchange as provided in the General  
 721 Appropriations Act, provided that at the conclusion of both  
 722 exchanges the values are equalized. This subsection expires July  
 723 1, 2009 ~~2008~~.

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724 Section 31. In order to implement Specific Appropriations  
 725 2063, 2070 through 2082, 2098, 2099, 2100, 2102 through 2107,  
 726 2109 through 2119, and 2159 through 2169 of the 2008-2009  
 727 General Appropriations Act, subsection (5) of section 339.135,  
 728 Florida Statutes, is amended to read:

729 339.135 Work program; legislative budget request;  
 730 definitions; preparation, adoption, execution, and amendment.--

731 (5) (a) ADOPTION OF THE WORK PROGRAM.--The original  
 732 approved budget for operational and fixed capital expenditures  
 733 for the department shall be the Governor's budget recommendation  
 734 and the first year of the tentative work program, as both are  
 735 amended by the General Appropriations Act and any other act  
 736 containing appropriations. In accordance with the appropriations  
 737 act, the department shall, prior to the beginning of the fiscal  
 738 year, adopt a final work program which shall only include the  
 739 original approved budget for the department for the ensuing  
 740 fiscal year together with any roll forwards approved pursuant to  
 741 paragraph (6) (c) and the portion of the tentative work program  
 742 for the following 4 fiscal years revised in accordance with the  
 743 original approved budget for the department for the ensuing  
 744 fiscal year together with said roll forwards. The adopted work  
 745 program may include only those projects submitted as part of the  
 746 tentative work program developed under the provisions of  
 747 subsection (4) plus any projects which are separately identified  
 748 by specific appropriation in the General Appropriations Act and  
 749 any roll forwards approved pursuant to paragraph (6) (c).

750 However, any transportation project of the department which is  
 751 identified by specific appropriation in the General

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752 Appropriations Act shall be deducted from the funds annually  
 753 distributed to the respective district pursuant to paragraph  
 754 (4) (a). In addition, the department shall not in any year  
 755 include any project or allocate funds to a program in the  
 756 adopted work program that is contrary to existing law for that  
 757 particular year. Projects shall not be undertaken unless they  
 758 are listed in the adopted work program.

759 (b) Notwithstanding paragraph (a), and for the 2008-2009  
 760 ~~2007-2008~~ fiscal year only, the Department of Transportation  
 761 shall transfer funds to the Office of Tourism, Trade, and  
 762 Economic Development in an amount equal to \$36,750,000  
 763 ~~\$25,400,000~~ for the purpose of funding transportation-related  
 764 needs of economic development transportation projects, space and  
 765 aerospace infrastructure, and other economic development  
 766 projects. This transfer shall not reduce, delete, or defer any  
 767 existing projects funded, as of July 1, 2008 ~~2007~~, in the  
 768 Department of Transportation's 5-year work program. This  
 769 paragraph expires July 1, 2009 ~~2008~~.

770 (c) Notwithstanding paragraph (a) or subparagraph  
 771 (4) (a)1., and for the 2008-2009 ~~2007-2008~~ fiscal year only, the  
 772 Department of Transportation shall fund projects in Specific  
 773 Appropriations 2063, 2071, 2077, 2079, 2102, 2106, 2109, and  
 774 2116 of the 2008-2009 General Appropriations Act. Funding for  
 775 these specific appropriations shall be from projects or phases  
 776 thereof within the department's fiscal year 2008-2009 work  
 777 program not programmed for contract letting as identified with a  
 778 work program contract class code 8 and the box code RV. This  
 779 funding shall not negatively impact safety, preservation,

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780 maintenance, or project contingency levels as of July 1, 2008  
 781 ~~provide funds for the Seaport Strategic Planning and Financing~~  
 782 ~~Task Force in an amount not to exceed \$75,000; the preliminary~~  
 783 ~~engineering and environmental plans and activities for the~~  
 784 ~~construction of an interchange on Suncoast Parkway and Lutz Fern~~  
 785 ~~Road in an amount not to exceed \$975,000; the Rehabilitation of~~  
 786 ~~Local Bridges in an amount not to exceed \$300,000; and the East~~  
 787 ~~Winterberry Bridge Replacement in an amount not to exceed~~  
 788 ~~\$500,000. To fund these specific appropriations, the Department~~  
 789 ~~of Transportation shall not reduce, delete, or defer any~~  
 790 ~~existing projects funded as of July 1, 2007, in the 5-year work~~  
 791 ~~program. This paragraph expires July 1, 2009 2008.~~

792 Section 32. In order to implement Specific Appropriations  
 793 1511, 1586, and 1606A and section 69 of the 2008-2009 General  
 794 Appropriations Act, section 553.721, Florida Statutes, is  
 795 amended to read:

796 553.721 Surcharge.--

797 (1) In order for the Department of Community Affairs to  
 798 administer and carry out the purposes of this part and related  
 799 activities, there is hereby created a surcharge, to be assessed  
 800 at the rate of one-half cent per square foot under-roof floor  
 801 space permitted pursuant to s. 125.56(4) or s. 166.201. However,  
 802 for additions, alterations, or renovations to existing  
 803 buildings, the surcharge shall be computed on the basis of the  
 804 square footage being added, altered, or renovated. The unit of  
 805 government responsible for collecting a permit fee pursuant to  
 806 s. 125.56(4) or s. 166.201 shall collect such surcharge and  
 807 remit the funds collected to the department on a quarterly

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808 calendar basis, and such unit of government may retain an amount  
 809 up to 5 percent of the surcharge collected to cover costs  
 810 associated with the collection and remittance of such surcharge.  
 811 All funds remitted to the department pursuant to this subsection  
 812 shall be deposited in the Operating Trust Fund. Funds collected  
 813 from such surcharge shall not be used to fund research on  
 814 techniques for mitigation of radon in existing buildings. Funds  
 815 used by the department as well as funds to be transferred to the  
 816 Department of Health shall be as prescribed in the annual  
 817 General Appropriations Act. The department shall adopt rules  
 818 governing the collection and remittance of surcharges in  
 819 accordance with chapter 120.

820 (2) Notwithstanding subsection (1), and for the 2008-2009  
 821 fiscal year only, the amount transferred from the Operating  
 822 Trust Fund to the Grants and Donations Trust Fund of the  
 823 Department of Community Affairs pursuant to the General  
 824 Appropriations Act for the 2008-2009 fiscal year shall be used  
 825 for the regional planning councils, civil legal assistance, and  
 826 the Front Porch Florida Initiative.

827 Section 33. In order to implement Specific Appropriation  
 828 2153 of the 2008-2009 General Appropriations Act, subsection (1)  
 829 of section 339.08, Florida Statutes, is amended to read:

830 339.08 Use of moneys in State Transportation Trust Fund.--

831 (1) The department shall expend moneys in the State  
 832 Transportation Trust Fund accruing to the department, in  
 833 accordance with its annual budget. The use of such moneys shall  
 834 be restricted to the following purposes:

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835 (a) To pay administrative expenses of the department,  
 836 including administrative expenses incurred by the several state  
 837 transportation districts, but excluding administrative expenses  
 838 of commuter rail authorities that do not operate rail service.

839 (b) To pay the cost of construction of the State Highway  
 840 System.

841 (c) To pay the cost of maintaining the State Highway  
 842 System.

843 (d) To pay the cost of public transportation projects in  
 844 accordance with chapter 341 and ss. 332.003-332.007.

845 (e) To reimburse counties or municipalities for  
 846 expenditures made on projects in the State Highway System as  
 847 authorized by s. 339.12(4) upon legislative approval.

848 (f) To pay the cost of economic development transportation  
 849 projects in accordance with s. 288.063.

850 (g) To lend or pay a portion of the operating,  
 851 maintenance, and capital costs of a revenue-producing  
 852 transportation project that is located on the State Highway  
 853 System or that is demonstrated to relieve traffic congestion on  
 854 the State Highway System.

855 (h) To match any federal-aid funds allocated for any other  
 856 transportation purpose, including funds allocated to projects  
 857 not located in the State Highway System.

858 (i) To pay the cost of county road projects selected in  
 859 accordance with the Small County Road Assistance Program created  
 860 in s. 339.2816.

861 (j) To pay the cost of county or municipal road projects  
 862 selected in accordance with the County Incentive Grant Program

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863 created in s. 339.2817, the Small County Outreach Program  
 864 created in s. 339.2818, and the Enhanced Bridge Program for  
 865 Sustainable Transportation created in s. 339.285.

866 (k) To provide loans and credit enhancements for use in  
 867 constructing and improving highway transportation facilities  
 868 selected in accordance with the state-funded infrastructure bank  
 869 created in s. 339.55.

870 (l) To pay the cost of projects on the Florida Strategic  
 871 Intermodal System created in s. 339.61.

872 (m) To pay the cost of transportation projects selected in  
 873 accordance with the Transportation Regional Incentive Program  
 874 created in s. 339.2819.

875 (n) To pay administrative expenses incurred in accordance  
 876 with applicable laws for a multicounty transportation or  
 877 expressway authority created under chapter 343 or chapter 348,  
 878 where jurisdiction for the authority includes a portion of the  
 879 State Highway System and the administrative expenses are in  
 880 furtherance of the duties and responsibilities of the authority  
 881 in the development of improvements to the State Highway System.  
 882 This paragraph expires July 1, 2009.

883 ~~(o)~~ To pay other lawful expenditures of the department.

884 Section 34. In order to implement Specific Appropriation  
 885 1775 of the 2008-2009 General Appropriations Act, subsection (3)  
 886 of section 253.01, Florida Statutes, is amended to read:

887 253.01 Internal Improvement Trust Fund established.--

888 (3) In addition to the uses allowed in subsection (2) for  
 889 the 2008-2009 ~~2007-2008~~ fiscal year, moneys in the Internal  
 890 Improvement Trust Fund are authorized ~~to be transferred to the~~



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891 ~~Ecosystem Management and Restoration Trust Fund~~ for grants and  
 892 aids to local governments for the drinking water facility  
 893 construction state revolving loan program, water projects as  
 894 provided in the General Appropriations Act. This subsection  
 895 expires July 1, 2009 ~~2008~~.

896 Section 35. In order to implement Specific Appropriation  
 897 1615A of the 2008-2009 General Appropriations Act, subsection  
 898 (1) of section 220.183, Florida Statutes, is amended to read:

899 220.183 Community contribution tax credit.--

900 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX  
 901 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM  
 902 SPENDING.--

903 (a) There shall be allowed a credit of 50 percent of a  
 904 community contribution against any tax due for a taxable year  
 905 under this chapter.

906 (b) No business firm shall receive more than \$200,000 in  
 907 annual tax credits for all approved community contributions made  
 908 in any one year.

909 (c) The total amount of tax credit which may be granted  
 910 for all programs approved under this section, s. 212.08(5)(p),  
 911 and s. 624.5105 is \$10.5 million annually for projects that  
 912 provide homeownership opportunities for low-income or very-low-  
 913 income households as defined in s. 420.9071(19) and (28) and  
 914 \$3.5 million annually for all other projects.

915 (d) All proposals for the granting of the tax credit shall  
 916 require the prior approval of the Office of Tourism, Trade, and  
 917 Economic Development.

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918 (e) If the credit granted pursuant to this section is not  
 919 fully used in any one year because of insufficient tax liability  
 920 on the part of the business firm, the unused amount may be  
 921 carried forward for a period not to exceed 5 years. The  
 922 carryover credit may be used in a subsequent year when the tax  
 923 imposed by this chapter for such year exceeds the credit for  
 924 such year under this section after applying the other credits  
 925 and unused credit carryovers in the order provided in s.  
 926 220.02(8).

927 (f) A taxpayer who files a Florida consolidated return as  
 928 a member of an affiliated group pursuant to s. 220.131(1) may be  
 929 allowed the credit on a consolidated return basis.

930 (g) A taxpayer who is eligible to receive the credit  
 931 provided for in s. 624.5105 is not eligible to receive the  
 932 credit provided by this section.

933 (h) Notwithstanding paragraph (c), and for the 2008-2009  
 934 fiscal year only, the total amount of tax credit which may be  
 935 granted for all programs approved under this section, s.  
 936 212.08(5)(p), and s. 624.5105 is \$13 million annually for  
 937 projects that provide homeownership opportunities for low-income  
 938 or very-low-income households as defined in s. 420.9071(19) and  
 939 (28) and \$3.5 million annually for all other projects. This  
 940 paragraph expires June 30, 2009.

941 Section 36. In order to implement Specific Appropriation  
 942 1615A of the 2008-2009 General Appropriations Act, Section  
 943 624.5105, Florida Statutes, is amended to read:

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944           624.5105 Community contribution tax credit; authorization;  
 945 limitations; eligibility and application requirements;  
 946 administration; definitions; expiration.--

947           (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

948           (a) There shall be allowed a credit of 50 percent of a  
 949 community contribution against any tax due for a calendar year  
 950 under s. 624.509 or s. 624.510.

951           (b) No insurer shall receive more than \$200,000 in annual  
 952 tax credits for all approved community contributions made in any  
 953 one year.

954           (c) The total amount of tax credit which may be granted  
 955 for all programs approved under this section and ss.  
 956 212.08(5)(p) and 220.183 is \$10.5 million annually for projects  
 957 that provide homeownership opportunities for low-income or very-  
 958 low-income households as defined in s. 420.9071(19) and (28) and  
 959 \$3.5 million annually for all other projects.

960           (d) Each proposal for the granting of such tax credit  
 961 requires the prior approval of the director.

962           (e) If the credit granted pursuant to this section is not  
 963 fully used in any one year because of insufficient tax liability  
 964 on the part of the insurer, the unused amount may be carried  
 965 forward for a period not to exceed 5 years. The carryover credit  
 966 may be used in a subsequent year when the tax imposed by s.  
 967 624.509 or s. 624.510 for such year exceeds the credit under  
 968 this section for such year.

969           (f) An insurer that claims a credit against premium-tax  
 970 liability earned by making a community contribution under this  
 971 section need not pay any additional retaliatory tax levied under

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972 s. 624.5091 as a result of claiming such a credit. Section  
 973 624.5091 does not limit such a credit in any manner.

974 (2) ELIGIBILITY REQUIREMENTS.--

975 (a) Each community contribution by an insurer must be in a  
 976 form specified in subsection (5).

977 (b) Each community contribution must be reserved  
 978 exclusively for use in a project as defined in s. 220.03(1)(t).

979 (c) The project must be undertaken by an "eligible  
 980 sponsor," as defined in s. 220.183(2)(c). In no event shall a  
 981 contributing insurer have a financial interest in the eligible  
 982 sponsor.

983 (d) The project shall be located in an area designated as  
 984 an enterprise zone or a Front Porch Community pursuant to s.  
 985 20.18(6). Any project designed to construct or rehabilitate  
 986 housing for low-income or very-low-income households as defined  
 987 in s. 420.9071(19) and (28) is exempt from the area requirement  
 988 of this paragraph.

989 (e)1. If, during the first 10 business days of the state  
 990 fiscal year, eligible tax credit applications for projects that  
 991 provide homeownership opportunities for low-income or very-low-  
 992 income households as defined in s. 420.9071(19) and (28) are  
 993 received for less than the annual tax credits available for  
 994 those projects, the Office of Tourism, Trade, and Economic  
 995 Development shall grant tax credits for those applications and  
 996 shall grant remaining tax credits on a first-come, first-served  
 997 basis for any subsequent eligible applications received before  
 998 the end of the state fiscal year. If, during the first 10  
 999 business days of the state fiscal year, eligible tax credit

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1000 applications for projects that provide homeownership  
 1001 opportunities for low-income or very-low-income households as  
 1002 defined in s. 420.9071(19) and (28) are received for more than  
 1003 the annual tax credits available for those projects, the office  
 1004 shall grant the tax credits for those applications as follows:  
 1005       a. If tax credit applications submitted for approved  
 1006 projects of an eligible sponsor do not exceed \$200,000 in total,  
 1007 the credits shall be granted in full if the tax credit  
 1008 applications are approved.  
 1009       b. If tax credit applications submitted for approved  
 1010 projects of an eligible sponsor exceed \$200,000 in total, the  
 1011 amount of tax credits granted under sub-subparagraph a. shall be  
 1012 subtracted from the amount of available tax credits, and the  
 1013 remaining credits shall be granted to each approved tax credit  
 1014 application on a pro rata basis.  
 1015       2. If, during the first 10 business days of the state  
 1016 fiscal year, eligible tax credit applications for projects other  
 1017 than those that provide homeownership opportunities for low-  
 1018 income or very-low-income households as defined in s.  
 1019 420.9071(19) and (28) are received for less than the annual tax  
 1020 credits available for those projects, the office shall grant tax  
 1021 credits for those applications and shall grant remaining tax  
 1022 credits on a first-come, first-served basis for any subsequent  
 1023 eligible applications received before the end of the state  
 1024 fiscal year. If, during the first 10 business days of the state  
 1025 fiscal year, eligible tax credit applications for projects other  
 1026 than those that provide homeownership opportunities for low-  
 1027 income or very-low-income households as defined in s.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1028 420.9071(19) and (28) are received for more than the annual tax  
 1029 credits available for those projects, the office shall grant the  
 1030 tax credits for those applications on a pro rata basis.

1031 (3) APPLICATION REQUIREMENTS.--

1032 (a) Any eligible sponsor wishing to participate in this  
 1033 program must submit a proposal to the Office of Tourism, Trade,  
 1034 and Economic Development which sets forth the sponsor, the  
 1035 project, the area in which the project is located, and such  
 1036 supporting information as may be prescribed by rule. The  
 1037 proposal shall also contain a resolution from the local  
 1038 governmental unit in which the proposed project is located  
 1039 certifying that the project is consistent with local plans and  
 1040 regulations.

1041 (b)1. Any insurer wishing to participate in this program  
 1042 must submit an application for tax credit to the office which  
 1043 sets forth the sponsor; the project; and the type, value, and  
 1044 purpose of the contribution. The sponsor must verify, in  
 1045 writing, the terms of the application and indicate its  
 1046 willingness to receive the contribution, which verification must  
 1047 accompany the application for tax credit.

1048 2. The insurer must submit a separate application for tax  
 1049 credit for each individual contribution which it proposes to  
 1050 contribute to each individual project.

1051 (4) ADMINISTRATION.--

1052 (a)1. The Office of Tourism, Trade, and Economic  
 1053 Development is authorized to adopt all rules necessary to  
 1054 administer this section, including rules for the approval or  
 1055 disapproval of proposals by insurers.

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1056           2. The decision of the director shall be in writing, and,  
 1057 if approved, the proposal shall state the maximum credit  
 1058 allowable to the insurer. A copy of the decision shall be  
 1059 transmitted to the executive director of the Department of  
 1060 Revenue, who shall apply such credit to the tax liability of the  
 1061 insurer.

1062           3. The office shall monitor all projects periodically, in  
 1063 a manner consistent with available resources to ensure that  
 1064 resources are utilized in accordance with this section; however,  
 1065 each project shall be reviewed no less frequently than once  
 1066 every 2 years.

1067           4. The Office of Tourism, Trade, and Economic Development  
 1068 shall, in consultation with the Department of Community Affairs,  
 1069 the Florida Housing Finance Corporation, and the statewide and  
 1070 regional housing and financial intermediaries, market the  
 1071 availability of the community contribution tax credit program to  
 1072 community-based organizations.

1073           (b) The Department of Revenue shall adopt any rules  
 1074 necessary to ensure the orderly implementation and  
 1075 administration of this section.

1076           (5) DEFINITIONS.--For the purpose of this section:

1077           (a) "Community contribution" means the grant by an insurer  
 1078 of any of the following items:

- 1079           1. Cash or other liquid assets.
- 1080           2. Real property.
- 1081           3. Goods or inventory.
- 1082           4. Other physical resources which are identified by the  
 1083 department.

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(b) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(c) "Local government" means any county or incorporated municipality in the state.

(d) "Office" means the Office of Tourism, Trade, and Economic Development.

(e) "Project" means an activity as defined in s. 220.03(1)(t).

(6) CREDIT ALLOCATIONS.--Notwithstanding paragraph (1)(c), and for the 2008-2009 fiscal year only, the total amount of tax credit which may be granted for all programs approved under this section, s. 212.08(5)(p), and s. 220.183 is \$13 million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and \$3.5 million annually for all other projects. This subsection expires June 30, 2009.

(7)~~(6)~~ EXPIRATION.--The provisions of this section, except paragraph (1)(e), shall expire and be void on June 30, 2015.

Section 37. In order to implement Specific Appropriation 1615A of the 2008-2009 General Appropriations Act, paragraph (p) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.



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1112 (5) EXEMPTIONS; ACCOUNT OF USE.--  
 1113 (p) Community contribution tax credit for donations.--  
 1114 1. Authorization.--Persons who are registered with the  
 1115 department under s. 212.18 to collect or remit sales or use tax  
 1116 and who make donations to eligible sponsors are eligible for tax  
 1117 credits against their state sales and use tax liabilities as  
 1118 provided in this paragraph:  
 1119 a. The credit shall be computed as 50 percent of the  
 1120 person's approved annual community contribution.  
 1121 b. The credit shall be granted as a refund against state  
 1122 sales and use taxes reported on returns and remitted in the 12  
 1123 months preceding the date of application to the department for  
 1124 the credit as required in sub-subparagraph 3.c. If the annual  
 1125 credit is not fully used through such refund because of  
 1126 insufficient tax payments during the applicable 12-month period,  
 1127 the unused amount may be included in an application for a refund  
 1128 made pursuant to sub-subparagraph 3.c. in subsequent years  
 1129 against the total tax payments made for such year. Carryover  
 1130 credits may be applied for a 3-year period without regard to any  
 1131 time limitation that would otherwise apply under s. 215.26.  
 1132 c. A person may not receive more than \$200,000 in annual  
 1133 tax credits for all approved community contributions made in any  
 1134 one year.  
 1135 d. All proposals for the granting of the tax credit  
 1136 require the prior approval of the Office of Tourism, Trade, and  
 1137 Economic Development.  
 1138 e. The total amount of tax credits which may be granted  
 1139 for all programs approved under this paragraph, s. 220.183, and

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1140 s. 624.5105 is \$10.5 million annually for projects that provide  
 1141 homeownership opportunities for low-income or very-low-income  
 1142 households as defined in s. 420.9071(19) and (28) and \$3.5  
 1143 million annually for all other projects.

1144 f. A person who is eligible to receive the credit provided  
 1145 for in this paragraph, s. 220.183, or s. 624.5105 may receive  
 1146 the credit only under the one section of the person's choice.

1147 2. Eligibility requirements.--

1148 a. A community contribution by a person must be in the  
 1149 following form:

1150 (I) Cash or other liquid assets;

1151 (II) Real property;

1152 (III) Goods or inventory; or

1153 (IV) Other physical resources as identified by the Office  
 1154 of Tourism, Trade, and Economic Development.

1155 b. All community contributions must be reserved  
 1156 exclusively for use in a project. As used in this sub-  
 1157 subparagraph, the term "project" means any activity undertaken  
 1158 by an eligible sponsor which is designed to construct, improve,  
 1159 or substantially rehabilitate housing that is affordable to low-  
 1160 income or very-low-income households as defined in s.

1161 420.9071(19) and (28); designed to provide commercial,  
 1162 industrial, or public resources and facilities; or designed to  
 1163 improve entrepreneurial and job-development opportunities for  
 1164 low-income persons. A project may be the investment necessary to  
 1165 increase access to high-speed broadband capability in rural  
 1166 communities with enterprise zones, including projects that  
 1167 result in improvements to communications assets that are owned

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1168 | by a business. A project may include the provision of museum  
 1169 | educational programs and materials that are directly related to  
 1170 | any project approved between January 1, 1996, and December 31,  
 1171 | 1999, and located in an enterprise zone designated pursuant to  
 1172 | s. 290.0065. This paragraph does not preclude projects that  
 1173 | propose to construct or rehabilitate housing for low-income or  
 1174 | very-low-income households on scattered sites. With respect to  
 1175 | housing, contributions may be used to pay the following eligible  
 1176 | low-income and very-low-income housing-related activities:

1177 |       (I) Project development impact and management fees for  
 1178 | low-income or very-low-income housing projects;

1179 |       (II) Down payment and closing costs for eligible persons,  
 1180 | as defined in s. 420.9071(19) and (28);

1181 |       (III) Administrative costs, including housing counseling  
 1182 | and marketing fees, not to exceed 10 percent of the community  
 1183 | contribution, directly related to low-income or very-low-income  
 1184 | projects; and

1185 |       (IV) Removal of liens recorded against residential  
 1186 | property by municipal, county, or special district local  
 1187 | governments when satisfaction of the lien is a necessary  
 1188 | precedent to the transfer of the property to an eligible person,  
 1189 | as defined in s. 420.9071(19) and (28), for the purpose of  
 1190 | promoting home ownership. Contributions for lien removal must be  
 1191 | received from a nonrelated third party.

1192 |       c. The project must be undertaken by an "eligible  
 1193 | sponsor," which includes:

1194 |       (I) A community action program;

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- 1195 (II) A nonprofit community-based development organization
- 1196 whose mission is the provision of housing for low-income or
- 1197 very-low-income households or increasing entrepreneurial and
- 1198 job-development opportunities for low-income persons;
- 1199 (III) A neighborhood housing services corporation;
- 1200 (IV) A local housing authority created under chapter 421;
- 1201 (V) A community redevelopment agency created under s.
- 1202 163.356;
- 1203 (VI) The Florida Industrial Development Corporation;
- 1204 (VII) A historic preservation district agency or
- 1205 organization;
- 1206 (VIII) A regional workforce board;
- 1207 (IX) A direct-support organization as provided in s.
- 1208 1009.983;
- 1209 (X) An enterprise zone development agency created under s.
- 1210 290.0056;
- 1211 (XI) A community-based organization incorporated under
- 1212 chapter 617 which is recognized as educational, charitable, or
- 1213 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
- 1214 and whose bylaws and articles of incorporation include
- 1215 affordable housing, economic development, or community
- 1216 development as the primary mission of the corporation;
- 1217 (XII) Units of local government;
- 1218 (XIII) Units of state government; or
- 1219 (XIV) Any other agency that the Office of Tourism, Trade,
- 1220 and Economic Development designates by rule.
- 1221

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1222 In no event may a contributing person have a financial interest  
 1223 in the eligible sponsor.

1224 d. The project must be located in an area designated an  
 1225 enterprise zone or a Front Porch Florida Community pursuant to  
 1226 s. 20.18(6), unless the project increases access to high-speed  
 1227 broadband capability for rural communities with enterprise zones  
 1228 but is physically located outside the designated rural zone  
 1229 boundaries. Any project designed to construct or rehabilitate  
 1230 housing for low-income or very-low-income households as defined  
 1231 in s. 420.9071(19) and (28) is exempt from the area requirement  
 1232 of this sub-subparagraph.

1233 e.(I) If, during the first 10 business days of the state  
 1234 fiscal year, eligible tax credit applications for projects that  
 1235 provide homeownership opportunities for low-income or very-low-  
 1236 income households as defined in s. 420.9071(19) and (28) are  
 1237 received for less than the annual tax credits available for  
 1238 those projects, the Office of Tourism, Trade, and Economic  
 1239 Development shall grant tax credits for those applications and  
 1240 shall grant remaining tax credits on a first-come, first-served  
 1241 basis for any subsequent eligible applications received before  
 1242 the end of the state fiscal year. If, during the first 10  
 1243 business days of the state fiscal year, eligible tax credit  
 1244 applications for projects that provide homeownership  
 1245 opportunities for low-income or very-low-income households as  
 1246 defined in s. 420.9071(19) and (28) are received for more than  
 1247 the annual tax credits available for those projects, the office  
 1248 shall grant the tax credits for those applications as follows:

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1249 (A) If tax credit applications submitted for approved  
 1250 projects of an eligible sponsor do not exceed \$200,000 in total,  
 1251 the credits shall be granted in full if the tax credit  
 1252 applications are approved.

1253 (B) If tax credit applications submitted for approved  
 1254 projects of an eligible sponsor exceed \$200,000 in total, the  
 1255 amount of tax credits granted pursuant to sub-sub-sub-  
 1256 subparagraph (A) shall be subtracted from the amount of  
 1257 available tax credits, and the remaining credits shall be  
 1258 granted to each approved tax credit application on a pro rata  
 1259 basis.

1260 (II) If, during the first 10 business days of the state  
 1261 fiscal year, eligible tax credit applications for projects other  
 1262 than those that provide homeownership opportunities for low-  
 1263 income or very-low-income households as defined in s.  
 1264 420.9071(19) and (28) are received for less than the annual tax  
 1265 credits available for those projects, the office shall grant tax  
 1266 credits for those applications and shall grant remaining tax  
 1267 credits on a first-come, first-served basis for any subsequent  
 1268 eligible applications received before the end of the state  
 1269 fiscal year. If, during the first 10 business days of the state  
 1270 fiscal year, eligible tax credit applications for projects other  
 1271 than those that provide homeownership opportunities for low-  
 1272 income or very-low-income households as defined in s.  
 1273 420.9071(19) and (28) are received for more than the annual tax  
 1274 credits available for those projects, the office shall grant the  
 1275 tax credits for those applications on a pro rata basis.

1276 3. Application requirements.--

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1277           a. Any eligible sponsor seeking to participate in this  
 1278 program must submit a proposal to the Office of Tourism, Trade,  
 1279 and Economic Development which sets forth the name of the  
 1280 sponsor, a description of the project, and the area in which the  
 1281 project is located, together with such supporting information as  
 1282 is prescribed by rule. The proposal must also contain a  
 1283 resolution from the local governmental unit in which the project  
 1284 is located certifying that the project is consistent with local  
 1285 plans and regulations.

1286           b. Any person seeking to participate in this program must  
 1287 submit an application for tax credit to the office which sets  
 1288 forth the name of the sponsor, a description of the project, and  
 1289 the type, value, and purpose of the contribution. The sponsor  
 1290 shall verify the terms of the application and indicate its  
 1291 receipt of the contribution, which verification must be in  
 1292 writing and accompany the application for tax credit. The person  
 1293 must submit a separate tax credit application to the office for  
 1294 each individual contribution that it makes to each individual  
 1295 project.

1296           c. Any person who has received notification from the  
 1297 office that a tax credit has been approved must apply to the  
 1298 department to receive the refund. Application must be made on  
 1299 the form prescribed for claiming refunds of sales and use taxes  
 1300 and be accompanied by a copy of the notification. A person may  
 1301 submit only one application for refund to the department within  
 1302 any 12-month period.

1303           4. Administration.--

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1304           a. The Office of Tourism, Trade, and Economic Development  
 1305 may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary  
 1306 to administer this paragraph, including rules for the approval  
 1307 or disapproval of proposals by a person.

1308           b. The decision of the office must be in writing, and, if  
 1309 approved, the notification shall state the maximum credit  
 1310 allowable to the person. Upon approval, the office shall  
 1311 transmit a copy of the decision to the Department of Revenue.

1312           c. The office shall periodically monitor all projects in a  
 1313 manner consistent with available resources to ensure that  
 1314 resources are used in accordance with this paragraph; however,  
 1315 each project must be reviewed at least once every 2 years.

1316           d. The office shall, in consultation with the Department  
 1317 of Community Affairs and the statewide and regional housing and  
 1318 financial intermediaries, market the availability of the  
 1319 community contribution tax credit program to community-based  
 1320 organizations.

1321 5. Notwithstanding sub-subparagraph 1.e., and for the 2008-2009  
 1322 fiscal year only, the total amount of tax credit which may be  
 1323 granted for all programs approved under this section, s.  
 1324 220.183, and s. 624.5105 is \$13 million annually for projects  
 1325 that provide homeownership opportunities for low-income or very-  
 1326 low-income households as defined in s. 420.9071(19) and (28) and  
 1327 \$3.5 million annually for all other projects. This subparagraph  
 1328 expires June 30, 2009.

1329           ~~6.5-~~ Expiration.--This paragraph expires June 30, 2015;  
 1330 however, any accrued credit carryover that is unused on that



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1331 date may be used until the expiration of the 3-year carryover  
 1332 period for such credit.

1333 Section 38. In order to implement Specific Appropriation  
 1334 1819 of the 2008-2009 General Appropriations Act, subsection (7)  
 1335 is added to section 403.7095, Florida Statutes, to read:

1336 403.7095 Solid waste management grant program.--

1337 (7) (a) Notwithstanding any provision of this section to  
 1338 the contrary, and for the 2008-2009 fiscal year only, the  
 1339 Department of Environmental Protection shall award:

1340 1. The sum of \$9,428,773 in grants equally to counties  
 1341 having populations of fewer than 100,000 for waste tire and  
 1342 litter prevention, recycling education, and general solid waste  
 1343 programs.

1344 2, The sum of \$2,000,781 to be used for the Innovative  
 1345 Grant Program.

1346 (b) This subsection expires July 1, 2009.

1347 Section 39. In order to implement Specific Appropriation  
 1348 1336 through 1496 of the 2008-2009 General Appropriations Act,  
 1349 section 570.20, Florida Statutes, is amended to read:

1350 570.20 General Inspection Trust Fund.--

1351 (1) All donations and all inspection fees and other funds  
 1352 authorized and received from whatever source in the enforcement  
 1353 of the inspection laws administered by the department shall be  
 1354 paid into the General Inspection Trust Fund of Florida, which is  
 1355 created in the office of the Chief Financial Officer. All  
 1356 expenses incurred in carrying out the provisions of the  
 1357 inspection laws shall be paid from this fund as other funds are  
 1358 paid from the State Treasury. A percentage of all revenue

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1359 deposited in this fund, including transfers from any subsidiary  
 1360 accounts, shall be deposited in the General Revenue Fund  
 1361 pursuant to chapter 215, except that funds collected for  
 1362 marketing orders shall pay at the rate of 3 percent.

1363 (2) For the 2008-2009 ~~2007-2008~~ fiscal year only and  
 1364 notwithstanding any other provision of law to the contrary, in  
 1365 addition to the spending authorized in subsection (1), moneys in  
 1366 the General Inspection Trust Fund may be appropriated for  
 1367 programs operated by the department which are related to the  
 1368 programs authorized by this chapter. This subsection expires  
 1369 July 1, 2009 ~~2008~~.

1370 Section 40. In order to implement Specific Appropriations  
 1371 relating to the Florida Forever Act and notwithstanding chapter  
 1372 216, Florida Statutes, the Executive Office of the Governor is  
 1373 authorized to transfer funds between fixed capital outlay  
 1374 categories and between departments and establish new fixed  
 1375 capital outlay categories contingent upon the distribution  
 1376 formula as specified in CS/CS/SB 542 or similar legislation, if  
 1377 such legislation becomes law. This section expires July 1, 2009.

1378 Section 41. In order to implement Specific Appropriation  
 1379 1778 of the 2008-2009 General Appropriations Act, subsection (5)  
 1380 is added to section 373.1961, Florida Statutes, to read:

1381 373.1961 Water production; general powers and duties;  
 1382 identification of needs; funding criteria; economic incentives;  
 1383 reuse funding.--

1384 (5) FUNDING FOR ALTERNATIVE WATER SUPPLY.--Notwithstanding  
 1385 subsection (3), and for the 2008-2009 fiscal year only,  
 1386 \$5,000,000 provided for alternative water supply shall be

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1387 allocated as shown in the General Appropriations Act. This  
 1388 subsection expires July 1, 2009.

1389 Section 42. In order to implement Specific Appropriations  
 1390 1767 and 1772C of the 2008-2009 General Appropriations Act,  
 1391 subsections (3) and (4) of section 403.890, Florida Statutes,  
 1392 are renumbered as subsections (4) and (5), respectively, and a  
 1393 subsection (3) is added to that section to read:

1394 403.890 Water Protection and Sustainability Program;  
 1395 intent; goals; purposes.--

1396 (3) In addition to the uses allowed in subsection (1) for  
 1397 the 2008-2009 fiscal year, moneys in the Water Protection and  
 1398 Sustainability Program Trust Fund shall be transferred to the  
 1399 Ecosystem Management and Restoration Trust Fund for grants and  
 1400 aids to local governments for water projects as provided in the  
 1401 General Appropriations Act. This subsection expires July 1,  
 1402 2009.

1403 Section 43. In order to implement Specific Appropriations  
 1404 1767 and 1772C of the 2008-2009 General Appropriations Act,  
 1405 subsection (3) of section 375.041, Florida Statutes, is amended  
 1406 to read:

1407 375.041 Land Acquisition Trust Fund.--

1408 (3) (a) Any moneys in the Land Acquisition Trust Fund which  
 1409 are not pledged for rentals or debt service as provided in  
 1410 subsection (2) may be expended from time to time to acquire  
 1411 land, water areas, and related resources and to construct,  
 1412 improve, enlarge, extend, operate, and maintain capital  
 1413 improvements and facilities in accordance with the plan.

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1414 (b) In addition to the uses allowed in paragraph (a), for  
 1415 the 2008-2009 ~~2006-2007~~ fiscal year, moneys in the Land  
 1416 Acquisition Trust Fund are authorized for ~~expenditure or~~  
 1417 transfer to the Ecosystem Management and Restoration Trust Fund  
 1418 for grants and aids to local governments for water projects as  
 1419 provided in the General Appropriations Act ~~Florida Forever Trust~~  
 1420 ~~Fund and the Save Our Everglades Trust Fund to support the~~  
 1421 ~~programs authorized in chapters 259 and 373.~~ This paragraph  
 1422 expires July 1, 2009 ~~2007~~.

1423 Section 44. In order to implement Specific Appropriation  
 1424 1799 of the 2008-2009 General Appropriations Act, paragraph (c)  
 1425 of subsection (5) of section 376.3071, Florida Statutes, is  
 1426 amended to read:

1427 376.3071 Inland Protection Trust Fund; creation; purposes;  
 1428 funding.--

1429 (5) SITE SELECTION AND CLEANUP CRITERIA.--

1430 (c) The department shall require source removal, if  
 1431 warranted and cost-effective, at each site eligible for  
 1432 restoration funding from the Inland Protection Trust Fund.

1433 1. Funding for free product recovery may be provided in  
 1434 advance of the order established by the priority ranking system  
 1435 under paragraph (a) for site cleanup activities. However, a  
 1436 separate prioritization for free product recovery shall be  
 1437 established consistent with paragraph (a). No more than \$5  
 1438 million shall be encumbered from the Inland Protection Trust  
 1439 Fund in any fiscal year for free product recovery conducted in  
 1440 advance of the priority order under paragraph (a) established  
 1441 for site cleanup activities.

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1442           2. Funding for limited interim soil-source removals for  
1443 sites that will become inaccessible for future remediation due  
1444 to road infrastructure and right-of-way restrictions resulting  
1445 from a pending Department of Transportation road construction  
1446 project or for secondary containment upgrading of underground  
1447 storage tanks required under chapter 62-761, Florida  
1448 Administrative Code, may be provided in advance of the order  
1449 established by the priority ranking system under paragraph (a)  
1450 for site cleanup activities. The department shall provide  
1451 written guidance on the limited source removal information and  
1452 technical evaluation necessary to justify a request for a  
1453 limited source removal in advance of the priority order pursuant  
1454 to paragraph (a) established for site cleanup activities.  
1455 Prioritization for limited source removal projects associated  
1456 with a secondary containment upgrade in any fiscal year shall be  
1457 determined on a first-come, first-served basis according to the  
1458 approval date issued under s. 376.30711 for the limited source  
1459 removal. Funding for limited source removals associated with  
1460 secondary containment upgrades shall be limited to 10 sites in  
1461 each fiscal year for each facility owner and any related person.  
1462 The limited source removal for secondary containment upgrades  
1463 shall be completed no later than 6 months after the department  
1464 issues its approval of the project, and the approval  
1465 automatically expires at the end of the 6 months. Funding for  
1466 Department of Transportation and secondary containment upgrade  
1467 source removals may not exceed \$50,000 for a single facility  
1468 unless the department makes a determination that it is cost-  
1469 effective and environmentally beneficial to exceed this amount,

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1470 but in no event shall the department authorize costs in excess  
 1471 of \$100,000 for a single facility. Department funding for  
 1472 limited interim soil-source removals associated with Department  
 1473 of Transportation projects and secondary containment upgrades  
 1474 shall be limited to supplemental soil assessment, soil  
 1475 screening, soil removal, backfill material, treatment or  
 1476 disposal of the contaminated soil, dewatering related to the  
 1477 contaminated soil removal in an amount of up to 10 percent of  
 1478 the total interim soil-source removal project costs, treatment,  
 1479 and disposal of the contaminated groundwater and preparation of  
 1480 the source removal report. No other costs associated with the  
 1481 facility upgrade may be paid with department funds. No more than  
 1482 \$1 million for Department of Transportation limited source  
 1483 removal projects and \$10 million for secondary containment  
 1484 upgrade limited source removal projects conducted in advance of  
 1485 the priority order established under paragraph (a) for site  
 1486 cleanup activities shall be encumbered from the Inland  
 1487 Protection Trust Fund in any fiscal year. This subparagraph is  
 1488 repealed effective June 30, 2009 ~~2008~~.

1489 3. Once free product removal and other source removal  
 1490 identified in this paragraph are completed at a site, and  
 1491 notwithstanding the order established by the priority ranking  
 1492 system under paragraph (a) for site cleanup activities, the  
 1493 department may reevaluate the site to determine the degree of  
 1494 active cleanup needed to continue site rehabilitation. Further,  
 1495 the department shall determine if the reevaluated site qualifies  
 1496 for natural attenuation monitoring or no further action. If  
 1497 additional site rehabilitation is necessary to reach no further

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1498 | action status, the site rehabilitation shall be conducted in the  
 1499 | order established by the priority ranking system under paragraph  
 1500 | (a) and the department is encouraged to utilize natural  
 1501 | attenuation and monitoring where site conditions warrant.

1502 |       Section 45. In order to implement section 38 of the 2008-  
 1503 | 2009 General Appropriations Act, subsection (1) of section  
 1504 | 373.472, Florida Statutes, is amended to read:

1505 |       373.472 Save Our Everglades Trust Fund.--

1506 |       (1) (a) There is created within the Department of  
 1507 | Environmental Protection the Save Our Everglades Trust Fund.  
 1508 | Funds in the trust fund shall be expended to implement the  
 1509 | comprehensive plan defined in s. 373.470(2)(a), the Lake  
 1510 | Okeechobee Watershed Protection Plan defined in s. 373.4595(2),  
 1511 | the Caloosahatchee River Watershed Protection Plan defined in s.  
 1512 | 373.4595(2), and the St. Lucie River Watershed Protection Plan  
 1513 | defined in s. 373.4595(2), and to pay debt service for  
 1514 | Everglades restoration bonds issued pursuant to s. 215.619. The  
 1515 | trust fund shall serve as the repository for state, local, and  
 1516 | federal project contributions in accordance with s. 373.470(4).

1517 |       (b) For the 2008-2009 fiscal year only, the uses and  
 1518 | purposes of the trust fund specified in paragraph (a) are not  
 1519 | applicable. This paragraph expires July 1, 2009.

1520 |       Section 46. In order to implement Specific Appropriation  
 1521 | 1448 of the 2008-2009 General Appropriations Act, and  
 1522 | notwithstanding section 287.057, Florida Statutes, the  
 1523 | Department of Agriculture and Consumer Services, at its  
 1524 | discretion, is authorized to extend, revise, and renew current  
 1525 | contracts or agreements created or entered into, pursuant to

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1526 chapter 2006-25, Laws of Florida, in order to provide  
 1527 consistency and continuity in agriculture promotion throughout  
 1528 the state. This section expires July 1, 2009.

1529 Section 47. (1) The Governor may recommend to the  
 1530 Legislative Budget Commission, and the Legislative Budget  
 1531 Commission may approve, a budget amendment or amendments to  
 1532 transfer funds from the Budget Stabilization Fund to the General  
 1533 Revenue Fund.

1534 (2) If the transfers from the Budget Stabilization Fund  
 1535 authorized in subsection (1) are insufficient to address  
 1536 deficits in the General Revenue Fund, the Governor may  
 1537 recommend, and the Legislative Budget Commission may approve, a  
 1538 budget amendment or amendments to transfer funds from the Lawton  
 1539 Chiles Endowment Fund to the General Revenue Fund,  
 1540 notwithstanding the provisions of s. 215.5601, Florida Statutes,  
 1541 to the contrary. Any expenditure from the Lawton Chiles  
 1542 Endowment Fund made pursuant to this subsection must be restored  
 1543 by making five equal annual transfers from the General Revenue  
 1544 Fund, beginning in the third fiscal year following that in which  
 1545 the expenditure was made.

1546 (3) This section is intended to implement section 77 of  
 1547 the 2008-2009 General Appropriations Act relating to the use of  
 1548 state funds to offset General Revenue Fund deficits certified  
 1549 pursuant to s. 216.221, Florida Statutes. Actions taken pursuant  
 1550 to this section shall be in lieu of any other actions taken  
 1551 pursuant to ss. 216.221 and 216.222, Florida Statutes, to  
 1552 address such deficits.



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1553           (4) This section shall take effect upon becoming a law and  
 1554 shall expire June 30, 2009.

1555           Section 48. Effective upon this act becoming a law, in  
 1556 order to implement Specific Appropriations 640, 656, and 658A of  
 1557 the 2008-2009 General Appropriations Act, subsection (4) of  
 1558 section 215.5601, Florida Statutes, is amended to read:

1559           215.5601 Lawton Chiles Endowment Fund.--

1560           (4) ADMINISTRATION.--

1561           (a) The board may invest and reinvest funds of the  
 1562 endowment in accordance with s. 215.47 and consistent with an  
 1563 investment policy statement developed by the executive director  
 1564 and approved by the board.

1565           (b) The endowment shall be managed as an annuity. The  
 1566 investment objective shall be long-term preservation of the real  
 1567 value of the net contributed principal and a specified regular  
 1568 annual cash outflow for appropriation, as nonrecurring revenue.  
 1569 From the annual cash outflow, a pro rata share shall be used  
 1570 solely for biomedical research activities as provided in  
 1571 paragraph (3)(d), until such time as cures are found for  
 1572 tobacco-related cancer and heart and lung disease. Five percent  
 1573 of the annual cash outflow dedicated to the biomedical research  
 1574 portion of the endowment shall be reinvested and applied to that  
 1575 portion of the endowment's principal, with the remainder to be  
 1576 spent on biomedical research activities consistent with this  
 1577 section. The schedule of annual cash outflow shall be included  
 1578 within the investment plan adopted under paragraph (a).

1579 Withdrawals other than specified regular cash outflow shall be

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1580 considered reductions in contributed principal for the purposes  
 1581 of this subsection.

1582 (c) In accordance with s. 215.44, the board shall include  
 1583 separate sections on the financial status of the endowment in  
 1584 its annual investment report to the Legislature.

1585 (d) Accountability for funds from the endowment which have  
 1586 been appropriated to a state agency and distributed by the board  
 1587 shall reside with the state agency. The board is not responsible  
 1588 for the proper expenditure of or accountability concerning funds  
 1589 from the endowment after distribution to a state agency.

1590 (e) Costs and fees of the board for investment services  
 1591 shall be deducted from the earnings accruing to the endowment.  
 1592 Fees for investment services shall be no greater than fees  
 1593 charged to the Florida Retirement System.

1594 Section 49. The amendment of s. 215.5601(4), Florida  
 1595 Statutes, made by this act shall expire July 1, 2009, and the  
 1596 text of that subsection shall revert to that in existence on  
 1597 June 30, 2008, except that any amendments to such text enacted  
 1598 other than by this act shall be preserved and continue to  
 1599 operate to the extent that such amendments are not dependent  
 1600 upon the portions of such text which expire pursuant to this  
 1601 section.

1602 Section 50. In order to implement the issuance of new debt  
 1603 authorized in the 2008-2009 General Appropriations Act, and  
 1604 pursuant to the requirements of s. 215.98, Florida Statutes, the  
 1605 Legislature determines that the authorization and issuance of  
 1606 debt for the 2008-2009 fiscal year is in the best interest of

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1607 the state and should be implemented. This section expires July  
 1608 1, 2009.

1609 Section 51. In order to implement the transfer of moneys  
 1610 to the General Revenue Fund from trust funds in the 2008-2009  
 1611 General Appropriations Act, paragraph (b) of subsection (2) of  
 1612 section 215.32, Florida Statutes, is reenacted to read:

1613 215.32 State funds; segregation.--

1614 (2) The source and use of each of these funds shall be as  
 1615 follows:

1616 (b)1. The trust funds shall consist of moneys received by  
 1617 the state which under law or under trust agreement are  
 1618 segregated for a purpose authorized by law. The state agency or  
 1619 branch of state government receiving or collecting such moneys  
 1620 shall be responsible for their proper expenditure as provided by  
 1621 law. Upon the request of the state agency or branch of state  
 1622 government responsible for the administration of the trust fund,  
 1623 the Chief Financial Officer may establish accounts within the  
 1624 trust fund at a level considered necessary for proper  
 1625 accountability. Once an account is established within a trust  
 1626 fund, the Chief Financial Officer may authorize payment from  
 1627 that account only upon determining that there is sufficient cash  
 1628 and releases at the level of the account.

1629 2. In addition to other trust funds created by law, to the  
 1630 extent possible, each agency shall use the following trust funds  
 1631 as described in this subparagraph for day-to-day operations:

1632 a. Operations or operating trust fund, for use as a  
 1633 depository for funds to be used for program operations funded by  
 1634 program revenues, with the exception of administrative

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1635 | activities when the operations or operating trust fund is a  
 1636 | proprietary fund.

1637 |       b. Operations and maintenance trust fund, for use as a  
 1638 | depository for client services funded by third-party payors.

1639 |       c. Administrative trust fund, for use as a depository for  
 1640 | funds to be used for management activities that are departmental  
 1641 | in nature and funded by indirect cost earnings and assessments  
 1642 | against trust funds. Proprietary funds are excluded from the  
 1643 | requirement of using an administrative trust fund.

1644 |       d. Grants and donations trust fund, for use as a  
 1645 | depository for funds to be used for allowable grant or donor  
 1646 | agreement activities funded by restricted contractual revenue  
 1647 | from private and public nonfederal sources.

1648 |       e. Agency working capital trust fund, for use as a  
 1649 | depository for funds to be used pursuant to s. 216.272.

1650 |       f. Clearing funds trust fund, for use as a depository for  
 1651 | funds to account for collections pending distribution to lawful  
 1652 | recipients.

1653 |       g. Federal grant trust fund, for use as a depository for  
 1654 | funds to be used for allowable grant activities funded by  
 1655 | restricted program revenues from federal sources.

1656 |

1657 | To the extent possible, each agency must adjust its internal  
 1658 | accounting to use existing trust funds consistent with the  
 1659 | requirements of this subparagraph. If an agency does not have  
 1660 | trust funds listed in this subparagraph and cannot make such  
 1661 | adjustment, the agency must recommend the creation of the  
 1662 | necessary trust funds to the Legislature no later than the next

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1663 | scheduled review of the agency's trust funds pursuant to s.  
 1664 | 215.3206.

1665 |         3. All such moneys are hereby appropriated to be expended  
 1666 | in accordance with the law or trust agreement under which they  
 1667 | were received, subject always to the provisions of chapter 216  
 1668 | relating to the appropriation of funds and to the applicable  
 1669 | laws relating to the deposit or expenditure of moneys in the  
 1670 | State Treasury.

1671 |         4.a. Notwithstanding any provision of law restricting the  
 1672 | use of trust funds to specific purposes, unappropriated cash  
 1673 | balances from selected trust funds may be authorized by the  
 1674 | Legislature for transfer to the Budget Stabilization Fund and  
 1675 | General Revenue Fund in the General Appropriations Act.

1676 |         b. This subparagraph does not apply to trust funds  
 1677 | required by federal programs or mandates; trust funds  
 1678 | established for bond covenants, indentures, or resolutions whose  
 1679 | revenues are legally pledged by the state or public body to meet  
 1680 | debt service or other financial requirements of any debt  
 1681 | obligations of the state or any public body; the State  
 1682 | Transportation Trust Fund; the trust fund containing the net  
 1683 | annual proceeds from the Florida Education Lotteries; the  
 1684 | Florida Retirement System Trust Fund; trust funds under the  
 1685 | management of the State Board of Education or the Board of  
 1686 | Governors of the State University System, where such trust funds  
 1687 | are for auxiliary enterprises, self-insurance, and contracts,  
 1688 | grants, and donations, as those terms are defined by general  
 1689 | law; trust funds that serve as clearing funds or accounts for  
 1690 | the Chief Financial Officer or state agencies; trust funds that

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1691 account for assets held by the state in a trustee capacity as an  
 1692 agent or fiduciary for individuals, private organizations, or  
 1693 other governmental units; and other trust funds authorized by  
 1694 the State Constitution.

1695 Section 52. In order to implement Specific Appropriations  
 1696 2751 and 2752 of the 2008-2009 General Appropriations Act:

1697 (1) Notwithstanding the provisions of section 11.13(1),  
 1698 Florida Statutes, relating to the annual adjustment of salaries  
 1699 for members of the Legislature, to the contrary, for the 2008-  
 1700 2009 fiscal year only, the authorized salaries of members of the  
 1701 Legislature in effect on June 30, 2008, shall be reduced by 5  
 1702 percent.

1703 (2) Effective June 30, 2009, the annual salaries of  
 1704 members of the Legislature shall be set at the amounts  
 1705 authorized and in effect on June 30, 2008.

1706 (3) This section expires July 1, 2009.

1707 Section 53. A section of this act that implements a  
 1708 specific appropriation or specifically identified proviso  
 1709 language in the 2008-2009 General Appropriations Act is void if  
 1710 the specific appropriation or specifically identified proviso  
 1711 language is vetoed. A section of this act that implements more  
 1712 than one specific appropriation or more than one portion of  
 1713 specifically identified proviso language in the 2008-2009  
 1714 General Appropriations Act is void if all the specific  
 1715 appropriations or portions of specifically identified proviso  
 1716 language are vetoed.

1717 Section 54. If any other act passed in 2008 contains a  
 1718 provision that is substantively the same as a provision in this

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1719 act, but that removes or is otherwise not subject to the future  
1720 repeal applied to such provision by this act, the Legislature  
1721 intends that the provision in the other act shall take  
1722 precedence and shall continue to operate, notwithstanding the  
1723 future repeal provided by this act.

1724       Section 55. If any provision of this act or its  
1725 application to any person or circumstance is held invalid, the  
1726 invalidity does not affect other provisions or applications of  
1727 the act which can be given effect without the invalid provision  
1728 or application, and to this end the provisions of this act are  
1729 severable.

1730       Section 56. Except as otherwise expressly provided in this  
1731 act and except for this section, which shall take effect upon  
1732 this act becoming a law, this act shall take effect July 1,  
1733 2008; or, if this act fails to become a law until after that  
1734 date, it shall take effect upon becoming a law and shall operate  
1735 retroactively to July 1, 2008.