

FOR CONSIDERATION By the Committee on Fiscal Policy and Calendar Committee

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1 A bill to be entitled

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

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30 established by the governing body of a municipality;  
31 reenacting s. 985.686(3), F.S., providing for the payment  
32 of costs of providing detention care for juveniles;  
33 providing for the future expiration of certain amendments  
34 to such provisions; specifying certain limitations on  
35 reimbursements to a health care provider or hospital by  
36 the Department of Corrections; providing an exception for  
37 hospitals that reported a negative operating margin for  
38 the prior year; requiring that contract rates of the  
39 Department of Corrections be based on a percentage of the  
40 Medicare allowable rate; amending s. 201.15, F.S.;  
41 providing for moneys in the Invasive Plant Control Trust  
42 Fund from the excise tax on documents to be used for  
43 Everglades restoration and for the Water Resource Action  
44 Plan; authorizing the transfer of moneys in the Invasive  
45 Plant Control Trust Fund to the Save Our Everglades Trust  
46 Fund and the Ecosystem Management and Restoration Trust  
47 Fund; authorizing the Executive Office of the Governor to  
48 transfer certain specified funds between departments for  
49 purposes of paying risk management insurance; providing  
50 for expiration of such authority; authorizing the  
51 Executive Office of the Governor to transfer certain  
52 specified funds between departments for purposes of paying  
53 for human resource management services; providing for  
54 expiration of such authority; amending s. 253.01, F.S.;  
55 providing for moneys in the Internal Improvement Trust  
56 Fund to be used for grants and aids to local governments  
57 for the drinking water facility construction state  
58 revolving loan program; providing for future expiration of

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

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

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

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

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

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

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

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

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

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

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

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

178 216.262 Authorized positions.--

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

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

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

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

211 932.7055 Disposition of liens and forfeited property.--

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

331 253.01 Internal Improvement Trust Fund established.--

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

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

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

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

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

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

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

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

366

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

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

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

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

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

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

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

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

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

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

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

410

411 This section expires July 1, 2009.

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

415 570.20 General Inspection Trust Fund.--

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

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

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

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

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

446 253.034 State-owned lands; uses.--

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

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

458 320.08058 Specialty license plates.--

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

570 553.721 Surcharge.--

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

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

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

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

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

611 215.32 State funds; segregation.--

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

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

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

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

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

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

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

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

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

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

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

654

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

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

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

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

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

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



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

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

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

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