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601-03420C-09

Proposed Committee Substitute by the Committee on General
Government Appropriations

1 A bill to be entitled
2 An act implementing the 2009-2010 General
3 Appropriations Act; providing legislative intent;
4 authorizing the Executive Office of the Governor to
5 transfer funds between departments for purposes of
6 aligning amounts paid for risk management premiums and
7 for purposes of aligning amounts paid for human
8 resource management services; authorizing certain
9 moneys to be appropriated to offset reductions in ad
10 valorem tax revenue experienced by fiscally
11 constrained counties occurring as a direct result of
12 the implementation of revisions of Art. VII of the
13 State Constitution approved in the special election
14 held on January 29, 2008; amending s. 218.12, F.S.;
15 requiring that the value of assessments reduced
16 pursuant to s. 4(d)(8)a. of Art. VII of the State
17 Constitution include only the reduction in taxable
18 value for homesteads established in the preceding
19 year; amending s. 253.01, F.S.; delaying the
20 expiration of provisions relating to grants and aids
21 from the Internal Improvement Trust Fund for the
22 drinking water facility construction state revolving
23 loan program and the clean water state revolving loan
24 program; reenacting s. 255.518(1)(b), F.S., relating
25 to the payment of obligations during the construction
26 of a facility financed by such obligations; repealing
27 s. 27 of chapter 2008-153, Laws of Florida; abrogating



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28 the future repeal of an amendment made by that chapter
29 to s. 255.518(1)(b), F.S., and abrogating the revision
30 of the text of that paragraph to that in existence on
31 June 30, 2008, with specified exceptions; amending s.
32 255.503, F.S.; delaying the expiration of provisions
33 relating to the Florida Facilities Pool; amending s.
34 373.59, F.S.; providing for the allocation of moneys
35 from the Water Management Lands Trust Fund for certain
36 purposes; providing an expiration date; amending s.
37 376.3071, F.S.; delaying the repeal of provisions
38 relating to funding from the Inland Protection Trust
39 Fund for site restoration; amending s. 403.1651, F.S.;
40 providing that funds from the Ecosystem Management and
41 Restoration Trust Fund be used for the purpose of
42 funding activities to preserve and repair the state's
43 beaches; providing for reversion of statutory text of
44 certain provisions; amending s. 570.20, F.S.; delaying
45 the expiration of provisions authorizing the
46 Department of Agriculture and Consumer Services to use
47 funds from the General Inspection Trust Fund for
48 certain programs; providing for the effect of a veto
49 of one or more specific appropriations or proviso
50 provisions to which implementing language refers;
51 providing for the continued operation of certain
52 provisions notwithstanding a future repeal or
53 expiration provided by the act; providing for
54 severability; providing effective dates.

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



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Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for the 2009-2010 fiscal year.

Section 2. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2009-2010 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2009-2010 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2010.

Section 3. In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2009-2010 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2009-2010 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1,



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86 2010.

87 Section 4. In order to implement section 44 of the 2009-
88 2010 General Appropriations Act and notwithstanding the
89 provisions of section 16 of chapter 2008-173, Laws of Florida,
90 the moneys provided in section 44 are appropriated to offset the
91 reductions in ad valorem tax revenues experienced by fiscally
92 constrained counties, as defined in s. 218.67(1), Florida
93 Statutes, which occur as a direct result of the implementation
94 of revisions to Article VII of the State Constitution approved
95 in the special election held on January 29, 2008. The moneys
96 appropriated for this purpose shall be distributed by October 1,
97 2009, among the fiscally constrained counties based on each
98 county's proportion of the total reduction in ad valorem tax
99 revenue resulting from the implementation of the revision.
100 Distributions shall be based on the documentation required to be
101 submitted to the Department of Revenue by November 1, 2008,
102 pursuant to s. 218.12, Florida Statutes.

103 Section 5. In order to implement Specific Appropriation
104 2971, section 218.12, Florida Statutes, is amended to read:

105 218.12 Appropriations to offset reductions in ad valorem
106 tax revenue in fiscally constrained counties.—

107 (1) Beginning in fiscal year 2008-2009, the Legislature
108 shall appropriate moneys to offset the reductions in ad valorem
109 tax revenue experienced by fiscally constrained counties, as
110 defined in s. 218.67(1), which occur as a direct result of the
111 implementation of revisions of Art. VII of the State
112 Constitution approved in the special election held on January
113 29, 2008. The moneys appropriated for this purpose shall be
114 distributed in January of each fiscal year among the fiscally



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115 constrained counties based on each county's proportion of the
116 total reduction in ad valorem tax revenue resulting from the
117 implementation of the revision.

118 (2) On or before November 15 of each year, beginning in
119 2008, each fiscally constrained county shall apply to the
120 Department of Revenue to participate in the distribution of the
121 appropriation and provide documentation supporting the county's
122 estimated reduction in ad valorem tax revenue in the form and
123 manner prescribed by the Department of Revenue. The
124 documentation must include an estimate of the reduction in
125 taxable value directly attributable to revisions of Art. VII of
126 the State Constitution for all county taxing jurisdictions
127 within the county and shall be prepared by the property
128 appraiser in each fiscally constrained county. The documentation
129 must also include the county millage rates applicable in all
130 such jurisdictions for both the current year and the prior year;
131 rolled-back rates, determined as provided in s. 200.065, for
132 each county taxing jurisdiction; and maximum millage rates that
133 could have been levied by majority vote pursuant to s. 200.185.
134 For purposes of this section, each fiscally constrained county's
135 reduction in ad valorem tax revenue shall be calculated as 95
136 percent of the estimated reduction in taxable value times the
137 lesser of the 2007 applicable millage rate or the applicable
138 millage rate for each county taxing jurisdiction in the prior
139 year.

140 (3) In determining the reductions in ad valorem tax
141 revenues occurring as a result of the implementation of the
142 revisions to Art. VII of the State Constitution approved in the
143 special election held on January 29, 2008, the value of



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144 assessments reduced pursuant to s. 4(d)(8)a., Art. VII of the
145 State Constitution shall include only the reduction in taxable
146 value for homesteads established in the preceding calendar year.

147 Section 6. In order to implement Specific Appropriation
148 1717 of the 2009-2010 General Appropriations Act, subsection (3)
149 of section 253.01, Florida Statutes, is amended to read:

150 253.01 Internal Improvement Trust Fund established.-

151 (3) In addition to the uses allowed in subsection (2) for
152 the 2009-2010 ~~2008-2009~~ fiscal year, moneys in the Internal
153 Improvement Trust Fund are authorized for grants and aids to
154 local governments, as provided in the General Appropriations
155 Act, for the drinking water facility construction state
156 revolving loan program described in s. 403.8532 and the clean
157 water state revolving loan program described in s. 403.1835, ~~as~~
158 ~~provided in the General Appropriations Act.~~ This subsection
159 expires July 1, 2010 ~~2009~~.

160 Section 7. In order to implement Specific Appropriation
161 2741 of the 2009-2010 General Appropriations Act, paragraph (b)
162 of subsection (1) of section 255.518, Florida Statutes, is
163 reenacted to read:

164 255.518 Obligations; purpose, terms, approval,
165 limitations.-

166 (1)

167 (b) Payment of debt service charges on obligations during
168 the construction of any facility financed by such obligations
169 shall be made from funds other than proceeds of obligations.

170 Section 8. Section 27 of chapter 2008-153, Laws of Florida,
171 is repealed.

172 Section 9. In order to implement Specific Appropriations



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173 2725 through 2738 of the 2009-2010 General Appropriations Act,
174 subsection (7) of section 255.503, Florida Statutes, is amended
175 to read:

176 255.503 Powers of the Department of Management Services.—
177 The Department of Management Services shall have all the
178 authority necessary to carry out and effectuate the purposes and
179 provisions of this act, including, but not limited to, the
180 authority to:

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

183 (b) No later than the date upon which the department
184 recommends to the Division of State Lands of the Department of
185 Environmental Protection the disposition of any facility within
186 the Florida Facilities Pool, the department shall provide to the
187 President of the Senate, the Speaker of the House of
188 Representatives, the Executive Office of the Governor, and the
189 Division of Bond Finance of the State Board of Administration an
190 analysis that includes:

191 1. The cost benefit of the proposed facility disposition,
192 including the facility's current operating expenses, condition,
193 and market value, and viable alternatives for work space for
194 impacted state employees.

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

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199 This paragraph expires July 1, 2010 ~~2009~~.

200 Section 10. In order to implement Specific Appropriation
201 1619, subsection (12) is added to section 373.59, Florida



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202 Statutes, to read:

203 373.59 Water Management Lands Trust Fund.—

204 (12) Notwithstanding the provisions of subsection (8) and
205 for the 2009-2010 fiscal year only, the moneys from the Water
206 Management Lands Trust Fund shall be allocated as follows:

207 (a) An amount necessary to pay debt service on bonds issued
208 before February 1, 2009, by the South Florida Water Management
209 District and the St. Johns River Water Management District,
210 which are secured by revenues provided by this section, or to
211 fund debt service reserve funds, rebate obligations, or other
212 amounts payable with respect to such bonds.

213 (b) Eight million dollars to be transferred to the General
214 Revenue Fund; and

215 (c) The remaining funds to be distributed equally between
216 the Suwannee River Water Management District and the Northwest
217 Florida Water Management District.

218 (d) This subsection expires July 1, 2010.

219 Section 11. In order to implement Specific Appropriation
220 1741A of the 2009-2010 General Appropriations Act, paragraph (c)
221 of subsection (5) of section 376.3071, Florida Statutes, is
222 amended to read:

223 376.3071 Inland Protection Trust Fund; creation; purposes;
224 funding.—

225 (5) SITE SELECTION AND CLEANUP CRITERIA.—

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

229 1. Funding for free product recovery may be provided in
230 advance of the order established by the priority ranking system



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231 under paragraph (a) for site cleanup activities. However, a
232 separate prioritization for free product recovery shall be
233 established consistent with paragraph (a). No more than \$5
234 million shall be encumbered from the Inland Protection Trust
235 Fund in any fiscal year for free product recovery conducted in
236 advance of the priority order under paragraph (a) established
237 for site cleanup activities.

238 2. Funding for limited interim soil-source removals for
239 sites that will become inaccessible for future remediation due
240 to road infrastructure and right-of-way restrictions resulting
241 from a pending Department of Transportation road construction
242 project or for secondary containment upgrading of underground
243 storage tanks required under chapter 62-761, Florida
244 Administrative Code, may be provided in advance of the order
245 established by the priority ranking system under paragraph (a)
246 for site cleanup activities. The department shall provide
247 written guidance on the limited source removal information and
248 technical evaluation necessary to justify a request for a
249 limited source removal in advance of the priority order pursuant
250 to paragraph (a) established for site cleanup activities.
251 Prioritization for limited source removal projects associated
252 with a secondary containment upgrade in any fiscal year shall be
253 determined on a first-come, first-served basis according to the
254 approval date issued under s. 376.30711 for the limited source
255 removal. Funding for limited source removals associated with
256 secondary containment upgrades shall be limited to 10 sites in
257 each fiscal year for each facility owner and any related person.
258 The limited source removal for secondary containment upgrades
259 shall be completed no later than 6 months after the department



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260 issues its approval of the project, and the approval
261 automatically expires at the end of the 6 months. Funding for
262 Department of Transportation and secondary containment upgrade
263 source removals may not exceed \$50,000 for a single facility
264 unless the department makes a determination that it is cost-
265 effective and environmentally beneficial to exceed this amount,
266 but in no event shall the department authorize costs in excess
267 of \$100,000 for a single facility. Department funding for
268 limited interim soil-source removals associated with Department
269 of Transportation projects and secondary containment upgrades
270 shall be limited to supplemental soil assessment, soil
271 screening, soil removal, backfill material, treatment or
272 disposal of the contaminated soil, dewatering related to the
273 contaminated soil removal in an amount of up to 10 percent of
274 the total interim soil-source removal project costs, treatment,
275 and disposal of the contaminated groundwater and preparation of
276 the source removal report. No other costs associated with the
277 facility upgrade may be paid with department funds. No more than
278 \$1 million for Department of Transportation limited source
279 removal projects and \$10 million for secondary containment
280 upgrade limited source removal projects conducted in advance of
281 the priority order established under paragraph (a) for site
282 cleanup activities shall be encumbered from the Inland
283 Protection Trust Fund in any fiscal year. This subparagraph is
284 repealed effective June 30, 2010 ~~2009~~.

285 3. Once free product removal and other source removal
286 identified in this paragraph are completed at a site, and
287 notwithstanding the order established by the priority ranking
288 system under paragraph (a) for site cleanup activities, the



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289 department may reevaluate the site to determine the degree of
290 active cleanup needed to continue site rehabilitation. Further,
291 the department shall determine if the reevaluated site qualifies
292 for natural attenuation monitoring or no further action. If
293 additional site rehabilitation is necessary to reach no further
294 action status, the site rehabilitation shall be conducted in the
295 order established by the priority ranking system under paragraph
296 (a) and the department is encouraged to utilize natural
297 attenuation and monitoring where site conditions warrant.

298 Section 12. In order to implement Specific Appropriations
299 1690, 1691, 1692, 1694, and 1695, subsection (1) of section
300 403.1651, Florida Statutes, is amended to read:

301 403.1651 Ecosystem Management and Restoration Trust Fund.—

302 (1) There is created the Ecosystem Management and
303 Restoration Trust Fund to be administered by the Department of
304 Environmental Protection for the purposes of:

305 (a) Funding the detailed planning for and implementation of
306 programs for the management and restoration of ecosystems.

307 (b) Funding the development and implementation of surface
308 water improvement and management plans and programs under ss.
309 373.451-373.4595.

310 (c) Funding activities to restore polluted areas of the
311 state, as defined by the department, to their condition before
312 pollution occurred or to otherwise enhance pollution control
313 activities.

314 (d) Funding activities to restore or rehabilitate injured
315 or destroyed coral reefs.

316 (e) Funding activities by the department to recover moneys
317 as a result of actions against any person for a violation of



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318 chapter 373.

319 (f) Funding activities authorized for the implementation of
320 the Leah Schad Memorial Ocean Outfall Program implemented in s.
321 403.086(9).

322 (g) Funding activities to preserve and repair the state's
323 beaches as provided in ss. 161.091-161.212.

324 Section 13. The amendment to s. 403.1651(1), Florida
325 Statutes, made by this act shall expire July 1, 2010, and the
326 text of that subsection shall revert to that in existence on
327 June 30, 2009, except that any amendments to such text enacted
328 other than by this act shall be preserved and continue to
329 operate to the extent that such amendments are not dependent
330 upon the portions of such text which expire pursuant to this
331 section.

332 Section 14. In order to implement Specific Appropriations
333 1294 through 1454 of the 2009-2010 General Appropriations Act,
334 section 570.20, Florida Statutes, is amended to read:

335 570.20 General Inspection Trust Fund.-

336 (1) All donations and all inspection fees and other funds
337 authorized and received from whatever source in the enforcement
338 of the inspection laws administered by the department shall be
339 paid into the General Inspection Trust Fund of Florida, which is
340 created in the office of the Chief Financial Officer. All
341 expenses incurred in carrying out the provisions of the
342 inspection laws shall be paid from this fund as other funds are
343 paid from the State Treasury. A percentage of all revenue
344 deposited in this fund, including transfers from any subsidiary
345 accounts, shall be deposited in the General Revenue Fund
346 pursuant to chapter 215, except that funds collected for



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347 marketing orders shall pay at the rate of 3 percent.

348 (2) For the 2009-2010 ~~2008-2009~~ fiscal year only and
349 notwithstanding any other provision of law to the contrary, in
350 addition to the spending authorized in subsection (1), moneys in
351 the General Inspection Trust Fund may be appropriated for
352 programs operated by the department which are related to the
353 programs authorized by this chapter. This subsection expires
354 July 1, 2010 ~~2009~~.

355 Section 15. A section of this act that implements a
356 specific appropriation or specifically identified proviso
357 language in the 2009-2010 General Appropriations Act is void if
358 the specific appropriation or specifically identified proviso
359 language is vetoed. A section of this act that implements more
360 than one specific appropriation or more than one portion of
361 specifically identified proviso language in the 2009-2010
362 General Appropriations Act is void if all the specific
363 appropriations or portions of specifically identified proviso
364 language are vetoed.

365 Section 16. If any other act passed in 2009 contains a
366 provision that is substantively the same as a provision in this
367 act, but that removes or is otherwise not subject to the future
368 repeal applied to such provision by this act, the Legislature
369 intends that the provision in the other act shall take
370 precedence and shall continue to operate, notwithstanding the
371 future repeal provided by this act.

372 Section 17. If any provision of this act or its application
373 to any person or circumstance is held invalid, the invalidity
374 does not affect other provisions or applications of the act
375 which can be given effect without the invalid provision or



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376 application, and to this end the provisions of this act are
377 severable.

378 Section 18. Except as otherwise expressly provided in this
379 act and except for this section, which shall take effect upon
380 this act becoming a law, this act shall take effect July 1,
381 2009, or if this act fails to become a law until after that
382 date, it shall take effect upon becoming a law and shall operate
383 retroactively to July 1, 2009.

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