

By the Committee on Transportation and Economic Development
Appropriations; and Senator Fasano

606-04024-09

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1 A bill to be entitled
2 An act implementing the 2009-2010 General
3 Appropriations Act; providing legislative intent;
4 amending s. 253.034, F.S.; delaying the expiration of
5 provisions authorizing the deposit of funds from the
6 sale of property located in Palm Beach County by the
7 Department of Highway Safety and Motor Vehicles into
8 the Highway Safety Operating Trust Fund; amending s.
9 339.08, F.S.; delaying the expiration of provisions
10 relating to the use of funds from the State
11 Transportation Trust Fund; amending s. 339.135, F.S.;
12 delaying the expiration of provisions relating to the
13 transfer of funds from the Department of
14 Transportation to the Office of Tourism, Trade, and
15 Economic Development for the purpose of funding the
16 transportation-related needs of certain projects;
17 revising the amount of such transfer; deleting
18 obsolete provisions; amending s. 332.007, F.S.;
19 authorizing the Department of Transportation to fund
20 operational and maintenance assistance at publicly
21 owned public-use airports; providing for the
22 expiration of such authority and the reversion of
23 statutory text; providing for the effect of a veto of
24 one or more specific appropriations or proviso
25 provisions to which implementing language refers;
26 providing for the continued operation of certain
27 provisions notwithstanding a future repeal or
28 expiration provided by the act; providing for
29 severability; providing effective dates.

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

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 section 11 of the 2009-2010 General Appropriations Act, subsection (13) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(13) Notwithstanding the provisions of this section, funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County are authorized to be deposited into the Highway Safety Operating Trust Fund to facilitate the exchange as provided in the General Appropriations Act, provided that at the conclusion of both exchanges the values are equalized. This subsection expires July 1, 2010 ~~2009~~.

Section 3. In order to implement section 10 of the 2009-2010 General Appropriations Act, paragraph (n) of subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

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

(n) To pay administrative expenses incurred in accordance with applicable laws for a multicounty transportation or expressway authority created under chapter 343 or chapter 348,

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59 where jurisdiction for the authority includes a portion of the
60 State Highway System and the administrative expenses are in
61 furtherance of the duties and responsibilities of the authority
62 in the development of improvements to the State Highway System.
63 This paragraph expires July 1, 2010 ~~2009~~.

64 Section 4. In order to implement Specific Appropriation
65 2042 of the 2009-2010 General Appropriations Act, subsection (5)
66 of section 339.135, Florida Statutes, is amended to read:

67 339.135 Work program; legislative budget request;
68 definitions; preparation, adoption, execution, and amendment.—

69 (5)

70 (a) ADOPTION OF THE WORK PROGRAM.—The original approved
71 budget for operational and fixed capital expenditures for the
72 department shall be the Governor's budget recommendation and the
73 first year of the tentative work program, as both are amended by
74 the General Appropriations Act and any other act containing
75 appropriations. In accordance with the appropriations act, the
76 department shall, prior to the beginning of the fiscal year,
77 adopt a final work program which shall only include the original
78 approved budget for the department for the ensuing fiscal year
79 together with any roll forwards approved pursuant to paragraph
80 (6) (c) and the portion of the tentative work program for the
81 following 4 fiscal years revised in accordance with the original
82 approved budget for the department for the ensuing fiscal year
83 together with said roll forwards. The adopted work program may
84 include only those projects submitted as part of the tentative
85 work program developed under the provisions of subsection (4)
86 plus any projects which are separately identified by specific
87 appropriation in the General Appropriations Act and any roll

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88 forwards approved pursuant to paragraph (6) (c). However, any
89 transportation project of the department which is identified by
90 specific appropriation in the General Appropriations Act shall
91 be deducted from the funds annually distributed to the
92 respective district pursuant to paragraph (4) (a). In addition,
93 the department shall not in any year include any project or
94 allocate funds to a program in the adopted work program that is
95 contrary to existing law for that particular year. Projects
96 shall not be undertaken unless they are listed in the adopted
97 work program.

98 (b) Notwithstanding paragraph (a), and for the 2009-2010
99 ~~2008-2009~~ fiscal year only, the Department of Transportation
100 shall transfer funds to the Office of Tourism, Trade, and
101 Economic Development in an amount equal to \$20 million
102 ~~\$36,750,000~~ for the purpose of funding transportation-related
103 needs of economic development projects, space and aerospace
104 infrastructure, and other economic development projects. This
105 transfer shall not reduce, delete, or defer any existing
106 projects funded, as of July 1, 2009 ~~2008~~, in the Department of
107 Transportation's 5-year work program. This paragraph expires
108 July 1, 2010 ~~2009~~.

109 ~~(c) Notwithstanding paragraph (a) or subparagraph (4) (a)1.,~~
110 ~~and for the 2008-2009 fiscal year only, the Department of~~
111 ~~Transportation shall fund projects in Specific Appropriations~~
112 ~~2063, 2071, 2077, 2079, 2102, 2106, 2109, and 2116 of the 2008-~~
113 ~~2009 General Appropriations Act. Funding for these specific~~
114 ~~appropriations shall be from projects or phases thereof within~~
115 ~~the department's fiscal year 2008-2009 work program not~~
116 ~~programmed for contract letting as identified with a work~~

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117 ~~program contract class code 8 and the box code RV. This funding~~
118 ~~shall not negatively impact safety, preservation, maintenance,~~
119 ~~or project contingency levels as of July 1, 2008. This paragraph~~
120 ~~expires July 1, 2009.~~

121 Section 5. In order to implement Specific Appropriation
122 1998 of the 2009-2010 General Appropriations Act, subsection (8)
123 of section 332.007, Florida Statutes, is amended to read:

124 332.007 Administration and financing of aviation and
125 airport programs and projects; state plan.-

126 (8) Notwithstanding any other provision of law to the
127 contrary, the department is authorized to fund security
128 projects, including operational and maintenance assistance, at
129 publicly owned public-use airports. For projects in the current
130 adopted work program, or projects added using the available
131 budget of the department, airports may request the department
132 change the project purpose in accordance with this provision
133 notwithstanding the provisions of s. 339.135(7). For purposes of
134 this subsection, the department may fund up to 100 percent of
135 eligible project costs that are not funded by the Federal
136 Government. This subsection shall expire on June 30, 2012.

137 Section 6. The amendment to s. 332.007(8), Florida
138 Statutes, made by this act shall expire July 1, 2010, and the
139 text of that subsection shall revert to that in existence on
140 June 30, 2009, except that any amendments to such text enacted
141 other than by this act shall be preserved and continue to
142 operate to the extent that such amendments are not dependent
143 upon the portions of such text which expire pursuant to this
144 section.

145 Section 7. A section of this act which implements a

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146 specific appropriation or specifically identified proviso
147 language in the 2009-2010 General Appropriations Act is void if
148 the specific appropriation or specifically identified proviso
149 language is vetoed. A section of this act which implements more
150 than one specific appropriation or more than one portion of
151 specifically identified proviso language in the 2009-2010
152 General Appropriations Act is void if all the specific
153 appropriations or portions of specifically identified proviso
154 language are vetoed.

155 Section 8. If any other act passed in 2009 contains a
156 provision that is substantively the same as a provision in this
157 act, but that removes or is otherwise not subject to the future
158 repeal applied to such provision by this act, the Legislature
159 intends that the provision in the other act shall take
160 precedence and shall continue to operate, notwithstanding the
161 future repeal provided by this act.

162 Section 9. If any provision of this act or its application
163 to any person or circumstance is held invalid, the invalidity
164 does not affect other provisions or applications of the act
165 which can be given effect without the invalid provision or
166 application, and to this end the provisions of this act are
167 severable.

168 Section 10. Except as otherwise expressly provided in this
169 act and except for this section, which shall take effect upon
170 this act becoming a law, this act shall take effect July 1,
171 2009, or if this act fails to become a law until after that
172 date, it shall take effect upon becoming a law and shall operate
173 retroactively to July 1, 2009.