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1
2 An act implementing the 2009-2010 General
3 Appropriations Act; providing legislative intent;
4 authorizing the Department of Corrections and the
5 Department of Juvenile Justice to use certain
6 appropriated funds to assist in defraying the costs
7 incurred by a county or a municipality to open or
8 operate certain facilities; limiting the amount of
9 such assistance; providing for the expiration of the
10 authority to provide the assistance; amending s.
11 216.262, F.S.; delaying the expiration of provisions
12 directing the Department of Corrections to seek a
13 budget amendment for additional positions and
14 appropriations if the inmate population exceeds a
15 certain estimate under certain circumstances;
16 providing for the expiration of the authority to seek
17 a budget amendment; authorizing the Department of
18 Legal Affairs to spend certain appropriated funds on
19 programs that were funded by the department from
20 specific appropriations in general appropriations acts
21 in prior years; providing for the expiration of the
22 authority to spend those appropriations; authorizing
23 the Department of Legal Affairs to transfer certain
24 funds from certain cases to the Operating Trust Fund
25 to pay salaries and benefits; providing an expiration
26 date for the transfer of funds; authorizing the Chief
27 Justice of the Supreme Court to request a loan of
28 funds from the General Revenue Fund to be deposited
29 into the State Courts Revenue Trust Fund under certain

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30 circumstances; amending s. 932.7055, F.S.; delaying
31 the expiration of provisions authorizing a
32 municipality to expend funds from its special law
33 enforcement trust fund to reimburse the municipality's
34 general fund; amending s. 339.135, F.S.; providing for
35 use of transportation revenues; providing for revised
36 funding levels for Department of Transportation
37 projects; requiring that the Department of
38 Transportation transfer funds to the Office of
39 Tourism, Trade, and Economic Development for the
40 purpose of funding transportation-related needs of
41 economic development; deleting obsolete provisions;
42 amending s. 216.292, F.S.; permitting the Legislative
43 Budget Commission to review and approve
44 recommendations by the Governor for fixed capital
45 outlay projects funded by grants awarded from the
46 American Recovery and Reinvestment Act of 2009;
47 providing for future expiration; authorizing the
48 Executive Office of the Governor to transfer funds
49 appropriated for the American Recovery and
50 Reinvestment Act of 2009 in traditional appropriation
51 categories in the General Appropriations Act to
52 appropriation categories established for the specific
53 purpose of tracking funds appropriated for the act;
54 amending s. 394.908, F.S.; delaying the expiration of
55 provisions requiring that funds appropriated for
56 forensic mental health treatment services be allocated
57 to the areas of the state having the greatest demand
58 for services and treatment capacity; providing

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59 allocation requirements for specified funds
60 appropriated for mental health services; amending s.
61 400.179, F.S; revising provisions relating to
62 liability for Medicaid underpayments and overpayments;
63 providing that certain provisions relating to the
64 transfer of a facility that has been leased by the
65 transferor do not apply; providing for future
66 expiration; requiring that the Department of Health
67 issue a request for proposals and enter into a
68 contract for a replacement facility for the A.G.
69 Holley State Hospital and for inpatient services and
70 other operations provided by such hospital; providing
71 requirements for the request for proposals; providing
72 for future expiration; amending Specific Appropriation
73 208 of s. 3, chapter 2008-152, Laws of Florida,
74 relating to Medicaid low-income pool payments to
75 hospitals provider access systems; providing that
76 funding be distributed in a three-step allocation
77 process; amending s. 1, chapter 2007-174, Laws of
78 Florida; delaying the expiration of provisions
79 authorizing the Department of Children and Family
80 Services to begin the process of reorganization;
81 requiring that the Department of Children and Family
82 Services ensure that information is entered into the
83 Florida Safe Families Network; requiring coordination
84 between the department and the Office of the State
85 Courts Administrator to provide information relating
86 to child welfare cases; requiring a report to the
87 Governor and Legislature; requiring that contracts

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88 between the Department of Children and Family Services
89 and community-based care agencies be funded by a grant
90 of general revenue, other state trust funds, and
91 applicable federal funding sources; requiring that
92 community-based care agencies document federal funds
93 earned and return undocumented federal funds earned;
94 authorizing an increase in the amount of the annual
95 contract for a community-based care agency by using
96 excess federal funds; authorizing certain
97 expenditures; providing requirements for fixed-price
98 contracts; providing for future expiration;
99 authorizing the Agency for Health Care Administration
100 to exclude the University of Miami at Cedars Hospital
101 in Miami-Dade County from participating in the
102 hospitalist program; authorizing the agency to
103 continue the physician lock-in program for
104 participating recipients of such program; providing
105 for future expiration; providing an exception to
106 proviso language contained in Specific Appropriation
107 438 of the 2009-2010 General Appropriations Act;
108 requiring that a maximum of 2.5 percent be spent on
109 direct services per direct client service provider per
110 year; authorizing the Executive Office of the Governor
111 to transfer funds between departments for purposes of
112 aligning amounts paid for risk management premiums and
113 for purposes of aligning amounts paid for human
114 resource management services; authorizing the
115 Executive Office of the Governor to transfer funds
116 between departments for purposes of aligning the

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117 budget authority granted to each agency with the
118 reductions in employee compensation; amending s.
119 218.12, F.S.; requiring that the value of assessments
120 reduced pursuant to s. 4(d)(8)a. of Art. VII of the
121 State Constitution include only the reduction in
122 taxable value for homesteads established in the
123 preceding year; providing for reversion of statutory
124 text of certain provisions; amending s. 253.034, F.S.;
125 authorizing the deposit of funds derived from the sale
126 of property by the Department of Citrus into the
127 Citrus Advertising Trust Fund; providing for the
128 expiration of such authorization; reenacting s.
129 255.518(1)(b), F.S., relating to the payment of
130 obligations during the construction of a facility
131 financed by such obligations; providing for reversion
132 of statutory text of certain provisions; amending s.
133 255.503, F.S.; delaying the expiration of provisions
134 relating to the Florida Facilities Pool; amending s.
135 373.59, F.S.; providing for the allocation of moneys
136 from the Water Management Lands Trust Fund for certain
137 purposes; providing an expiration date; amending s.
138 376.3071, F.S.; delaying the repeal of provisions
139 relating to funding from the Inland Protection Trust
140 Fund for site restoration; amending s. 403.1651, F.S.;
141 providing that funds from the Ecosystem Management and
142 Restoration Trust Fund be used for the purpose of
143 funding activities to preserve and repair the state's
144 beaches; providing for reversion of statutory text of
145 certain provisions; amending s. 570.20, F.S.; delaying

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146 the expiration of provisions authorizing the
147 Department of Agriculture and Consumer Services to use
148 funds from the General Inspection Trust Fund for
149 certain programs; amending s. 403.7095, F.S.;
150 requiring that the Department of Environmental
151 Protection award a specified amount in grants equally
152 to certain counties for waste tire and litter
153 prevention, recycling education, and general solid
154 waste programs; providing for future expiration;
155 authorizing the Department of Agriculture and Consumer
156 Services to extend, revise, and renew current
157 contracts or agreements created or entered into for
158 the purpose of promotion agriculture; providing for
159 future expiration; prohibiting any state agency from
160 adopting or implementing a rule or policy mandating or
161 establishing new nitrogen-reduction limits under
162 certain circumstances; providing for the future repeal
163 of such prohibition; amending s. 288.1254, F.S.;
164 revising provisions relating to the entertainment
165 industry financial incentive program; increasing the
166 amount of incentive funding to be appropriated in any
167 state fiscal year for the independent Florida
168 filmmaker queue and the digital media projects queue;
169 providing that funding from such queue be made
170 available to a qualified project in the digital media
171 projects queue under certain circumstances; amending
172 s. 288.95155, F.S.; revising provisions relating to
173 the Florida Small Business Technology Growth Program;
174 requiring that Enterprise Florida, Inc., advance a

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175 specified amount from the small business technology
176 growth account within the Florida Technology Research
177 Investment Fund to the Institute for Commercialization
178 of Public Research; providing for future expiration;
179 providing for reversion of statutory text of certain
180 provisions; amending s. 339.08, F.S.; delaying the
181 expiration of provisions relating to the use of moneys
182 in the State Transportation Trust Fund for certain
183 administrative expenses; authorizing the Department of
184 Transportation to use moneys from the State
185 Transportation Trust Fund to pay for county and school
186 district transportation infrastructure improvements;
187 authorizing the transfer of funds from the State
188 Transportation Trust Fund to the General Revenue Fund
189 under certain circumstances; providing for future
190 expiration of such authorization; amending s. 445.009,
191 F.S.; providing that a participant in an adult or
192 youth work experience activity under ch. 445, F.S., is
193 an employee of the state for purposes of workers'
194 compensation coverage; providing for future
195 expiration; amending s. 332.007, F.S.; authorizing the
196 Department of Transportation to fund operational and
197 maintenance assistance security projects at publicly
198 owned public-use airports; providing for the future
199 expiration of such authority and the reversion of
200 statutory text; creating the Florida Homebuyer
201 Opportunity Program within the Florida Housing Finance
202 Corporation; providing legislative intent; defining
203 the term "anticipated federal assistance"; providing

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204 duties for the corporation to implement and administer
205 the program; providing certain requirements for the
206 program; requiring that the administration of the
207 program be consistent with certain Federal Housing
208 Administration requirements; requiring that the
209 corporation negotiate with private lenders to borrow
210 additional funds to support the program; providing for
211 future expiration of the program; providing that the
212 annual salary of the members of the Legislature be
213 reduced by 7 percent; providing for future expiration;
214 amending s. 110.123, F.S.; providing for the state's
215 monthly contribution for employees under the state
216 group insurance program; amending s. 112.24, F.S.;
217 providing conditions on the assignment of an employee
218 of a state agency without reimbursement from the
219 receiving agency; requiring that each agency develop a
220 wireless device assignment plan limiting the use of
221 cellular telephones, personal digital assistants, and
222 other devices; requiring that each agency review such
223 use and submit a report to the Legislature by a
224 specified date; providing that the report contain
225 certain information; providing for future expiration
226 of such provisions; reenacting s. 215.32(2)(b), F.S.,
227 relating to the transfer of moneys from trust funds to
228 the General Revenue Fund; reenacting s.
229 215.5601(4)(b), F.S., relating to the administration
230 of the Lawton Chiles Endowment Fund; amending s.
231 377.6015, F.S.; revising provisions relating to
232 initial appointments to the Florida Energy and Climate

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233 Commission; providing for retroactive application;
234 repealing s. 49, chapter 2008-153, Laws of Florida;
235 abrogating the future repeal of an amendment made by
236 that chapter to s. 215.5601(4), F.S., and abrogating
237 the revision of the text of that subsection to that in
238 existence on June 30, 2009, with specified exceptions;
239 providing a statement of public interest with respect
240 to the issuance of new debt to address a critical
241 state emergency; limiting the use of state funds for
242 travel by state employees to activities that are
243 critical to each state agency's mission; requiring
244 that each agency head approve such travel in writing;
245 providing exceptions; providing for future expiration;
246 providing for the effect of a veto of one or more
247 specific appropriations or proviso to which
248 implementing language refers; providing for other acts
249 passed during the 2009 Regular Session which contain
250 provisions that are substantively the same as the
251 provisions of this act to take precedence under
252 certain circumstances; providing for severability;
253 providing effective dates.

254
255 Be It Enacted by the Legislature of the State of Florida:

256
257 Section 1. It is the intent of the Legislature that the
258 implementing and administering provisions of this act apply to
259 the General Appropriations Act for the 2009-2010 fiscal year.

260 Section 2. In order to fulfill legislative intent regarding
261 the use of funds contained in Specific Appropriations 617, 631,

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262 644, and 1112 of the 2009-2010 General Appropriations Act, the
263 Department of Corrections and the Department of Juvenile Justice
264 may expend appropriated funds to assist in defraying the costs
265 of impacts that are incurred by a municipality or county and
266 that are associated with opening or operating a facility under
267 the authority of the department. The amount paid for any
268 facility may not exceed 1 percent of the cost to construct the
269 facility, less building impact fees imposed by the municipality
270 or county. This section expires July 1, 2010.

271 Section 3. In order to implement Specific Appropriations
272 607 through 705 and 738 through 773 of the 2009-2010 General
273 Appropriations Act, subsection (4) of section 216.262, Florida
274 Statutes, is amended to read:

275 216.262 Authorized positions.—

276 (4) Notwithstanding the provisions of this chapter on
277 increasing the number of authorized positions, and for the 2009-
278 2010 ~~2008-2009~~ fiscal year only, if the actual inmate population
279 of the Department of Corrections exceeds the inmate population
280 projections of the April 30, 2009 ~~February 15, 2008~~, Criminal
281 Justice Estimating Conference by 1 percent for 2 consecutive
282 months or 2 percent for any month, the Executive Office of the
283 Governor, with the approval of the Legislative Budget
284 Commission, shall immediately notify the Criminal Justice
285 Estimating Conference, which shall convene as soon as possible
286 to revise the estimates. The Department of Corrections may then
287 submit a budget amendment requesting the establishment of
288 positions in excess of the number authorized by the Legislature
289 and additional appropriations from unallocated general revenue
290 sufficient to provide for essential staff, fixed capital

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291 improvements, and other resources to provide classification,
292 security, food services, health services, and other variable
293 expenses within the institutions to accommodate the estimated
294 increase in the inmate population. All actions taken pursuant to
295 the authority granted in this subsection shall be subject to
296 review and approval by the Legislative Budget Commission. This
297 subsection expires July 1, 2010 ~~July 1, 2009~~.

298 Section 4. In order to implement Specific Appropriations
299 1266 and 1267 of the 2009-2010 General Appropriations Act, the
300 Department of Legal Affairs is authorized to expend appropriated
301 funds in those specific appropriations on the same programs that
302 were funded by the department pursuant to specific
303 appropriations made in general appropriations acts in prior
304 years. This section expires July 1, 2010.

305 Section 5. In order to implement Specific Appropriations
306 1231, 1244, 1251, 1272, and 1282 of the 2009-2010 General
307 Appropriations Act, the Department of Legal Affairs is
308 authorized to transfer cash remaining after required
309 disbursements for Attorney General case numbers 16-2008-CA-01-
310 3142CV-C and CACE08022328 from FLAIR account 41-74-2-601001-
311 41100100-00-181076-00 to the Operating Trust Fund to pay
312 salaries and benefits. This section expires July 1, 2010.

313 Section 6. In order to implement section 7 of the 2009-2010
314 General Appropriations Act, the Chief Justice of the Supreme
315 Court may request a loan of funds pursuant to s. 215.18, Florida
316 Statutes, notwithstanding the trust fund's ability to repay the
317 loan by the end of the fiscal year, if, at any time during the
318 2009-2010 fiscal year, the Revenue Estimating Conference
319 projects that revenue deposited into the State Courts Revenue

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320 Trust Fund will be less than 98 percent of the amount
321 appropriated from the trust fund in the General Appropriations
322 Act for the 2009-2010 fiscal year.

323 Section 7. In order to implement Specific Appropriations
324 1169 and 1175 of the 2009-2010 General Appropriations Act,
325 paragraph (d) of subsection (4) of section 932.7055, Florida
326 Statutes, is amended to read:

327 932.7055 Disposition of liens and forfeited property.—

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

330 (d) Notwithstanding any other provision of this subsection,
331 and for the 2009-2010 ~~2008-2009~~ fiscal year only, the funds in a
332 special law enforcement trust fund established by the governing
333 body of a municipality may be expended to reimburse the general
334 fund of the municipality for moneys advanced from the general
335 fund to the special law enforcement trust fund prior to October
336 1, 2001. This paragraph expires July 1, 2010 ~~2009~~.

337 Section 8. In order to implement section 59 of the 2009-
338 2010 General Appropriations Act, paragraph (a) of subsection (4)
339 of section 339.135, Florida Statutes, is amended to read:

340 339.135 Work program; legislative budget request;
341 definitions; preparation, adoption, execution, and amendment.—

342 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

343 (a)1. To assure that no district or county is penalized for
344 local efforts to improve the State Highway System, the
345 department shall, for the purpose of developing a tentative work
346 program, allocate funds for new construction to the districts,
347 except for the turnpike enterprise, based on equal parts of
348 population and motor fuel tax collections. Funds for

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349 resurfacing, bridge repair and rehabilitation, bridge fender
350 system construction or repair, public transit projects except
351 public transit block grants as provided in s. 341.052, and other
352 programs with quantitative needs assessments shall be allocated
353 based on the results of these assessments. The department may
354 not transfer any funds allocated to a district under this
355 paragraph to any other district except as provided in subsection
356 (7). Funds for public transit block grants shall be allocated to
357 the districts pursuant to s. 341.052. Funds for the intercity
358 bus program provided for under s. 5311(f) of the federal
359 nonurbanized area formula program shall be administered and
360 allocated directly to eligible bus carriers as defined in s.
361 341.031(12) at the state level rather than the district. In
362 order to provide state funding to support the intercity bus
363 program provided for under provisions of the federal 5311(f)
364 program, the department shall allocate an amount equal to the
365 federal share of the 5311(f) program from amounts calculated
366 pursuant to s. 206.46(3).

367 2. Notwithstanding the provisions of subparagraph 1., the
368 department shall allocate at least 50 percent of any new
369 discretionary highway capacity funds to the Florida Strategic
370 Intermodal System created pursuant to s. 339.61. Any remaining
371 new discretionary highway capacity funds shall be allocated to
372 the districts for new construction as provided in subparagraph
373 1. For the purposes of this subparagraph, the term "new
374 discretionary highway capacity funds" means any funds available
375 to the department above the prior year funding level for
376 capacity improvements, which the department has the discretion
377 to allocate to highway projects.

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378 3. Notwithstanding subparagraph 1. and ss. 206.46(3),
379 334.044(26), and 339.2819(3), and for the 2009-2010 fiscal year
380 only, the department shall reduce work program levels to balance
381 the finance plan to the revised funding levels resulting from
382 any reduction in the 2009-2010 General Appropriations Act. This
383 subparagraph expires July 1, 2010.

384 4. For the 2009-2010 fiscal year only, prior to any project
385 or phase thereof being deferred, the department's cash balances
386 shall be as provided in s. 339.135(6)(b), and the reductions in
387 subparagraph 3. shall be made to financial projects not
388 programmed for contract letting as identified with a work
389 program contract class code 8 and the box code RV. These
390 reductions shall not negatively impact safety or maintenance or
391 project contingency percentage levels as of April 21, 2009. This
392 subparagraph expires July 1, 2010.

393 Section 9. In order to implement Specific Appropriation
394 2042 of the 2009-2010 General Appropriations Act, subsection (5)
395 of section 339.135, Florida Statutes, is amended to read:

396 339.135 Work program; legislative budget request;
397 definitions; preparation, adoption, execution, and amendment.—

398 (5)~~(a)~~ ADOPTION OF THE WORK PROGRAM.—

399 (a) The original approved budget for operational and fixed
400 capital expenditures for the department shall be the Governor's
401 budget recommendation and the first year of the tentative work
402 program, as both are amended by the General Appropriations Act
403 and any other act containing appropriations. In accordance with
404 the appropriations act, the department shall, prior to the
405 beginning of the fiscal year, adopt a final work program which
406 shall only include the original approved budget for the

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407 department for the ensuing fiscal year together with any roll
408 forwards approved pursuant to paragraph (6)(c) and the portion
409 of the tentative work program for the following 4 fiscal years
410 revised in accordance with the original approved budget for the
411 department for the ensuing fiscal year together with said roll
412 forwards. The adopted work program may include only those
413 projects submitted as part of the tentative work program
414 developed under the provisions of subsection (4) plus any
415 projects which are separately identified by specific
416 appropriation in the General Appropriations Act and any roll
417 forwards approved pursuant to paragraph (6)(c). However, any
418 transportation project of the department which is identified by
419 specific appropriation in the General Appropriations Act shall
420 be deducted from the funds annually distributed to the
421 respective district pursuant to paragraph (4)(a). In addition,
422 the department shall not in any year include any project or
423 allocate funds to a program in the adopted work program that is
424 contrary to existing law for that particular year. Projects
425 shall not be undertaken unless they are listed in the adopted
426 work program.

427 (b) Notwithstanding paragraph (a), and for the 2009-2010
428 ~~2008-2009~~ fiscal year only, the Department of Transportation
429 shall transfer funds to the Office of Tourism, Trade, and
430 Economic Development in an amount equal to \$20,300,000
431 ~~\$36,750,000~~ for the purpose of funding transportation-related
432 needs of economic development projects, ~~space and aerospace~~
433 ~~infrastructure, and other economic development projects~~. This
434 transfer shall not reduce, delete, or defer any existing
435 projects funded, as of July 1, 2009 ~~2008~~, in the Department of

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436 Transportation's 5-year work program. This paragraph expires
437 July 1, 2010 ~~2009~~.

438 ~~(c) Notwithstanding paragraph (a) or subparagraph (4)(a)1.,~~
439 ~~and for the 2008-2009 fiscal year only, the Department of~~
440 ~~Transportation shall fund projects in Specific Appropriations~~
441 ~~2063, 2071, 2077, 2079, 2102, 2106, 2109, and 2116 of the 2008-~~
442 ~~2009 General Appropriations Act. Funding for these specific~~
443 ~~appropriations shall be from projects or phases thereof within~~
444 ~~the department's fiscal year 2008-2009 work program not~~
445 ~~programmed for contract letting as identified with a work~~
446 ~~program contract class code 8 and the box code RV. This funding~~
447 ~~shall not negatively impact safety, preservation, maintenance,~~
448 ~~or project contingency levels as of July 1, 2008. This paragraph~~
449 ~~expires July 1, 2009.~~

450 Section 10. In order to implement sections 2 through 7 of
451 the 2009-2010 General Appropriations Act, subsection (5) of
452 section 216.292, Florida Statutes, is amended to read:

453 216.292 Appropriations nontransferable; exceptions.—

454 (5) (a) A transfer of funds may not result in the initiation
455 of a fixed capital outlay project that has not received a
456 specific legislative appropriation.

457 (b) Notwithstanding paragraph (a), and for the 2009-2010
458 fiscal year only, the Governor may recommend the initiation of
459 fixed capital outlay projects funded by grants awarded by the
460 Federal Government through the American Recovery and
461 Reinvestment Act of 2009. All actions taken pursuant to the
462 authority granted in the paragraph are subject to review and
463 approval by the Legislative Budget Commission. This paragraph
464 expires July 1, 2010.

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465 ~~(b) Notwithstanding paragraph (a), and for the 2007-2008~~
466 ~~fiscal year only, the Governor may recommend the initiation of~~
467 ~~fixed capital outlay projects funded by grants awarded by the~~
468 ~~Federal Emergency Management Agency for FEMA Disaster~~
469 ~~Declarations 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, 1561-DR-FL,~~
470 ~~1595-DR-FL, 1602-DR-FL, 1609-DR-FL, and EM3259-FL. All actions~~
471 ~~taken pursuant to the authority granted in this paragraph are~~
472 ~~subject to review and approval by the Legislative Budget~~
473 ~~Commission. This paragraph expires July 1, 2008.~~

474 Section 11. In order to implement sections 2 through 7 of
475 the 2009-2010 General Appropriations Act, the Executive Office
476 of the Governor is authorized to transfer funds appropriated for
477 the American Recovery and Reinvestment Act of 2009 (ARRA) in
478 traditional appropriation categories in the 2009-2010 General
479 Appropriations Act to appropriation categories established for
480 the specific purpose of tracking funds appropriated for the
481 ARRA.

482 Section 12. In order to implement Specific Appropriations
483 316 through 347 of the 2009-2010 General Appropriations Act,
484 paragraphs (b) and (c) of subsection (3) of section 394.908,
485 Florida Statutes, are amended to read:

486 394.908 Substance abuse and mental health funding equity;
487 distribution of appropriations.—In recognition of the historical
488 inequity in the funding of substance abuse and mental health
489 services for the department's districts and regions and to
490 rectify this inequity and provide for equitable funding in the
491 future throughout the state, the following funding process shall
492 be used:

493 (3)

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494 (b) Notwithstanding paragraph (a) and for the 2009-2010
495 ~~2008-2009~~ fiscal year only, funds appropriated for forensic
496 mental health treatment services shall be allocated to the areas
497 of the state having the greatest demand for services and
498 treatment capacity. This paragraph expires July 1, 2010 ~~2009~~.

499 (c) Notwithstanding paragraph (a) and for the 2009-2010
500 ~~2008-2009~~ fiscal year only, additional funds appropriated for
501 substance abuse and mental health services from funds available
502 through the Community-Based Medicaid Administrative Claiming
503 Program shall be allocated as provided in the 2009-2010 ~~2008-~~
504 ~~2009~~ General Appropriations Act and in proportion to contributed
505 provider earnings. ~~Where these mental health funds are used in~~
506 ~~lieu of funds from the General Revenue Fund, the allocation of~~
507 ~~funds shall be unchanged from the allocation for those funds for~~
508 ~~the 2007-2008 fiscal year.~~ This paragraph expires July 1, 2010
509 ~~2009~~.

510 Section 13. In order to implement Specific Appropriation
511 219 of the 2009-2010 General Appropriations Act, paragraph (e)
512 is added to subsection (2) of section 400.179, Florida Statutes,
513 to read:

514 400.179 Liability for Medicaid underpayments and
515 overpayments.—

516 (2) Because any transfer of a nursing facility may expose
517 the fact that Medicaid may have underpaid or overpaid the
518 transferor, and because in most instances, any such underpayment
519 or overpayment can only be determined following a formal field
520 audit, the liabilities for any such underpayments or
521 overpayments shall be as follows:

522 (e) For the 2009-2010 fiscal year only, the provisions of

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523 paragraph (d) shall not apply. This paragraph expires July 1,
524 2010.

525 Section 14. In order to implement Specific Appropriations
526 448, 450, 456, 458, and 459 of the 2009-2010 General
527 Appropriations Act:

528 (1) The Department of Health shall issue a request for
529 proposals, as defined in s. 287.012, Florida Statutes, and shall
530 enter into a contract no later than March 1, 2010, for a
531 replacement facility for the A.G. Holley State Hospital and for
532 the provision of inpatient hospital services and other
533 operations currently provided by the A.G. Holley State Hospital.

534 (2) The request for proposals shall specify that responses
535 may include proposals to design and construct a new hospital, to
536 move the location of the hospital, or to co-locate the hospital
537 with existing state, public, or private facilities. The request
538 for proposals shall specify that any proposals to construct a
539 new hospital on the existing A.G. Holley State Hospital campus
540 shall be limited to using no more than 15 acres of the existing
541 campus. Proposals may not address future uses for the existing
542 campus, other than the portion of the campus which may be used
543 for a replacement facility.

544 (3) The request for proposals shall specify that qualified
545 respondents shall have experience in the administration of
546 inpatient services and shall document a plan for securing staff
547 having expertise in the treatment of patients who have active
548 tuberculosis. Hospital operations may not include public health
549 functions related to tuberculosis control and prevention. Such
550 functions shall remain the responsibility of the Department of
551 Health. The provision of hospital services shall commence upon

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552 the availability of the replacement facility. The request for
553 proposals shall require that the number of beds for the
554 replacement facility be limited to the highest average census
555 for the last 5 fiscal years. A qualified respondent shall submit
556 an application for accreditation to the Joint Commission on
557 Accreditation of Healthcare Organizations within 6 months after
558 commencing the operation of its facility and must receive
559 accreditation within 18 months after commencing the operation of
560 its facility.

561 (4) The request for proposals shall specify that the
562 treatment and all other hospital operations may not exceed \$9
563 million annually. Qualifying proposals must identify one or more
564 methods for financing the costs of relocation or new
565 construction, which may include, but are not limited to,
566 sponsoring the issuance of tax-exempt certificates of
567 participation or other securities, or a lease-purchase agreement
568 with the state.

569 (5) This section expires July 1, 2010.

570 Section 15. In order to support Specific Appropriation 190
571 of the 2009-2010 General Appropriations Act, the second
572 paragraph of Specific Appropriation 208 of section 3 of chapter
573 2008-152, Laws of Florida, is amended to read:

574 SECTION 3 – HUMAN SERVICES

575 From the funds in Specific Appropriation 208, \$262,640,763
576 ~~\$389,222,032~~ from the Grants and Donations Trust Fund and
577 ~~\$486,477,214~~ ~~\$483,473,107~~ from the Medical Care Trust Fund are
578 provided for Medicaid low-income pool payments to hospitals
579 provider access systems. The funding shall be distributed in a
580 three-step ~~two-step~~ allocation process. The first phase of the

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581 allocation process will distribute payments to qualified
582 hospitals based on the amount of local government funding
583 provided for the uninsured and underinsured. Payments to
584 qualified hospitals will be capped at 117.4 percent of the
585 amount of local government funding it would have received for
586 the uninsured and underinsured without the Low Income Pool
587 program. The second phase of the allocation process is to
588 distribute \$32,634,201 to qualifying hospitals that received a
589 payment in the first phase of the allocation. These funds shall
590 be distributed to the qualifying hospitals proportionally based
591 on the amount that each hospital earned in the first phase of
592 the allocation which was in excess of the local government
593 funding. The third phase of the allocation process shall
594 distribute \$122,814,911 ~~the remaining funds~~ based on a
595 hospital's Medicaid days, charity care days, and 50 percent of
596 bad debt days to the total Medicaid days, charity care days, and
597 50 percent of bad debt days of all qualifying hospitals. To
598 receive funds in this distribution, the hospital's Medicaid
599 days, charity care days and 50 percent of bad debt days divided
600 by the hospital's total days must equal or exceed 10 percent. Of
601 the funds allocated in the third ~~second~~ phase \$2,419,573 shall
602 be allocated to the rural hospitals and the remaining funds
603 allocated to the remaining hospitals that qualify for a
604 distribution. All hospitals with accepted 2006 FHURS data are
605 eligible for the third ~~second~~ phase of the allocation process.

606 Section 16. Effective June 29, 2009, in order to implement
607 Specific Appropriation 269 through 365 of the 2009-2010 General
608 Appropriations Act, subsection (3) of section 1 of chapter 2007-
609 174, Laws of Florida, is amended to read:

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610 Section 1. Flexibility for the Department of Children and
611 Family Services.—

612 (3) This section expires July 1, 2010 ~~June 30, 2008~~.

613 Section 17. In order to implement Specific Appropriations
614 278A and 288A of the 2009-2010 General Appropriations Act, the
615 Department of Children and Family Services must ensure that all
616 public and private agencies and institutions participating in
617 child welfare cases enter information, specified by department
618 rule, into the Florida Safe Families Network in order to
619 maintain the accuracy and usefulness of the system. The network
620 is intended to be the department's automated child welfare case-
621 management system designed to provide child welfare workers with
622 a mechanism for managing child welfare cases more efficiently
623 and tracking children and families more effectively. The
624 department shall coordinate with the Office of the State Courts
625 Administrator to provide any judge or magistrate with access to
626 information in the network relating to a child welfare case
627 which is required to be filed with the court pursuant to chapter
628 39, Florida Statutes, by the date of the network's release
629 during the 2009-2010 fiscal year. The department shall report to
630 the Governor, the President of the Senate, and the Speaker of
631 the House of Representatives by February 1, 2010, with respect
632 to progress on providing access to the Florida Safe Families
633 Network as provided in this section. This section expires July
634 1, 2010.

635 Section 18. In order to implement Specific Appropriation
636 315 of the 2009-2010 General Appropriations Act:

637 (1) Any contract between the Department of Children and
638 Family Services and a community-based agency which is authorized

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639 in s. 409.1671, Florida Statutes, must be funded by a grant of
640 general revenue, other state trust funds, and applicable federal
641 funding sources. Community-based agencies must document federal
642 funds earned. Any federal funds earned which are not documented
643 must be returned to the department. Notwithstanding s.
644 409.1671(8), Florida Statutes, the amount of the annual contract
645 for a community-based agency may be increased by excess federal
646 funds earned in accordance with s. 216.181(11), Florida
647 Statutes. Notwithstanding any other provision of law to the
648 contrary, a community-based agency may make expenditures for
649 staff cellular telephone allowances, contracts requiring
650 deferred payments and maintenance agreements, security deposits
651 for office leases, related professional membership dues, and
652 costs of promotional materials not used for fundraising. The
653 method of payment for a fixed-price contract with a community-
654 based agency shall include provisions for a 2-month advance
655 payment at the beginning of each fiscal year and equal monthly
656 payments thereafter.

657 (2) This section expires July 1, 2010.

658 Section 19. In order to implement Specific Appropriation
659 202 of the 2009-2010 General Appropriations Act and for the
660 2009-2010 fiscal year only:

661 (1) In conducting the hospitalist program as required in s.
662 409.905(5)(d), Florida Statutes, the Agency for Health Care
663 Administration shall exclude the University of Miami at Cedars
664 Hospital in Miami-Dade County from participation in the program.
665 The agency is authorized to modify appropriate contractual
666 arrangements or federal waivers, as necessary, to effect this
667 exclusion.

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668 (2) The Agency for Health Care Administration is authorized
669 to continue the physician lock-in program for recipients who
670 participate in the pharmacy lock-in program.

671 (3) This section expires July 1, 2010.

672 Section 20. Notwithstanding the proviso contained in
673 Specific Appropriation 438 of the 2009-2010 General
674 Appropriations Act, no more than a maximum of .25 percent of the
675 funds in that Specific Appropriation shall be spent on contract
676 management per direct client service provider per year; a
677 maximum of 2.5 percent shall be spent on direct services per
678 direct client services provider per year; and a minimum of 85
679 percent of all moneys spent shall be spent on overall direct
680 client service providers.

681 Section 21. In order to implement the appropriation of
682 funds in Special Categories-Risk Management Insurance of the
683 2009-2010 General Appropriations Act, and pursuant to the
684 notice, review, and objection procedures of s. 216.177, Florida
685 Statutes, the Executive Office of the Governor is authorized to
686 transfer funds appropriated in the appropriation category
687 "Special Categories-Risk Management Insurance" of the 2009-2010
688 General Appropriations Act between departments in order to align
689 the budget authority granted with the premiums paid by each
690 department for risk management insurance. This section expires
691 July 1, 2010.

692 Section 22. In order to implement the appropriation of
693 funds in Special Categories-Transfer to Department of Management
694 Services-Human Resources Services Purchased Per Statewide
695 Contract of the 2009-2010 General Appropriations Act, and
696 pursuant to the notice, review, and objection procedures of s.

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697 216.177, Florida Statutes, the Executive Office of the Governor
698 is authorized to transfer funds appropriated in the
699 appropriation category "Special Categories-Transfer to
700 Department of Management Services-Human Resources Services
701 Purchased Per Statewide Contract" of the 2009-2010 General
702 Appropriations Act between departments in order to align the
703 budget authority granted with the assessments that must be paid
704 by each agency to the Department of Management Services for
705 human resource management services. This section expires July 1,
706 2010.

707 Section 23. In order to implement the reduction in employee
708 compensation mandated in the 2009-2010 General Appropriations
709 Act, and pursuant to the notice, review, and objection
710 procedures of s. 216.177, Florida Statutes, the Executive Office
711 of the Governor may transfer funds appropriated in the
712 appropriation category "Salaries and Benefits" of the 2009-2010
713 General Appropriations Act between departments in order to align
714 the budget authority granted to each agency with the reductions
715 that must be made by each agency pursuant to the 2009-2010
716 General Appropriations Act. All actions taken pursuant to the
717 authority granted in this section are subject to the review and
718 approval of the Legislative Budget Commission. This section
719 expires July 1, 2010.

720 Section 24. In order to implement Specific Appropriation
721 2971, subsection (3) is added to section 218.12, Florida
722 Statutes, to read:

723 218.12 Appropriations to offset reductions in ad valorem
724 tax revenue in fiscally constrained counties.—

725 (3) In determining the reductions in ad valorem tax

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726 revenues occurring as a result of the implementation of the
727 revisions to Art. VII of the State Constitution approved in the
728 special election held on January 29, 2008, the value of
729 assessments reduced pursuant to s. 4(d)(8)a., Art. VII of the
730 State Constitution shall include only the reduction in taxable
731 value for homesteads established January 1, 2009.

732 Section 25. The amendment to s. 218.12, Florida Statutes,
733 shall expire July 1, 2010, and the text of that section shall
734 revert to that in existence on June 30, 2009, except that any
735 amendments to such text enacted other than by this act shall be
736 preserved and continue to operate to the extent that such
737 amendments are not dependent upon the portions of such text
738 which expire pursuant to this section.

739 Section 26. In order to implement Specific Appropriations
740 2299 through 2320 of the 2009-2010 General Appropriations Act,
741 present subsection (14) of section 253.034, Florida Statutes, is
742 redesignated as subsection (15), and a new subsection (14) is
743 added to that section, to read:

744 253.034 State-owned lands; uses.—

745 (14) Notwithstanding the provisions of this section, funds
746 derived from the sale of property by the Department of Citrus
747 located in Lakeland, Florida, are authorized to be deposited
748 into the Citrus Advertising Trust Fund. This subsection expires
749 July 1, 2010.

750 Section 27. In order to implement Specific Appropriation
751 2741 of the 2009-2010 General Appropriations Act, paragraph (b)
752 of subsection (1) of section 255.518, Florida Statutes, is
753 reenacted to read:

754 255.518 Obligations; purpose, terms, approval,

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755 limitations.-

756 (1)

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

760 Section 28. The amendment to s. 255.518(1)(b), Florida
761 Statutes, as carried forward by this act from chapter 2008-153,
762 Laws of Florida, shall expire July 1, 2010, and the text of that
763 paragraph shall revert to that in existence on June 30, 2008,
764 except that any amendments to such text enacted other than by
765 this act shall be preserved and continue to operate to the
766 extent that such amendments are not dependent upon the portions
767 of such text which expire pursuant to this section.

768 Section 29. In order to implement Specific Appropriations
769 2725 through 2738 of the 2009-2010 General Appropriations Act,
770 paragraph (b) of subsection (7) of section 255.503, Florida
771 Statutes, is amended to read:

772 255.503 Powers of the Department of Management Services.-
773 The Department of Management Services shall have all the
774 authority necessary to carry out and effectuate the purposes and
775 provisions of this act, including, but not limited to, the
776 authority to:

777 (7)

778 (b) No later than the date upon which the department
779 recommends to the Division of State Lands of the Department of
780 Environmental Protection the disposition of any facility within
781 the Florida Facilities Pool, the department shall provide to the
782 President of the Senate, the Speaker of the House of
783 Representatives, the Executive Office of the Governor, and the

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784 Division of Bond Finance of the State Board of Administration an
785 analysis that includes:

786 1. The cost benefit of the proposed facility disposition,
787 including the facility's current operating expenses, condition,
788 and market value, and viable alternatives for work space for
789 impacted state employees.

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

793

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

795 Section 30. In order to implement Specific Appropriation
796 1619 of the 2009-2010 General Appropriations Act, subsection
797 (12) is added to section 373.59, Florida Statutes, to read:

798 373.59 Water Management Lands Trust Fund.—

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

802 (a) An amount necessary to pay debt service on bonds issued
803 before February 1, 2009, by the South Florida Water Management
804 District and the St. Johns River Water Management District,
805 which are secured by revenues provided pursuant to this section,
806 or to fund debt service reserve funds, rebate obligations, or
807 other amounts payable with respect to such bonds;

808 (b) Eight million dollars to be transferred to the General
809 Revenue Fund; and

810 (c) The remaining funds to be distributed equally between
811 the Suwannee River Water Management District and the Northwest
812 Florida Water Management District.

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813
814 This subsection expires July 1, 2010.

815 Section 31. In order to implement Specific Appropriation
816 1733 of the 2009-2010 General Appropriations Act, paragraph (c)
817 of subsection (5) of section 376.3071, Florida Statutes, is
818 amended to read:

819 376.3071 Inland Protection Trust Fund; creation; purposes;
820 funding.—

821 (5) SITE SELECTION AND CLEANUP CRITERIA.—

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

825 1. Funding for free product recovery may be provided in
826 advance of the order established by the priority ranking system
827 under paragraph (a) for site cleanup activities. However, a
828 separate prioritization for free product recovery shall be
829 established consistent with paragraph (a). No more than \$5
830 million shall be encumbered from the Inland Protection Trust
831 Fund in any fiscal year for free product recovery conducted in
832 advance of the priority order under paragraph (a) established
833 for site cleanup activities.

834 2. Funding for limited interim soil-source removals for
835 sites that will become inaccessible for future remediation due
836 to road infrastructure and right-of-way restrictions resulting
837 from a pending Department of Transportation road construction
838 project or for secondary containment upgrading of underground
839 storage tanks required under chapter 62-761, Florida
840 Administrative Code, may be provided in advance of the order
841 established by the priority ranking system under paragraph (a)

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842 for site cleanup activities. The department shall provide
843 written guidance on the limited source removal information and
844 technical evaluation necessary to justify a request for a
845 limited source removal in advance of the priority order pursuant
846 to paragraph (a) established for site cleanup activities.
847 Prioritization for limited source removal projects associated
848 with a secondary containment upgrade in any fiscal year shall be
849 determined on a first-come, first-served basis according to the
850 approval date issued under s. 376.30711 for the limited source
851 removal. Funding for limited source removals associated with
852 secondary containment upgrades shall be limited to 10 sites in
853 each fiscal year for each facility owner and any related person.
854 The limited source removal for secondary containment upgrades
855 shall be completed no later than 6 months after the department
856 issues its approval of the project, and the approval
857 automatically expires at the end of the 6 months. Funding for
858 Department of Transportation and secondary containment upgrade
859 source removals may not exceed \$50,000 for a single facility
860 unless the department makes a determination that it is cost-
861 effective and environmentally beneficial to exceed this amount,
862 but in no event shall the department authorize costs in excess
863 of \$100,000 for a single facility. Department funding for
864 limited interim soil-source removals associated with Department
865 of Transportation projects and secondary containment upgrades
866 shall be limited to supplemental soil assessment, soil
867 screening, soil removal, backfill material, treatment or
868 disposal of the contaminated soil, dewatering related to the
869 contaminated soil removal in an amount of up to 10 percent of
870 the total interim soil-source removal project costs, treatment,

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871 and disposal of the contaminated groundwater and preparation of
872 the source removal report. No other costs associated with the
873 facility upgrade may be paid with department funds. No more than
874 \$1 million for Department of Transportation limited source
875 removal projects and \$10 million for secondary containment
876 upgrade limited source removal projects conducted in advance of
877 the priority order established under paragraph (a) for site
878 cleanup activities shall be encumbered from the Inland
879 Protection Trust Fund in any fiscal year. This subparagraph is
880 repealed effective June 30, 2010 ~~2009~~.

881 3. Once free product removal and other source removal
882 identified in this paragraph are completed at a site, and
883 notwithstanding the order established by the priority ranking
884 system under paragraph (a) for site cleanup activities, the
885 department may reevaluate the site to determine the degree of
886 active cleanup needed to continue site rehabilitation. Further,
887 the department shall determine if the reevaluated site qualifies
888 for natural attenuation monitoring or no further action. If
889 additional site rehabilitation is necessary to reach no further
890 action status, the site rehabilitation shall be conducted in the
891 order established by the priority ranking system under paragraph
892 (a) and the department is encouraged to utilize natural
893 attenuation and monitoring where site conditions warrant.

894 Section 32. In order to implement Specific Appropriations
895 1690, 1691, 1692, 1694, and 1695, paragraph (g) is added to
896 subsection (1) of section 403.1651, Florida Statutes, to read:

897 403.1651 Ecosystem Management and Restoration Trust Fund.—

898 (1) There is created the Ecosystem Management and
899 Restoration Trust Fund to be administered by the Department of

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900 Environmental Protection for the purposes of:

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

903 Section 33. The amendment to s. 403.1651(1), Florida
904 Statutes, made by this act shall expire July 1, 2010, and the
905 text of that subsection shall revert to that in existence on
906 June 30, 2009, except that any amendments to such text enacted
907 other than by this act shall be preserved and continue to
908 operate to the extent that such amendments are not dependent
909 upon the portions of such text which expire pursuant to this
910 section.

911 Section 34. In order to implement Specific Appropriations
912 1294 through 1454 of the 2009-2010 General Appropriations Act,
913 subsection (2) of section 570.20, Florida Statutes, is amended
914 to read:

915 570.20 General Inspection Trust Fund.—

916 (2) For the 2009-2010 ~~2008-2009~~ fiscal year only and
917 notwithstanding any other provision of law to the contrary, in
918 addition to the spending authorized in subsection (1), moneys in
919 the General Inspection Trust Fund may be appropriated for
920 programs operated by the department which are related to the
921 programs authorized by this chapter. This subsection expires
922 July 1, 2010 ~~2009~~.

923 Section 35. In order to implement Specific Appropriation
924 1760 of the 2009-2010 General Appropriations Act, present
925 subsection (7) of section 403.7095, Florida Statutes, is
926 redesignated as subsection (8), and a new subsection (7) is
927 added to that section, to read:

928 403.7095 Solid waste management grant program.—

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929 (7) Notwithstanding any provision of this section to the
930 contrary, and for the 2009-2010 fiscal year only, the Department
931 of Environmental Protection shall award the sum of \$2,600,000 in
932 grants equally to counties having populations of fewer than
933 100,000 for waste tire and litter prevention, recycling
934 education, and general solid waste programs. This subsection
935 expires July 1, 2010.

936 Section 36. In order to implement Specific Appropriation
937 1407 of the 2009-2010 General Appropriations Act and to provide
938 consistency and continuity in the promotion of agriculture
939 throughout the state, notwithstanding s. 287.057, Florida
940 Statutes, the Department of Agriculture and Consumer Services,
941 at its discretion, may extend, revise, and renew current
942 contracts or agreements created or entered into pursuant to
943 chapter 2006-25, Laws of Florida. This section expires July 1,
944 2010.

945 Section 37. (1) In order to implement proviso following
946 Specific Appropriation 471 of the 2009-2010 General
947 Appropriations Act, and for the 2009-2010 fiscal year only,
948 notwithstanding any law to the contrary, a state agency may not
949 adopt or implement a rule or policy that:

950 (a) Mandates or establishes new nitrogen-reduction limits
951 that apply to existing or new onsite sewage treatment systems;

952 (b) Has the effect of requiring the use of performance-
953 based treatment systems; or

954 (c) Increases the cost of treatment for nitrogen reduction
955 from onsite systems,

956
957 before the study and report required in proviso following

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958 Specific Appropriation 471 is completed.

959 (2) This section is repealed July 1, 2010.

960 Section 38. In order to implement Specific Appropriation
961 2577 of the 2009-2010 General Appropriations Act, paragraphs (c)
962 and (d) of subsection (4) of section 288.1254, Florida Statutes,
963 are amended to read:

964 288.1254 Entertainment industry financial incentive
965 program.—

966 (4) PRIORITY FOR INCENTIVE FUNDING; WITHDRAWAL OF
967 ELIGIBILITY; QUEUES.—

968 (c) *Independent Florida filmmaker queue.*— Ten ~~Five~~ percent
969 of incentive funding appropriated in any state fiscal year must
970 be dedicated to the independent Florida filmmaker queue. If
971 there are no qualified applications in the queue, any funding in
972 the queue shall be made available to a qualified project in the
973 digital media projects queue. A production certified under this
974 queue is eligible for a reimbursement equal to 15 percent of its
975 actual qualified expenditures. An independent Florida film that
976 meets the criteria of this queue and demonstrates a minimum of
977 \$100,000, but not more than \$625,000, in total qualified
978 expenditures is eligible for incentive funding. To qualify for
979 this queue, a qualified production must:

980 1. Be planned as a feature film or documentary of no less
981 than 70 minutes in length.

982 2. Provide evidence of 50 percent of the financing for its
983 total budget in an escrow account or other form dedicated to the
984 production.

985 3. Do all major postproduction in this state.

986 4. Employ Florida workers in at least six of the following

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987 key positions: writer, director, producer, director of
988 photography, star or one of the lead actors, unit production
989 manager, editor, or production designer. As used in this
990 subparagraph, the term "Florida worker" means a person who has
991 been a resident of this state for at least 1 year before a
992 production's application under subsection (3) was submitted or a
993 person who graduated from a film school, college, university, or
994 community college in this state no more than 5 years before such
995 submittal or who is enrolled full-time in such a school,
996 college, or university.

997 (d) *Digital media projects queue.*—Five ~~Ten~~ percent of
998 incentive funding appropriated in any state fiscal year shall be
999 dedicated to the digital media projects queue. A production
1000 certified under this queue is eligible for a reimbursement equal
1001 to 10 percent of its actual qualified expenditures. A qualified
1002 production that is a digital media project that demonstrates a
1003 minimum of \$300,000 in total qualified expenditures is eligible
1004 for a maximum of \$1 million in incentive funding. As used in
1005 this paragraph, the term "qualified expenditures" means the
1006 wages or salaries paid to a resident of this state for working
1007 on a single qualified digital media project, up to a maximum of
1008 \$200,000 in wages or salaries paid per resident. A qualified
1009 production company producing digital media projects may not
1010 qualify for more than three projects in any 1 fiscal year.
1011 Projects that extend beyond a fiscal year must reapply each
1012 fiscal year in order to be eligible for incentive funding for
1013 that year.

1014 Section 39. In order to implement section 72 of the 2009-
1015 2010 General Appropriations Act, subsections (2) and (3) of

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1016 section 288.95155, Florida Statutes, are amended to read:
1017 288.95155 Florida Small Business Technology Growth
1018 Program.—

1019 (2) (a) Enterprise Florida, Inc., shall establish a separate
1020 small business technology growth account in the Florida
1021 Technology Research Investment Fund for purposes of this
1022 section. Moneys in the account shall consist of appropriations
1023 by the Legislature, proceeds of any collateral used to secure
1024 such assistance, transfers, fees assessed for providing or
1025 processing such financial assistance, grants, interest earnings,
1026 and earnings on financial assistance.

1027 (b) For the 2009-2010 fiscal year only, Enterprise Florida,
1028 Inc., shall advance up to \$600,000 from the account to the
1029 Institute for Commercialization of Public Research for its
1030 operations. This paragraph expires July 1, 2010.

1031 (3) Pursuant to s. 216.351, the amount of any moneys
1032 appropriated to the account which are unused at the end of the
1033 fiscal year shall not be subject to reversion under s. 216.301.
1034 All moneys in the account are continuously appropriated to the
1035 account and may be used for loan guarantees, letter of credit
1036 guarantees, cash reserves for loan and letter of credit
1037 guarantees, payments of claims pursuant to contracts for
1038 guarantees, subordinated loans, loans with warrants, royalty
1039 investments, equity investments, grant of awards to companies
1040 under the auspices of the Institute for Commercialization of
1041 Public Research, and operations of the program. Any claim
1042 against the program shall be paid solely from the account.
1043 Neither the credit nor the taxing power of the state shall be
1044 pledged to secure the account or moneys in the account, other

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1045 than from moneys appropriated or assigned to the account, and
1046 the state shall not be liable or obligated in any way for any
1047 claims against the account or against Enterprise Florida, Inc.

1048 Section 40. The amendment to s. 288.95155(3), Florida
1049 Statutes, made by this act shall expire July 1, 2010, and the
1050 text of that subsection shall revert to that in existence on
1051 June 30, 2009, except that any amendments to such text enacted
1052 other than by this act shall be preserved and continue to
1053 operate to the extent that such amendments are not dependent
1054 upon the portions of such text which expire pursuant to this
1055 section.

1056 Section 41. In order to implement section 65 of the 2009-
1057 2010 General Appropriations Act, paragraph (n) of subsection (1)
1058 of section 339.08, Florida Statutes, is amended to read:

1059 339.08 Use of moneys in State Transportation Trust Fund.—

1060 (1) The department shall expend moneys in the State
1061 Transportation Trust Fund accruing to the department, in
1062 accordance with its annual budget. The use of such moneys shall
1063 be restricted to the following purposes:

1064 (n) To pay administrative expenses incurred in accordance
1065 with applicable laws for a multicounty transportation or
1066 expressway authority created under chapter 343 or chapter 348,
1067 where jurisdiction for the authority includes a portion of the
1068 State Highway System and the administrative expenses are in
1069 furtherance of the duties and responsibilities of the authority
1070 in the development of improvements to the State Highway System.
1071 This paragraph expires July 1, 2010 ~~2009~~.

1072 Section 42. In order to implement Specific Appropriation
1073 2029 of the 2009-2010 General Appropriations Act, paragraph (p)

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1074 is added to subsection (1) of section 339.08, Florida Statutes,
1075 to read:

1076 339.08 Use of moneys in State Transportation Trust Fund.—

1077 (1) The department shall expend moneys in the State
1078 Transportation Trust Fund accruing to the department, in
1079 accordance with its annual budget. The use of such moneys shall
1080 be restricted to the following purposes:

1081 (p) To pay for county and school district transportation
1082 infrastructure improvements. This paragraph expires July 1,
1083 2010.

1084 Section 43. In order to implement section 59 of the 2009-
1085 2010 General Appropriations Act, subsection (4) is added to
1086 section 339.08, Florida Statutes, to read:

1087 339.08 Use of moneys in State Transportation Trust Fund.—

1088 (4) For the 2009-2010 fiscal year only and notwithstanding
1089 the provisions of this section and ss. 339.09(1) and
1090 215.32(2)(b)4., funds may be transferred from the State
1091 Transportation Trust Fund to the General Revenue Fund as
1092 specified in the General Appropriations Act. Notwithstanding ss.
1093 206.46(3) and 206.606(2), the total amount transferred shall be
1094 reduced from total state revenues deposited into the State
1095 Transportation Trust Fund for the calculation requirements of
1096 ss. 206.46(3) and 206.606(2). This subsection expires July 1,
1097 2010.

1098 Section 44. In order to implement Specific Appropriations
1099 2124A and 2131C of the 2009-2010 General Appropriations Act,
1100 subsection (11) is added to section 445.009, Florida Statutes,
1101 to read:

1102 445.009 One-stop delivery system.—

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1103 (11) (a) A participant in an adult or youth work experience
1104 activity administered under this chapter shall be deemed an
1105 employee of the state for purposes of workers' compensation
1106 coverage. In determining the average weekly wage, all
1107 remuneration received from the employer shall be considered a
1108 gratuity, and the participant shall not be entitled to any
1109 benefits otherwise payable under s. 440.15, regardless of
1110 whether the participant may be receiving wages and remuneration
1111 from other employment with another employer and regardless of
1112 his or her future wage-earning capacity.

1113 (b) This subsection expires July 1, 2010.

1114 Section 45. In order to implement Specific Appropriation
1115 1998 of the 2009-2010 General Appropriations Act, subsection (8)
1116 of section 332.007, Florida Statutes, is amended to read:

1117 332.007 Administration and financing of aviation and
1118 airport programs and projects; state plan.-

1119 (8) Notwithstanding any other provision of law to the
1120 contrary, the department is authorized to fund security
1121 projects, including operational and maintenance assistance, at
1122 publicly owned public-use airports. For projects in the current
1123 adopted work program, or projects added using the available
1124 budget of the department, airports may request the department
1125 change the project purpose in accordance with this provision
1126 notwithstanding the provisions of s. 339.135(7). For purposes of
1127 this subsection, the department may fund up to 100 percent of
1128 eligible project costs that are not funded by the Federal
1129 Government. This subsection shall expire on June 30, 2012.

1130 Section 46. The amendment to s. 332.007(8), Florida
1131 Statutes, made by this act shall expire July 1, 2010, and the

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1132 text of that subsection shall revert to that in existence on
1133 June 30, 2009, except that any amendments to such text enacted
1134 other than by this act shall be preserved and continue to
1135 operate to the extent that such amendments are not dependent
1136 upon the portions of such text which expire pursuant to this
1137 section.

1138 Section 47. In order to implement Specific Appropriation
1139 1570 of the 2009-2010 General Appropriations Act:

1140 (1) The intent of the Legislature is to ensure that
1141 residents of the state derive the maximum possible economic
1142 benefit from the federal first-time homebuyer tax credit created
1143 through The American Recovery and Reinvestment Act of 2009 by
1144 providing subordinate down payment assistance loans to first-
1145 time homebuyers for owner-occupied primary residences which can
1146 be repaid by the income tax refund the homebuyer is entitled to
1147 under the First Time Homebuyer Credit. The state program shall
1148 be called the "Florida Homebuyer Opportunity Program."

1149 (2) The Florida Housing Finance Corporation shall
1150 administer the Florida Homebuyer Opportunity Program to optimize
1151 eligibility for conventional, VA, USDA, FHA, and other loan
1152 programs through the State Housing Initiatives Partnership
1153 program in accordance with ss. 420.907-420.9079, Florida
1154 Statutes, and the provisions of this section.

1155 (3) Prior to December 1, 2009, or any later date
1156 established by the Internal Revenue Service for such purchases,
1157 counties and eligible municipalities receiving funds shall
1158 expend the funds appropriated under Specific Appropriation 1570A
1159 only to provide subordinate loans to prospective first-time
1160 homebuyers under the Florida Homebuyer Opportunity Program

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1161 pursuant to this section, except that up to 10 percent of such
1162 funds may be used to cover administrative expenses of the
1163 counties and eligible municipalities to implement the Florida
1164 Homebuyer Opportunity Program, and not more than .25 percent may
1165 be used to compensate the Florida Housing Finance Corporation
1166 for the expenses associated with compliance monitoring. The
1167 funds appropriated under Specific Appropriation 1570A may not be
1168 used for any other program currently existing under ss. 420.907-
1169 420.9079, Florida Statutes. Thereafter, the funds shall be
1170 expended in accordance with ss. 420.907-420.9079, Florida
1171 Statutes.

1172 (4) Notwithstanding s. 420.9075, Florida Statutes, for
1173 purposes of the Florida Homebuyer Opportunity Program, the
1174 following exceptions shall apply:

1175 (a) The maximum income limit shall be an adjusted gross
1176 income of \$75,000 for single taxpayer households or \$150,000 for
1177 joint-filing taxpayer households, which is equal to that
1178 permitted by the American Recovery and Reinvestment Act of 2009;

1179 (b) There is no requirement to reserve 30 percent of the
1180 funds for awards to very-low-income persons or 30 percent of the
1181 funds for awards to low-income persons;

1182 (c) There is no requirement to expend 75 percent of funds
1183 for construction, rehabilitation, or emergency repair; and

1184 (d) The principal balance of the loans provided may not
1185 exceed 10 percent of the purchase price or \$8,000, whichever is
1186 less.

1187 (5) Funds shall be expended under a newly created strategy
1188 in the local housing assistance plan to implement the Florida
1189 Homebuyer Opportunity Program.

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1190 (6) The homebuyer shall be expected to use their federal
1191 income tax refund to fully repay the loan. If the county or
1192 eligible municipality receives repayment from the homebuyer
1193 within 18 months after the closing date of the loan, the county
1194 or eligible municipality shall waive all interest charges. A
1195 homebuyer who fails to fully repay the loan within the earlier
1196 of 18 months or 10 days after the receipt of their federal
1197 income tax refund, shall be subject to repayment terms provided
1198 in the local housing assistance plan, including penalties for
1199 not using his or her refund for repayment. Penalties may not
1200 exceed 10 percent of the loan amount and shall be included in
1201 the loan agreement with the homebuyer.

1202 (7) All funds repaid to a county or eligible municipality
1203 shall be considered "program income" as defined in s.
1204 420.9071(24), Florida Statutes.

1205 (8) In order to maximize the effect of the funding, the
1206 counties and eligible municipalities are encouraged to work with
1207 private lenders to provide additional funds to support the
1208 initiative. However, in all instances, the counties and eligible
1209 municipalities shall make and hold the subordinate loan.

1210 (9) This section expires July 1, 2010.

1211 Section 48. In order to implement Specific Appropriations
1212 2677 and 2678 of the 2009-2010 General Appropriations Act:

1213 (1) Notwithstanding the provisions of s. 11.13(1), Florida
1214 Statutes, relating to the annual adjustment of salaries for
1215 members of the Legislature, to the contrary, for the 2009-2010
1216 fiscal year only, the authorized salaries of members of the
1217 Legislature in effect on June 30, 2009, shall be reduced by 7
1218 percent.

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1219 (2) Effective June 30, 2010, the annual salaries of members
1220 of the Legislature shall be set at the amounts authorized and in
1221 effect on June 30, 2009, pursuant to subsection (2) of section
1222 52 of chapter 2008-153, Laws of Florida.

1223 (3) This section expires July 1, 2010.

1224 Section 49. In order to implement specific appropriations
1225 for salaries and benefits in the 2009-2010 General
1226 Appropriations Act, paragraph (a) of subsection (12) of section
1227 110.123, Florida Statutes, is amended to read:

1228 110.123 State group insurance program.—

1229 (12) HEALTH SAVINGS ACCOUNTS.—The department is authorized
1230 to establish health savings accounts for full-time and part-time
1231 state employees in association with a health insurance plan
1232 option authorized by the Legislature and conforming to the
1233 requirements and limitations of federal provisions relating to
1234 the Medicare Prescription Drug, Improvement, and Modernization
1235 Act of 2003.

1236 (a)1. A member participating in this health insurance plan
1237 option shall be eligible to receive an employer contribution
1238 into the employee's health savings account from the State
1239 Employees Health Insurance Trust Fund in an amount to be
1240 determined by the Legislature. A member is not eligible for an
1241 employer contribution upon termination of employment. For the
1242 2009-2010 ~~2008-2009~~ fiscal year, the state's monthly
1243 contribution for employees having individual coverage shall be
1244 \$41.66 and the monthly contribution for employees having family
1245 coverage shall be \$83.33.

1246 2. A member participating in this health insurance plan
1247 option shall be eligible to deposit the member's own funds into

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1248 a health savings account.

1249 Section 50. In order to implement Specific Appropriations
1250 for salaries and benefits in the 2009-2010 General
1251 Appropriations Act, paragraph (b) of subsection (3) of section
1252 112.24, Florida Statutes, is amended to read:

1253 112.24 Intergovernmental interchange of public employees.—
1254 To encourage economical and effective utilization of public
1255 employees in this state, the temporary assignment of employees
1256 among agencies of government, both state and local, and
1257 including school districts and public institutions of higher
1258 education is authorized under terms and conditions set forth in
1259 this section. State agencies, municipalities, and political
1260 subdivisions are authorized to enter into employee interchange
1261 agreements with other state agencies, the Federal Government,
1262 another state, a municipality, or a political subdivision
1263 including a school district, or with a public institution of
1264 higher education. State agencies are also authorized to enter
1265 into employee interchange agreements with private institutions
1266 of higher education and other nonprofit organizations under the
1267 terms and conditions provided in this section. In addition, the
1268 Governor or the Governor and Cabinet may enter into employee
1269 interchange agreements with a state agency, the Federal
1270 Government, another state, a municipality, or a political
1271 subdivision including a school district, or with a public
1272 institution of higher learning to fill, subject to the
1273 requirements of chapter 20, appointive offices which are within
1274 the executive branch of government and which are filled by
1275 appointment by the Governor or the Governor and Cabinet. Under
1276 no circumstances shall employee interchange agreements be

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1277 utilized for the purpose of assigning individuals to participate
1278 in political campaigns. Duties and responsibilities of
1279 interchange employees shall be limited to the mission and goals
1280 of the agencies of government.

1281 (3) Salary, leave, travel and transportation, and
1282 reimbursements for an employee of a sending party that is
1283 participating in an interchange program shall be handled as
1284 follows:

1285 (b)1. The assignment of an employee of a state agency
1286 either on detail or on leave of absence may be made without
1287 reimbursement by the receiving party for the travel and
1288 transportation expenses to or from the place of the assignment
1289 or for the pay and benefits, or a part thereof, of the employee
1290 during the assignment.

1291 2. For the 2009-2010 ~~2008-2009~~ fiscal year only, the
1292 assignment of an employee of a state agency as provided in
1293 subparagraph 1. may be made if recommended by the Governor or
1294 Chief Justice, as appropriate, and approved by the chairs of the
1295 Senate Policy and Steering Committee on Ways and Means and the
1296 House Full Appropriations Council on General Government and
1297 Health Care ~~Senate Fiscal Policy and Calendar Committee and the~~
1298 ~~House Policy and Budget Council~~. Such actions shall be deemed
1299 approved if neither chair provides written notice of objection
1300 within 14 days after the chair's receiving notice of the action
1301 pursuant to s. 216.177. This subparagraph expires July 1, 2010
1302 ~~2009~~.

1303 Section 51. In order to implement the appropriations
1304 provided in the 2009-2010 General Appropriations Act to each
1305 agency for cellular phone equipment and services, and to ensure

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1306 the cost-effective acquisition and use of wireless devices:

1307 (1) Each agency shall develop a wireless device assignment
1308 plan that limits use of cellular telephones, personal digital
1309 assistants (PDAs), and other devices to only those employees
1310 who, as part of their official assigned duties, must routinely
1311 be immediately available to citizens, supervisors, or
1312 subordinates; be available to respond to emergency situations;
1313 be available to calls outside of regular working hours; have
1314 access to the technology in order to productively perform job
1315 duties in the field; or have limited or no access to a standard
1316 phone, or have no ability to use a personal cell phone, if
1317 needed. The plan shall result in reducing the number of wireless
1318 devices used in each agency.

1319 (2) Each agency must review the use of cellular telephones,
1320 PDAs, and other wireless devices by employees and submit a
1321 report to the President of the Senate and the Speaker of the
1322 House of Representatives by September 1, 2009. The report shall
1323 include:

1324 (a) The criteria that the agency has developed to limit
1325 assignment of wireless devices;

1326 (b) The results of implementing the wireless device
1327 assignment plan, including the reduction in the number of
1328 wireless devices used and the cost of such devices;

1329 (c) The number of wireless devices that remain in use by
1330 type and expenditures by type of device and total agency
1331 expenditures for wireless devices;

1332 (d) The procurement method used to procure wireless devices
1333 and the rationale for procuring wireless devices by any
1334 mechanism other than statewide term contracts and side-by-side

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1335 comparison of costs for services purchased through the statewide
1336 term contracts and the mechanisms otherwise used by the agency;
1337 and

1338 (e) A description of innovative techniques the agency has
1339 used to manage wireless devices that have improved efficiency or
1340 reduced costs, which may be applicable for implementation by
1341 other agencies.

1342 (3) This section expires July 1, 2010.

1343 Section 52. In order to implement the transfer of moneys to
1344 the General Revenue Fund from trust funds in the 2009-2010
1345 General Appropriations Act, paragraph (b) of subsection (2) of
1346 section 215.32, Florida Statutes, is reenacted to read:

1347 215.32 State funds; segregation.—

1348 (2) The source and use of each of these funds shall be as
1349 follows:

1350 (b)

1351 1. The trust funds shall consist of moneys received by the
1352 state which under law or under trust agreement are segregated
1353 for a purpose authorized by law. The state agency or branch of
1354 state government receiving or collecting such moneys shall be
1355 responsible for their proper expenditure as provided by law.
1356 Upon the request of the state agency or branch of state
1357 government responsible for the administration of the trust fund,
1358 the Chief Financial Officer may establish accounts within the
1359 trust fund at a level considered necessary for proper
1360 accountability. Once an account is established within a trust
1361 fund, the Chief Financial Officer may authorize payment from
1362 that account only upon determining that there is sufficient cash
1363 and releases at the level of the account.

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1364 2. In addition to other trust funds created by law, to the
1365 extent possible, each agency shall use the following trust funds
1366 as described in this subparagraph for day-to-day operations:

1367 a. Operations or operating trust fund, for use as a
1368 depository for funds to be used for program operations funded by
1369 program revenues, with the exception of administrative
1370 activities when the operations or operating trust fund is a
1371 proprietary fund.

1372 b. Operations and maintenance trust fund, for use as a
1373 depository for client services funded by third-party payors.

1374 c. Administrative trust fund, for use as a depository for
1375 funds to be used for management activities that are departmental
1376 in nature and funded by indirect cost earnings and assessments
1377 against trust funds. Proprietary funds are excluded from the
1378 requirement of using an administrative trust fund.

1379 d. Grants and donations trust fund, for use as a depository
1380 for funds to be used for allowable grant or donor agreement
1381 activities funded by restricted contractual revenue from private
1382 and public nonfederal sources.

1383 e. Agency working capital trust fund, for use as a
1384 depository for funds to be used pursuant to s. 216.272.

1385 f. Clearing funds trust fund, for use as a depository for
1386 funds to account for collections pending distribution to lawful
1387 recipients.

1388 g. Federal grant trust fund, for use as a depository for
1389 funds to be used for allowable grant activities funded by
1390 restricted program revenues from federal sources.

1391
1392 To the extent possible, each agency must adjust its internal

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1393 accounting to use existing trust funds consistent with the
1394 requirements of this subparagraph. If an agency does not have
1395 trust funds listed in this subparagraph and cannot make such
1396 adjustment, the agency must recommend the creation of the
1397 necessary trust funds to the Legislature no later than the next
1398 scheduled review of the agency's trust funds pursuant to s.
1399 215.3206.

1400 3. All such moneys are hereby appropriated to be expended
1401 in accordance with the law or trust agreement under which they
1402 were received, subject always to the provisions of chapter 216
1403 relating to the appropriation of funds and to the applicable
1404 laws relating to the deposit or expenditure of moneys in the
1405 State Treasury.

1406 4.a. Notwithstanding any provision of law restricting the
1407 use of trust funds to specific purposes, unappropriated cash
1408 balances from selected trust funds may be authorized by the
1409 Legislature for transfer to the Budget Stabilization Fund and
1410 General Revenue Fund in the General Appropriations Act.

1411 b. This subparagraph does not apply to trust funds required
1412 by federal programs or mandates; trust funds established for
1413 bond covenants, indentures, or resolutions whose revenues are
1414 legally pledged by the state or public body to meet debt service
1415 or other financial requirements of any debt obligations of the
1416 state or any public body; the State Transportation Trust Fund;
1417 the trust fund containing the net annual proceeds from the
1418 Florida Education Lotteries; the Florida Retirement System Trust
1419 Fund; trust funds under the management of the State Board of
1420 Education or the Board of Governors of the State University
1421 System, where such trust funds are for auxiliary enterprises,

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1422 self-insurance, and contracts, grants, and donations, as those
1423 terms are defined by general law; trust funds that serve as
1424 clearing funds or accounts for the Chief Financial Officer or
1425 state agencies; trust funds that account for assets held by the
1426 state in a trustee capacity as an agent or fiduciary for
1427 individuals, private organizations, or other governmental units;
1428 and other trust funds authorized by the State Constitution.

1429 Section 53. Paragraph (b) of subsection (4) of section
1430 215.5601, Florida Statutes, is reenacted to read:

1431 215.5601 Lawton Chiles Endowment Fund.—

1432 (4) ADMINISTRATION.—

1433 (b) The endowment shall be managed as an annuity. The
1434 investment objective shall be long-term preservation of the real
1435 value of the net contributed principal and a specified regular
1436 annual cash outflow for appropriation, as nonrecurring revenue.
1437 From the annual cash outflow, a pro rata share shall be used
1438 solely for biomedical research activities as provided in
1439 paragraph (3) (d), until such time as cures are found for
1440 tobacco-related cancer and heart and lung disease. Five percent
1441 of the annual cash outflow dedicated to the biomedical research
1442 portion of the endowment shall be reinvested and applied to that
1443 portion of the endowment's principal, with the remainder to be
1444 spent on biomedical research activities consistent with this
1445 section. The schedule of annual cash outflow shall be included
1446 within the investment plan adopted under paragraph (a).
1447 Withdrawals other than specified regular cash outflow shall be
1448 considered reductions in contributed principal for the purposes
1449 of this subsection.

1450 Section 54. In order to implement Specific Appropriations

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1451 2558, 2559A, 2559B, 2561A and 2561B, paragraph (a) of subsection
1452 (1) of section 377.6015, Florida Statutes, is amended to read:

1453 377.6015 Florida Energy and Climate Commission.—

1454 (1) The Florida Energy and Climate Commission is created
1455 within the Executive Office of the Governor. The commission
1456 shall be comprised of nine members appointed by the Governor,
1457 the Commissioner of Agriculture, and the Chief Financial
1458 Officer.

1459 (a) The Governor shall appoint one member from three
1460 persons nominated by the Florida Public Service Commission
1461 Nominating Council, created in s. 350.031, to each of seven
1462 seats on the commission. The Commissioner of Agriculture shall
1463 appoint one member from three persons nominated by the council
1464 to one seat on the commission. The Chief Financial Officer shall
1465 appoint one member from three persons nominated by the council
1466 to one seat on the commission.

1467 1. The council shall submit the recommendations to the
1468 Governor, the Commissioner of Agriculture, and the Chief
1469 Financial Officer by September 1 of those years in which the
1470 terms are to begin the following October or within 60 days after
1471 a vacancy occurs for any reason other than the expiration of the
1472 term. The Governor, the Commissioner of Agriculture, and the
1473 Chief Financial Officer may proffer names of persons to be
1474 considered for nomination by the council.

1475 2. The Governor, the Commissioner of Agriculture, and the
1476 Chief Financial Officer shall fill a vacancy occurring on the
1477 commission by appointment of one of the applicants nominated by
1478 the council only after a background investigation of such
1479 applicant has been conducted by the Department of Law

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1480 Enforcement.

1481 3. Members shall be appointed to 3-year terms; however, in
1482 order to establish staggered terms, for the initial
1483 appointments, the Governor shall appoint four members to 3-year
1484 terms, two members to 2-year terms, and one member to a 1-year
1485 term, and the Commissioner of Agriculture and the Chief
1486 Financial Officer shall each appoint one member to a 3-year term
1487 and shall appoint a successor when that appointee's term expires
1488 in the same manner as the original appointment.

1489 4. The Governor shall select from the membership of the
1490 commission one person to serve as chair.

1491 5. A vacancy on the commission shall be filled for the
1492 unexpired portion of the term in the same manner as the original
1493 appointment.

1494 6. If the Governor, the Commissioner of Agriculture, or the
1495 Chief Financial Officer has not made an appointment within 30
1496 consecutive calendar days after the receipt of the
1497 recommendations, the council shall initiate, in accordance with
1498 this section, the nominating process within 30 days.

1499 7. Each appointment to the commission shall be subject to
1500 confirmation by the Senate during the next regular session after
1501 the vacancy occurs. If the Senate refuses to confirm or fails to
1502 consider the appointment of the Governor, the Commissioner of
1503 Agriculture, or the Chief Financial Officer, the council shall
1504 initiate, in accordance with this section, the nominating
1505 process within 30 days.

1506 8. The Governor or the Governor's successor may recall an
1507 appointee.

1508 9. Notwithstanding subparagraph 7. and for the initial

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1509 appointments to the commission only, each initial appointment to
1510 the commission is subject to confirmation by the Senate by the
1511 2010 Regular Session. If the Senate refuses to confirm or fails
1512 to consider an appointment made by the Governor, the
1513 Commissioner of Agriculture, or the Chief Financial Officer, the
1514 council shall initiate, in accordance with this section, the
1515 nominating process within 30 days after the Senate's refusal to
1516 confirm or failure to consider such appointment. This
1517 subparagraph expires July 1, 2010.

1518 Section 55. The amendment to s. 377.6015(1)(a), Florida
1519 Statutes, made by this act applies retroactively to May 1, 2009.

1520 Section 56. Section 49 of chapter 2008-153, Laws of
1521 Florida, is repealed.

1522 Section 57. In order to implement the issuance of new debt
1523 authorized in the 2009-2010 General Appropriations Act, and
1524 pursuant to the requirements of s. 215.98, Florida Statutes, the
1525 Legislature determines that the authorization and issuance of
1526 debt for the 2009-2010 fiscal year should be implemented and is
1527 in the best interest of the state and necessary to address a
1528 critical state emergency.

1529 Section 58. In order to implement the funds appropriated in
1530 the 2009-2010 General Appropriations Act for state employee
1531 travel, the funds appropriated to each state agency, which may
1532 be used for travel by state employees, shall be limited during
1533 the 2009-2010 fiscal year to travel for activities that are
1534 critical to each state agency's mission. Funds may not be used
1535 to pay for travel by state employees to foreign countries, other
1536 states, conferences, staff-training activities, or other
1537 administrative functions unless the agency head has approved in

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1538 writing that such activities are critical to the agency's
1539 mission. The agency head must consider the use of
1540 teleconferencing and other forms of electronic communication to
1541 meet the needs of the proposed activity before approving
1542 mission-critical travel. This section does not apply to travel
1543 for law enforcement purposes, military purposes, emergency
1544 management activities, or public health activities. This section
1545 expires July 1, 2010.

1546 Section 59. A section of this act which implements a
1547 specific appropriation or specifically identified proviso
1548 language in the 2009-2010 General Appropriations Act is void if
1549 the specific appropriation or specifically identified proviso
1550 language is vetoed. A section of this act which implements more
1551 than one specific appropriation or more than one portion of
1552 specifically identified proviso language in the 2009-2010
1553 General Appropriations Act is void if all the specific
1554 appropriations or portions of specifically identified proviso
1555 language are vetoed.

1556 Section 60. If any other act passed during the 2009 Regular
1557 Session contains a provision that is substantively the same as a
1558 provision in this act, but that removes or is otherwise not
1559 subject to the future repeal applied to such provision by this
1560 act, the Legislature intends that the provision in the other act
1561 takes precedence and continues to operate, notwithstanding the
1562 future repeal provided by this act.

1563 Section 61. If any provision of this act or its application
1564 to any person or circumstance is held invalid, the invalidity
1565 does not affect other provisions or applications of the act
1566 which can be given effect without the invalid provision or

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1567 application, and to this end the provisions of this act are
1568 severable.

1569 Section 62. Except as otherwise expressly provided in this
1570 act and except for this section, which shall take effect June
1571 29, 2009, this act shall take effect July 1, 2009; or, if this
1572 act fails to become a law until after that date, it shall take
1573 effect upon becoming a law and shall operate retroactively to
1574 July 1, 2009.