

1 A bill to be entitled
2 An act relating to implementing the 2009-2010 General
3 Appropriations Act; providing legislative intent; amending
4 ss. 1009.534, 1009.535, and 1009.536, F.S.; providing that
5 Florida Academic Scholars, Florida Medallion Scholars, and
6 Florida Gold Seal Vocational Scholars are eligible for
7 awards equal to the amount specified in the 2009-2010
8 General Appropriations Act; amending s. 215.559, F.S.;
9 providing for allocation of funds appropriated to the
10 Hurricane Loss Mitigation Program for specified purposes;
11 amending s. 332.007, F.S.; authorizing the Department of
12 Transportation to fund operational and maintenance
13 assistance security projects at publicly owned public-use
14 airports; providing for the future expiration of such
15 authority and the reversion of statutory text; amending s.
16 339.135, F.S.; providing for use of transportation
17 revenues; providing for revised funding levels for
18 Department of Transportation projects; requiring the
19 Department of Transportation to transfer funds to the
20 Office of Tourism, Trade, and Economic Development for the
21 purpose of funding transportation-related needs of
22 economic development; removing an obsolete provision;
23 amending s. 337.025, F.S.; authorizing the Department of
24 Transportation to utilize innovative contracting methods
25 for projects funded under the American Recovery
26 Reinvestment Act of 2009; reenacting s. 215.32(2)(b),
27 F.S., relating to the source and use of certain trust
28 funds in order to implement the transfer of moneys to the

29 General Revenue Fund from trust funds in the 2009-2010
 30 General Appropriations Act; amending s. 216.181, F.S.;
 31 permitting the Legislative Budget Commission to approve
 32 changes appropriated for fixed capital outlay projects
 33 when a state agency request is filed with the Executive
 34 Office of the Governor and funding is derived from the
 35 American Recovery and Reinvestment Act of 2009; amending
 36 s. 339.08, F.S.; authorizing the transfer of specified
 37 moneys from the State Transportation Trust Fund to the
 38 General Revenue Fund; reducing the amount transferred from
 39 certain transportation calculation requirements; providing
 40 for future expiration of various provisions; providing for
 41 the effect of a veto of one or more specific
 42 appropriations or proviso to which implementing language
 43 refers; providing for the continued operation of certain
 44 provisions notwithstanding a future repeal or expiration
 45 provided by this act; providing for severability;
 46 providing an effective date.

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

49
 50 Section 1. It is the intent of the Legislature that the
 51 implementing and administering provisions of this act apply to
 52 the General Appropriations Act for the 2009-2010 fiscal year.

53 Section 2. In order to implement Specific Appropriation 3
 54 of the 2009-2010 General Appropriations Act, subsection (5) is
 55 added to section 1009.534, Florida Statutes, to read:

56 1009.534 Florida Academic Scholars award.--

57 (5) Notwithstanding subsections (2) and (4), a Florida
58 Academic Scholar is eligible for an award equal to the amount
59 specified in the General Appropriations Act for the 2009-2010
60 academic year. This subsection expires July 1, 2010.

61 Section 3. In order to implement Specific Appropriation 3
62 of the 2009-2010 General Appropriations Act, subsection (4) is
63 added to section 1009.535, Florida Statutes, to read:

64 1009.535 Florida Medallion Scholars award.--

65 (4) Notwithstanding subsection (2), a Florida Medallion
66 Scholar is eligible for an award equal to the amount specified
67 in the General Appropriations Act for the 2009-2010 academic
68 year. This subsection expires July 1, 2010.

69 Section 4. In order to implement Specific Appropriation 3
70 of the 2009-2010 General Appropriations Act, subsection (5) is
71 added to section 1009.536, Florida Statutes, to read:

72 1009.536 Florida Gold Seal Vocational Scholars award.--The
73 Florida Gold Seal Vocational Scholars award is created within
74 the Florida Bright Futures Scholarship Program to recognize and
75 reward academic achievement and career preparation by high
76 school students who wish to continue their education.

77 (5) Notwithstanding subsection (2), a Florida Gold Seal
78 Vocational Scholar is eligible for an award equal to the amount
79 specified in the General Appropriations Act for the 2009-2010
80 academic year. This subsection expires July 1, 2010.

81 Section 5. In order to implement Specific Appropriation
82 1541 of the 2009-2010 General Appropriations Act, subsection (8)
83 of section 215.559, Florida Statutes, is amended, and a new
84 subsection (8) is added to that section, to read:

85 215.559 Hurricane Loss Mitigation Program.--

86 (8) (a) Notwithstanding any other provision of this section
 87 and for the 2009-2010 fiscal year only, the \$7 million
 88 appropriation provided for in paragraph (2) (a) shall be
 89 allocated as follows:

90 1. The sum of \$3.5 million shall be transferred to the
 91 Department of Financial Services for the My Safe Florida Home
 92 Program as provided for in s. 215.5586.

93 2. The sum of \$3,421,764 shall be used for programs to
 94 improve the wind resistance of residences and mobile homes,
 95 including loans, subsidies, grants, demonstration projects, and
 96 direct assistance; educating persons concerning the Florida
 97 Building Code cooperative programs with local governments and
 98 the Federal Government; and other efforts to prevent or reduce
 99 losses or reduce the cost of rebuilding after a disaster.

100 3. The sum of \$78,236 shall be allocated for operational
 101 purposes of the department as specified in the 2009-2010 General
 102 Appropriations Act.

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

104 ~~(8) (a) Notwithstanding any other provision of this section~~
 105 ~~and for the 2008-2009 fiscal year only, the \$10 million~~
 106 ~~appropriation provided for in subsection (1) shall be allocated~~
 107 ~~as follows:~~

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

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

114 ~~3. The sum of \$6,421,764 shall be used to install~~
115 ~~emergency power generators in special-needs hurricane evacuation~~
116 ~~shelters as provided in s. 1, ch. 2006-71, Laws of Florida,~~
117 ~~except that such funds may not be used for administrative~~
118 ~~purposes.~~

119 ~~4. The sum of \$78,236 shall be allocated for operational~~
120 ~~purposes of the department as specified in the 2008-2009 General~~
121 ~~Appropriations Act.~~

122 ~~(b) This subsection expires July 1, 2009.~~

123 Section 6. In order to implement Specific Appropriation
124 1998 of the 2009-2010 General Appropriations Act, subsection (8)
125 of section 332.007, Florida Statutes, is amended to read:

126 332.007 Administration and financing of aviation and
127 airport programs and projects; state plan.--

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

139 Section 7. The amendment to s. 332.007(8), Florida
 140 Statutes, made by this act shall expire July 1, 2010, and the
 141 text of that subsection shall revert to that in existence on
 142 June 30, 2009, except that any amendments to such text enacted
 143 other than by this act shall be preserved and continue to
 144 operate to the extent that such amendments are not dependent
 145 upon the portions of such text which expire pursuant to this
 146 section.

147 Section 8. In order to implement section 18 of the 2009-
 148 2010 General Appropriations Act, paragraph (a) of subsection (4)
 149 and subsection (5) of section 339.135, Florida Statutes, are
 150 amended to read:

151 339.135 Work program; legislative budget request;
 152 definitions; preparation, adoption, execution, and amendment.--

153 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

154 (a)1. To assure that no district or county is penalized
 155 for local efforts to improve the State Highway System, the
 156 department shall, for the purpose of developing a tentative work
 157 program, allocate funds for new construction to the districts,
 158 except for the turnpike enterprise, based on equal parts of
 159 population and motor fuel tax collections. Funds for
 160 resurfacing, bridge repair and rehabilitation, bridge fender
 161 system construction or repair, public transit projects except
 162 public transit block grants as provided in s. 341.052, and other
 163 programs with quantitative needs assessments shall be allocated
 164 based on the results of these assessments. The department may
 165 not transfer any funds allocated to a district under this
 166 paragraph to any other district except as provided in subsection

167 (7). Funds for public transit block grants shall be allocated to
168 the districts pursuant to s. 341.052. Funds for the intercity
169 bus program provided for under s. 5311(f) of the federal
170 nonurbanized area formula program shall be administered and
171 allocated directly to eligible bus carriers as defined in s.
172 341.031(12) at the state level rather than the district. In
173 order to provide state funding to support the intercity bus
174 program provided for under provisions of the federal 5311(f)
175 program, the department shall allocate an amount equal to the
176 federal share of the 5311(f) program from amounts calculated
177 pursuant to s. 206.46(3).

178 2. Notwithstanding the provisions of subparagraph 1., the
179 department shall allocate at least 50 percent of any new
180 discretionary highway capacity funds to the Florida Strategic
181 Intermodal System created pursuant to s. 339.61. Any remaining
182 new discretionary highway capacity funds shall be allocated to
183 the districts for new construction as provided in subparagraph
184 1. For the purposes of this subparagraph, the term "new
185 discretionary highway capacity funds" means any funds available
186 to the department above the prior year funding level for
187 capacity improvements, which the department has the discretion
188 to allocate to highway projects.

189 3. Notwithstanding subparagraph 1. and ss. 206.46(3),
190 334.044(26), and 339.2819(3), and for the fiscal year 2009-2010
191 only, the department shall reduce work program levels to balance
192 the finance plan to the revised funding levels resulting from
193 any reduction in the 2009-2010 General Appropriations Act. This
194 subparagraph expires July 1, 2010.

195 4. For the fiscal year 2009-2010 only, prior to any
196 project or phase thereof being deferred, the reductions in
197 subparagraph 3. shall be made to financial projects not
198 programmed for contract letting as identified with a work
199 program contract class code 8 and the box code RV, excluding
200 reserves for public transit project development. These
201 reductions shall not negatively impact safety, preservation,
202 maintenance, or project contingency levels as of July 1, 2009.
203 This subparagraph expires July 1, 2010.

204 (5)~~(a)~~ ADOPTION OF THE WORK PROGRAM.--

205 (a) The original approved budget for operational and fixed
206 capital expenditures for the department shall be the Governor's
207 budget recommendation and the first year of the tentative work
208 program, as both are amended by the General Appropriations Act
209 and any other act containing appropriations. In accordance with
210 the appropriations act, the department shall, prior to the
211 beginning of the fiscal year, adopt a final work program which
212 shall only include the original approved budget for the
213 department for the ensuing fiscal year together with any roll
214 forwards approved pursuant to paragraph (6) (c) and the portion
215 of the tentative work program for the following 4 fiscal years
216 revised in accordance with the original approved budget for the
217 department for the ensuing fiscal year together with said roll
218 forwards. The adopted work program may include only those
219 projects submitted as part of the tentative work program
220 developed under the provisions of subsection (4) plus any
221 projects which are separately identified by specific
222 appropriation in the General Appropriations Act and any roll

223 forwards approved pursuant to paragraph (6)(c). However, any
 224 transportation project of the department which is identified by
 225 specific appropriation in the General Appropriations Act shall
 226 be deducted from the funds annually distributed to the
 227 respective district pursuant to paragraph (4)(a). In addition,
 228 the department shall not in any year include any project or
 229 allocate funds to a program in the adopted work program that is
 230 contrary to existing law for that particular year. Projects
 231 shall not be undertaken unless they are listed in the adopted
 232 work program.

233 (b) Notwithstanding paragraph (a), and for the 2009-2010
 234 ~~2008-2009~~ fiscal year only, the Department of Transportation
 235 shall transfer funds to the Office of Tourism, Trade, and
 236 Economic Development in an amount equal to \$20,300,000
 237 ~~\$36,750,000~~ for the purpose of funding transportation-related
 238 needs of economic development projects, ~~space and aerospace~~
 239 ~~infrastructure, and other economic development projects~~. This
 240 transfer shall not reduce, delete, or defer any existing
 241 projects funded, as of July 1, 2009 ~~2008~~, in the Department of
 242 Transportation's 5-year work program. This paragraph expires
 243 July 1, 2010 ~~2009~~.

244 ~~(c) Notwithstanding paragraph (a) or subparagraph~~
 245 ~~(4)(a)1., and for the 2008-2009 fiscal year only, the Department~~
 246 ~~of Transportation shall fund projects in Specific Appropriations~~
 247 ~~2063, 2071, 2077, 2079, 2102, 2106, 2109, and 2116 of the 2008-~~
 248 ~~2009 General Appropriations Act. Funding for these specific~~
 249 ~~appropriations shall be from projects or phases thereof within~~
 250 ~~the department's fiscal year 2008-2009 work program not~~

251 ~~programmed for contract letting as identified with a work~~
252 ~~program contract class code 8 and the box code RV. This funding~~
253 ~~shall not negatively impact safety, preservation, maintenance,~~
254 ~~or project contingency levels as of July 1, 2008. This paragraph~~
255 ~~expires July 1, 2009.~~

256 Section 9. In order to implement Specific Appropriations
257 1986 through 2095 of the 2009-2010 General Appropriations Act,
258 section 337.025, Florida Statutes, is amended to read:

259 337.025 Innovative highway projects; department to
260 establish program.--

261 (1) The department is authorized to establish a program
262 for highway projects demonstrating innovative techniques of
263 highway construction, maintenance, and finance which have the
264 intended effect of controlling time and cost increases on
265 construction projects. Such techniques may include, but are not
266 limited to, state-of-the-art technology for pavement, safety,
267 and other aspects of highway construction and maintenance;
268 innovative bidding and financing techniques; accelerated
269 construction procedures; and those techniques that have the
270 potential to reduce project life cycle costs. To the maximum
271 extent practical, the department must use the existing process
272 to award and administer construction and maintenance contracts.
273 When specific innovative techniques are to be used, the
274 department is not required to adhere to those provisions of law
275 that would prevent, preclude, or in any way prohibit the
276 department from using the innovative technique. However, prior
277 to using an innovative technique that is inconsistent with
278 another provision of law, the department must document in

279 writing the need for the exception and identify what benefits
 280 the traveling public and the affected community are anticipated
 281 to receive. The department may enter into no more than \$120
 282 million in contracts annually for the purposes authorized by
 283 this section. However, the annual cap on contracts provided in
 284 this section shall not apply to turnpike enterprise projects nor
 285 shall turnpike enterprise projects be counted toward the
 286 department's annual cap.

287 (2) For the 2009-2010 fiscal year only, the annual cap
 288 provided in subsection (1) shall not apply to transportation
 289 projects funded by the American Recovery and Reinvestment Act of
 290 2009. This subsection expires July 1, 2010.

291 Section 10. In order to implement the transfer of moneys
 292 to the General Revenue Fund from trust funds in the 2009-2010
 293 General Appropriations Act, paragraph (b) of subsection (2) of
 294 section 215.32, Florida Statutes, is reenacted to read:

295 215.32 State funds; segregation.--

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

298 (b)1. The trust funds shall consist of moneys received by
 299 the state which under law or under trust agreement are
 300 segregated for a purpose authorized by law. The state agency or
 301 branch of state government receiving or collecting such moneys
 302 shall be responsible for their proper expenditure as provided by
 303 law. Upon the request of the state agency or branch of state
 304 government responsible for the administration of the trust fund,
 305 the Chief Financial Officer may establish accounts within the
 306 trust fund at a level considered necessary for proper

307 | accountability. Once an account is established within a trust
 308 | fund, the Chief Financial Officer may authorize payment from
 309 | that account only upon determining that there is sufficient cash
 310 | and releases at the level of the account.

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

314 | a. Operations or operating trust fund, for use as a
 315 | depository for funds to be used for program operations funded by
 316 | program revenues, with the exception of administrative
 317 | activities when the operations or operating trust fund is a
 318 | proprietary fund.

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

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

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

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

332 | f. Clearing funds trust fund, for use as a depository for
 333 | funds to account for collections pending distribution to lawful
 334 | recipients.

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

338

339 To the extent possible, each agency must adjust its internal
340 accounting to use existing trust funds consistent with the
341 requirements of this subparagraph. If an agency does not have
342 trust funds listed in this subparagraph and cannot make such
343 adjustment, the agency must recommend the creation of the
344 necessary trust funds to the Legislature no later than the next
345 scheduled review of the agency's trust funds pursuant to s.
346 215.3206.

347 3. All such moneys are hereby appropriated to be expended
348 in accordance with the law or trust agreement under which they
349 were received, subject always to the provisions of chapter 216
350 relating to the appropriation of funds and to the applicable
351 laws relating to the deposit or expenditure of moneys in the
352 State Treasury.

353 4.a. Notwithstanding any provision of law restricting the
354 use of trust funds to specific purposes, unappropriated cash
355 balances from selected trust funds may be authorized by the
356 Legislature for transfer to the Budget Stabilization Fund and
357 General Revenue Fund in the General Appropriations Act.

358 b. This subparagraph does not apply to trust funds
359 required by federal programs or mandates; trust funds
360 established for bond covenants, indentures, or resolutions whose
361 revenues are legally pledged by the state or public body to meet
362 debt service or other financial requirements of any debt

363 obligations of the state or any public body; the State
 364 Transportation Trust Fund; the trust fund containing the net
 365 annual proceeds from the Florida Education Lotteries; the
 366 Florida Retirement System Trust Fund; trust funds under the
 367 management of the State Board of Education or the Board of
 368 Governors of the State University System, where such trust funds
 369 are for auxiliary enterprises, self-insurance, and contracts,
 370 grants, and donations, as those terms are defined by general
 371 law; trust funds that serve as clearing funds or accounts for
 372 the Chief Financial Officer or state agencies; trust funds that
 373 account for assets held by the state in a trustee capacity as an
 374 agent or fiduciary for individuals, private organizations, or
 375 other governmental units; and other trust funds authorized by
 376 the State Constitution.

377 Section 11. Paragraph (d) is added to subsection (11) of
 378 section 216.181, Florida Statutes, to read:

379 216.181 Approved budgets for operations and fixed capital
 380 outlay.--

381 (11)

382 (d) For the fiscal year 2009-2010 only, changes in the
 383 amounts appropriated for fixed capital outlay projects may be
 384 approved by the Legislative Budget Commission pursuant to the
 385 request of a state agency filed with the Executive Office of the
 386 Governor if the project's funding is derived from the American
 387 Recovery and Reinvestment Act of 2009. This paragraph expires
 388 July 1, 2010.

389

390 The provisions of this subsection are subject to the notice and
 391 objection procedures set forth in s. 216.177.

392 Section 12. In order to implement section 18 of the 2009-
 393 2010 General Appropriations Act, subsection (4) is added to
 394 section 339.08, Florida Statutes, to read:

395 339.08 Use of moneys in State Transportation Trust Fund.--

396 (4) For the 2009-2010 fiscal year only and notwithstanding
 397 the provisions of this section and ss. 339.09(1) and
 398 215.32(2)(b)4., funds may be transferred from the State
 399 Transportation Trust Fund to the General Revenue Fund as
 400 specified in the General Appropriations Act. Notwithstanding ss.
 401 206.46(3) and 206.606(2), the total amount transferred shall be
 402 reduced from total state revenues deposited into the State
 403 Transportation Trust Fund for the calculation requirements of
 404 ss. 206.46(3) and 206.606(2). This subsection expires July 1,
 405 2010.

406 Section 13. A section of this act that implements a
 407 specific appropriation or specifically identified proviso
 408 language in the 2009-2010 General Appropriations Act is void if
 409 the specific appropriation or specifically identified proviso
 410 language is vetoed. A section of this act that implements more
 411 than one specific appropriation or more than one portion of
 412 specifically identified proviso language in the 2009-2010
 413 General Appropriations Act is void if all the specific
 414 appropriations or portions of specifically identified proviso
 415 language are vetoed.

416 Section 14. If any other act passed in 2009 contains a
 417 provision that is substantively the same as a provision in this

418 act, but that removes or is otherwise not subject to the future
419 repeal applied to such provision by this act, the Legislature
420 intends that the provision in the other act shall take
421 precedence and shall continue to operate, notwithstanding the
422 future repeal provided by this act.

423 Section 15. If any provision of this act or its
424 application to any person or circumstance is held invalid, the
425 invalidity does not affect other provisions or applications of
426 the act which can be given effect without the invalid provision
427 or application, and to this end the provisions of this act are
428 severable.

429 Section 16. This act shall take effect July 1, 2009.