

**FOR CONSIDERATION By** the Policy and Steering Committee on Ways and Means

576-03826B-09

20097074

1                                   A bill to be entitled  
2           An act implementing the 2009-2010 General  
3           Appropriations Act; providing legislative intent;  
4           authorizing the Department of Corrections to use  
5           certain appropriated funds to assist in defraying the  
6           costs incurred by a county or a municipality to open  
7           or operate certain facilities; limiting the amount of  
8           such assistance; providing for the expiration of the  
9           authority to provide the assistance; amending s.  
10          216.262, F.S.; delaying the expiration of provisions  
11          directing the Department of Corrections to seek a  
12          budget amendment for additional positions and  
13          appropriations if the inmate population exceeds a  
14          certain estimate under certain circumstances;  
15          providing for the expiration of the authority to seek  
16          a budget amendment; authorizing the Department of  
17          Legal Affairs to spend certain appropriated funds on  
18          programs that were funded by the department from  
19          specific appropriations in general appropriations acts  
20          in prior years; providing for the expiration of the  
21          authority to spend those appropriations; creating s.  
22          945.6041, F.S.; defining terms; limiting the  
23          compensation of health care providers that do not have  
24          contracts to provide inmate medical services with the  
25          department or private correctional facilities;  
26          limiting compensation to entities that provide  
27          emergency medical transportation services for inmates  
28          if those entities do not have a contract with the  
29          department or certain private correctional facilities;

576-03826B-09

20097074

30 providing an expiration date for the limits on  
31 compensation; authorizing the Department of Legal  
32 Affairs to transfer certain funds from certain cases  
33 to the Operating Trust Fund to pay salaries and  
34 benefits; providing an expiration date for the  
35 transfer of funds; amending s. 287.057, F.S.; delaying  
36 the expiration of provisions authorizing the  
37 Department of Health to enter into an agreement with a  
38 specified private contractor to finance, design, and  
39 construct a hospital for the treatment of patients  
40 with active tuberculosis; amending s. 394.908, F.S.;  
41 delaying the expiration of provisions requiring that  
42 funds appropriated for forensic mental health  
43 treatment services be allocated to the areas of the  
44 state having the greatest demand for services and  
45 treatment capacity; providing allocation requirements  
46 for specified funds appropriated for mental health  
47 services; requiring the Department of Children and  
48 Family Services to ensure that information is entered  
49 into the Florida Safe Families Network; requiring  
50 coordination between the department and the Office of  
51 the State Courts Administrator to provide information  
52 relating to child welfare cases; requiring a report to  
53 the Governor and Legislature; providing for reversion  
54 of statutory text of certain provisions; providing for  
55 the effect of a veto of one or more specific  
56 appropriations or proviso to which implementing  
57 language refers; authorizing the Executive Office of  
58 the Governor to transfer funds between departments for

576-03826B-09

20097074

59 purposes of aligning amounts paid for risk management  
60 premiums and for purposes of aligning amounts paid for  
61 human resource management services; authorizing  
62 certain moneys to be appropriated to offset reductions  
63 in ad valorem tax revenue experienced by fiscally  
64 constrained counties occurring as a direct result of  
65 the implementation of revisions of Art. VII of the  
66 State Constitution approved in the special election  
67 held on January 29, 2008; amending s. 218.12, F.S.;  
68 requiring that the value of assessments reduced  
69 pursuant to s. 4(d)(8)a. of Art. VII of the State  
70 Constitution include only the reduction in taxable  
71 value for homesteads established in the preceding  
72 year; amending s. 253.034, F.S.; authorizing the  
73 deposit of funds derived from the sale of property by  
74 the Department of Citrus into the Citrus Advertising  
75 Trust Fund; providing for the expiration of such  
76 authorization; amending s. 253.01, F.S.; delaying the  
77 expiration of provisions relating to grants and aids  
78 from the Internal Improvement Trust Fund for the  
79 drinking water facility construction state revolving  
80 loan program and the clean water state revolving loan  
81 program; reenacting s. 255.518(1)(b), F.S., relating  
82 to the payment of obligations during the construction  
83 of a facility financed by such obligations; repealing  
84 s. 27 of chapter 2008-153, Laws of Florida; abrogating  
85 the future repeal of an amendment made by that chapter  
86 to s. 255.518(1)(b), F.S., and abrogating the revision  
87 of the text of that paragraph to that in existence on

576-03826B-09

20097074

88 June 30, 2008, with specified exceptions; amending s.  
89 255.503, F.S.; delaying the expiration of provisions  
90 relating to the Florida Facilities Pool; amending s.  
91 373.59, F.S.; providing for the allocation of moneys  
92 from the Water Management Lands Trust Fund for certain  
93 purposes; providing an expiration date; amending s.  
94 376.3071, F.S.; delaying the repeal of provisions  
95 relating to funding from the Inland Protection Trust  
96 Fund for site restoration; amending s. 403.1651, F.S.;  
97 providing that funds from the Ecosystem Management and  
98 Restoration Trust Fund be used for the purpose of  
99 funding activities to preserve and repair the state's  
100 beaches; providing for reversion of statutory text of  
101 certain provisions; amending s. 570.20, F.S.; delaying  
102 the expiration of provisions authorizing the  
103 Department of Agriculture and Consumer Services to use  
104 funds from the General Inspection Trust Fund for  
105 certain programs; amending s. 253.034, F.S.; delaying  
106 the expiration of provisions authorizing the deposit  
107 of funds from the sale of property located in Palm  
108 Beach County by the Department of Highway Safety and  
109 Motor Vehicles into the Highway Safety Operating Trust  
110 Fund; amending s. 332.007, F.S.; authorizing the  
111 Department of Transportation to fund operational and  
112 maintenance assistance security projects at publicly  
113 owned public-use airports; providing for the future  
114 expiration of such authority and the reversion of  
115 statutory text; amending s. 339.08, F.S.; delaying the  
116 expiration of provisions relating to the use of funds

576-03826B-09

20097074

117 from the State Transportation Trust Fund; amending s.  
118 339.135, F.S.; delaying the expiration of provisions  
119 relating to the transfer of funds from the Department  
120 of Transportation to the Office of Tourism, Trade, and  
121 Economic Development for the purpose of funding the  
122 transportation-related needs of certain projects;  
123 revising the amount of such transfer; deleting  
124 obsolete provisions; providing that the annual salary  
125 of the members of the Legislature be reduced by 6  
126 percent; providing for future expiration; requiring  
127 that each agency develop a wireless device assignment  
128 plan limiting the use of cellular telephones, personal  
129 digital assistants, and other devices; requiring that  
130 each agency review such use and submit a report to the  
131 Legislature by a specified date; providing that the  
132 report contain certain information; reenacting s.  
133 215.32(2)(b), F.S.; relating to the transfer of moneys  
134 from trust funds to the General Revenue Fund;  
135 reenacting s. 215.5601(4)(b), F.S.; relating to the  
136 administration of the Lawton Chiles Endowment Fund;  
137 repealing s. 49 of chapter 2008-153, Laws of Florida;  
138 abrogating the future repeal of an amendment made by  
139 that chapter to s. 215.5601(4), F.S., and abrogating  
140 the revision of the text of that subsection to that in  
141 existence on June 30, 2009, with specified exceptions;  
142 providing a statement of public interest with respect  
143 to the issuance of new debt to address a critical  
144 state emergency; providing for future expiration;  
145 limiting the use of state funds for travel by state

576-03826B-09

20097074

146 employees to activities that are critical to each  
147 state agency's mission; requiring that each agency  
148 head approve such travel in writing; providing  
149 exceptions; nullifying provisions of the act if the  
150 appropriations or proviso language to which they  
151 relate are vetoed; providing for other acts passed  
152 during the 2009 Regular Session which contain  
153 provisions that are substantively the same as the  
154 provisions of this act to take precedence under  
155 certain circumstances; providing for severability;  
156 providing effective dates.

157

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

159

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

163 Section 2. In order to fulfill legislative intent regarding  
164 the use of funds contained in Specific Appropriations 617, 631,  
165 and 644 of the 2009-2010 General Appropriations Act, the  
166 Department of Corrections may expend appropriated funds to  
167 assist in defraying the costs of impacts that are incurred by a  
168 municipality or county and that are associated with opening or  
169 operating a facility under the authority of the department. The  
170 amount paid for any facility may not exceed 1 percent of the  
171 cost to construct the facility, less building impact fees  
172 imposed by the municipality or county. This section expires July  
173 1, 2010.

174 Section 3. In order to implement Specific Appropriations

576-03826B-09

20097074

175 607 through 707 and 738 through 773 of the 2009-2010 General  
176 Appropriations Act, subsection (4) of section 216.262, Florida  
177 Statutes, is amended to read:

178 216.262 Authorized positions.—

179 (4) Notwithstanding the provisions of this chapter on  
180 increasing the number of authorized positions, and for the 2009-  
181 2010 ~~2008-2009~~ fiscal year only, if the actual inmate population  
182 of the Department of Corrections exceeds the inmate population  
183 projections of the February 16, 2009 ~~February 15, 2008~~, Criminal  
184 Justice Estimating Conference by 1 percent for 2 consecutive  
185 months or 2 percent for any month, the Executive Office of the  
186 Governor, with the approval of the Legislative Budget  
187 Commission, shall immediately notify the Criminal Justice  
188 Estimating Conference, which shall convene as soon as possible  
189 to revise the estimates. The Department of Corrections may then  
190 submit a budget amendment requesting the establishment of  
191 positions in excess of the number authorized by the Legislature  
192 and additional appropriations from unallocated general revenue  
193 sufficient to provide for essential staff, fixed capital  
194 improvements, and other resources to provide classification,  
195 security, food services, health services, and other variable  
196 expenses within the institutions to accommodate the estimated  
197 increase in the inmate population. All actions taken pursuant to  
198 the authority granted in this subsection shall be subject to  
199 review and approval by the Legislative Budget Commission. This  
200 subsection expires July 1, 2010 ~~July 1, 2009~~.

201 Section 4. In order to implement Specific Appropriations  
202 1266 and 1267 of the 2009-2010 General Appropriations Act, the  
203 Department of Legal Affairs is authorized to expend appropriated

576-03826B-09

20097074

204 funds in those specific appropriations on the same programs that  
205 were funded by the department pursuant to specific  
206 appropriations made in general appropriations acts in prior  
207 years. This section expires July 1, 2010.

208 Section 5. In order to implement Specific Appropriations  
209 738 through 754 of the 2009-2010 General Appropriations Act,  
210 section 945.6041, Florida Statutes, is created to read:

211 945.6041 Inmate medical services.-

212 (1) As used in this section, the term:

213 (a) "Emergency medical transportation services" includes,  
214 but is not limited to, services rendered by ambulances,  
215 emergency medical services vehicles, and air ambulances as those  
216 terms are defined in s. 401.23.

217 (b) "Health care provider" has the same meaning as provided  
218 in s. 766.105.

219 (2) (a) Compensation to a health care provider to provide  
220 inmate medical services may not exceed 110 percent of the  
221 Medicare allowable rate if the health care provider does not  
222 have a contract to provide services with the department or the  
223 private correctional facility, as defined in s. 944.710, which  
224 houses the inmate.

225 (b) Notwithstanding paragraph (a), compensation to a health  
226 care provider to provide inmate medical services may not exceed  
227 125 percent of the Medicare allowable rate if:

228 1. The health care provider does not have a contract to  
229 provide services with the department or the private correctional  
230 facility, as defined in s. 944.710, which houses the inmate; and

231 2. The health care provider reported a negative operating  
232 margin for the previous year to the Agency for Health Care



576-03826B-09

20097074

233 Administration through hospital-audited financial data.

234 (3) Compensation to an entity to provide emergency medical  
235 transportation services for inmates may not exceed 110 percent  
236 of the Medicare allowable rate if the entity does not have a  
237 contract with the department or a private correctional facility,  
238 as defined in s. 944.710, to provide the services.

239 (4) This section does not apply to charges for medical  
240 services provided at a hospital operated by the department.

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

242 Section 6. In order to implement Specific Appropriations  
243 1231, 1251, 1272, and 1282 of the 2009-2010 General  
244 Appropriations Act, the Department of Legal Affairs is  
245 authorized to transfer cash remaining after required  
246 disbursements for Attorney General case number 16-2008-CA-01-  
247 3142CV-C from FLAIR account 41-74-2-601001-41100100-00-181076-00  
248 to the Operating Trust Fund to pay salaries and benefits. This  
249 section expires July 1, 2010.

250 Section 7. In order to implement Specific Appropriations  
251 448, 450, 456, 458, and 459 of the 2009-2010 General  
252 Appropriations Act, paragraph (b) of subsection (14) of section  
253 287.057, Florida Statutes, is amended to read:

254 287.057 Procurement of commodities or contractual  
255 services.—

256 (14)

257 (b) The Department of Health shall enter into an agreement,  
258 not to exceed 20 years, with a private contractor to finance,  
259 design, and construct a hospital, of no more than 50 beds, for  
260 the treatment of patients with active tuberculosis and to  
261 operate all aspects of daily operations within the facility. The

576-03826B-09

20097074

262 contractor may sponsor the issuance of tax-exempt certificates  
263 of participation or other securities to finance the project, and  
264 the state may enter into a lease-purchase agreement for the  
265 facility. The department shall begin the implementation of this  
266 initiative by July 1, 2008. This paragraph expires July 1, 2010  
267 ~~2009~~.

268 Section 8. In order to implement Specific Appropriations  
269 316 through 347 of the 2009-2010 General Appropriations Act,  
270 subsection (3) of section 394.908, Florida Statutes, is amended  
271 to read:

272 394.908 Substance abuse and mental health funding equity;  
273 distribution of appropriations.—In recognition of the historical  
274 inequity in the funding of substance abuse and mental health  
275 services for the department's districts and regions and to  
276 rectify this inequity and provide for equitable funding in the  
277 future throughout the state, the following funding process shall  
278 be used:

279 (3)

280 (a) Any additional funding beyond the 2005-2006 fiscal year  
281 base appropriation for alcohol, drug abuse, and mental health  
282 services shall be allocated to districts for substance abuse and  
283 mental health services based on:

284 1. Epidemiological estimates of disabilities that apply to  
285 the respective target populations.

286 2. A pro rata share distribution that ensures districts  
287 below the statewide average funding level per person in each  
288 target population of "persons in need" receive funding necessary  
289 to achieve equity.

290 (b) Notwithstanding paragraph (a) and for ~~the 2008-2009~~

576-03826B-09

20097074

291 fiscal year 2009-2010 only, funds appropriated for forensic  
292 mental health treatment services shall be allocated to the areas  
293 of the state having the greatest demand for services and  
294 treatment capacity. This paragraph expires July 1, 2010 ~~2009~~.

295 (c) Notwithstanding paragraph (a) and for ~~the 2008-2009~~  
296 fiscal year 2009-2010 only, additional funds appropriated for  
297 mental health services from funds available through the  
298 Community-Based Medicaid Administrative Claiming Program shall  
299 be allocated as provided in the 2009-2010 ~~2008-2009~~ General  
300 Appropriations Act and in proportion to contributed provider  
301 earnings. ~~Where these mental health funds are used in lieu of~~  
302 ~~funds from the General Revenue Fund, the allocation of funds~~  
303 ~~shall be unchanged from the allocation for those funds for the~~  
304 ~~2007-2008 fiscal year.~~ This paragraph expires July 1, 2010 ~~2009~~.

305 Section 9. In order to implement Specific Appropriation 279  
306 of the 2009-2010 General Appropriations Act, the Department of  
307 Children and Family Services must ensure that all public and  
308 private agencies and institutions participating in child welfare  
309 cases enter information, specified by department rule, into the  
310 Florida Safe Families Network in order to maintain the accuracy  
311 and usefulness of the system. The network is intended to be the  
312 department's automated child welfare case-management system  
313 designed to provide child welfare workers with a mechanism for  
314 managing child welfare cases more efficiently and tracking  
315 children and families more effectively. The department shall  
316 coordinate with the Office of the State Courts Administrator to  
317 provide any judge or magistrate with access to information in  
318 the network relating to a child welfare case which is required  
319 to be filed with the court pursuant to chapter 39, Florida

576-03826B-09

20097074

320 Statutes, by the date of the network's release during fiscal  
321 year 2009-2010. The department shall report to the Governor, the  
322 President of the Senate, and the Speaker of the House of  
323 Representatives by February 1, 2010, with respect to progress on  
324 providing access to the Florida Safe Families Network as  
325 provided in this section. This section expires July 1, 2010.

326 Section 10. In order to implement the appropriation of  
327 funds in Special Categories-Risk Management Insurance of the  
328 2009-2010 General Appropriations Act, and pursuant to the  
329 notice, review, and objection procedures of s. 216.177, Florida  
330 Statutes, the Executive Office of the Governor is authorized to  
331 transfer funds appropriated in the appropriation category  
332 "Special Categories-Risk Management Insurance" of the 2009-2010  
333 General Appropriations Act between departments in order to align  
334 the budget authority granted with the premiums paid by each  
335 department for risk management insurance. This section expires  
336 July 1, 2010.

337 Section 11. In order to implement the appropriation of  
338 funds in Special Categories-Transfer to Department of Management  
339 Services-Human Resources Services Purchased Per Statewide  
340 Contract of the 2009-2010 General Appropriations Act, and  
341 pursuant to the notice, review, and objection procedures of s.  
342 216.177, Florida Statutes, the Executive Office of the Governor  
343 is authorized to transfer funds appropriated in the  
344 appropriation category "Special Categories-Transfer to  
345 Department of Management Services-Human Resources Services  
346 Purchased Per Statewide Contract" of the 2009-2010 General  
347 Appropriations Act between departments in order to align the  
348 budget authority granted with the assessments that must be paid

576-03826B-09

20097074

349 by each agency to the Department of Management Services for  
350 human resource management services. This section expires July 1,  
351 2010.

352 Section 12. In order to implement section 48 of the 2009-  
353 2010 General Appropriations Act and notwithstanding the  
354 provisions of section 16 of chapter 2008-173, Laws of Florida,  
355 the moneys provided in section 44 are appropriated to offset the  
356 reductions in ad valorem tax revenues experienced by fiscally  
357 constrained counties, as defined in s. 218.67(1), Florida  
358 Statutes, which occur as a direct result of the implementation  
359 of revisions to Article VII of the State Constitution approved  
360 in the special election held on January 29, 2008. The moneys  
361 appropriated for this purpose shall be distributed by October 1,  
362 2009, among the fiscally constrained counties based on each  
363 county's proportion of the total reduction in ad valorem tax  
364 revenue resulting from the implementation of the revision.  
365 Distributions shall be based on the documentation required to be  
366 submitted to the Department of Revenue by November 1, 2008,  
367 pursuant to s. 218.12, Florida Statutes.

368 Section 13. In order to implement Specific Appropriation  
369 2971, section 218.12, Florida Statutes, is amended to read:

370 218.12 Appropriations to offset reductions in ad valorem  
371 tax revenue in fiscally constrained counties.-

372 (1) Beginning in fiscal year 2008-2009, the Legislature  
373 shall appropriate moneys to offset the reductions in ad valorem  
374 tax revenue experienced by fiscally constrained counties, as  
375 defined in s. 218.67(1), which occur as a direct result of the  
376 implementation of revisions of Art. VII of the State  
377 Constitution approved in the special election held on January

576-03826B-09

20097074

378 29, 2008. The moneys appropriated for this purpose shall be  
379 distributed in January of each fiscal year among the fiscally  
380 constrained counties based on each county's proportion of the  
381 total reduction in ad valorem tax revenue resulting from the  
382 implementation of the revision.

383 (2) On or before November 15 of each year, beginning in  
384 2008, each fiscally constrained county shall apply to the  
385 Department of Revenue to participate in the distribution of the  
386 appropriation and provide documentation supporting the county's  
387 estimated reduction in ad valorem tax revenue in the form and  
388 manner prescribed by the Department of Revenue. The  
389 documentation must include an estimate of the reduction in  
390 taxable value directly attributable to revisions of Art. VII of  
391 the State Constitution for all county taxing jurisdictions  
392 within the county and shall be prepared by the property  
393 appraiser in each fiscally constrained county. The documentation  
394 must also include the county millage rates applicable in all  
395 such jurisdictions for both the current year and the prior year;  
396 rolled-back rates, determined as provided in s. 200.065, for  
397 each county taxing jurisdiction; and maximum millage rates that  
398 could have been levied by majority vote pursuant to s. 200.185.  
399 For purposes of this section, each fiscally constrained county's  
400 reduction in ad valorem tax revenue shall be calculated as 95  
401 percent of the estimated reduction in taxable value times the  
402 lesser of the 2007 applicable millage rate or the applicable  
403 millage rate for each county taxing jurisdiction in the prior  
404 year.

405 (3) In determining the reductions in ad valorem tax  
406 revenues occurring as a result of the implementation of the

576-03826B-09

20097074

407 revisions to Art. VII of the State Constitution approved in the  
408 special election held on January 29, 2008, the value of  
409 assessments reduced pursuant to s. 4(d)(8)a., Art. VII of the  
410 State Constitution shall include only the reduction in taxable  
411 value for homesteads established in the preceding calendar year.

412 Section 14. In order to implement Specific Appropriations  
413 2299 through 2320 of the 2009-2010 General Appropriations Act,  
414 present subsection (14) of section 253.034, Florida Statutes, is  
415 redesignated as subsection (15), and a new subsection (14) is  
416 added to that section, to read:

417 253.034 State-owned lands; uses.-

418 (14) Notwithstanding the provisions of this section, funds  
419 derived from the sale of property by the Department of Citrus  
420 located in Lakeland, Florida, are authorized to be deposited  
421 into the Citrus Advertising Trust Fund. This subsection expires  
422 July 1, 2010.

423 Section 15. In order to implement Specific Appropriation  
424 1717 of the 2009-2010 General Appropriations Act, subsection (3)  
425 of section 253.01, Florida Statutes, is amended to read:

426 253.01 Internal Improvement Trust Fund established.-

427 (3) In addition to the uses allowed in subsection (2) for  
428 the 2009-2010 ~~2008-2009~~ fiscal year, moneys in the Internal  
429 Improvement Trust Fund are authorized for grants and aids to  
430 local governments, as provided in the General Appropriations  
431 Act, for the drinking water facility construction state  
432 revolving loan program described in s. 403.8532 and the clean  
433 water state revolving loan program described in s. 403.1835, ~~as~~  
434 ~~provided in the General Appropriations Act.~~ This subsection  
435 expires July 1, 2010 ~~2009~~.

576-03826B-09

20097074

436 Section 16. In order to implement Specific Appropriation  
437 2741 of the 2009-2010 General Appropriations Act, paragraph (b)  
438 of subsection (1) of section 255.518, Florida Statutes, is  
439 reenacted to read:

440 255.518 Obligations; purpose, terms, approval,  
441 limitations.—

442 (1)

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

446 Section 17. Section 27 of chapter 2008-153, Laws of  
447 Florida, is repealed.

448 Section 18. In order to implement Specific Appropriations  
449 2725 through 2738 of the 2009-2010 General Appropriations Act,  
450 subsection (7) of section 255.503, Florida Statutes, is amended  
451 to read:

452 255.503 Powers of the Department of Management Services.—

453 The Department of Management Services shall have all the  
454 authority necessary to carry out and effectuate the purposes and  
455 provisions of this act, including, but not limited to, the  
456 authority to:

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

459 (b) No later than the date upon which the department  
460 recommends to the Division of State Lands of the Department of  
461 Environmental Protection the disposition of any facility within  
462 the Florida Facilities Pool, the department shall provide to the  
463 President of the Senate, the Speaker of the House of  
464 Representatives, the Executive Office of the Governor, and the



576-03826B-09

20097074

465 Division of Bond Finance of the State Board of Administration an  
466 analysis that includes:

467 1. The cost benefit of the proposed facility disposition,  
468 including the facility's current operating expenses, condition,  
469 and market value, and viable alternatives for work space for  
470 impacted state employees.

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

474

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

476 Section 19. In order to implement Specific Appropriation  
477 1619, subsection (12) is added to section 373.59, Florida  
478 Statutes, to read:

479 373.59 Water Management Lands Trust Fund.—

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

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

489 (b) Eight million dollars to be transferred to the General  
490 Revenue Fund; and

491 (c) The remaining funds to be distributed equally between  
492 the Suwannee River Water Management District and the Northwest  
493 Florida Water Management District.

576-03826B-09

20097074

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

495 Section 20. In order to implement Specific Appropriation  
496 1741A of the 2009-2010 General Appropriations Act, paragraph (c)  
497 of subsection (5) of section 376.3071, Florida Statutes, is  
498 amended to read:

499 376.3071 Inland Protection Trust Fund; creation; purposes;  
500 funding.—

501 (5) SITE SELECTION AND CLEANUP CRITERIA.—

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

505 1. Funding for free product recovery may be provided in  
506 advance of the order established by the priority ranking system  
507 under paragraph (a) for site cleanup activities. However, a  
508 separate prioritization for free product recovery shall be  
509 established consistent with paragraph (a). No more than \$5  
510 million shall be encumbered from the Inland Protection Trust  
511 Fund in any fiscal year for free product recovery conducted in  
512 advance of the priority order under paragraph (a) established  
513 for site cleanup activities.

514 2. Funding for limited interim soil-source removals for  
515 sites that will become inaccessible for future remediation due  
516 to road infrastructure and right-of-way restrictions resulting  
517 from a pending Department of Transportation road construction  
518 project or for secondary containment upgrading of underground  
519 storage tanks required under chapter 62-761, Florida  
520 Administrative Code, may be provided in advance of the order  
521 established by the priority ranking system under paragraph (a)  
522 for site cleanup activities. The department shall provide

576-03826B-09

20097074

523 written guidance on the limited source removal information and  
524 technical evaluation necessary to justify a request for a  
525 limited source removal in advance of the priority order pursuant  
526 to paragraph (a) established for site cleanup activities.  
527 Prioritization for limited source removal projects associated  
528 with a secondary containment upgrade in any fiscal year shall be  
529 determined on a first-come, first-served basis according to the  
530 approval date issued under s. 376.30711 for the limited source  
531 removal. Funding for limited source removals associated with  
532 secondary containment upgrades shall be limited to 10 sites in  
533 each fiscal year for each facility owner and any related person.  
534 The limited source removal for secondary containment upgrades  
535 shall be completed no later than 6 months after the department  
536 issues its approval of the project, and the approval  
537 automatically expires at the end of the 6 months. Funding for  
538 Department of Transportation and secondary containment upgrade  
539 source removals may not exceed \$50,000 for a single facility  
540 unless the department makes a determination that it is cost-  
541 effective and environmentally beneficial to exceed this amount,  
542 but in no event shall the department authorize costs in excess  
543 of \$100,000 for a single facility. Department funding for  
544 limited interim soil-source removals associated with Department  
545 of Transportation projects and secondary containment upgrades  
546 shall be limited to supplemental soil assessment, soil  
547 screening, soil removal, backfill material, treatment or  
548 disposal of the contaminated soil, dewatering related to the  
549 contaminated soil removal in an amount of up to 10 percent of  
550 the total interim soil-source removal project costs, treatment,  
551 and disposal of the contaminated groundwater and preparation of

576-03826B-09

20097074

552 the source removal report. No other costs associated with the  
553 facility upgrade may be paid with department funds. No more than  
554 \$1 million for Department of Transportation limited source  
555 removal projects and \$10 million for secondary containment  
556 upgrade limited source removal projects conducted in advance of  
557 the priority order established under paragraph (a) for site  
558 cleanup activities shall be encumbered from the Inland  
559 Protection Trust Fund in any fiscal year. This subparagraph is  
560 repealed effective June 30, 2010 ~~2009~~.

561 3. Once free product removal and other source removal  
562 identified in this paragraph are completed at a site, and  
563 notwithstanding the order established by the priority ranking  
564 system under paragraph (a) for site cleanup activities, the  
565 department may reevaluate the site to determine the degree of  
566 active cleanup needed to continue site rehabilitation. Further,  
567 the department shall determine if the reevaluated site qualifies  
568 for natural attenuation monitoring or no further action. If  
569 additional site rehabilitation is necessary to reach no further  
570 action status, the site rehabilitation shall be conducted in the  
571 order established by the priority ranking system under paragraph  
572 (a) and the department is encouraged to utilize natural  
573 attenuation and monitoring where site conditions warrant.

574 Section 21. In order to implement Specific Appropriations  
575 1690, 1691, 1692, 1694, and 1695, subsection (1) of section  
576 403.1651, Florida Statutes, is amended to read:

577 403.1651 Ecosystem Management and Restoration Trust Fund.—

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

576-03826B-09

20097074

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

583 (b) Funding the development and implementation of surface  
584 water improvement and management plans and programs under ss.  
585 373.451-373.4595.

586 (c) Funding activities to restore polluted areas of the  
587 state, as defined by the department, to their condition before  
588 pollution occurred or to otherwise enhance pollution control  
589 activities.

590 (d) Funding activities to restore or rehabilitate injured  
591 or destroyed coral reefs.

592 (e) Funding activities by the department to recover moneys  
593 as a result of actions against any person for a violation of  
594 chapter 373.

595 (f) Funding activities authorized for the implementation of  
596 the Leah Schad Memorial Ocean Outfall Program implemented in s.  
597 403.086(9).

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

600 Section 22. The amendment to s. 403.1651(1), Florida  
601 Statutes, made by this act shall expire July 1, 2010, and the  
602 text of that subsection shall revert to that in existence on  
603 June 30, 2009, except that any amendments to such text enacted  
604 other than by this act shall be preserved and continue to  
605 operate to the extent that such amendments are not dependent  
606 upon the portions of such text which expire pursuant to this  
607 section.

608 Section 23. In order to implement Specific Appropriations  
609 1294 through 1454 of the 2009-2010 General Appropriations Act,

576-03826B-09

20097074

610 section 570.20, Florida Statutes, is amended to read:

611 570.20 General Inspection Trust Fund.—

612 (1) All donations and all inspection fees and other funds  
613 authorized and received from whatever source in the enforcement  
614 of the inspection laws administered by the department shall be  
615 paid into the General Inspection Trust Fund of Florida, which is  
616 created in the office of the Chief Financial Officer. All  
617 expenses incurred in carrying out the provisions of the  
618 inspection laws shall be paid from this fund as other funds are  
619 paid from the State Treasury. A percentage of all revenue  
620 deposited in this fund, including transfers from any subsidiary  
621 accounts, shall be deposited in the General Revenue Fund  
622 pursuant to chapter 215, except that funds collected for  
623 marketing orders shall pay at the rate of 3 percent.

624 (2) For the 2009-2010 ~~2008-2009~~ fiscal year only and  
625 notwithstanding any other provision of law to the contrary, in  
626 addition to the spending authorized in subsection (1), moneys in  
627 the General Inspection Trust Fund may be appropriated for  
628 programs operated by the department which are related to the  
629 programs authorized by this chapter. This subsection expires  
630 July 1, 2010 ~~2009~~.

631 Section 24. In order to implement section 54 of the 2009-  
632 2010 General Appropriations Act, subsection (13) of section  
633 253.034, Florida Statutes, is amended to read:

634 253.034 State-owned lands; uses.—

635 (13) Notwithstanding the provisions of this section, funds  
636 from the sale of property by the Department of Highway Safety  
637 and Motor Vehicles located in Palm Beach County are authorized  
638 to be deposited into the Highway Safety Operating Trust Fund to

576-03826B-09

20097074

639 facilitate the exchange as provided in the General  
640 Appropriations Act, provided that at the conclusion of both  
641 exchanges the values are equalized. This subsection expires July  
642 1, 2010 ~~2009~~.

643 Section 25. In order to implement Specific Appropriation  
644 1998 of the 2009-2010 General Appropriations Act, subsection (8)  
645 of section 332.007, Florida Statutes, is amended to read:

646 332.007 Administration and financing of aviation and  
647 airport programs and projects; state plan.-

648 (8) Notwithstanding any other provision of law to the  
649 contrary, the department is authorized to fund security  
650 projects, including operational and maintenance assistance, at  
651 publicly owned public-use airports. For projects in the current  
652 adopted work program, or projects added using the available  
653 budget of the department, airports may request the department  
654 change the project purpose in accordance with this provision  
655 notwithstanding the provisions of s. 339.135(7). For purposes of  
656 this subsection, the department may fund up to 100 percent of  
657 eligible project costs that are not funded by the Federal  
658 Government. This subsection shall expire on June 30, 2012.

659 Section 26. The amendment to s. 332.007(8), Florida  
660 Statutes, made by this act shall expire July 1, 2010, and the  
661 text of that subsection shall revert to that in existence on  
662 June 30, 2009, except that any amendments to such text enacted  
663 other than by this act shall be preserved and continue to  
664 operate to the extent that such amendments are not dependent  
665 upon the portions of such text which expire pursuant to this  
666 section.

667 Section 27. In order to implement section 53 of the 2009-

576-03826B-09

20097074

668 2010 General Appropriations Act, paragraph (n) of subsection (1)  
669 of section 339.08, Florida Statutes, is amended to read:

670 339.08 Use of moneys in State Transportation Trust Fund.—

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

675 (n) To pay administrative expenses incurred in accordance  
676 with applicable laws for a multicounty transportation or  
677 expressway authority created under chapter 343 or chapter 348,  
678 where jurisdiction for the authority includes a portion of the  
679 State Highway System and the administrative expenses are in  
680 furtherance of the duties and responsibilities of the authority  
681 in the development of improvements to the State Highway System.  
682 This paragraph expires July 1, 2010 ~~2009~~.

683 Section 28. In order to implement Specific Appropriation  
684 2042 of the 2009-2010 General Appropriations Act, subsection (5)  
685 of section 339.135, Florida Statutes, is amended to read:

686 339.135 Work program; legislative budget request;  
687 definitions; preparation, adoption, execution, and amendment.—

688 (5)

689 (a) ADOPTION OF THE WORK PROGRAM.—The original approved  
690 budget for operational and fixed capital expenditures for the  
691 department shall be the Governor's budget recommendation and the  
692 first year of the tentative work program, as both are amended by  
693 the General Appropriations Act and any other act containing  
694 appropriations. In accordance with the appropriations act, the  
695 department shall, prior to the beginning of the fiscal year,  
696 adopt a final work program which shall only include the original



576-03826B-09

20097074

697 approved budget for the department for the ensuing fiscal year  
698 together with any roll forwards approved pursuant to paragraph  
699 (6) (c) and the portion of the tentative work program for the  
700 following 4 fiscal years revised in accordance with the original  
701 approved budget for the department for the ensuing fiscal year  
702 together with said roll forwards. The adopted work program may  
703 include only those projects submitted as part of the tentative  
704 work program developed under the provisions of subsection (4)  
705 plus any projects which are separately identified by specific  
706 appropriation in the General Appropriations Act and any roll  
707 forwards approved pursuant to paragraph (6) (c). However, any  
708 transportation project of the department which is identified by  
709 specific appropriation in the General Appropriations Act shall  
710 be deducted from the funds annually distributed to the  
711 respective district pursuant to paragraph (4) (a). In addition,  
712 the department shall not in any year include any project or  
713 allocate funds to a program in the adopted work program that is  
714 contrary to existing law for that particular year. Projects  
715 shall not be undertaken unless they are listed in the adopted  
716 work program.

717 (b) Notwithstanding paragraph (a), and for the 2009-2010  
718 ~~2008-2009~~ fiscal year only, the Department of Transportation  
719 shall transfer funds to the Office of Tourism, Trade, and  
720 Economic Development in an amount equal to \$20 million  
721 ~~\$36,750,000~~ for the purpose of funding transportation-related  
722 needs of economic development projects, space and aerospace  
723 infrastructure, and other economic development projects. This  
724 transfer shall not reduce, delete, or defer any existing  
725 projects funded, as of July 1, 2009 ~~2008~~, in the Department of

576-03826B-09

20097074

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

728 ~~(c) Notwithstanding paragraph (a) or subparagraph (4)(a)1.,~~  
729 ~~and for the 2008-2009 fiscal year only, the Department of~~  
730 ~~Transportation shall fund projects in Specific Appropriations~~  
731 ~~2063, 2071, 2077, 2079, 2102, 2106, 2109, and 2116 of the 2008-~~  
732 ~~2009 General Appropriations Act. Funding for these specific~~  
733 ~~appropriations shall be from projects or phases thereof within~~  
734 ~~the department's fiscal year 2008-2009 work program not~~  
735 ~~programmed for contract letting as identified with a work~~  
736 ~~program contract class code 8 and the box code RV. This funding~~  
737 ~~shall not negatively impact safety, preservation, maintenance,~~  
738 ~~or project contingency levels as of July 1, 2008. This paragraph~~  
739 ~~expires July 1, 2009.~~

740 Section 29. In order to implement Specific Appropriations  
741 2677 and 2678 of the 2009-2010 General Appropriations Act:

742 (1) Notwithstanding the provisions of s. 11.13(1), Florida  
743 Statutes, and section 52 of chapter 2008-53, Laws of Florida,  
744 relating to the annual adjustment of salaries for members of the  
745 Legislature, to the contrary, for the 2009-2010 fiscal year  
746 only, the authorized salaries of members of the Legislature in  
747 effect on June 30, 2009, shall be reduced by 6 percent.

748 (2) Effective June 30, 2010, the annual salaries of members  
749 of the Legislature shall be set at the amounts authorized and in  
750 effect on June 30, 2009, pursuant to subsection (2) of section  
751 52 of chapter 2008-153, Laws of Florida.

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

753 Section 30. In order to implement the appropriations  
754 provided in the 2009-2010 General Appropriations Act to each

576-03826B-09

20097074

755 agency for cellular phone equipment and services, and to ensure  
756 the cost-effective acquisition and use of wireless devices:

757 (1) Each agency shall develop a wireless device assignment  
758 plan that limits use of cellular telephones, personal digital  
759 assistants (PDAs), and other devices to only those employees  
760 who, as part of their official assigned duties, must routinely  
761 be immediately available to citizens, supervisors or  
762 subordinates; be available to respond to emergency situations;  
763 be available to calls outside of regular working hours; have  
764 access to the technology in order to productively perform job  
765 duties in the field; or have limited or no access to a standard  
766 phone, or have no ability to use a personal cell phone, if  
767 needed. The plan shall result in reducing the number of wireless  
768 devices used in each agency.

769 (2) Each agency must review the use of cellular telephones,  
770 PDAs, and other wireless devices by employees and submit a  
771 report to the President of the Senate and the Speaker of the  
772 House of Representatives by September 1, 2009. The report shall  
773 include:

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

776 (b) The results of implementing the wireless device  
777 assignment plan, including the reduction in the number of  
778 wireless devices used and the cost of such devices;

779 (c) The number of wireless devices that remain in use by  
780 type and expenditures by type of device and total agency  
781 expenditures for wireless devices;

782 (d) The procurement method used to procure wireless devices  
783 and the rationale for procuring wireless devices by any

576-03826B-09

20097074

784 mechanism other than statewide term contracts and side-by-side  
785 comparison of costs for services purchased through the statewide  
786 term contracts and the mechanisms otherwise used by the agency;  
787 and

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

792 Section 31. In order to implement the transfer of moneys to  
793 the General Revenue Fund from trust funds in the 2009-2010  
794 General Appropriations Act, paragraph (b) of subsection (2) of  
795 section 215.32, Florida Statutes, is reenacted to read:

796 215.32 State funds; segregation.—

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

799 (b)

800 1. The trust funds shall consist of moneys received by the  
801 state which under law or under trust agreement are segregated  
802 for a purpose authorized by law. The state agency or branch of  
803 state government receiving or collecting such moneys shall be  
804 responsible for their proper expenditure as provided by law.  
805 Upon the request of the state agency or branch of state  
806 government responsible for the administration of the trust fund,  
807 the Chief Financial Officer may establish accounts within the  
808 trust fund at a level considered necessary for proper  
809 accountability. Once an account is established within a trust  
810 fund, the Chief Financial Officer may authorize payment from  
811 that account only upon determining that there is sufficient cash  
812 and releases at the level of the account.

576-03826B-09

20097074

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

816           a. Operations or operating trust fund, for use as a  
817 depository for funds to be used for program operations funded by  
818 program revenues, with the exception of administrative  
819 activities when the operations or operating trust fund is a  
820 proprietary fund.

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

823           c. Administrative trust fund, for use as a depository for  
824 funds to be used for management activities that are departmental  
825 in nature and funded by indirect cost earnings and assessments  
826 against trust funds. Proprietary funds are excluded from the  
827 requirement of using an administrative trust fund.

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

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

834           f. Clearing funds trust fund, for use as a depository for  
835 funds to account for collections pending distribution to lawful  
836 recipients.

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

840  
841 To the extent possible, each agency must adjust its internal

576-03826B-09

20097074

842 accounting to use existing trust funds consistent with the  
843 requirements of this subparagraph. If an agency does not have  
844 trust funds listed in this subparagraph and cannot make such  
845 adjustment, the agency must recommend the creation of the  
846 necessary trust funds to the Legislature no later than the next  
847 scheduled review of the agency's trust funds pursuant to s.  
848 215.3206.

849 3. All such moneys are hereby appropriated to be expended  
850 in accordance with the law or trust agreement under which they  
851 were received, subject always to the provisions of chapter 216  
852 relating to the appropriation of funds and to the applicable  
853 laws relating to the deposit or expenditure of moneys in the  
854 State Treasury.

855 4.a. Notwithstanding any provision of law restricting the  
856 use of trust funds to specific purposes, unappropriated cash  
857 balances from selected trust funds may be authorized by the  
858 Legislature for transfer to the Budget Stabilization Fund and  
859 General Revenue Fund in the General Appropriations Act.

860 b. This subparagraph does not apply to trust funds required  
861 by federal programs or mandates; trust funds established for  
862 bond covenants, indentures, or resolutions whose revenues are  
863 legally pledged by the state or public body to meet debt service  
864 or other financial requirements of any debt obligations of the  
865 state or any public body; the State Transportation Trust Fund;  
866 the trust fund containing the net annual proceeds from the  
867 Florida Education Lotteries; the Florida Retirement System Trust  
868 Fund; trust funds under the management of the State Board of  
869 Education or the Board of Governors of the State University  
870 System, where such trust funds are for auxiliary enterprises,

576-03826B-09

20097074

871 self-insurance, and contracts, grants, and donations, as those  
872 terms are defined by general law; trust funds that serve as  
873 clearing funds or accounts for the Chief Financial Officer or  
874 state agencies; trust funds that account for assets held by the  
875 state in a trustee capacity as an agent or fiduciary for  
876 individuals, private organizations, or other governmental units;  
877 and other trust funds authorized by the State Constitution.

878 Section 32. Paragraph (b) of subsection (4) of section  
879 215.5601, Florida Statutes, is reenacted to read:

880 215.5601 Lawton Chiles Endowment Fund.—

881 (4) ADMINISTRATION.—

882 (b) The endowment shall be managed as an annuity. The  
883 investment objective shall be long-term preservation of the real  
884 value of the net contributed principal and a specified regular  
885 annual cash outflow for appropriation, as nonrecurring revenue.  
886 From the annual cash outflow, a pro rata share shall be used  
887 solely for biomedical research activities as provided in  
888 paragraph (3)(d), until such time as cures are found for  
889 tobacco-related cancer and heart and lung disease. Five percent  
890 of the annual cash outflow dedicated to the biomedical research  
891 portion of the endowment shall be reinvested and applied to that  
892 portion of the endowment's principal, with the remainder to be  
893 spent on biomedical research activities consistent with this  
894 section. The schedule of annual cash outflow shall be included  
895 within the investment plan adopted under paragraph (a).  
896 Withdrawals other than specified regular cash outflow shall be  
897 considered reductions in contributed principal for the purposes  
898 of this subsection.

899 Section 33. Section 49 of chapter 2008-153, Laws of

576-03826B-09

20097074

900 Florida, is repealed.

901 Section 34. In order to implement the issuance of new debt  
902 authorized in the 2009-2010 General Appropriations Act, and  
903 pursuant to the requirements of s. 215.98, Florida Statutes, the  
904 Legislature determines that the authorization and issuance of  
905 debt for the 2009-2010 fiscal year should be implemented and is  
906 in the best interest of the state and necessary to address a  
907 critical state emergency. This section expires July 1, 2010.

908 Section 35. In order to implement the funds appropriated in  
909 the 2009-2010 General Appropriations Act for state employee  
910 travel, the funds appropriated to each state agency, which may  
911 be used for travel by state employees, shall be limited during  
912 the 2009-2010 fiscal year to travel for activities that are  
913 critical to each state agency's mission. Funds may not be used  
914 to pay for travel by state employees to foreign countries, other  
915 states, conferences, staff-training activities, or other  
916 administrative functions unless the agency head has approved in  
917 writing that such activities are critical to the agency's  
918 mission. The agency head must consider the use of  
919 teleconferencing and other forms of electronic communication to  
920 meet the needs of the proposed activity before approving  
921 mission-critical travel. This section does not apply to travel  
922 for law enforcement purposes, military purposes, emergency  
923 management activities, or public health activities.

924 Section 36. A section of this act that implements a  
925 specific appropriation or specifically identified proviso  
926 language in the 2009-2010 General Appropriations Act is void if  
927 the specific appropriation or specifically identified proviso  
928 language is vetoed. A section of this act which implements more



576-03826B-09

20097074

929 than one specific appropriation or more than one portion of  
930 specifically identified proviso language in the 2009-2010  
931 General Appropriations Act is void if all the specific  
932 appropriations or portions of specifically identified proviso  
933 language are vetoed.

934       Section 37. If any other act passed during the 2009 Regular  
935 Session contains a provision that is substantively the same as a  
936 provision in this act, but that removes or is otherwise not  
937 subject to the future repeal applied to such provision by this  
938 act, the Legislature intends that the provision in the other act  
939 takes precedence and continues to operate, notwithstanding the  
940 future repeal provided by this act.

941       Section 38. If any provision of this act or its application  
942 to any person or circumstance is held invalid, the invalidity  
943 does not affect other provisions or applications of the act  
944 which can be given effect without the invalid provision or  
945 application, and to this end the provisions of this act are  
946 severable.

947       Section 39. This act shall take effect July 1, 2009; or, if  
948 this act fails to become a law until after that date, it shall  
949 take effect upon becoming a law and shall operate retroactively  
950 to July 1, 2009.