

Amendment No.

CHAMBER ACTION

Senate

House

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Representatives Rivera and Llorente offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the Special Appropriations Act for the 2008-2009 fiscal year.

Section 2. In order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2008-2009 Special Appropriations Act, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted to read:

215.32 State funds; segregation.--

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

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16 (b)1. The trust funds shall consist of moneys received by  
17 the state which under law or under trust agreement are  
18 segregated for a purpose authorized by law. The state agency or  
19 branch of state government receiving or collecting such moneys  
20 shall be responsible for their proper expenditure as provided by  
21 law. Upon the request of the state agency or branch of state  
22 government responsible for the administration of the trust fund,  
23 the Chief Financial Officer may establish accounts within the  
24 trust fund at a level considered necessary for proper  
25 accountability. Once an account is established within a trust  
26 fund, the Chief Financial Officer may authorize payment from  
27 that account only upon determining that there is sufficient cash  
28 and releases at the level of the account.

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

32 a. Operations or operating trust fund, for use as a  
33 depository for funds to be used for program operations funded by  
34 program revenues, with the exception of administrative  
35 activities when the operations or operating trust fund is a  
36 proprietary fund.

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

39 c. Administrative trust fund, for use as a depository for  
40 funds to be used for management activities that are departmental  
41 in nature and funded by indirect cost earnings and assessments  
42 against trust funds. Proprietary funds are excluded from the  
43 requirement of using an administrative trust fund.

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

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

50 f. Clearing funds trust fund, for use as a depository for  
51 funds to account for collections pending distribution to lawful  
52 recipients.

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

56  
57 To the extent possible, each agency must adjust its internal  
58 accounting to use existing trust funds consistent with the  
59 requirements of this subparagraph. If an agency does not have  
60 trust funds listed in this subparagraph and cannot make such  
61 adjustment, the agency must recommend the creation of the  
62 necessary trust funds to the Legislature no later than the next  
63 scheduled review of the agency's trust funds pursuant to s.  
64 215.3206.

65 3. All such moneys are hereby appropriated to be expended  
66 in accordance with the law or trust agreement under which they  
67 were received, subject always to the provisions of chapter 216  
68 relating to the appropriation of funds and to the applicable  
69 laws relating to the deposit or expenditure of moneys in the  
70 State Treasury.

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71 4.a. Notwithstanding any provision of law restricting the  
72 use of trust funds to specific purposes, unappropriated cash  
73 balances from selected trust funds may be authorized by the  
74 Legislature for transfer to the Budget Stabilization Fund and  
75 General Revenue Fund in the General Appropriations Act.

76 b. This subparagraph does not apply to trust funds  
77 required by federal programs or mandates; trust funds  
78 established for bond covenants, indentures, or resolutions whose  
79 revenues are legally pledged by the state or public body to meet  
80 debt service or other financial requirements of any debt  
81 obligations of the state or any public body; the State  
82 Transportation Trust Fund; the trust fund containing the net  
83 annual proceeds from the Florida Education Lotteries; the  
84 Florida Retirement System Trust Fund; trust funds under the  
85 management of the State Board of Education or the Board of  
86 Governors of the State University System, where such trust funds  
87 are for auxiliary enterprises, self-insurance, and contracts,  
88 grants, and donations, as those terms are defined by general  
89 law; trust funds that serve as clearing funds or accounts for  
90 the Chief Financial Officer or state agencies; trust funds that  
91 account for assets held by the state in a trustee capacity as an  
92 agent or fiduciary for individuals, private organizations, or  
93 other governmental units; and other trust funds authorized by  
94 the State Constitution.

95 Section 3. In order to implement section 20 of the 2008-  
96 2009 Special Appropriations Act, paragraph (c) of subsection (1)  
97 of section 320.08, Florida Statutes, is amended to read:

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98           320.08 License taxes.--Except as otherwise provided  
99 herein, there are hereby levied and imposed annual license taxes  
100 for the operation of motor vehicles, mopeds, motorized bicycles  
101 as defined in s. 316.003(2), and mobile homes, as defined in s.  
102 320.01, which shall be paid to and collected by the department  
103 or its agent upon the registration or renewal of registration of  
104 the following:

105           (1) MOTORCYCLES AND MOPEDS.--

106           (c) Upon registration of any motorcycle, motor-driven  
107 cycle, or moped there shall be paid in addition to the license  
108 taxes specified in this subsection a nonrefundable motorcycle  
109 safety education fee in the amount of \$2.50. The proceeds of  
110 such additional fee shall be deposited in the Highway Safety  
111 Operating Trust Fund ~~and be used exclusively~~ to fund a  
112 motorcycle driver improvement program implemented pursuant to s.  
113 322.025, ~~or~~ the Florida Motorcycle Safety Education Program  
114 established in s. 322.0255, or the general operations of the  
115 department.

116           Section 4. The amendments to s. 320.08, Florida Statutes,  
117 made by this act shall expire July 1, 2009, and the text of that  
118 section shall revert to that in existence on the day before the  
119 effective date of this act, except that any amendments to such  
120 text enacted other than by this act shall be preserved and  
121 continue to operate to the extent that such amendments are not  
122 dependent upon the portions of such text that expire pursuant to  
123 this section.

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124 Section 5. In order to implement section 20 of the 2008-  
125 2009 Special Appropriations Act, subsection (4) is added to  
126 section 339.08, Florida Statutes, to read:

127 339.08 Use of moneys in State Transportation Trust Fund.--

128 (4) For the 2008-2009 fiscal year only and notwithstanding  
129 the provisions of this section and ss. 339.09(1) and  
130 215.32(2)(b)4., \$200 million may be transferred from the State  
131 Transportation Trust Fund to the General Revenue Fund.  
132 Notwithstanding ss. 206.46(3) and 206.606(2), the total amount  
133 transferred shall be reduced from total state revenues deposited  
134 into the State Transportation Trust Fund for the calculation  
135 requirements of ss. 206.46(3) and 206.606(2). This subsection  
136 expires July 1, 2009.

137 Section 6. In order to implement section 20 of the 2008-  
138 2009 Special Appropriations Act, paragraph (a) of subsection (4)  
139 of section 339.135, Florida Statutes, is amended to read:

140 339.135 Work program; legislative budget request;  
141 definitions; preparation, adoption, execution, and amendment.--

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

143 (a)1. To assure that no district or county is penalized  
144 for local efforts to improve the State Highway System, the  
145 department shall, for the purpose of developing a tentative work  
146 program, allocate funds for new construction to the districts,  
147 except for the turnpike enterprise, based on equal parts of  
148 population and motor fuel tax collections. Funds for  
149 resurfacing, bridge repair and rehabilitation, bridge fender  
150 system construction or repair, public transit projects except  
151 public transit block grants as provided in s. 341.052, and other  
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152 programs with quantitative needs assessments shall be allocated  
153 based on the results of these assessments. The department may  
154 not transfer any funds allocated to a district under this  
155 paragraph to any other district except as provided in subsection  
156 (7). Funds for public transit block grants shall be allocated to  
157 the districts pursuant to s. 341.052. Funds for the intercity  
158 bus program provided for under s. 5311(f) of the federal  
159 nonurbanized area formula program shall be administered and  
160 allocated directly to eligible bus carriers as defined in s.  
161 341.031(12) at the state level rather than the district. In  
162 order to provide state funding to support the intercity bus  
163 program provided for under provisions of the federal 5311(f)  
164 program, the department shall allocate an amount equal to the  
165 federal share of the 5311(f) program from amounts calculated  
166 pursuant to s. 206.46(3).

167 2. Notwithstanding the provisions of subparagraph 1., the  
168 department shall allocate at least 50 percent of any new  
169 discretionary highway capacity funds to the Florida Strategic  
170 Intermodal System created pursuant to s. 339.61. Any remaining  
171 new discretionary highway capacity funds shall be allocated to  
172 the districts for new construction as provided in subparagraph  
173 1. For the purposes of this subparagraph, the term "new  
174 discretionary highway capacity funds" means any funds available  
175 to the department above the prior year funding level for  
176 capacity improvements, which the department has the discretion  
177 to allocate to highway projects.

178 3. Notwithstanding subparagraph 1. and ss. 206.46(3),  
179 334.044(26), and 339.2819(3) in fiscal year 2008-2009, the  
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180 department shall reduce work program levels to balance the  
181 finance plan to the revised funding levels resulting from any  
182 reduction in the 2008-2009 Special Appropriations Act. This  
183 subparagraph expires July 1, 2009.

184 4. Prior to any project or phase thereof being deferred,  
185 such reductions shall be made to financial projects not  
186 programmed for contract letting as identified with a work  
187 program contract class code 8 and the box code RV, excluding  
188 reserves for rail corridor development. These reductions shall  
189 not negatively impact safety, preservation, maintenance, or  
190 project contingency levels as of July 1, 2008. This subparagraph  
191 expires July 1, 2009.

192 Section 7. In order to implement section 9 of the 2008-  
193 2009 Special Appropriations Act, section 420.0005, Florida  
194 Statutes, is amended to read:

195 420.0005 State Housing Trust Fund; State Housing Fund.--

196 (1) There is hereby established in the State Treasury a  
197 separate trust fund to be named the "State Housing Trust Fund."  
198 There shall be deposited in the fund all moneys appropriated by  
199 the Legislature, or moneys received from any other source, for  
200 the purpose of this chapter, and all proceeds derived from the  
201 use of such moneys. The fund shall be administered by the  
202 Florida Housing Finance Corporation on behalf of the department,  
203 as specified in this chapter. Money deposited to the fund and  
204 appropriated by the Legislature must, notwithstanding the  
205 provisions of chapter 216 or s. 420.504(3), be transferred  
206 quarterly in advance, to the extent available, or, if not so  
207 available, as soon as received into the State Housing Trust  
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208 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)  
209 by the Chief Financial Officer to the corporation upon  
210 certification by the Secretary of Community Affairs that the  
211 corporation is in compliance with the requirements of s.  
212 420.0006. The certification made by the secretary shall also  
213 include the split of funds among programs administered by the  
214 corporation and the department as specified in chapter 92-317,  
215 Laws of Florida, as amended. Moneys advanced by the Chief  
216 Financial Officer must be deposited by the corporation into a  
217 separate fund established with a qualified public depository  
218 meeting the requirements of chapter 280 to be named the "State  
219 Housing Fund" and used for the purposes of this chapter.  
220 Administrative and personnel costs incurred in implementing this  
221 chapter may be paid from the State Housing Fund, but such costs  
222 may not exceed 5 percent of the moneys deposited into such fund.  
223 To the State Housing Fund shall be credited all loan repayments,  
224 penalties, and other fees and charges accruing to such fund  
225 under this chapter. It is the intent of this chapter that all  
226 loan repayments, penalties, and other fees and charges collected  
227 be credited in full to the program account from which the loan  
228 originated. Moneys in the State Housing Fund which are not  
229 currently needed for the purposes of this chapter shall be  
230 invested in such manner as is provided for by statute. The  
231 interest received on any such investment shall be credited to  
232 the State Housing Fund.

233 (2) Notwithstanding any provision of this section to the  
234 contrary and for the 2008-2009 fiscal year only, the corporation  
235 shall return unexpended funds held by the corporation pursuant

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236 to this section to the state as directed by law. This subsection  
237 expires June 30, 2009.

238 Section 8. In order to implement section 9 of the 2008-  
239 2009 Special Appropriations Act, section 420.9079, Florida  
240 Statutes, is amended to read:

241 420.9079 Local Government Housing Trust Fund.--

242 (1) There is created in the State Treasury the Local  
243 Government Housing Trust Fund, which shall be administered by  
244 the corporation on behalf of the department according to the  
245 provisions of ss. 420.907-420.9078 and this section. There shall  
246 be deposited into the fund a portion of the documentary stamp  
247 tax revenues as provided in s. 201.15, moneys received from any  
248 other source for the purposes of ss. 420.907-420.9078 and this  
249 section, and all proceeds derived from the investment of such  
250 moneys. Moneys in the fund that are not currently needed for the  
251 purposes of the programs administered pursuant to ss. 420.907-  
252 420.9078 and this section shall be deposited to the credit of  
253 the fund and may be invested as provided by law. The interest  
254 received on any such investment shall be credited to the fund.

255 (2) The corporation shall administer the fund exclusively  
256 for the purpose of implementing the programs described in ss.  
257 420.907-420.9078 and this section. With the exception of  
258 monitoring the activities of counties and eligible  
259 municipalities to determine local compliance with program  
260 requirements, the corporation shall not receive appropriations  
261 from the fund for administrative or personnel costs. For the  
262 purpose of implementing the compliance monitoring provisions of  
263 s. 420.9075(9), the corporation may request a maximum of one-  
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264 quarter of 1 percent of the annual appropriation per state  
265 fiscal year. When such funding is appropriated, the corporation  
266 shall deduct the amount appropriated prior to calculating the  
267 local housing distribution pursuant to ss. 420.9072 and  
268 420.9073.

269 (3) Notwithstanding any provision of this section to the  
270 contrary and for the 2008-2009 fiscal year only, the corporation  
271 shall return unexpended funds held by the corporation pursuant  
272 to this section to the state as directed by law. This subsection  
273 expires June 30, 2009.

274 Section 9. In order to implement section 33 of the 2008-  
275 2009 Special Appropriations Act, paragraph (f) is added to  
276 subsection (5) of section 215.5601, Florida Statutes, to read:

277 215.5601 Lawton Chiles Endowment Fund.--

278 (5) AVAILABILITY OF FUNDS; USES.--

279 (f) Notwithstanding any provision of this section to the  
280 contrary, during the 2008-2009 fiscal year, up to \$400 million  
281 may be transferred from the Lawton Chiles Endowment Fund to the  
282 General Revenue Fund and up to \$600 million may be transferred  
283 from the Lawton Chiles Endowment Fund to the Budget  
284 Stabilization Fund. This paragraph expires June 30, 2009.

285 Section 10. Section 47 of chapter 2008-153, Laws of  
286 Florida, is repealed.

287 Section 11. A section of this act that implements a  
288 specific appropriation or specifically identified proviso  
289 language in the 2008-2009 Special Appropriations Act is void if  
290 the specific appropriation or specifically identified proviso  
291 language is vetoed. A section of this act that implements more

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292 than one specific appropriation or more than one portion of  
293 specifically identified proviso language in the 2008-2009  
294 Special Appropriations Act is void if all the specific  
295 appropriations or portions of specifically identified proviso  
296 language are vetoed.

297 Section 12. If any other act passed in 2009 contains a  
298 provision that is substantively the same as a provision in this  
299 act but that removes or is otherwise not subject to the future  
300 repeal applied to such provision by this act, the Legislature  
301 intends that the provision in the other act shall take  
302 precedence and shall continue to operate notwithstanding the  
303 future repeal provided by this act.

304 Section 13. If any provision of this act or its  
305 application to any person or circumstance is held invalid, the  
306 invalidity does not affect other provisions or applications of  
307 the act which can be given effect without the invalid provision  
308 or application, and to this end the provisions of this act are  
309 severable.

310 Section 14. This act shall take effect upon becoming a  
311 law.

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**T I T L E A M E N D M E N T**

315 Remove the entire title and insert:

316 A bill to be entitled

317 An act relating to implementing the 2008-2009 Special  
318 Appropriations Act; providing legislative intent;

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320 reenacting s. 215.32(2)(b), F.S., relating to the source  
321 and use of certain trust funds in order to implement the  
322 transfer of moneys to the General Revenue Fund from trust  
323 funds in the 2008-2009 Special Appropriations Act;  
324 amending s. 320.08, F.S.; revising uses of certain  
325 motorcycle and moped license tax fees; amending s. 339.08,  
326 F.S.; authorizing the transfer of specified moneys from  
327 the State Transportation Trust Fund to the General Revenue  
328 Fund; reducing the amount transferred from certain  
329 transportation calculation requirements; amending s.  
330 339.135, F.S.; providing for use of transportation  
331 revenues; providing for revised funding levels for  
332 Department of Transportation projects; amending ss.  
333 420.0005 and 420.9079, F.S.; providing for the return of  
334 certain unexpended funds held by the Florida Housing  
335 Finance Corporation to the state as directed by law;  
336 amending s. 215.5601, F.S.; authorizing transfer of  
337 certain funds from the Lawton Chiles Endowment Fund to the  
338 General Revenue Fund and the Budget Stabilization Fund;  
339 repealing s. 47, ch. 2008-153, Laws of Florida, which  
340 authorized and provided conditions for the transfer of  
341 funds from the Budget Stabilization Fund or the Lawton  
342 Chiles Endowment Fund to the General Revenue Fund;  
343 providing for future expiration of various provisions;  
344 providing for reversion of certain provisions; providing  
345 for the effect of a veto of one or more specific  
346 appropriations or proviso to which implementing language  
347 refers; providing for the continued operation of certain

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HOUSE AMENDMENT

Bill No. SB 4A

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348 provisions notwithstanding a future repeal or expiration  
349 provided by this act; providing for severability;  
350 providing an effective date.

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