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LEGISLATIVE ACTION

Senate

House

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The Conference Committee on SB 4-A recommended the following:

1 **Senate Conference Committee Amendment (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. It is the intent of the Legislature that the
7 implementing and administering provisions of this act apply to
8 Senate Bill 2-A, the act making appropriations and reductions in
9 appropriations for the 2008-2009 fiscal year.

10 Section 2. In order to implement the transfer of moneys to
11 the General Revenue Fund from trust funds as provided in Senate
12 Bill 2-A, an act making appropriations and reductions in
13 appropriations for the 2008-2009 fiscal year, paragraph (b) of



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14 subsection (2) of section 215.32, Florida Statutes, is reenacted
15 to read:

16 215.32 State funds; segregation.-

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

19 (b)

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

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

36 a. Operations or operating trust fund, for use as a
37 depository for funds to be used for program operations funded by
38 program revenues, with the exception of administrative
39 activities when the operations or operating trust fund is a
40 proprietary fund.

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



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

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

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

54 f. Clearing funds trust fund, for use as a depository for
55 funds to account for collections pending distribution to lawful
56 recipients.

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

60
61 To the extent possible, each agency must adjust its internal
62 accounting to use existing trust funds consistent with the
63 requirements of this subparagraph. If an agency does not have
64 trust funds listed in this subparagraph and cannot make such
65 adjustment, the agency must recommend the creation of the
66 necessary trust funds to the Legislature no later than the next
67 scheduled review of the agency's trust funds pursuant to s.
68 215.3206.

69 3. All such moneys are hereby appropriated to be expended
70 in accordance with the law or trust agreement under which they
71 were received, subject always to the provisions of chapter 216



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72 relating to the appropriation of funds and to the applicable
73 laws relating to the deposit or expenditure of moneys in the
74 State Treasury.

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

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

98 Section 3. In order to implement section 52 of Senate Bill
99 2-A, paragraph (f) is added to subsection (5) of section
100 215.5601, Florida Statutes, to read:



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101 215.5601 Lawton Chiles Endowment Fund.-

102 (5) AVAILABILITY OF FUNDS; USES.-

103 (f) Notwithstanding any provision of this section to the
104 contrary, during the 2008-2009 fiscal year, up to \$700 million
105 may be transferred from the endowment to the General Revenue
106 Fund. This paragraph expires June 30, 2009.

107 Section 4. It is the intent of the Legislature that the
108 repayment of the distribution from the Lawton Chiles Endowment
109 Fund will begin in the first year that recurring General Revenue
110 Fund receipts are estimated to exceed the prior year's recurring
111 General Revenue Fund receipts by 5 percent. In addition, it is
112 the intent of the Legislature that, from the growth in general
113 revenue receipts, up to \$150 million may be used to repay the
114 fund in each year.

115 Section 5. In order to implement Specific Appropriations
116 620A, 684A, 689A, 689B, and 690 of Senate Bill 2-A, subsections
117 (21) and (22) are added to section 259.105, Florida Statutes, to
118 read:

119 259.105 The Florida Forever Act.-

120 (21) Notwithstanding the provisions of subsection (3),
121 proceeds from bonds issued pursuant to this section as
122 authorized pursuant to Specific Appropriation 1656 of chapter
123 2008-152, Laws of Florida, shall be deposited into the Florida
124 Forever Trust Fund created by s. 259.1051. The first \$31.5
125 million of these proceeds shall be distributed by the Department
126 of Environmental Protection in the following manner:

127 (a) Nineteen and four hundredths percent to the Department
128 of Environmental Protection for grants pursuant to s. 375.075.

129 (b) Fourteen and twenty-nine hundredths percent to the



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130 Department of Environmental Protection for the purchase of
131 inholdings and additions to state parks and for capital project
132 expenditures as described in this section.

133 (c) Fourteen and twenty-nine hundredths percent to the
134 Division of Forestry of the Department of Agriculture and
135 Consumer Services to fund the acquisition of state forest
136 inholdings and additions pursuant to s. 589.07, the
137 implementation of reforestation plans or sustainable forestry
138 management practices, and for capital project expenditures as
139 described in this section.

140 (d) Fourteen and twenty-nine hundredths percent to the Fish
141 and Wildlife Conservation Commission to fund the acquisition of
142 inholdings and additions to lands managed by the commission
143 which are important to the conservation of fish and wildlife and
144 for capital project expenditures as described in this section.

145 (e) Fourteen and twenty-nine hundredths percent to the
146 Department of Environmental Protection for the Florida Greenways
147 and Trails Program, to acquire greenways and trails or greenways
148 and trail systems pursuant to chapter 260, including, but not
149 limited to, abandoned railroad rights-of-way and the Florida
150 National Scenic Trail and for capital project expenditures as
151 described in this section.

152 (f) Twenty-three and eight-tenths percent to the Department
153 of Community Affairs for the acquisition of land and capital
154 project expenditures necessary to implement the Stan Mayfield
155 Working Waterfronts Program within the Florida Communities Trust
156 pursuant to s. 380.5105.

157 (22) (a) Of the money remaining in the Florida Forever Trust
158 Fund, the distribution shall be made as follows:



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159 1. To purchase lands acquired by third parties with the
160 understanding that the state would reimburse and take title of
161 the land and the land was identified in a multiparty acquisition
162 agreement or acquired pursuant to statute. The multiparty
163 agreements must have been entered into by the Division of State
164 Lands of the Department of Environmental Protection prior to
165 January 1, 2009. These acquisitions are not subject to the
166 provisions of paragraph (b).

167 2. To the Department of Environmental Protection from
168 interest earnings and from the money remaining an amount
169 sufficient to cover previously expended funds from the 2008-2009
170 fiscal year.

171 3. The remaining funds shall be distributed pursuant to the
172 General Appropriations Act in effect when the appropriation was
173 made.

174 (b) For those programs receiving funds from the Florida
175 Forever Trust Fund, any approved or pending acquisitions,
176 contracts, options, or other instruments used to indicate an
177 intent to purchase shall not be performed but are hereby
178 discharged and of no further force or effect.

179 (c) Project lists that have been approved for funding by
180 the Florida Communities Trust Governing Board shall remain in
181 force and effect but project grants shall be amended to provide
182 for an extension until such time that funds become available to
183 complete the terms of the grant. Such extension of time shall be
184 conditioned upon the project being reappraised prior to the
185 expenditure of funds. The new appraisals shall be submitted to
186 the governing board of the trust and the terms of the grant
187 shall be amended as necessary.



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188 Section 6. In order to implement Specific Appropriation 701
189 of Senate Bill 2-A, subsection (6) is added to section 373.1961,
190 Florida Statutes, to read:

191 373.1961 Water production; general powers and duties;
192 identification of needs; funding criteria; economic incentives;
193 reuse funding.—

194 (6) For the 2008-2009 fiscal year only, funds remaining to
195 be distributed, after the distribution provided for in
196 subsection (5), pursuant to paragraph (3)(b) shall be allocated
197 as follows:

198 (a) Fifty percent to the Northwest Florida Water Management
199 District.

200 (b) Fifty percent to the Suwannee River Water Management
201 District.

202 Section 7. To the extent that revenues have been
203 distributed before March 1, 2009, for the 2008-2009 fiscal year
204 in excess of the amounts authorized in s. 373.1961(6), Florida
205 Statutes, the Department of Environmental Protection shall
206 reallocate funds so that the total distribution in the 2008-2009
207 fiscal year is consistent with the distribution set forth in s.
208 373.1961, Florida Statutes.

209 Section 8. In order to implement Specific Appropriations
210 616, 697, 700, and 701 of Senate Bill 2-A, subsection (3) of
211 section 403.890, Florida Statutes, is amended, and subsection
212 (6) is added to that section, to read:

213 403.890 Water Protection and Sustainability Program;
214 intent; goals; purposes.—

215 ~~(3) In addition to the uses allowed in subsection (1)~~ For
216 the 2008-2009 fiscal year only, moneys in the Water Protection



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217 and Sustainability Program Trust Fund shall be transferred to
218 the Ecosystem Management and Restoration Trust Fund for grants
219 and aids to local governments for water projects as provided in
220 the General Appropriations Act. This subsection expires July 1,
221 2009.

222 (6) For the 2008-2009 fiscal year only, in lieu of the
223 distributions authorized in subsection (2) for revenues
224 transferred from the Department of Revenue pursuant to s.
225 201.15(1)(c)2., and after the distribution authorized in
226 subsection (3), remaining funds shall be distributed as follows:

227 (a) Thirty-one and twenty-one hundredths percent to the
228 Department of Environmental Protection for the implementation of
229 an alternative water supply program as provided in s. 373.1961.

230 (b) Twenty-six and eighty-seven hundredths percent for the
231 implementation of best-management practices and capital project
232 expenditures necessary for the implementation of the goals of
233 the total maximum daily load program established in s. 403.067.
234 Of these funds, 86 percent shall be transferred to the credit of
235 the Water Quality Assurance Trust Fund of the Department of
236 Environmental Protection to address water quality impacts
237 associated with nonagricultural nonpoint sources. Fourteen
238 percent of these funds shall be transferred to the General
239 Inspection Trust Fund of the Department of Agriculture and
240 Consumer Services to address water quality impacts associated
241 with agricultural nonpoint sources. These funds shall be used
242 for research, development, demonstration, and implementation of
243 the total maximum daily load program under s. 403.067, suitable
244 best-management practices, or other measures used to achieve
245 water quality standards in surface waters and water segments



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246 identified pursuant to s. 303(d) of the Clean Water Act, Pub. L.
247 No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best-
248 management practices and other measures may include cost-share
249 grants, technical assistance, implementation tracking, and
250 conservation leases or other agreements for water quality
251 improvement. The Department of Environmental Protection and the
252 Department of Agriculture and Consumer Services may adopt rules
253 governing the distribution of funds for implementation of
254 capital projects, best-management practices, and other measures.
255 These funds may not be used to abrogate the financial
256 responsibility of those point and nonpoint sources that have
257 contributed to the degradation of water or land areas. Increased
258 priority shall be given by the department and the water
259 management district governing boards to those projects that have
260 secured a cost-sharing agreement that allocates responsibility
261 for the cleanup of point and nonpoint sources.

262 (c) Forty-one and ninety-two hundredths percent to the
263 Department of Environmental Protection for the Disadvantaged
264 Small Community Wastewater Grant Program as provided in s.
265 403.1838.

266
267 This subsection expires July 1, 2009.

268 Section 9. To the extent that revenues have been
269 distributed before March 1, 2009, for the 2008-2009 fiscal year
270 in excess of the amounts authorized in s. 403.890(6), Florida
271 Statutes, the Department of Environmental Protection shall
272 reallocate funds so that the total distribution in the 2008-2009
273 fiscal year is consistent with the distribution set forth in s.
274 403.890(6), Florida Statutes.



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275 Section 10. In order to implement sections 44 through 47 of
276 Senate Bill 2-A, section 420.0005, Florida Statutes, is amended
277 to read:

278 420.0005 State Housing Trust Fund; State Housing Fund.—

279 (1) There is hereby established in the State Treasury a
280 separate trust fund to be named the "State Housing Trust Fund."
281 There shall be deposited in the fund all moneys appropriated by
282 the Legislature, or moneys received from any other source, for
283 the purpose of this chapter, and all proceeds derived from the
284 use of such moneys. The fund shall be administered by the
285 Florida Housing Finance Corporation on behalf of the department,
286 as specified in this chapter. Money deposited to the fund and
287 appropriated by the Legislature must, notwithstanding the
288 provisions of chapter 216 or s. 420.504(3), be transferred
289 quarterly in advance, to the extent available, or, if not so
290 available, as soon as received into the State Housing Trust
291 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)
292 by the Chief Financial Officer to the corporation upon
293 certification by the Secretary of Community Affairs that the
294 corporation is in compliance with the requirements of s.
295 420.0006. The certification made by the secretary shall also
296 include the split of funds among programs administered by the
297 corporation and the department as specified in chapter 92-317,
298 Laws of Florida, as amended. Moneys advanced by the Chief
299 Financial Officer must be deposited by the corporation into a
300 separate fund established with a qualified public depository
301 meeting the requirements of chapter 280 to be named the "State
302 Housing Fund" and used for the purposes of this chapter.
303 Administrative and personnel costs incurred in implementing this



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304 chapter may be paid from the State Housing Fund, but such costs
305 may not exceed 5 percent of the moneys deposited into such fund.
306 To the State Housing Fund shall be credited all loan repayments,
307 penalties, and other fees and charges accruing to such fund
308 under this chapter. It is the intent of this chapter that all
309 loan repayments, penalties, and other fees and charges collected
310 be credited in full to the program account from which the loan
311 originated. Moneys in the State Housing Fund which are not
312 currently needed for the purposes of this chapter shall be
313 invested in such manner as is provided for by statute. The
314 interest received on any such investment shall be credited to
315 the State Housing Fund.

316 (2) Notwithstanding any provision of this section to the
317 contrary and for the 2008-2009 fiscal year only, the corporation
318 shall return unexpended funds held by the corporation pursuant
319 to this section and part V of this chapter to the State Treasury
320 as directed by law. This subsection expires June 30, 2009.

321 Section 11. In order to implement sections 44 through 47 of
322 Senate Bill 2-A, section 420.9079, Florida Statutes, is amended
323 to read:

324 420.9079 Local Government Housing Trust Fund.—

325 (1) There is created in the State Treasury the Local
326 Government Housing Trust Fund, which shall be administered by
327 the corporation on behalf of the department according to the
328 provisions of ss. 420.907-420.9078 and this section. There shall
329 be deposited into the fund a portion of the documentary stamp
330 tax revenues as provided in s. 201.15, moneys received from any
331 other source for the purposes of ss. 420.907-420.9078 and this
332 section, and all proceeds derived from the investment of such



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333 moneys. Moneys in the fund that are not currently needed for the
334 purposes of the programs administered pursuant to ss. 420.907-
335 420.9078 and this section shall be deposited to the credit of
336 the fund and may be invested as provided by law. The interest
337 received on any such investment shall be credited to the fund.

338 (2) The corporation shall administer the fund exclusively
339 for the purpose of implementing the programs described in ss.
340 420.907-420.9078 and this section. With the exception of
341 monitoring the activities of counties and eligible
342 municipalities to determine local compliance with program
343 requirements, the corporation shall not receive appropriations
344 from the fund for administrative or personnel costs. For the
345 purpose of implementing the compliance monitoring provisions of
346 s. 420.9075(9), the corporation may request a maximum of one-
347 quarter of 1 percent of the annual appropriation per state
348 fiscal year. When such funding is appropriated, the corporation
349 shall deduct the amount appropriated prior to calculating the
350 local housing distribution pursuant to ss. 420.9072 and
351 420.9073.

352 (3) Notwithstanding any provision of this section to the
353 contrary and for the 2008-2009 fiscal year only, the corporation
354 shall return unexpended funds held by the corporation pursuant
355 to this section and part V of this chapter to the State Treasury
356 as directed by law. This subsection expires June 30, 2009.

357 Section 12. In order to ensure that the funds transferred
358 by sections 44 through 47 of SB 2-A are available, the Florida
359 Housing Finance Corporation shall adopt emergency rules pursuant
360 to s. 120.54, Florida Statutes. The Legislature finds that
361 emergency rules adopted pursuant to this section meet the



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362 health, safety, and welfare requirement of s. 120.54(4), Florida
363 Statutes. The Legislature finds that such emergency rulemaking
364 power is necessitated by the immediate danger to the
365 preservation of the rights and welfare of the people and is
366 immediately necessary in order to implement the action of the
367 Legislature to address the revenue shortfall of the 2008-2009
368 fiscal year. Therefore, in adopting such emergency rules, the
369 corporation need not publish the facts, reasons, and findings
370 required by s. 120.54(4)(a)3., Florida Statutes. Emergency rules
371 adopted under this section are exempt from s. 120.54(4)(c),
372 Florida Statutes, and shall remain in effect for 180 days.

373 Section 13. Section 47 of chapter 2008-153, Laws of
374 Florida, is repealed.

375 Section 14. Any section of this act which implements a
376 specific appropriation or specifically identified proviso
377 language in the act making appropriations and reductions in
378 appropriations for the 2008-2009 fiscal year is void if the
379 specific appropriation or specifically identified proviso
380 language is vetoed. Any section of this act which implements
381 more than one specific appropriation or more than one portion of
382 specifically identified proviso language in the act making
383 appropriations and reductions in appropriations for the 2008-
384 2009 fiscal year is void if all the specific appropriations or
385 portions of specifically identified proviso language are vetoed.

386 Section 15. If any provision of this act or its application
387 to any person or circumstance is held invalid, the invalidity
388 does not affect other provisions or applications of the act
389 which can be given effect without the invalid provision or
390 application, and to this end the provisions of this act are



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391 severable.

392 Section 16. This act shall take effect upon becoming a law.

393

394 ===== T I T L E A M E N D M E N T =====

395 And the title is amended as follows:

396 Delete everything before the enacting clause

397 and insert:

398 A bill to be entitled

399 An act implementing the 2008-2009 Special Appropriations Act;
400 providing legislative intent; reenacting s. 215.32(2)(b), F.S.,
401 relating to the source and use of certain trust funds, in order
402 to implement the transfer of moneys to the General Revenue Fund
403 from trust funds as provided in the 2008-2009 Special
404 Appropriations Act; amending s. 215.5601, F.S.; authorizing the
405 transfer of funds from the Lawton Chiles Endowment Fund to the
406 General Revenue Fund for the 2008-2009 fiscal year; providing
407 legislative intent with respect to the repayment of moneys to
408 the Lawton Chiles Endowment Fund; amending s. 259.105, F.S.;
409 requiring that proceeds from bonds issued under the Florida
410 Forever Act be deposited into the Florida Forever Trust Fund;
411 revising the distribution of bond proceeds; declaring of no
412 force or effect certain approved or pending acquisitions,
413 contracts, options, or other instruments indicating an intent to
414 purchase; requiring that project lists approved by the Florida
415 Communities Trust Governing Board be amended to provide for an
416 extension of time; amending s. 373.1961, F.S.; providing for the
417 allocation of certain funds for alternative water supply trust
418 fund accounts; providing for the reallocation of such funds for
419 the 2008-2009 fiscal year only; amending s. 403.890, F.S.;



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420 revising the distribution of funds from the Water Protection and
421 Sustainability Program Trust Fund; providing for future
422 expiration of such provisions; providing for the reallocation of
423 funds to conform to changes made by the act; amending ss.
424 420.0005 and 420.9079, F.S.; requiring that the Florida Housing
425 Finance Corporation return to the State Treasury for the 2008-
426 2009 fiscal year only certain unexpended funds held by the
427 corporation; authorizing the corporation to adopt emergency
428 rules; providing legislative findings with respect to the
429 necessity for such emergency rules; exempting the corporation
430 from certain requirements and limitations with respect to the
431 emergency rules; repealing s. 47 of chapter 2008-153, Laws of
432 Florida, relating to transfers of funds from the Budget
433 Stabilization Fund; providing for the effect of a veto of one or
434 more specific appropriations or proviso provisions to which
435 implementing language refers; providing for severability;
436 providing an effective date.