

By the Policy and Steering Committee on Ways and Means

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1                                   A bill to be entitled  
2       An act implementing the 2008-2009 Special  
3       Appropriations Act; providing legislative intent;  
4       reenacting s. 215.32(2)(b), F.S., relating to the  
5       source and use of certain trust funds, in order to  
6       implement the transfer of moneys to the General  
7       Revenue Fund from trust funds as provided in the 2008-  
8       2009 Special Appropriations Act; amending s. 215.5601,  
9       F.S.; authorizing the transfer of funds from the  
10      Lawton Chiles Endowment Fund to the General Revenue  
11      Fund for the 2008-2009 fiscal year; providing  
12      legislative intent with respect to the repayment of  
13      moneys to the Lawton Chiles Endowment Fund; amending  
14      s. 259.105, F.S.; providing for the proceeds of  
15      certain bonds issued under the Florida Forever program  
16      to be deposited into the Florida Forever Trust Fund;  
17      providing for the distribution of funds to the  
18      Department of Environmental Protection, the Department  
19      of Agriculture and Consumer Services, the Fish and  
20      Wildlife Conservation Commission, and the Department  
21      of Community Affairs to be used for the acquisition of  
22      lands, capital project expenditures, and other  
23      purposes; requiring that certain approved or pending  
24      acquisitions, contracts, or other instruments be  
25      allowed to lapse; requiring the reassessment of  
26      certain acquisitions; amending ss. 420.0005 and  
27      420.9079, F.S.; requiring that the Florida Housing  
28      Finance Corporation return to the State Treasury for  
29      the 2008-2009 fiscal year only certain unexpended

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30 funds held by the corporation; providing for the  
31 effect of a veto of one or more specific  
32 appropriations or proviso provisions to which  
33 implementing language refers; providing for  
34 severability; providing an effective date.  
35

36 Be It Enacted by the Legislature of the State of Florida:  
37

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

42 Section 2. In order to implement the transfer of moneys to  
43 the General Revenue Fund from trust funds as provided in Senate  
44 Bill 2-A, an act making appropriations and reductions in  
45 appropriations for the 2008-2009 fiscal year, paragraph (b) of  
46 subsection (2) of section 215.32, Florida Statutes, is reenacted  
47 to read:

48 215.32 State funds; segregation.—

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

51 (b)

52 1. The trust funds shall consist of moneys received by the  
53 state which under law or under trust agreement are segregated  
54 for a purpose authorized by law. The state agency or branch of  
55 state government receiving or collecting such moneys shall be  
56 responsible for their proper expenditure as provided by law.  
57 Upon the request of the state agency or branch of state  
58 government responsible for the administration of the trust fund,

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59 the Chief Financial Officer may establish accounts within the  
60 trust fund at a level considered necessary for proper  
61 accountability. Once an account is established within a trust  
62 fund, the Chief Financial Officer may authorize payment from  
63 that account only upon determining that there is sufficient cash  
64 and releases at the level of the account.

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

68 a. Operations or operating trust fund, for use as a  
69 depository for funds to be used for program operations funded by  
70 program revenues, with the exception of administrative  
71 activities when the operations or operating trust fund is a  
72 proprietary fund.

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

75 c. Administrative trust fund, for use as a depository for  
76 funds to be used for management activities that are departmental  
77 in nature and funded by indirect cost earnings and assessments  
78 against trust funds. Proprietary funds are excluded from the  
79 requirement of using an administrative trust fund.

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

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

86 f. Clearing funds trust fund, for use as a depository for  
87 funds to account for collections pending distribution to lawful

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88 recipients.

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

92

93 To the extent possible, each agency must adjust its internal  
94 accounting to use existing trust funds consistent with the  
95 requirements of this subparagraph. If an agency does not have  
96 trust funds listed in this subparagraph and cannot make such  
97 adjustment, the agency must recommend the creation of the  
98 necessary trust funds to the Legislature no later than the next  
99 scheduled review of the agency's trust funds pursuant to s.  
100 215.3206.

101 3. All such moneys are hereby appropriated to be expended  
102 in accordance with the law or trust agreement under which they  
103 were received, subject always to the provisions of chapter 216  
104 relating to the appropriation of funds and to the applicable  
105 laws relating to the deposit or expenditure of moneys in the  
106 State Treasury.

107 4.a. Notwithstanding any provision of law restricting the  
108 use of trust funds to specific purposes, unappropriated cash  
109 balances from selected trust funds may be authorized by the  
110 Legislature for transfer to the Budget Stabilization Fund and  
111 General Revenue Fund in the General Appropriations Act.

112 b. This subparagraph does not apply to trust funds required  
113 by federal programs or mandates; trust funds established for  
114 bond covenants, indentures, or resolutions whose revenues are  
115 legally pledged by the state or public body to meet debt service  
116 or other financial requirements of any debt obligations of the

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117 state or any public body; the State Transportation Trust Fund;  
118 the trust fund containing the net annual proceeds from the  
119 Florida Education Lotteries; the Florida Retirement System Trust  
120 Fund; trust funds under the management of the State Board of  
121 Education or the Board of Governors of the State University  
122 System, where such trust funds are for auxiliary enterprises,  
123 self-insurance, and contracts, grants, and donations, as those  
124 terms are defined by general law; trust funds that serve as  
125 clearing funds or accounts for the Chief Financial Officer or  
126 state agencies; trust funds that account for assets held by the  
127 state in a trustee capacity as an agent or fiduciary for  
128 individuals, private organizations, or other governmental units;  
129 and other trust funds authorized by the State Constitution.

130 Section 3. In order to implement section 50 of Senate Bill  
131 2-A, paragraph (f) is added to subsection (5) of section  
132 215.5601, Florida Statutes, to read:

133 215.5601 Lawton Chiles Endowment Fund.—

134 (5) AVAILABILITY OF FUNDS; USES.—

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

139 Section 4. It is the intent of the Legislature that the  
140 repayment of the distribution from the Lawton Chiles Endowment  
141 Fund will begin in the first year that recurring General Revenue  
142 Fund receipts are estimated to exceed the prior year's recurring  
143 General Revenue Fund receipts by 5 percent. In addition, it is  
144 the intent of the Legislature that, from the growth in general  
145 revenue receipts, up to \$150 million may be used to repay the

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146 fund in each year.

147 Section 5. In order to implement Specific Appropriations  
148 620A, 684A, 689A, 689B, and 690 of Senate Bill 2-A, subsections  
149 (21) and (22) are added to section 259.105, Florida Statutes, to  
150 read:

151 259.105 The Florida Forever Act.—

152 (21) Notwithstanding the provisions of subsection (3),  
153 proceeds from the issuance of bonds issued pursuant to this  
154 section as authorized pursuant to Specific Appropriation 1656 of  
155 chapter 2008-152, Laws of Florida, shall be deposited into the  
156 Florida Forever Trust Fund created by s. 259.1051. The first  
157 \$31.5 million of these proceeds shall be distributed by the  
158 Department of Environmental Protection in the following manner:

159 (a) Nineteen and five hundredths percent to the Department  
160 of Environmental Protection for grants pursuant to s. 375.075.

161 (b) Fourteen and twenty-nine hundredths percent to the  
162 Department of Environmental Protection for the purchase of  
163 inholdings and additions to state parks and for capital project  
164 expenditures as described in this section.

165 (c) Fourteen and twenty-nine hundredths percent to the  
166 Division of Forestry of the Department of Agriculture and  
167 Consumer Services to fund the acquisition of state forest  
168 inholdings and additions pursuant to s. 589.07, to fund the  
169 implementation of reforestation plans or sustainable forestry  
170 management practices, and for capital project expenditures as  
171 described in this section.

172 (d) Fourteen and twenty-nine hundredths percent to the Fish  
173 and Wildlife Conservation Commission to fund the acquisition of  
174 inholdings and additions to lands managed by the commission

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175 which are important to the conservation of fish and wildlife and  
176 for capital project expenditures as described in this section.

177 (e) Fourteen and twenty-nine hundredths percent to the  
178 Department of Environmental Protection for the Florida Greenways  
179 and Trails Program to acquire greenways and trails or greenways  
180 and trail systems pursuant to chapter 260, including, but not  
181 limited to, abandoned railroad rights-of-way and the Florida  
182 National Scenic Trail and for capital project expenditures as  
183 described in this section.

184 (f) Twenty-three and eighty-one hundredths percent to the  
185 Department of Community Affairs for the acquisition of land and  
186 capital project expenditures necessary to implement the Stan  
187 Mayfield Working Waterfronts Program within the Florida  
188 Communities Trust pursuant to s. 380.5105.

189 (22) (a) Of the money remaining in the Florida Forever Trust  
190 Fund, the distribution formula shall be as it existed when the  
191 appropriation was made.

192 (b) For those programs receiving funds, any approved or  
193 pending acquisitions, contracts, options, or other instruments  
194 used to indicate an intent to purchase shall be allowed to  
195 lapse.

196 (c) All acquisitions effected by paragraph (b) shall be  
197 reassessed to determine if the proposed purchase price exceeds  
198 the current value of the property or easement.

199 (d) Once the requirements of paragraph (c) have been met,  
200 funds may be expended as provided in subsection (21) and  
201 paragraph (a).

202 Section 6. In order to implement sections 45 through 48 of  
203 Senate Bill 2-A, section 420.0005, Florida Statutes, is amended

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204 to read:

205 420.0005 State Housing Trust Fund; State Housing Fund.—

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



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233 To the State Housing Fund shall be credited all loan repayments,  
234 penalties, and other fees and charges accruing to such fund  
235 under this chapter. It is the intent of this chapter that all  
236 loan repayments, penalties, and other fees and charges collected  
237 be credited in full to the program account from which the loan  
238 originated. Moneys in the State Housing Fund which are not  
239 currently needed for the purposes of this chapter shall be  
240 invested in such manner as is provided for by statute. The  
241 interest received on any such investment shall be credited to  
242 the State Housing Fund.

243 (2) Notwithstanding any provision of this section to the  
244 contrary and for the 2008-2009 fiscal year only, the corporation  
245 shall return unexpended funds held by the corporation pursuant  
246 to this section to the State Treasury as directed by law. This  
247 subsection expires June 30, 2009.

248 Section 7. In order to implement sections 45 through 48 of  
249 Senate Bill 2-A, section 420.9079, Florida Statutes, is amended  
250 to read:

251 420.9079 Local Government Housing Trust Fund.—

252 (1) There is created in the State Treasury the Local  
253 Government Housing Trust Fund, which shall be administered by  
254 the corporation on behalf of the department according to the  
255 provisions of ss. 420.907-420.9078 and this section. There shall  
256 be deposited into the fund a portion of the documentary stamp  
257 tax revenues as provided in s. 201.15, moneys received from any  
258 other source for the purposes of ss. 420.907-420.9078 and this  
259 section, and all proceeds derived from the investment of such  
260 moneys. Moneys in the fund that are not currently needed for the  
261 purposes of the programs administered pursuant to ss. 420.907-

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262 420.9078 and this section shall be deposited to the credit of  
263 the fund and may be invested as provided by law. The interest  
264 received on any such investment shall be credited to the fund.

265 (2) The corporation shall administer the fund exclusively  
266 for the purpose of implementing the programs described in ss.  
267 420.907-420.9078 and this section. With the exception of  
268 monitoring the activities of counties and eligible  
269 municipalities to determine local compliance with program  
270 requirements, the corporation shall not receive appropriations  
271 from the fund for administrative or personnel costs. For the  
272 purpose of implementing the compliance monitoring provisions of  
273 s. 420.9075(9), the corporation may request a maximum of one-  
274 quarter of 1 percent of the annual appropriation per state  
275 fiscal year. When such funding is appropriated, the corporation  
276 shall deduct the amount appropriated prior to calculating the  
277 local housing distribution pursuant to ss. 420.9072 and  
278 420.9073.

279 (3) Notwithstanding any provision of this section to the  
280 contrary and for the 2008-2009 fiscal year only, the corporation  
281 shall return unexpended funds held by the corporation pursuant  
282 to this section to the State Treasury as directed by law. This  
283 subsection expires June 30, 2009.

284 Section 8. Any section of this act which implements a  
285 specific appropriation or specifically identified proviso  
286 language in the act making appropriations and reductions in  
287 appropriations for the 2008-2009 fiscal year is void if the  
288 specific appropriation or specifically identified proviso  
289 language is vetoed. Any section of this act which implements  
290 more than one specific appropriation or more than one portion of

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291 specifically identified proviso language in the act making  
292 appropriations and reductions in appropriations for the 2008-  
293 2009 fiscal year is void if all the specific appropriations or  
294 portions of specifically identified proviso language are vetoed.

295       Section 9. If any provision of this act or its application  
296 to any person or circumstance is held invalid, the invalidity  
297 does not affect other provisions or applications of the act  
298 which can be given effect without the invalid provision or  
299 application, and to this end the provisions of this act are  
300 severable.

301       Section 10. This act shall take effect upon becoming a law.