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1
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.; requiring that proceeds from bonds
15 issued under the Florida Forever Act be deposited into
16 the Florida Forever Trust Fund; revising the
17 distribution of bond proceeds; declaring of no force
18 or effect certain approved or pending acquisitions,
19 contracts, options, or other instruments indicating an
20 intent to purchase; requiring that project lists
21 approved by the Florida Communities Trust Governing
22 Board be amended to provide for an extension of time;
23 amending s. 373.1961, F.S.; providing for the
24 allocation of certain funds for alternative water
25 supply trust fund accounts; providing for the
26 reallocation of such funds for the 2008-2009 fiscal
27 year only; amending s. 403.890, F.S.; revising the
28 distribution of funds from the Water Protection and
29 Sustainability Program Trust Fund; providing for

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30 future expiration of such provisions; providing for
31 the reallocation of funds to conform to changes made
32 by the act; amending ss. 420.0005 and 420.9079, F.S.;
33 requiring that the Florida Housing Finance Corporation
34 return to the State Treasury for the 2008-2009 fiscal
35 year only certain unexpended funds held by the
36 corporation; authorizing the corporation to adopt
37 emergency rules; providing legislative findings with
38 respect to the necessity for such emergency rules;
39 exempting the corporation from certain requirements
40 and limitations with respect to the emergency rules;
41 repealing s. 47 of chapter 2008-153, Laws of Florida,
42 relating to transfers of funds from the Budget
43 Stabilization Fund; providing for the effect of a veto
44 of one or more specific appropriations or proviso
45 provisions to which implementing language refers;
46 providing for severability; providing an effective
47 date.

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

50
51 Section 1. It is the intent of the Legislature that the
52 implementing and administering provisions of this act apply to
53 Senate Bill 2-A, the act making appropriations and reductions in
54 appropriations for the 2008-2009 fiscal year.

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

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59 subsection (2) of section 215.32, Florida Statutes, is reenacted
60 to read:

61 215.32 State funds; segregation.—

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

64 (b)

65 1. The trust funds shall consist of moneys received by the
66 state which under law or under trust agreement are segregated
67 for a purpose authorized by law. The state agency or branch of
68 state government receiving or collecting such moneys shall be
69 responsible for their proper expenditure as provided by law.
70 Upon the request of the state agency or branch of state
71 government responsible for the administration of the trust fund,
72 the Chief Financial Officer may establish accounts within the
73 trust fund at a level considered necessary for proper
74 accountability. Once an account is established within a trust
75 fund, the Chief Financial Officer may authorize payment from
76 that account only upon determining that there is sufficient cash
77 and releases at the level of the account.

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

81 a. Operations or operating trust fund, for use as a
82 depository for funds to be used for program operations funded by
83 program revenues, with the exception of administrative
84 activities when the operations or operating trust fund is a
85 proprietary fund.

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

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88 c. Administrative trust fund, for use as a depository for
89 funds to be used for management activities that are departmental
90 in nature and funded by indirect cost earnings and assessments
91 against trust funds. Proprietary funds are excluded from the
92 requirement of using an administrative trust fund.

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

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

99 f. Clearing funds trust fund, for use as a depository for
100 funds to account for collections pending distribution to lawful
101 recipients.

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

105

106 To the extent possible, each agency must adjust its internal
107 accounting to use existing trust funds consistent with the
108 requirements of this subparagraph. If an agency does not have
109 trust funds listed in this subparagraph and cannot make such
110 adjustment, the agency must recommend the creation of the
111 necessary trust funds to the Legislature no later than the next
112 scheduled review of the agency's trust funds pursuant to s.
113 215.3206.

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

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117 relating to the appropriation of funds and to the applicable
118 laws relating to the deposit or expenditure of moneys in the
119 State Treasury.

120 4.a. Notwithstanding any provision of law restricting the
121 use of trust funds to specific purposes, unappropriated cash
122 balances from selected trust funds may be authorized by the
123 Legislature for transfer to the Budget Stabilization Fund and
124 General Revenue Fund in the General Appropriations Act.

125 b. This subparagraph does not apply to trust funds required
126 by federal programs or mandates; trust funds established for
127 bond covenants, indentures, or resolutions whose revenues are
128 legally pledged by the state or public body to meet debt service
129 or other financial requirements of any debt obligations of the
130 state or any public body; the State Transportation Trust Fund;
131 the trust fund containing the net annual proceeds from the
132 Florida Education Lotteries; the Florida Retirement System Trust
133 Fund; trust funds under the management of the State Board of
134 Education or the Board of Governors of the State University
135 System, where such trust funds are for auxiliary enterprises,
136 self-insurance, and contracts, grants, and donations, as those
137 terms are defined by general law; trust funds that serve as
138 clearing funds or accounts for the Chief Financial Officer or
139 state agencies; trust funds that account for assets held by the
140 state in a trustee capacity as an agent or fiduciary for
141 individuals, private organizations, or other governmental units;
142 and other trust funds authorized by the State Constitution.

143 Section 3. In order to implement section 52 of Senate Bill
144 2-A, paragraph (f) is added to subsection (5) of section
145 215.5601, Florida Statutes, to read:

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146 215.5601 Lawton Chiles Endowment Fund.—

147 (5) AVAILABILITY OF FUNDS; USES.—

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

152 Section 4. It is the intent of the Legislature that the
153 repayment of the distribution from the Lawton Chiles Endowment
154 Fund will begin in the first year that recurring General Revenue
155 Fund receipts are estimated to exceed the prior year's recurring
156 General Revenue Fund receipts by 5 percent. In addition, it is
157 the intent of the Legislature that, from the growth in general
158 revenue receipts, up to \$150 million may be used to repay the
159 fund in each year.

160 Section 5. In order to implement Specific Appropriations
161 620A, 684A, 689A, 689B, and 690 of Senate Bill 2-A, subsections
162 (21) and (22) are added to section 259.105, Florida Statutes, to
163 read:

164 259.105 The Florida Forever Act.—

165 (21) Notwithstanding the provisions of subsection (3),
166 proceeds from bonds issued pursuant to this section as
167 authorized pursuant to Specific Appropriation 1656 of chapter
168 2008-152, Laws of Florida, shall be deposited into the Florida
169 Forever Trust Fund created by s. 259.1051. The first \$31.5
170 million of these proceeds shall be distributed by the Department
171 of Environmental Protection in the following manner:

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

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

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175 Department of Environmental Protection for the purchase of
176 inholdings and additions to state parks and for capital project
177 expenditures as described in this section.

178 (c) Fourteen and twenty-nine hundredths percent to the
179 Division of Forestry of the Department of Agriculture and
180 Consumer Services to fund the acquisition of state forest
181 inholdings and additions pursuant to s. 589.07, the
182 implementation of reforestation plans or sustainable forestry
183 management practices, and for capital project expenditures as
184 described in this section.

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

190 (e) Fourteen and twenty-nine hundredths percent to the
191 Department of Environmental Protection for the Florida Greenways
192 and Trails Program, to acquire greenways and trails or greenways
193 and trail systems pursuant to chapter 260, including, but not
194 limited to, abandoned railroad rights-of-way and the Florida
195 National Scenic Trail and for capital project expenditures as
196 described in this section.

197 (f) Twenty-three and eight-tenths percent to the Department
198 of Community Affairs for the acquisition of land and capital
199 project expenditures necessary to implement the Stan Mayfield
200 Working Waterfronts Program within the Florida Communities Trust
201 pursuant to s. 380.5105.

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

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204 1. To purchase lands acquired by third parties with the
205 understanding that the state would reimburse and take title of
206 the land and the land was identified in a multiparty acquisition
207 agreement or acquired pursuant to statute. The multiparty
208 agreements must have been entered into by the Division of State
209 Lands of the Department of Environmental Protection prior to
210 January 1, 2009. These acquisitions are not subject to the
211 provisions of paragraph (b).

212 2. To the Department of Environmental Protection from
213 interest earnings and from the money remaining an amount
214 sufficient to cover previously expended funds from the 2008-2009
215 fiscal year.

216 3. The remaining funds shall be distributed pursuant to the
217 General Appropriations Act in effect when the appropriation was
218 made.

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

224 (c) Project lists that have been approved for funding by
225 the Florida Communities Trust Governing Board shall remain in
226 force and effect but project grants shall be amended to provide
227 for an extension until such time that funds become available to
228 complete the terms of the grant. Such extension of time shall be
229 conditioned upon the project being reappraised prior to the
230 expenditure of funds. The new appraisals shall be submitted to
231 the governing board of the trust and the terms of the grant
232 shall be amended as necessary.

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

236 373.1961 Water production; general powers and duties;
237 identification of needs; funding criteria; economic incentives;
238 reuse funding.—

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

243 (a) Fifty percent to the Northwest Florida Water Management
244 District.

245 (b) Fifty percent to the Suwannee River Water Management
246 District.

247 Section 7. To the extent that revenues have been
248 distributed before March 1, 2009, for the 2008-2009 fiscal year
249 in excess of the amounts authorized in s. 373.1961(6), Florida
250 Statutes, the Department of Environmental Protection shall
251 reallocate funds so that the total distribution in the 2008-2009
252 fiscal year is consistent with the distribution set forth in s.
253 373.1961, Florida Statutes.

254 Section 8. In order to implement Specific Appropriations
255 616, 697, 700, and 701 of Senate Bill 2-A, subsection (3) of
256 section 403.890, Florida Statutes, is amended, and subsection
257 (6) is added to that section, to read:

258 403.890 Water Protection and Sustainability Program;
259 intent; goals; purposes.—

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

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262 and Sustainability Program Trust Fund shall be transferred to
263 the Ecosystem Management and Restoration Trust Fund for grants
264 and aids to local governments for water projects as provided in
265 the General Appropriations Act. This subsection expires July 1,
266 2009.

267 (6) For the 2008-2009 fiscal year only, in lieu of the
268 distributions authorized in subsection (2) for revenues
269 transferred from the Department of Revenue pursuant to s.
270 201.15(1)(c)2., and after the distribution authorized in
271 subsection (3), remaining funds shall be distributed as follows:

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

275 (b) Twenty-six and eighty-seven hundredths percent for the
276 implementation of best-management practices and capital project
277 expenditures necessary for the implementation of the goals of
278 the total maximum daily load program established in s. 403.067.

279 Of these funds, 86 percent shall be transferred to the credit of
280 the Water Quality Assurance Trust Fund of the Department of
281 Environmental Protection to address water quality impacts
282 associated with nonagricultural nonpoint sources. Fourteen
283 percent of these funds shall be transferred to the General
284 Inspection Trust Fund of the Department of Agriculture and
285 Consumer Services to address water quality impacts associated
286 with agricultural nonpoint sources. These funds shall be used
287 for research, development, demonstration, and implementation of
288 the total maximum daily load program under s. 403.067, suitable
289 best-management practices, or other measures used to achieve
290 water quality standards in surface waters and water segments

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291 identified pursuant to s. 303(d) of the Clean Water Act, Pub. L.
292 No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best-
293 management practices and other measures may include cost-share
294 grants, technical assistance, implementation tracking, and
295 conservation leases or other agreements for water quality
296 improvement. The Department of Environmental Protection and the
297 Department of Agriculture and Consumer Services may adopt rules
298 governing the distribution of funds for implementation of
299 capital projects, best-management practices, and other measures.
300 These funds may not be used to abrogate the financial
301 responsibility of those point and nonpoint sources that have
302 contributed to the degradation of water or land areas. Increased
303 priority shall be given by the department and the water
304 management district governing boards to those projects that have
305 secured a cost-sharing agreement that allocates responsibility
306 for the cleanup of point and nonpoint sources.

307 (c) Forty-one and ninety-two hundredths percent to the
308 Department of Environmental Protection for the Disadvantaged
309 Small Community Wastewater Grant Program as provided in s.
310 403.1838.

311
312 This subsection expires July 1, 2009.

313 Section 9. To the extent that revenues have been
314 distributed before March 1, 2009, for the 2008-2009 fiscal year
315 in excess of the amounts authorized in s. 403.890(6), Florida
316 Statutes, the Department of Environmental Protection shall
317 reallocate funds so that the total distribution in the 2008-2009
318 fiscal year is consistent with the distribution set forth in s.
319 403.890(6), Florida Statutes.

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

323 420.0005 State Housing Trust Fund; State Housing Fund.—

324 (1) There is hereby established in the State Treasury a
325 separate trust fund to be named the "State Housing Trust Fund."
326 There shall be deposited in the fund all moneys appropriated by
327 the Legislature, or moneys received from any other source, for
328 the purpose of this chapter, and all proceeds derived from the
329 use of such moneys. The fund shall be administered by the
330 Florida Housing Finance Corporation on behalf of the department,
331 as specified in this chapter. Money deposited to the fund and
332 appropriated by the Legislature must, notwithstanding the
333 provisions of chapter 216 or s. 420.504(3), be transferred
334 quarterly in advance, to the extent available, or, if not so
335 available, as soon as received into the State Housing Trust
336 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)
337 by the Chief Financial Officer to the corporation upon
338 certification by the Secretary of Community Affairs that the
339 corporation is in compliance with the requirements of s.
340 420.0006. The certification made by the secretary shall also
341 include the split of funds among programs administered by the
342 corporation and the department as specified in chapter 92-317,
343 Laws of Florida, as amended. Moneys advanced by the Chief
344 Financial Officer must be deposited by the corporation into a
345 separate fund established with a qualified public depository
346 meeting the requirements of chapter 280 to be named the "State
347 Housing Fund" and used for the purposes of this chapter.
348 Administrative and personnel costs incurred in implementing this

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349 chapter may be paid from the State Housing Fund, but such costs
350 may not exceed 5 percent of the moneys deposited into such fund.
351 To the State Housing Fund shall be credited all loan repayments,
352 penalties, and other fees and charges accruing to such fund
353 under this chapter. It is the intent of this chapter that all
354 loan repayments, penalties, and other fees and charges collected
355 be credited in full to the program account from which the loan
356 originated. Moneys in the State Housing Fund which are not
357 currently needed for the purposes of this chapter shall be
358 invested in such manner as is provided for by statute. The
359 interest received on any such investment shall be credited to
360 the State Housing Fund.

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

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

369 420.9079 Local Government Housing Trust Fund.—

370 (1) There is created in the State Treasury the Local
371 Government Housing Trust Fund, which shall be administered by
372 the corporation on behalf of the department according to the
373 provisions of ss. 420.907-420.9078 and this section. There shall
374 be deposited into the fund a portion of the documentary stamp
375 tax revenues as provided in s. 201.15, moneys received from any
376 other source for the purposes of ss. 420.907-420.9078 and this
377 section, and all proceeds derived from the investment of such

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378 moneys. Moneys in the fund that are not currently needed for the
379 purposes of the programs administered pursuant to ss. 420.907-
380 420.9078 and this section shall be deposited to the credit of
381 the fund and may be invested as provided by law. The interest
382 received on any such investment shall be credited to the fund.

383 (2) The corporation shall administer the fund exclusively
384 for the purpose of implementing the programs described in ss.
385 420.907-420.9078 and this section. With the exception of
386 monitoring the activities of counties and eligible
387 municipalities to determine local compliance with program
388 requirements, the corporation shall not receive appropriations
389 from the fund for administrative or personnel costs. For the
390 purpose of implementing the compliance monitoring provisions of
391 s. 420.9075(9), the corporation may request a maximum of one-
392 quarter of 1 percent of the annual appropriation per state
393 fiscal year. When such funding is appropriated, the corporation
394 shall deduct the amount appropriated prior to calculating the
395 local housing distribution pursuant to ss. 420.9072 and
396 420.9073.

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

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

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407 health, safety, and welfare requirement of s. 120.54(4), Florida
408 Statutes. The Legislature finds that such emergency rulemaking
409 power is necessitated by the immediate danger to the
410 preservation of the rights and welfare of the people and is
411 immediately necessary in order to implement the action of the
412 Legislature to address the revenue shortfall of the 2008-2009
413 fiscal year. Therefore, in adopting such emergency rules, the
414 corporation need not publish the facts, reasons, and findings
415 required by s. 120.54(4)(a)3., Florida Statutes. Emergency rules
416 adopted under this section are exempt from s. 120.54(4)(c),
417 Florida Statutes, and shall remain in effect for 180 days.

418 Section 13. Section 47 of chapter 2008-153, Laws of
419 Florida, is repealed.

420 Section 14. Any section of this act which implements a
421 specific appropriation or specifically identified proviso
422 language in the act making appropriations and reductions in
423 appropriations for the 2008-2009 fiscal year is void if the
424 specific appropriation or specifically identified proviso
425 language is vetoed. Any section of this act which implements
426 more than one specific appropriation or more than one portion of
427 specifically identified proviso language in the act making
428 appropriations and reductions in appropriations for the 2008-
429 2009 fiscal year is void if all the specific appropriations or
430 portions of specifically identified proviso language are vetoed.

431 Section 15. If any provision of this act or its application
432 to any person or circumstance is held invalid, the invalidity
433 does not affect other provisions or applications of the act
434 which can be given effect without the invalid provision or
435 application, and to this end the provisions of this act are

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436 severable.

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