

1                   A bill to be entitled  
2           An act relating to implementing the 2008-2009 Special  
3           Appropriations Act; providing legislative intent;  
4           reenacting s. 215.32(2)(b), F.S., relating to the source  
5           and use of certain trust funds in order to implement the  
6           transfer of moneys to the General Revenue Fund from trust  
7           funds in the 2008-2009 Special Appropriations Act;  
8           amending s. 320.08, F.S.; revising uses of certain  
9           motorcycle and moped license tax fees; amending s. 339.08,  
10          F.S.; authorizing the transfer of specified moneys from  
11          the State Transportation Trust Fund to the General Revenue  
12          Fund; reducing the amount transferred from certain  
13          transportation calculation requirements; amending s.  
14          339.135, F.S.; providing for use of transportation  
15          revenues; providing for revised funding levels for  
16          Department of Transportation projects; amending ss.  
17          420.0005 and 420.9079, F.S.; providing for the return of  
18          certain unexpended funds held by the Florida Housing  
19          Finance Corporation to the state as directed by law;  
20          providing for future expiration of various provisions;  
21          providing for reversion of certain provisions; providing  
22          for the effect of a veto of one or more specific  
23          appropriations or proviso to which implementing language  
24          refers; providing for the continued operation of certain  
25          provisions notwithstanding a future repeal or expiration  
26          provided by this act; providing for severability;  
27          providing an effective date.  
28

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

30  
 31 Section 1. It is the intent of the Legislature that the  
 32 implementing and administering provisions of this act apply to  
 33 the Special Appropriations Act for the 2008-2009 fiscal year.

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

38 215.32 State funds; segregation.--

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

41 (b)1. The trust funds shall consist of moneys received by  
 42 the state which under law or under trust agreement are  
 43 segregated for a purpose authorized by law. The state agency or  
 44 branch of state government receiving or collecting such moneys  
 45 shall be responsible for their proper expenditure as provided by  
 46 law. Upon the request of the state agency or branch of state  
 47 government responsible for the administration of the trust fund,  
 48 the Chief Financial Officer may establish accounts within the  
 49 trust fund at a level considered necessary for proper  
 50 accountability. Once an account is established within a trust  
 51 fund, the Chief Financial Officer may authorize payment from  
 52 that account only upon determining that there is sufficient cash  
 53 and releases at the level of the account.

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

57 a. Operations or operating trust fund, for use as a  
 58 depository for funds to be used for program operations funded by  
 59 program revenues, with the exception of administrative  
 60 activities when the operations or operating trust fund is a  
 61 proprietary fund.

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

64 c. Administrative trust fund, for use as a depository for  
 65 funds to be used for management activities that are departmental  
 66 in nature and funded by indirect cost earnings and assessments  
 67 against trust funds. Proprietary funds are excluded from the  
 68 requirement of using an administrative trust fund.

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

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

75 f. Clearing funds trust fund, for use as a depository for  
 76 funds to account for collections pending distribution to lawful  
 77 recipients.

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

81  
 82 To the extent possible, each agency must adjust its internal  
 83 accounting to use existing trust funds consistent with the  
 84 requirements of this subparagraph. If an agency does not have

HB 5003A

2009

85 trust funds listed in this subparagraph and cannot make such  
86 adjustment, the agency must recommend the creation of the  
87 necessary trust funds to the Legislature no later than the next  
88 scheduled review of the agency's trust funds pursuant to s.  
89 215.3206.

90 3. All such moneys are hereby appropriated to be expended  
91 in accordance with the law or trust agreement under which they  
92 were received, subject always to the provisions of chapter 216  
93 relating to the appropriation of funds and to the applicable  
94 laws relating to the deposit or expenditure of moneys in the  
95 State Treasury.

96 4.a. Notwithstanding any provision of law restricting the  
97 use of trust funds to specific purposes, unappropriated cash  
98 balances from selected trust funds may be authorized by the  
99 Legislature for transfer to the Budget Stabilization Fund and  
100 General Revenue Fund in the General Appropriations Act.

101 b. This subparagraph does not apply to trust funds  
102 required by federal programs or mandates; trust funds  
103 established for bond covenants, indentures, or resolutions whose  
104 revenues are legally pledged by the state or public body to meet  
105 debt service or other financial requirements of any debt  
106 obligations of the state or any public body; the State  
107 Transportation Trust Fund; the trust fund containing the net  
108 annual proceeds from the Florida Education Lotteries; the  
109 Florida Retirement System Trust Fund; trust funds under the  
110 management of the State Board of Education or the Board of  
111 Governors of the State University System, where such trust funds  
112 are for auxiliary enterprises, self-insurance, and contracts,

HB 5003A

2009

113 grants, and donations, as those terms are defined by general  
 114 law; trust funds that serve as clearing funds or accounts for  
 115 the Chief Financial Officer or state agencies; trust funds that  
 116 account for assets held by the state in a trustee capacity as an  
 117 agent or fiduciary for individuals, private organizations, or  
 118 other governmental units; and other trust funds authorized by  
 119 the State Constitution.

120 Section 3. In order to implement section 20 of the 2008-  
 121 2009 Special Appropriations Act, paragraph (c) of subsection (1)  
 122 of section 320.08, Florida Statutes, is amended to read:

123 320.08 License taxes.--Except as otherwise provided  
 124 herein, there are hereby levied and imposed annual license taxes  
 125 for the operation of motor vehicles, mopeds, motorized bicycles  
 126 as defined in s. 316.003(2), and mobile homes, as defined in s.  
 127 320.01, which shall be paid to and collected by the department  
 128 or its agent upon the registration or renewal of registration of  
 129 the following:

130 (1) MOTORCYCLES AND MOPEDS.--

131 (c) Upon registration of any motorcycle, motor-driven  
 132 cycle, or moped there shall be paid in addition to the license  
 133 taxes specified in this subsection a nonrefundable motorcycle  
 134 safety education fee in the amount of \$2.50. The proceeds of  
 135 such additional fee shall be deposited in the Highway Safety  
 136 Operating Trust Fund ~~and be used exclusively~~ to fund a  
 137 motorcycle driver improvement program implemented pursuant to s.  
 138 322.025, ~~or~~ the Florida Motorcycle Safety Education Program  
 139 established in s. 322.0255, or the general operations of the  
 140 department.

141           Section 4. The amendments to s. 320.08, Florida Statutes,  
 142 made by this act shall expire July 1, 2009, and the text of that  
 143 section shall revert to that in existence on the day before the  
 144 effective date of this act, except that any amendments to such  
 145 text enacted other than by this act shall be preserved and  
 146 continue to operate to the extent that such amendments are not  
 147 dependent upon the portions of such text that expire pursuant to  
 148 this section.

149           Section 5. In order to implement section 20 of the 2008-  
 150 2009 Special Appropriations Act, subsection (4) is added to  
 151 section 339.08, Florida Statutes, to read:

152           339.08 Use of moneys in State Transportation Trust Fund.--

153           (4) For the 2008-2009 fiscal year only and notwithstanding  
 154 the provisions of this section and ss. 339.09(1) and  
 155 215.32(2)(b)4., \$200 million may be transferred from the State  
 156 Transportation Trust Fund to the General Revenue Fund.  
 157 Notwithstanding ss. 206.46(3) and 206.606(2), the total amount  
 158 transferred shall be reduced from total state revenues deposited  
 159 into the State Transportation Trust Fund for the calculation  
 160 requirements of ss. 206.46(3) and 206.606(2). This subsection  
 161 expires July 1, 2009.

162           Section 6. In order to implement section 20 of the 2008-  
 163 2009 Special Appropriations Act, paragraph (a) of subsection (4)  
 164 of section 339.135, Florida Statutes, is amended to read:

165           339.135 Work program; legislative budget request;  
 166 definitions; preparation, adoption, execution, and amendment.--

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

HB 5003A

2009

168 (a)1. To assure that no district or county is penalized  
169 for local efforts to improve the State Highway System, the  
170 department shall, for the purpose of developing a tentative work  
171 program, allocate funds for new construction to the districts,  
172 except for the turnpike enterprise, based on equal parts of  
173 population and motor fuel tax collections. Funds for  
174 resurfacing, bridge repair and rehabilitation, bridge fender  
175 system construction or repair, public transit projects except  
176 public transit block grants as provided in s. 341.052, and other  
177 programs with quantitative needs assessments shall be allocated  
178 based on the results of these assessments. The department may  
179 not transfer any funds allocated to a district under this  
180 paragraph to any other district except as provided in subsection  
181 (7). Funds for public transit block grants shall be allocated to  
182 the districts pursuant to s. 341.052. Funds for the intercity  
183 bus program provided for under s. 5311(f) of the federal  
184 nonurbanized area formula program shall be administered and  
185 allocated directly to eligible bus carriers as defined in s.  
186 341.031(12) at the state level rather than the district. In  
187 order to provide state funding to support the intercity bus  
188 program provided for under provisions of the federal 5311(f)  
189 program, the department shall allocate an amount equal to the  
190 federal share of the 5311(f) program from amounts calculated  
191 pursuant to s. 206.46(3).

192 2. Notwithstanding the provisions of subparagraph 1., the  
193 department shall allocate at least 50 percent of any new  
194 discretionary highway capacity funds to the Florida Strategic  
195 Intermodal System created pursuant to s. 339.61. Any remaining

196 new discretionary highway capacity funds shall be allocated to  
 197 the districts for new construction as provided in subparagraph  
 198 1. For the purposes of this subparagraph, the term "new  
 199 discretionary highway capacity funds" means any funds available  
 200 to the department above the prior year funding level for  
 201 capacity improvements, which the department has the discretion  
 202 to allocate to highway projects.

203 3. Notwithstanding subparagraph 1. and ss. 206.46(3),  
 204 334.044(26), and 339.2819(3) in fiscal year 2008-2009, the  
 205 department shall reduce work program levels to balance the  
 206 finance plan to the revised funding levels resulting from any  
 207 reduction in the 2008-2009 Special Appropriations Act. This  
 208 subparagraph expires July 1, 2009.

209 4. Prior to any project or phase thereof being deferred,  
 210 such reductions shall be made to financial projects not  
 211 programmed for contract letting as identified with a work  
 212 program contract class code 8 and the box code RV, excluding  
 213 reserves for rail corridor development. These reductions shall  
 214 not negatively impact safety, preservation, maintenance, or  
 215 project contingency levels as of July 1, 2008. This subparagraph  
 216 expires July 1, 2009.

217 Section 7. In order to implement section 9 of the 2008-  
 218 2009 Special Appropriations Act, section 420.0005, Florida  
 219 Statutes, is amended to read:

220 420.0005 State Housing Trust Fund; State Housing Fund.--

221 (1) There is hereby established in the State Treasury a  
 222 separate trust fund to be named the "State Housing Trust Fund."  
 223 There shall be deposited in the fund all moneys appropriated by



HB 5003A

2009

224 the Legislature, or moneys received from any other source, for  
225 the purpose of this chapter, and all proceeds derived from the  
226 use of such moneys. The fund shall be administered by the  
227 Florida Housing Finance Corporation on behalf of the department,  
228 as specified in this chapter. Money deposited to the fund and  
229 appropriated by the Legislature must, notwithstanding the  
230 provisions of chapter 216 or s. 420.504(3), be transferred  
231 quarterly in advance, to the extent available, or, if not so  
232 available, as soon as received into the State Housing Trust  
233 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)  
234 by the Chief Financial Officer to the corporation upon  
235 certification by the Secretary of Community Affairs that the  
236 corporation is in compliance with the requirements of s.  
237 420.0006. The certification made by the secretary shall also  
238 include the split of funds among programs administered by the  
239 corporation and the department as specified in chapter 92-317,  
240 Laws of Florida, as amended. Moneys advanced by the Chief  
241 Financial Officer must be deposited by the corporation into a  
242 separate fund established with a qualified public depository  
243 meeting the requirements of chapter 280 to be named the "State  
244 Housing Fund" and used for the purposes of this chapter.  
245 Administrative and personnel costs incurred in implementing this  
246 chapter may be paid from the State Housing Fund, but such costs  
247 may not exceed 5 percent of the moneys deposited into such fund.  
248 To the State Housing Fund shall be credited all loan repayments,  
249 penalties, and other fees and charges accruing to such fund  
250 under this chapter. It is the intent of this chapter that all  
251 loan repayments, penalties, and other fees and charges collected

252 | be credited in full to the program account from which the loan  
 253 | originated. Moneys in the State Housing Fund which are not  
 254 | currently needed for the purposes of this chapter shall be  
 255 | invested in such manner as is provided for by statute. The  
 256 | interest received on any such investment shall be credited to  
 257 | the State Housing Fund.

258 |       (2) Notwithstanding any provision of this section to the  
 259 | contrary and for the 2008-2009 fiscal year only, the corporation  
 260 | shall return unexpended funds held by the corporation pursuant  
 261 | to this section to the state as directed by law. This subsection  
 262 | expires June 30, 2009.

263 |       Section 8. In order to implement section 9 of the 2008-  
 264 | 2009 Special Appropriations Act, section 420.9079, Florida  
 265 | Statutes, is amended to read:

266 |       420.9079 Local Government Housing Trust Fund.--

267 |       (1) There is created in the State Treasury the Local  
 268 | Government Housing Trust Fund, which shall be administered by  
 269 | the corporation on behalf of the department according to the  
 270 | provisions of ss. 420.907-420.9078 and this section. There shall  
 271 | be deposited into the fund a portion of the documentary stamp  
 272 | tax revenues as provided in s. 201.15, moneys received from any  
 273 | other source for the purposes of ss. 420.907-420.9078 and this  
 274 | section, and all proceeds derived from the investment of such  
 275 | moneys. Moneys in the fund that are not currently needed for the  
 276 | purposes of the programs administered pursuant to ss. 420.907-  
 277 | 420.9078 and this section shall be deposited to the credit of  
 278 | the fund and may be invested as provided by law. The interest  
 279 | received on any such investment shall be credited to the fund.

HB 5003A

2009

280 (2) The corporation shall administer the fund exclusively  
281 for the purpose of implementing the programs described in ss.  
282 420.907-420.9078 and this section. With the exception of  
283 monitoring the activities of counties and eligible  
284 municipalities to determine local compliance with program  
285 requirements, the corporation shall not receive appropriations  
286 from the fund for administrative or personnel costs. For the  
287 purpose of implementing the compliance monitoring provisions of  
288 s. 420.9075(9), the corporation may request a maximum of one-  
289 quarter of 1 percent of the annual appropriation per state  
290 fiscal year. When such funding is appropriated, the corporation  
291 shall deduct the amount appropriated prior to calculating the  
292 local housing distribution pursuant to ss. 420.9072 and  
293 420.9073.

294 (3) Notwithstanding any provision of this section to the  
295 contrary and for the 2008-2009 fiscal year only, the corporation  
296 shall return unexpended funds held by the corporation pursuant  
297 to this section to the state as directed by law. This subsection  
298 expires June 30, 2009.

299 Section 9. A section of this act that implements a  
300 specific appropriation or specifically identified proviso  
301 language in the 2008-2009 Special Appropriations Act is void if  
302 the specific appropriation or specifically identified proviso  
303 language is vetoed. A section of this act that implements more  
304 than one specific appropriation or more than one portion of  
305 specifically identified proviso language in the 2008-2009  
306 Special Appropriations Act is void if all the specific

HB 5003A

2009

307 appropriations or portions of specifically identified proviso  
308 language are vetoed.

309 Section 10. If any other act passed in 2009 contains a  
310 provision that is substantively the same as a provision in this  
311 act but that removes or is otherwise not subject to the future  
312 repeal applied to such provision by this act, the Legislature  
313 intends that the provision in the other act shall take  
314 precedence and shall continue to operate notwithstanding the  
315 future repeal provided by this act.

316 Section 11. If any provision of this act or its  
317 application to any person or circumstance is held invalid, the  
318 invalidity does not affect other provisions or applications of  
319 the act which can be given effect without the invalid provision  
320 or application, and to this end the provisions of this act are  
321 severable.

322 Section 12. This act shall take effect upon becoming a  
323 law.