

By the Committee on Transportation and Economic Development
Appropriations; and Senator Fasano

606-03197A-10

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1 A bill to be entitled
2 An act implementing the 2010-2011 General
3 Appropriations Act; providing legislative intent;
4 amending s. 339.135, F.S.; delaying the expiration of
5 provisions requiring that the Department of
6 Transportation transfer funds to the Office of
7 Tourism, Trade, and Economic Development for the
8 purpose of funding transportation-related needs of
9 economic development; authorizing such funds to be
10 used for the additional purposes of space and
11 aerospace infrastructure and urban redevelopment
12 infrastructure projects; amending s. 339.08, F.S.;
13 delaying the expiration of provisions relating to the
14 use of moneys in the State Transportation Trust Fund
15 for certain administrative expenses; delaying the
16 expiration of provisions authorizing the Department of
17 Transportation to use moneys from the State
18 Transportation Trust Fund to pay for county and school
19 district transportation infrastructure improvements;
20 amending s. 445.009, F.S.; delaying the expiration of
21 provisions designating participants in an adult or
22 youth work experience activity under ch. 445, F.S., as
23 employees of the state for purposes of workers'
24 compensation coverage; amending s. 163.3247, F.S.;
25 removing a provision that entitles members of the
26 Century Commission for a Sustainable Florida to
27 receive per diem and travel expenses; providing for
28 future expiration of the amendment to such provision
29 and for the reversion of statutory text; amending s.

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201.15, F.S.; revising provisions relating to funds deposited into the Grants and Donations Trust Fund in the Department of Community Affairs which are used to fund the Century Commission; providing for future expiration of the amendment to such provision and for the reversion of statutory text; amending s. 215.559, F.S.; delaying the expiration of provisions relating to the Hurricane Loss Mitigation Program; revising the amount appropriated for the purpose of inspecting and improving tie-downs for mobile homes; providing an appropriation to the State Logistics Response Center for certain purposes; providing an appropriation to be competitively bid to improve the wind resistance of residences and mobile homes; revising the amount allocated for the operational purposes; reenacting s. 332.007(8), F.S., relating to the funding of security projects at publicly owned public-use airports; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for the continued operation of certain provisions, notwithstanding a future repeal or expiration provided by the act; providing for severability; providing for contingent retroactive application; providing an effective date.

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

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Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for the 2010-2011 fiscal year.

Section 2. In order to implement Specific Appropriation 2125 in the 2010-2011 General Appropriations Act, subsection (5) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(5) ADOPTION OF THE WORK PROGRAM.—

(a) The original approved budget for operational and fixed capital expenditures for the department shall be the Governor's budget recommendation and the first year of the tentative work program, as both are amended by the General Appropriations Act and any other act containing appropriations. In accordance with the appropriations act, the department shall, prior to the beginning of the fiscal year, adopt a final work program which shall only include the original approved budget for the department for the ensuing fiscal year together with any roll forwards approved pursuant to paragraph (6) (c) and the portion of the tentative work program for the following 4 fiscal years revised in accordance with the original approved budget for the department for the ensuing fiscal year together with said roll forwards. The adopted work program may include only those projects submitted as part of the tentative work program developed under the provisions of subsection (4) plus any projects which are separately identified by specific appropriation in the General Appropriations Act and any roll forwards approved pursuant to paragraph (6) (c). However, any

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88 transportation project of the department which is identified by
89 specific appropriation in the General Appropriations Act shall
90 be deducted from the funds annually distributed to the
91 respective district pursuant to paragraph (4) (a). In addition,
92 the department shall not in any year include any project or
93 allocate funds to a program in the adopted work program that is
94 contrary to existing law for that particular year. Projects
95 shall not be undertaken unless they are listed in the adopted
96 work program.

97 (b) Notwithstanding paragraph (a), and for the 2010-2011
98 ~~2009-2010~~ fiscal year only, the Department of Transportation
99 shall transfer funds to the Office of Tourism, Trade, and
100 Economic Development in an amount equal to \$20,300,000 for the
101 purpose of funding transportation-related needs of economic
102 development projects, space and aerospace infrastructure, and
103 urban redevelopment infrastructure projects. This transfer does
104 ~~shall~~ not reduce, delete, or defer any existing projects funded,
105 as of July 1, 2010 ~~2009~~, in the Department of Transportation's
106 5-year work program. This paragraph expires July 1, 2011 ~~2010~~.

107 Section 3. In order to implement section 11 of the 2010-
108 2011 General Appropriations Act, paragraph (n) of subsection (1)
109 of section 339.08, Florida Statutes, is amended to read:

110 339.08 Use of moneys in State Transportation Trust Fund.—

111 (1) The department shall expend moneys in the State
112 Transportation Trust Fund accruing to the department, in
113 accordance with its annual budget. The use of such moneys shall
114 be restricted to the following purposes:

115 (n) To pay administrative expenses incurred in accordance
116 with applicable laws for a multicounty transportation or

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117 expressway authority created under chapter 343 or chapter 348,
118 where jurisdiction for the authority includes a portion of the
119 State Highway System and the administrative expenses are in
120 furtherance of the duties and responsibilities of the authority
121 in the development of improvements to the State Highway System.
122 This paragraph expires July 1, 2011 ~~2010~~.

123 Section 4. In order to implement Specific Appropriation
124 2112 of the 2010-2011 General Appropriations Act, paragraph (p)
125 of subsection (1) of section 339.08, Florida Statutes, is
126 amended to read:

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

128 (1) The department shall expend moneys in the State
129 Transportation Trust Fund accruing to the department, in
130 accordance with its annual budget. The use of such moneys shall
131 be restricted to the following purposes:

132 (p) To pay for county and school district transportation
133 infrastructure improvements. This paragraph expires July 1, 2011
134 ~~2010~~.

135 Section 5. In order to implement Specific Appropriation
136 2214 of the 2010-2011 General Appropriations Act, subsection
137 (11) of section 445.009, Florida Statutes, is amended to read:

138 445.009 One-stop delivery system.—

139 (11) (a) A participant in an adult or youth work experience
140 activity administered under this chapter shall be deemed an
141 employee of the state for purposes of workers' compensation
142 coverage. In determining the average weekly wage, all
143 remuneration received from the employer shall be considered a
144 gratuity, and the participant shall not be entitled to any
145 benefits otherwise payable under s. 440.15, regardless of

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146 whether the participant may be receiving wages and remuneration
147 from other employment with another employer and regardless of
148 his or her future wage-earning capacity.

149 (b) This subsection expires July 1, 2011 ~~2010~~.

150 Section 6. In order to implement Specific Appropriations
151 1557 through 1560 of the 2010-2011 General Appropriations Act,
152 paragraph (d) of subsection (3) of section 163.3247, Florida
153 Statutes, is amended to read:

154 163.3247 Century Commission for a Sustainable Florida.—

155 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION;
156 ORGANIZATION.—The Century Commission for a Sustainable Florida
157 is created as a standing body to help the citizens of this state
158 envision and plan their collective future with an eye towards
159 both 25-year and 50-year horizons.

160 (d) Members of the commission shall serve without
161 compensation ~~but shall be entitled to receive per diem and~~
162 ~~travel expenses in accordance with s. 112.061 while in~~
163 ~~performance of their duties.~~

164 Section 7. The amendment to s. 163.3247(3)(d), Florida
165 Statutes, made by this act shall expire July 1, 2011, and the
166 text of that paragraph shall revert to that in existence on June
167 30, 2010, except that any amendments to such text enacted other
168 than by this act shall be preserved and continue to operate to
169 the extent that such amendments are not dependent upon the
170 portions of such text which expire pursuant to this section.

171 Section 8. In order to implement Specific Appropriations
172 1557 through 1560 of the 2010-2011 General Appropriations Act,
173 paragraph (c) of subsection (1) of section 201.15, Florida
174 Statutes, as amended by section 2 of chapter 2009-271, Laws of

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175 Florida, is amended to read:

176 201.15 Distribution of taxes collected.—All taxes collected
177 under this chapter are subject to the service charge imposed in
178 s. 215.20(1). Prior to distribution under this section, the
179 Department of Revenue shall deduct amounts necessary to pay the
180 costs of the collection and enforcement of the tax levied by
181 this chapter. Such costs and the service charge may not be
182 levied against any portion of taxes pledged to debt service on
183 bonds to the extent that the costs and service charge are
184 required to pay any amounts relating to the bonds. After
185 distributions are made pursuant to subsection (1), all of the
186 costs of the collection and enforcement of the tax levied by
187 this chapter and the service charge shall be available and
188 transferred to the extent necessary to pay debt service and any
189 other amounts payable with respect to bonds authorized before
190 January 1, 2010, secured by revenues distributed pursuant to
191 subsection (1). All taxes remaining after deduction of costs and
192 the service charge shall be distributed as follows:

193 (1) Sixty-three and thirty-one hundredths percent of the
194 remaining taxes shall be used for the following purposes:

195 (c) After the required payments under paragraphs (a) and
196 (b), the remainder shall be paid into the State Treasury to the
197 credit of:

198 1. The State Transportation Trust Fund in the Department of
199 Transportation in the amount of the lesser of 38.2 percent of
200 the remainder or \$541.75 million in each fiscal year, to be used
201 for the following specified purposes, notwithstanding any other
202 law to the contrary:

203 a. For the purposes of capital funding for the New Starts

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204 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
205 specified in s. 341.051, 10 percent of these funds;

206 b. For the purposes of the Small County Outreach Program
207 specified in s. 339.2818, 5 percent of these funds. Effective
208 July 1, 2014, the percentage allocated under this sub-
209 subparagraph shall be increased to 10 percent;

210 c. For the purposes of the Strategic Intermodal System
211 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
212 of these funds after allocating for the New Starts Transit
213 Program described in sub-subparagraph a. and the Small County
214 Outreach Program described in sub-subparagraph b.; and

215 d. For the purposes of the Transportation Regional
216 Incentive Program specified in s. 339.2819, 25 percent of these
217 funds after allocating for the New Starts Transit Program
218 described in sub-subparagraph a. and the Small County Outreach
219 Program described in sub-subparagraph b. Effective July 1, 2014,
220 the first \$60 million of the funds allocated pursuant to this
221 sub-subparagraph shall be allocated annually to the Florida Rail
222 Enterprise for the purposes established in s. 341.303(5).

223 2. The Grants and Donations Trust Fund in the Department of
224 Community Affairs in the amount of the lesser of .23 percent of
225 the remainder or \$3.25 million in each fiscal year, ~~with 92~~
226 ~~percent to be used~~ to fund technical assistance to local
227 governments and school boards on the requirements and
228 implementation of this act ~~and the remaining amount to be used~~
229 ~~to fund the Century Commission established in s. 163.3247.~~

230 3. The Ecosystem Management and Restoration Trust Fund in
231 the amount of the lesser of 2.12 percent of the remainder or \$30
232 million in each fiscal year, to be used for the preservation and

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233 repair of the state's beaches as provided in ss. 161.091-
234 161.212.

235 4. General Inspection Trust Fund in the amount of the
236 lesser of .02 percent of the remainder or \$300,000 in each
237 fiscal year to be used to fund oyster management and restoration
238 programs as provided in s. 379.362(3).

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240 Moneys distributed pursuant to this paragraph may not be pledged
241 for debt service unless such pledge is approved by referendum of
242 the voters.

243 Section 9. The amendment to s. 201.15(1)(c)2., Florida
244 Statutes, made by this act shall expire July 1, 2011, and the
245 text of that subparagraph shall revert to that in existence on
246 June 30, 2010, except that any amendments to such text enacted
247 other than by this act shall be preserved and continue to
248 operate to the extent that such amendments are not dependent
249 upon the portions of such text which expire pursuant to this
250 section.

251 Section 10. In order to implement Specific Appropriations
252 1567, 1569, 1571, 1575, 1594, 1596, 1598, and 1671 of the 2010-
253 2011 General Appropriations Act, subsection (8) of section
254 215.559, Florida Statutes, is amended to read:

255 215.559 Hurricane Loss Mitigation Program.—

256 (8)(a) Notwithstanding any other provision of this section
257 and for the 2010-2011 ~~2008-2009~~ fiscal year only, the \$10
258 million appropriation provided for in subsection (1) shall be
259 allocated as follows:

260 1. The sum of \$2.7 ~~\$2.8~~ million shall be used to inspect
261 and improve tie-downs for mobile homes for the same purpose as

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262 specified in paragraph (3) (a).

263 2. The sum of \$3 million shall be used for operating costs
264 of the State Logistics Response Center and the original purposes
265 identified in paragraph (2) (b), as appropriated \$700,000 shall
266 be allocated to the Florida International University for the
267 same purpose as specified in subsection (4).

268 3. The sum of \$4,192,389 ~~\$6,421,764~~ shall be competitively
269 bid for the purposes provided in paragraph (2) (a) used to
270 install emergency power generators in special-needs hurricane
271 evacuation shelters as provided in s. 1, ch. 2006-71, Laws of
272 Florida, except that such funds may not be used for
273 administrative purposes.

274 4. The sum of \$107,611 ~~\$78,236~~ shall be allocated for
275 operational purposes of the department as specified in the 2010-
276 2011 ~~2008-2009~~ General Appropriations Act.

277 (b) This subsection expires July 1, 2011 ~~2009~~.

278 Section 11. In order to implement Specific Appropriation
279 2072 of the 2010-2011 General Appropriations Act, subsection (8)
280 of section 332.007, Florida Statutes, is reenacted to read:

281 332.007 Administration and financing of aviation and
282 airport programs and projects; state plan.-

283 (8) Notwithstanding any other provision of law to the
284 contrary, the department is authorized to fund security
285 projects, including operational and maintenance assistance, at
286 publicly owned public-use airports. For projects in the current
287 adopted work program, or projects added using the available
288 budget of the department, airports may request the department
289 change the project purpose in accordance with this provision
290 notwithstanding the provisions of s. 339.135(7). For purposes of

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291 this subsection, the department may fund up to 100 percent of
292 eligible project costs that are not funded by the Federal
293 Government. This subsection shall expire on June 30, 2012.

294 Section 12. The amendment to s. 332.007(8), Florida
295 Statutes, as carried forward by this act from chapter 2009-82,
296 Laws of Florida, shall expire July 1, 2011, and the text of that
297 subsection shall revert to that in existence on June 30, 2009,
298 except that any amendments to such text enacted other than by
299 this act shall be preserved and continue to operate to the
300 extent that such amendments are not dependent upon the portions
301 of such text which expire pursuant to this section.

302 Section 13. Any section of this act which implements a
303 specific appropriation or specifically identified proviso
304 language in the 2010-2011 General Appropriations Act is void if
305 the specific appropriation or specifically identified proviso
306 language is vetoed. Any section of this act which implements
307 more than one specific appropriation or more than one portion of
308 specifically identified proviso language in the 2010-2011
309 General Appropriations Act is void if all the specific
310 appropriations or portions of specifically identified proviso
311 language are vetoed.

312 Section 14. If any other act passed during the 2010 Regular
313 Session contains a provision that is substantively the same as a
314 provision in this act, but that removes or is otherwise not
315 subject to the future repeal applied to such provision by this
316 act, the Legislature intends that the provision in the other act
317 shall take precedence and continue to operate, notwithstanding
318 the future repeal provided by this act.

319 Section 15. If any provision of this act or its application

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320 to any person or circumstance is held invalid, the invalidity
321 does not affect other provisions or applications of the act
322 which can be given effect without the invalid provision or
323 application, and to this end the provisions of this act are
324 severable.

325 Section 16. This act shall take effect July 1, 2010; or, if
326 this act fails to become a law until after that date, it shall
327 take effect upon becoming a law and shall operate retroactively
328 to July 1, 2010.